

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
SEPTEMBER 19, 2017

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member



Al C. Boling
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

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

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

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

CALL TO ORDER (*OPEN SESSION*)

6:00 p.m.

ROLL CALL

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

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

CLOSED SESSION

- GC 54957, PUBLIC EMPLOYEE APPOINTMENT: *City Manager*

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

PLEDGE OF ALLEGIANCE

Council Member Dorst-Porada

INVOCATION

Chairman Richard Andre, Baha'I Faith

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. *BILLS/PAYROLL*

Bills July 30, 2017 through August 12, 2017 and **Payroll** July 30, 2017 through August 12, 2017, when audited by the Finance Committee.

2. *A CONSTRUCTION CONTRACT FOR THE ATP CYCLE II SAFE ROUTE TO SCHOOL INFRASTRUCTURE IMPROVEMENTS AT EL CAMINO ELEMENTARY SCHOOL/ROADWAY ENGINEERING & CONTRACTING INC.*

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Roadway Engineering & Contracting Inc. of Mira Loma, California, for the ATP Cycle II Safe Route to School Infrastructure Improvements at El Camino Elementary School in the bid amount of \$323,986 plus an eight (8%) percent contingency of \$25,919 for a total authorized expenditure of \$349,905; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities for the project.

3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18977 AND 18978 LOCATED AT THE SOUTHEAST CORNER OF PARKPLACE AVENUE AND PARKVIEW STREET

That the City Council adopt a resolution approving an improvement agreements, improvement securities and Final Tract Map Nos. 18977 and 18978 located at the southeast corner of Parkplace Avenue and Parkview Street within the Subarea 29 Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18977 AND 18978, LOCATED AT THE SOUTHEAST CORNER OF PARKPLACE AVENUE AND PARKVIEW STREET.

4. A RESOLUTION ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2018/2019 TO 2022/2023

That the City Council adopt a resolution approving the 2018/2019 through 2022/2023 Measure I Five-Year Capital Project Needs Analysis (CPNA) and authorize the City Manager to approve changes to the plan as may be required by the City and/or San Bernardino County Transportation Authority (SBCTA).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2018/2019 TO 2022/2023.

5. RECOGNITION OF OCTOBER 8-14, 2017 AS “NATIONAL FIRE PREVENTION WEEK”

That the City Council recognize the week of October 8-14, 2017 as “National Fire Prevention Week” in the City of Ontario and invite the public to attend the Ontario Fire Department Open House to be held on October 7, 2017.

6. RECOGNITION OF SEPTEMBER 2017 AS NATIONAL PREPAREDNESS MONTH

That the City Council recognize the month of September 2017 as National Preparedness Month in the City of Ontario and invite the public to attend the City’s inaugural Emergency Preparedness Expo to be held on September 21, 2017.

7. ONTARIO HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2016-17

That the Board of the Ontario Housing Authority approve the Ontario Housing Authority Annual Report for Fiscal Year 2016-17 (“OHA Annual Report”) (on file in the Records Management Department), and authorize the Executive Director to transmit to the California Department of Housing and Community Development the OHA Annual Report as required by State law.

8. AUTHORIZE THE PURCHASE OF GASOLINE AND DIESEL FUEL/NUCKLES OIL COMPANY DBA MERIT OIL COMPANY

That the City Council authorize the cooperative purchase and delivery of gasoline and diesel fuel from Nuckles Oil Company, DBA Merit Oil Company of Bloomington, California, consistent with the terms and conditions of County of San Bernardino Contract No. 172948.

9. AUTHORIZE THE PURCHASE OF FLEET VEHICLES

That the City Council take the following actions:

- (A) Award Bid No. 821 and authorize the purchase and delivery of ten Police Patrol SUVs in the amount of \$284,828 for the Police Department from Raceway Ford of Riverside, California;
- (B) Authorize the cooperative purchase and delivery of one Ford Interceptor SUV in the amount of \$36,243 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 120716-NAF;
- (C) Authorize the cooperative purchase and delivery of one Ford E-450 Camera Van in the amount of \$153,900 for Municipal Utilities Department from Atlantic Machinery (CUES) of Silver Springs, Maryland, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 022014-AMI;
- (D) Award Bid No. 790 and authorize the purchase and delivery of three CNG Front Loading Refuse Trucks in the amount of \$933,779 for the Solid Waste Department from Los Angeles Truck Center LLC of Whittier, California;
- (E) Award Bid No. 791 and authorize the purchase and delivery of two CNG Roll Off Refuse Trucks in the amount of \$504,125 for the Solid Waste Department from Los Angeles Truck Center LLC of Whittier, California; and
- (F) Award Bid No. 795 and authorize the purchase and delivery of three CNG Automated Side Loading Refuse Trucks in the amount of \$893,463 for the Solid Waste Department from Los Angeles Truck Center LLC of Whittier, California.

10. AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3031 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)

That the City Council adopt an ordinance amending and restating Ordinance No. 3031 levying special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3031, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

11. AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3020 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE)

That the City Council adopt an ordinance amending and restating Ordinance No. 3020 levying special taxes within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3020, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE).

12. A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-002) TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES, WHICH WILL GOVERN THE DEVELOPMENT OF 4.18 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST, WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT (APNS: 1048-472-01, 1048-472-02, 1048-472-03, 1048-472-04, AND 1048-472-11)

That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-002, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-002, A PLANNED UNIT DEVELOPMENT ESTABLISHING LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES GOVERNING THE DEVELOPMENT OF 4.18 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST, WITHIN THE MU-2 (EAST HOLT MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF-APN: 1048-472-01, 1048-472-02, 1048-472-03, 1048-472-04, AND 1048-472-11.

13. AMENDMENT TO THE FIRST AMENDED AND RESTATED AGREEMENT FOR THE FINANCING AND CONSTRUCTION OF LIMITED INFRASTRUCTURE IMPROVEMENTS TO SERVE AN EASTERLY PORTION OF ONTARIO RANCH

That the City Council approve and authorize the City Manager to execute, the Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of Ontario Ranch with NMC Builders, LLC (“Construction Agreement”), subject to non-substantive changes.

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.

14. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 39 (New Haven Facilities - Area C), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 39 (New Haven Facilities - Area C);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C); and
- (F) Adopt a resolution authorizing the execution and delivery of a second amended and restated acquisition and funding agreement with Brookcal Ontario, LLC, a Delaware Limited Liability Company.

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

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C).

RESOLUTION NO. _____

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT WITH BROOKCAL ONTARIO LLC.

15. A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2016-17 FISCAL YEAR

That the City Council:

- (A) Hold a public hearing to receive testimony on the draft Consolidated Annual Performance and Evaluation Report (CAPER) for the 2016-17 Fiscal Year (on file in the Records Management Department);
- (B) Direct staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER, which will address all public comments received on the draft CAPER; and
- (C) Authorize the City Manager to execute any and all documents necessary and/or desirable to transmit the CAPER to HUD.

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.

16. A PUBLIC HEARING TO CONSIDER A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, INCLUDING THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING PROGRAM FOR FILE NO. PSP15-001, A SPECIFIC PLAN (COLONY COMMERCE CENTER WEST) REQUEST (FILE NO. PSP15-001) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 123.17 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,951,146 SQUARE FEET OF INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY MERRILL AVENUE TO THE NORTH, REMINGTON AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE WEST AND THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE EAST (APNS: 0218-261-24, 0218-292-05, 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, 0218-292-14, AND 0218-311-11)

That the City Council adopt a resolution approving the Environmental Impact Report prepared for File No. PSP15-001 which includes the adoption of a Statement of Overriding Considerations and approves the Mitigation Monitoring Program and introduce and waive further reading of an ordinance approving the Colony Commerce Center West Specific Plan (File No. PSP15-001).

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

Written communication.
Oral presentation.
Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE COLONY COMMERCE CENTER SPECIFIC PLAN (SCH # 2015061023) AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING REPORTING PROGRAM - (APNS: 0218-261-24, 0218-292-05, 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, 0218-292-14, AND 0218-311-11).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN (FILE NO. PSP15-001), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR 123.17 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,951,146 SQUARE FEET OF INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY MERRILL AVENUE TO THE NORTH, REMINGTON AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE WEST AND THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 0218-292-05, 0218-292-09, 0218-292-10, 0218-311-11, 0218-292-12, 0218-292-13, 0218-292-14, 0218-261-24.

17. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA16-001) BETWEEN THE CITY OF ONTARIO AND CLDFI REMINGTON, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 19643 (FILE NO. PMTT16-001), LOCATED APPROXIMATELY 1,160 FEET SOUTH OF MERRILL AVENUE, NORTH OF REMINGTON AVENUE, EAST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL AND WEST OF CARPENTER AVENUE, WITHIN PLANNING AREA 2 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN (APNS: 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, AND 0218-292-14)

That the City Council introduce and waive further reading of an ordinance approving a Development Agreement (File No. PDA16-001, on file with the Records Management Department) between the City of Ontario and CLDFI Remington, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19643 (File No. PMTT16-001).

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

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA16-001) BETWEEN THE CITY OF ONTARIO AND CLDFI REMINGTON, LLC TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 19643 (FILE NO. PMTT16-001) WITHIN PLANNING AREA 2 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN, LOCATED APPROXIMATELY 1,160 FEET SOUTH OF MERRILL AVENUE, NORTH OF REMINGTON AVENUE, EAST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL AND WEST OF CARPENTER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF (APNS: 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, AND 0218-292-14).

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

Mayor Leon

Mayor pro Tem Wapner

Council Member Bowman

Council Member Dorst-Porada

Council Member Valencia

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // (GC 54957.1)
September 19, 2017

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

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

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

- GC 54957, PUBLIC EMPLOYEE APPOINTMENT: City Manager

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A CONSTRUCTION CONTRACT FOR THE ATP CYCLE II SAFE ROUTE TO SCHOOL INFRASTRUCTURE IMPROVEMENTS AT EL CAMINO ELEMENTARY SCHOOL

RECOMMENDATION: That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Roadway Engineering & Contracting Inc. of Mira Loma, California, for the ATP Cycle II Safe Route to School Infrastructure Improvements at El Camino Elementary School in the bid amount of \$323,986 plus an eight (8%) percent contingency of \$25,919 for a total authorized expenditure of \$349,905; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities for the project.

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods 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 FY 2016-17 Budget included appropriations of \$322,000 from General Fund Grants and \$28,000 from Gas Tax which, if approved, will be carried over to the current fiscal year as part of the First Quarter Budget Report to the City Council. The City will be reimbursed \$322,000 by the State of California for the construction of this project. The total recommended expenditure authorization of \$349,905 consists of the bid amount of \$323,986 plus an 8% contingency of \$25,919.

BACKGROUND: The scope of services for this project includes traffic control, clearing and grubbing, grading, protection and demolition of existing public improvements within the public right-of-way, modifications to existing irrigation systems, construction of PCC curb and gutter, sidewalk, drive approaches, ADA ramps, AC paving, adjustment of water valves and manholes, services, signing and striping, rapid flashing beacons, speed warning signs and any other appurtenances necessary to complete the improvements. A location map is provided for reference. This project will provide elementary school children and other pedestrians with a continuous, accessible and safe walking path to and from school, community centers, parks and transit centers.

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

Prepared by: Ariana Kern
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

2

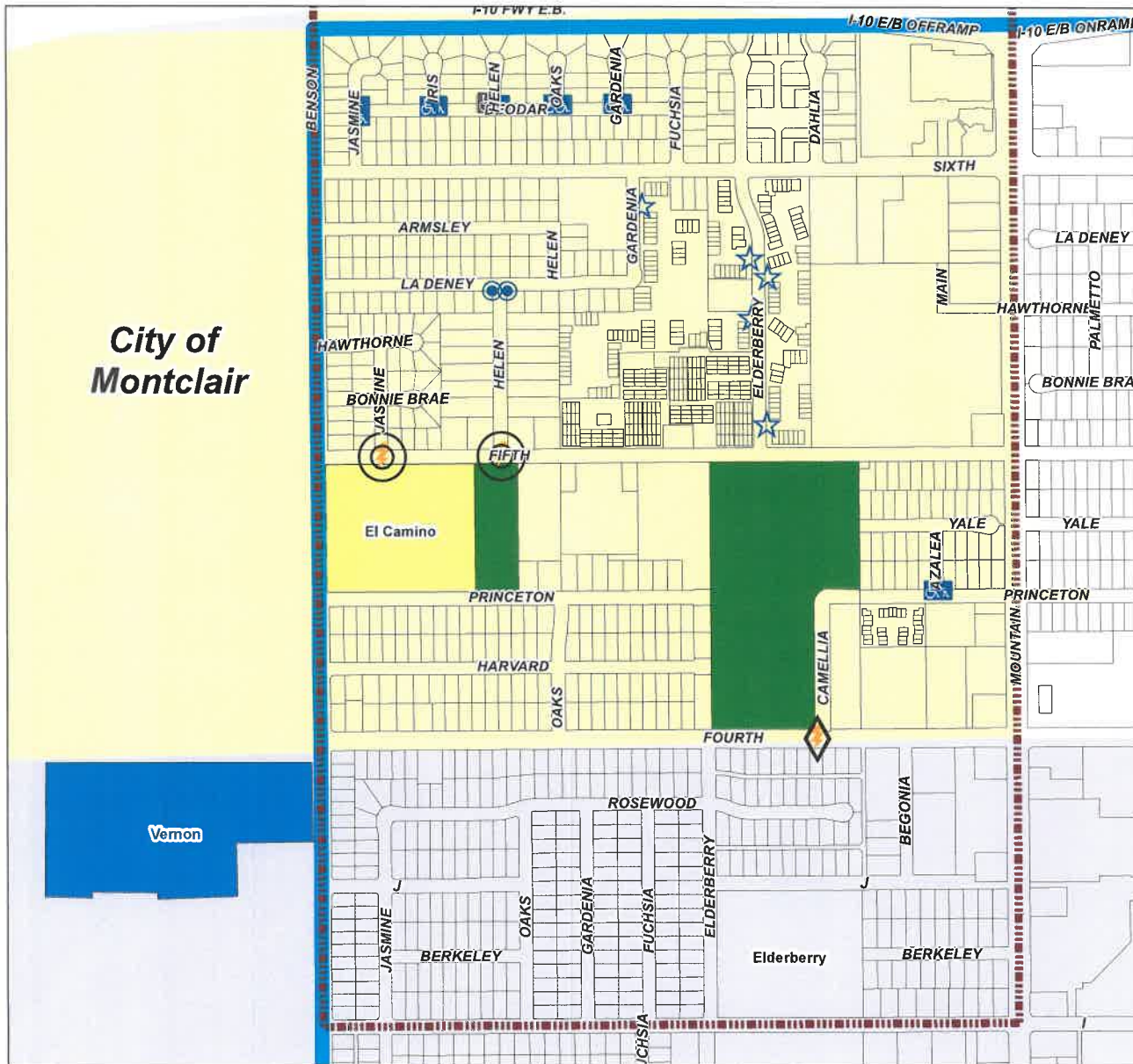
In August 2017 the City solicited bids for the project, and 5 bids were received. The bid results are:

COMPANY	LOCATION	AMOUNT
Roadway Engineering & Contracting Inc.	Mira Loma, CA	\$323,986
All American Asphalt	Corona, CA	\$352,458
S&H Civilworks	Colton, CA	\$374,800
Hardy & Harper, Inc.	Santa Ana, CA	\$376,000
Vido Samarzich, Inc.	Alta Loma, CA	\$442,063

Roadway Engineering & Contracting Inc. of Mira Loma, California submitted the lowest-responsible bid; and is recommended at a project cost of \$323,986.

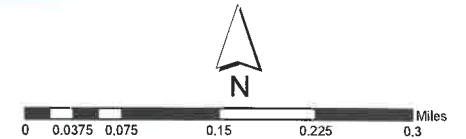
ENVIRONMENTAL REVIEW: The environmental impacts of this project were reviewed and staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to § 1501 (Class 1, Existing Facilities) of the State CEQA Guidelines.

ATTACHMENT E-1 El Camino Elementary School SRTS Improvements



Type of SRTS Improvements	#
Intersection Chokers with Rectangular Rapid Flashing Beacons and Handicap Ramps	2
Rectangular Rapid Flashing Beacon, Raised Median and Detectable Warning Surfaces	1
Handicap Ramp	11
Reconstruct Handicap Ramp	1
Reconstruction of Driveways	5
Detectable Warning on Existing Ramps	2

- Other Facilities**
- Elementary School
 - Middle/Junior High School
 - High School
 - Park
 - Vernon Middle Boundary
 - El Camino Elementary/Vernon Middle Boundary
 - Census Tract 10.01 Boundary
 - City Boundary



Date: 05/28/2015

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18977 AND 18978 LOCATED AT THE SOUTHEAST CORNER OF PARKPLACE AVENUE AND PARKVIEW STREET

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreements, improvement securities and Final Tract Map Nos. 18977 and 18978 located at the southeast corner of Parkplace Avenue and Parkview Street within the Subarea 29 Specific Plan area.

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

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

BACKGROUND: Final Tract Map No. 18977, consisting of fifty-six (56) residential lots and six (6) lettered lots on 7.67 acres and Final Tract Map No. 18978, consisting of forty-one (41) residential lots and six (6) lettered lots on 5.83 acres, as shown on the attached Exhibit A, have been submitted by the developer, Woodside 05S, LP. of Riverside, California (Mr. Jay Moss, Vice President).

Tentative Tract Map Nos. 18977 and 18978 were approved by the Planning Commission (6 to 0 with 1 absent) on July 28, 2015 and are consistent with the adopted Subarea 29 Specific Plan.

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

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

Prepared by: Manoj Hariya, PE
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

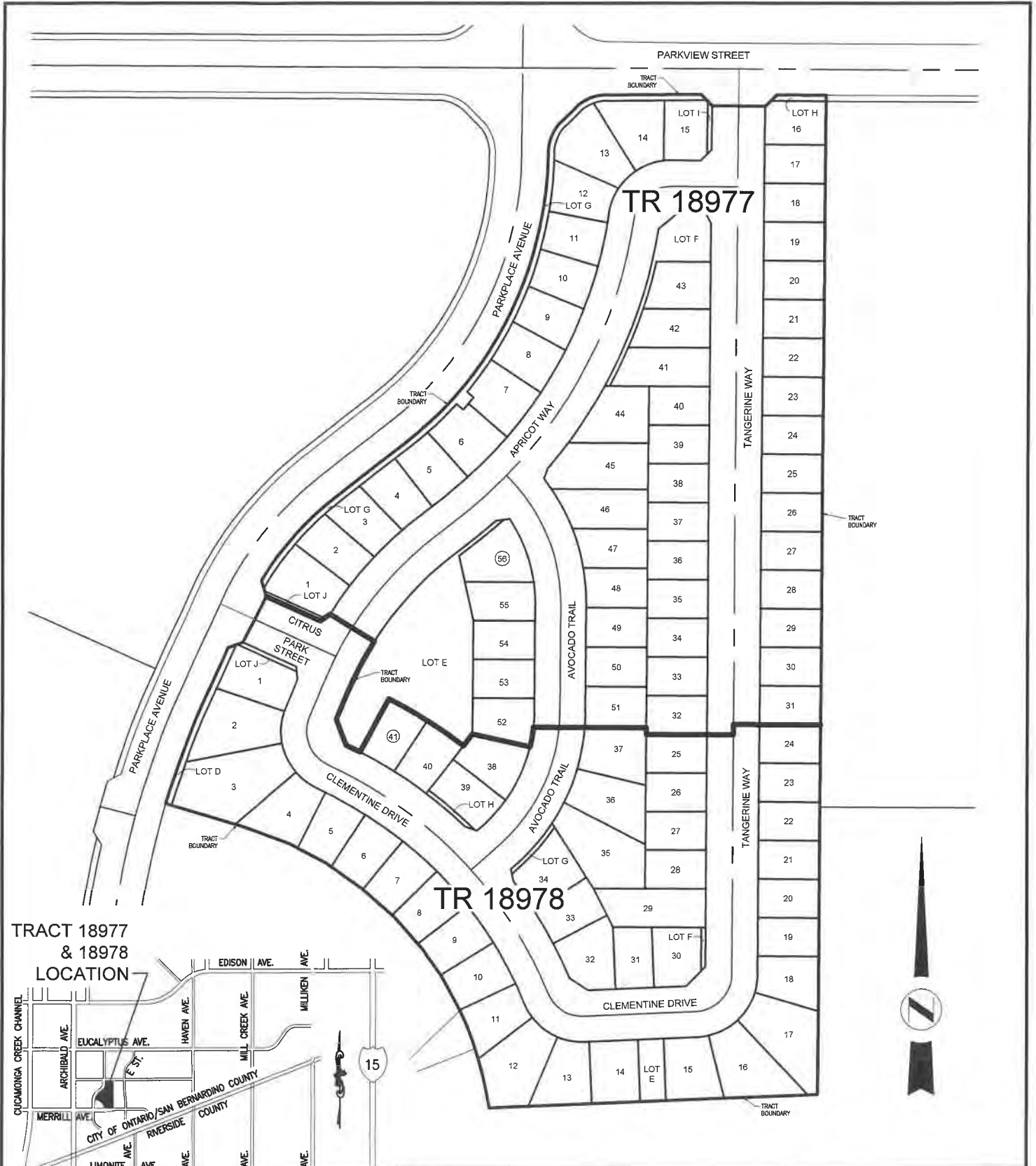
Denied: _____

3

The developer has entered into an improvement agreements with the City for Final Tract Map Nos. 18977 and 18978 and have posted adequate securities to ensure construction of the required public improvements.

These maps meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and have been reviewed and approved by the City Engineer.

EXHIBIT A



TRACT 18977
& 18978
LOCATION



CITY OF ONTARIO
ENGINEERING DEPARTMENT
FILE NO. TR. 18977 & 18978

APPLICANT: WOODSIDE 05S, LP
PROJECT: (TR 18977) 56 SFR
LOTS, 6 LETTERED LOTS
(TR 18978) 41 SFR LOTS,
6 LETTERED LOTS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18977 AND 18978, LOCATED AT THE SOUTHEAST CORNER OF PARKPLACE AVENUE AND PARKVIEW STREET.

WHEREAS, Tentative Tract Map Nos. 18977 and 18978, submitted for approval by the developer, Woodside 05S, LP., of Riverside, California (Mr. Jay Moss, Vice President) were approved by the Planning Commission of the City of Ontario on July 28, 2015; and

WHEREAS, Tentative Tract Map No. 18977 consists of fifty-six (56) residential lots and six (6) lettered lots, being a subdivision of a portion of lot 1 of Tract 18913-3, as per map recorded in book 347, pages 6 through 10, inclusive, of maps, in the Office of the Recorder of San Bernardino County; Tentative Tract Map No. 18978 consists of forty-one (41) residential lots and six (6) lettered lots, being a subdivision of lot 2 and a portion of lot 1 of Tract 18913-3, as per map recorded in book 347, pages 6 through 10, inclusive, of maps, in the Office of the Recorder of San Bernardino County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map Nos. 18977 and 18978, said developer have offered improvement agreements, together with good and sufficient securities, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, the subdivider of the underlying Tract No. 18913-3, has previously prepared and recorded Covenants, Conditions and Restrictions (CC&Rs), and they have been reviewed and approved by the City Attorney's office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners.

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

1. That said Improvement Agreements be, and the same are, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said Improvement Securities are accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map Nos. 18977 and 18978, be approved and that the City Clerk be authorized to execute the statements thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 19th day of September 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 19, 2017

**SECTION:
CONSENT CALENDAR**

SUBJECT: A RESOLUTION ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2018/2019 TO 2022/2023

RECOMMENDATION: That the City Council adopt a resolution approving the 2018/2019 through 2022/2023 Measure I Five-Year Capital Project Needs Analysis (CPNA) and authorize the City Manager to approve changes to the plan as may be required by the City and/or San Bernardino County Transportation Authority (SBCTA)..

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
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 Measure I Five-Year CPNA is a tool to assist the SBCTA Board of Directors and staff in programming available and projected Measure I Fund revenues. The CPNA is not a budget commitment. The individual projects listed in the CPNA are either currently identified in the City of Ontario Capital Improvement Program Budget (CIP), or will be identified in the CIP at the time that the local fund share is needed and approved by the City Council.

BACKGROUND: The Five-Year CPNA covers projects in the Measure I Major Street Arterial Sub-program. This year's Five-Year CPNA includes the following projects: Grove Avenue Widening (from Fourth Street to Airport Drive); Grove Avenue and Holt Boulevard Intersection Widening; Mountain Avenue and Holt Boulevard Intersection Widening; Fourth Street Bridge Undercrossing Improvement (between I-10 eastbound and westbound ramps); Etiwanda Avenue and Airport Drive Intersection Improvements; and Widen Holt Boulevard (between Pleasant and Melrose avenues.) Freeway interchange and grade separation projects are not included in the CPNA as they are accounted for in separate agreements.

San Bernardino County voters approved passage of the 2010 through 2040, thirty-year Measure I program in November 2004, authorizing San Bernardino Associated Governments, now SBCTA, to impose a one-half percent retail transactions and use tax in the incorporated and unincorporated territory

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

Prepared by: Larry Tay
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

4

of the County of San Bernardino. Revenue from the tax can only be used for transportation improvements and traffic management programs authorized in the 2010-2040 Measure I Expenditure Plan set forth in Ordinance No. 04-1 of the Authority. The Expenditure Plan for the San Bernardino Valley Subarea, of which Ontario is a part, requires that Measure I revenue be applied to the following programs.

Freeways	29%
Freeway Interchanges	11%
Major Streets (including Railroad Grade Separations)	20%
Local Streets (per capita pass through)	20%
Metrolink/Passenger Rail	8%
Senior/Disabled Transit Service	8%
Express Bus/Bus Rapid Transit Service	2%
Traffic Management Systems	2%

The 2010-2040 Measure I Strategic Plan requires each local jurisdiction applying for revenue from the Valley Major Street and Freeway Interchange Programs to annually adopt and update a Five-Year CPNA. The Five-Year CPNA is not a funding commitment by either SBCTA or the City, but a tool to assist SBCTA staff and their Board of Directors in programming available Measure I Fund revenues. The CPNA is not a wish list but a financially constrained, realistic schedule of the projects for which the agency intends to use Measure I dollars. "Financially constrained" means that the required local development impact fee (DIF) match contribution will be available before the project begins or the DIF match requirement has been met by an internal Measure I loan arranged with SBCTA in accordance with the Measure I Strategic Plan. Historically, CPNAs for the Valley jurisdictions have included projects for both the Valley Freeway Interchange and Major Streets Programs. However, for FY 2018-19, the CPNA will only apply to the Major Streets Program.

The CPNA process requires that the City Council approve the CPNA by resolution. City staff anticipates that there may need to be changes to the CPNA during the fiscal year. Therefore, staff is recommending that the City Manager be given the authority to approve changes to the CPNA as requested by SBCTA and/or City staff, provided the changes do not conflict with the approved budget.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2018/2019 TO 2022/2023.

WHEREAS, San Bernardino County voters approved passage of Measure I in November 2004, authorizing the San Bernardino County Transportation Authority to impose a one-half of one percent retail transactions and use tax applicable in the incorporated and unincorporated territory of the County of San Bernardino; and

WHEREAS, revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plans set forth in Ordinance No. 04-1 of the Authority; and

WHEREAS, the Strategic Plan requires each local jurisdiction applying for revenue from certain Measure I Programs to annually adopt and update a Five-Year Capital Project Needs Analysis.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ontario, State of California that the Measure I Five-Year Capital Project Needs Analysis, attached to this resolution as Exhibit A, is hereby adopted.

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

PASSED, APPROVED, AND ADOPTED this 19th day of September 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

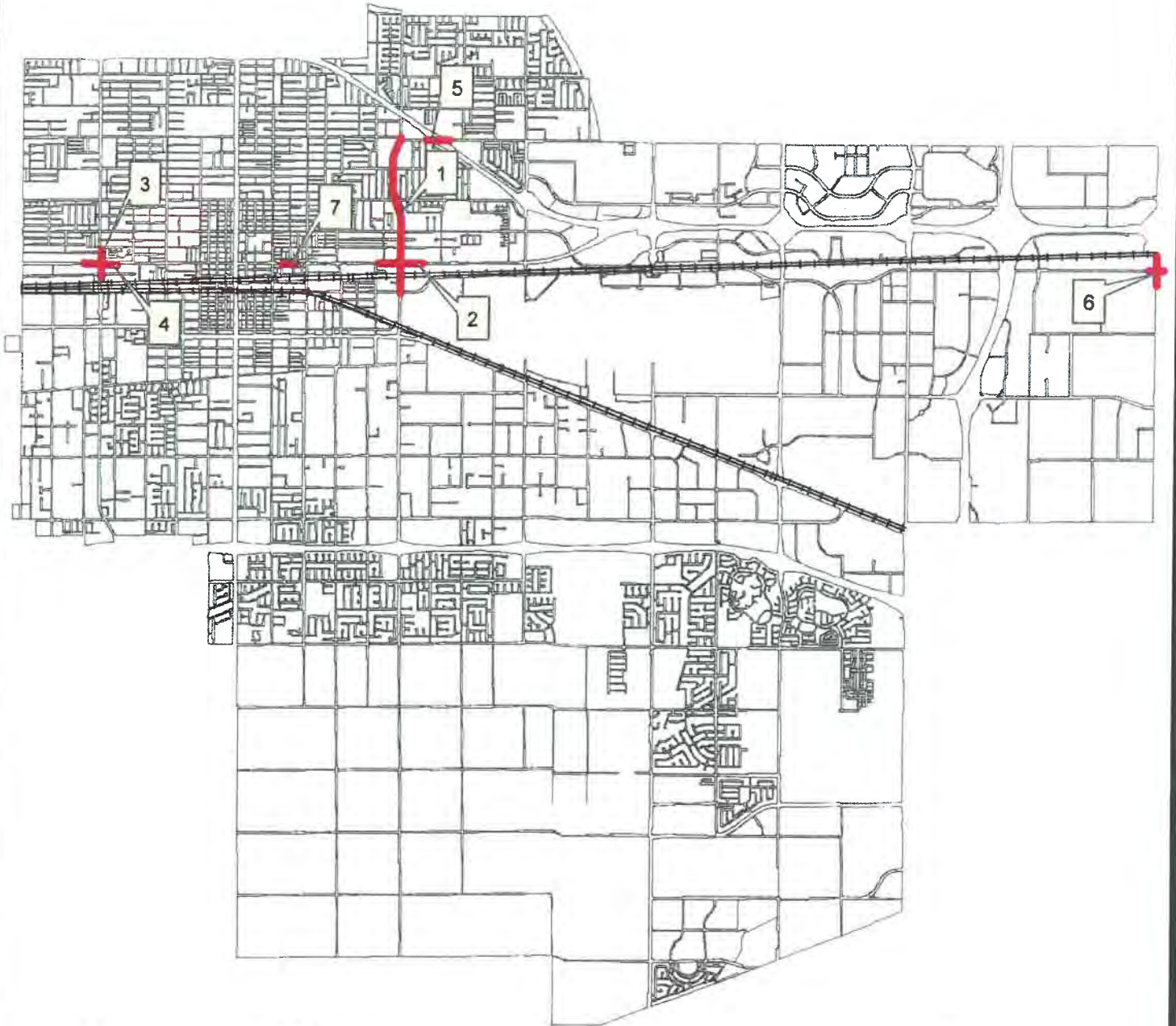
SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit A

Five-Year Capital Project Needs Analysis

2018/2019 - 2022/2023



Project Description

- 1 Widen Grove Ave. from Fourth St. to Airport Dr. from 4 to 6 lanes.
- 2 Widen Holt Blvd. from 750 ft. west of to 750 ft. east of Grove Ave. from 4 to 6 lanes.
- 3 Widen Mountain Ave. between Brooks St. and Vesta St. from 4 to 6 lanes.
- 4 Widen Holt Blvd. from 750 ft. west of to 750 Ft. east of Mountain Ave. from 4 to 6 lanes.
- 5 Fourth Street Bridge Undercrossing Improvement.
- 6 Etiwanda Avenue and Airport Drive Intersection Improvements.
- 7 Widen south side of Holt Boulevard from Pleasant Avenue to Melrose Avenue.



0 2,500 5,000 10,000
Feet

Capital Project Needs Analysis

Agency: Ontario

Program: Valley Arterial Sub-Program

Project Name: Widen Grove Ave from I-10 to Holt Blvd from 4 to 6 lanes, Including W. Cuc. Creek Bridge

Agency Project Name: Grove Corridor Widening (Fourth St to Airport Dr) and Holt Blvd/Grove Ave Intersection Widening

Agency reported Total Project Cost: \$4,100,000

Escalation Factor(%):

Actual Prior Year dollars and escalated costs in subsequent years (not in 1,000s)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	Future	Total	
Nexus Total Project Cost (All phases): 32,200,000	PA&ED	MI MAJ ST	5,589	0	0	0	0	0	0	5,589	
		DEMO	50,260	0	0	0	0	0	0	50,260	
		DEV FEE	4,463	0	0	0	0	0	0	4,463	
		Total	60,312	0	0	0	0	0	0	0	60,312
Total Presented Funding (FY 17/18 -21/22): 2,002,452	PS&E	MI MAJ ST	128,613	36,113	0	0	0	0	0	164,726	
		DEV FEE	102,705	28,839	0	0	0	0	0	131,544	
		Total	231,318	64,952	0	0	0	0	0	0	296,270
Total Measure I Request (FY 17/18 -21/22): 1,113,363	ROW	MI MAJ ST	34,750	104,250	0	0	0	0	0	139,000	
		DEV FEE	27,750	83,250	0	0	0	0	0	111,000	
		Total	62,500	187,500	0	0	0	0	0	0	250,000
	CONST	MI MAJ ST	0	486,500	486,500	0	0	0	0	0	973,000
		DEV FEE	0	388,500	388,500	0	0	0	0	0	777,000
		Total	0	875,000	875,000	0	0	0	0	0	1,750,000
Total		354,130	1,127,452	875,000	0	0	0	0	0	2,356,582	

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including FY 17/18 expenses.

Project Comments: Costs include PA&ED of the Grove Corridor project; and PS&E, ROW and CON for the Grove portion of the Holt/Grove intersection project.

Last Update: 8/21/2017 12:02:45 PM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario
 Program: Valley Arterial Sub-Program
 Project Name: Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes
 Agency Project Name: Widen Holt Blvd. from 750 ft. west to 750 ft. east of Grove Ave. from 4 to 6 lanes
 Agency reported Total Project Cost: \$2,400,000
 Escalation Factor(%):

Actual Prior Year dollars and escalated costs in subsequent years (not in 1,000s)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	Future	Total	
Nexus Total Project Cost (All phases): 17,933,000	PA&ED	Total									
Total Presented Funding (FY 17/18 -21/22): 2,002,452	PS&E	MI MAJ ST	128,613	36,113	0	0	0	0	0	164,726	
		DEV FEE	102,705	28,839	0	0	0	0	0	131,544	
		Total	231,318	64,952	0	0	0	0	0	0	296,270
Total Measure I Request (FY 17/18 -21/22): 1,113,363	ROW	MI MAJ ST	34,750	104,250	0	0	0	0	0	139,000	
		DEV FEE	27,750	83,250	0	0	0	0	0	111,000	
		Total	62,500	187,500	0	0	0	0	0	0	250,000
	CONST	MI MAJ ST	0	486,500	486,500	0	0	0	0	0	973,000
		DEV FEE	0	388,500	388,500	0	0	0	0	0	777,000
Total		0	875,000	875,000	0	0	0	0	0	1,750,000	
Total		293,818	1,127,452	875,000	0	0	0	0	0	2,296,270	

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including FY 17/18 expenses.

Project Comments: This is a portion of Nexus Project "Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes". Costs include the PS&E, ROW and CON for the Holt portion of the Holt/Grove intersection project.

Last Update: 8/21/2017 12:00:59 PM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario
 Program: Valley Arterial Sub-Program
 Project Name: Widen Mountain Ave from Sixth Street to s/o Holt Blvd
 Agency Project Name: Widen Mountain Ave. between Brooks and Vesta Streets from 4 to 6 lanes
 Agency reported Total Project Cost: \$3,500,000
 Escalation Factor(%): \$0

Actual Prior Year dollars and escalated costs in subsequent years (not in 1,000s)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	Future	Total
Nexus Total Project Cost (All phases): 7,467,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 1,150,000	PS&E	MI MAJ ST	131,403	0	0	0	0	0	0	131,403
		DEV FEE	104,934	0	0	0	0	0	0	104,934
		Total	236,337	0	0	0	0	0	0	236,337
Total Measure I Request (FY 17/18 -21/22): 639,400	ROW	MI MAJ ST	389,200	0	0	0	0	0	0	389,200
		DEV FEE	310,800	0	0	0	0	0	0	310,800
		Total	700,000	0	0	0	0	0	0	700,000
	CONST	MI MAJ ST	639,400	639,400	0	0	0	0	0	1,278,800
		DEV FEE	510,600	510,600	0	0	0	0	0	1,021,200
		Total	1,150,000	1,150,000	0	0	0	0	0	2,300,000
Total			2,086,337	1,150,000	0	0	0	0	0	3,236,337

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including FY 17/18 expenses.

Project Comments: This is a portion of Nexus Project "Widen Mountain Ave from Sixth Street to s/o Holt Blvd". Costs include the PS&E, ROW and CON for the Mountain portion of the Holt/Mountain intersection project.

Last Update: 8/24/2017 5:00:18 PM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario
 Program: Valley Arterial Sub-Program
 Project Name: Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes
 Agency Project Name: Widen Holt Blvd. from 750 ft. west of to 750 ft. east of Mountain Ave. from 4 to 6 lanes
 Agency reported Total Project Cost: \$3,500,000
 Escalation Factor(%):

Actual Prior Year dollars and escalated costs in subsequent years (not in 1,000s)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	Future	Total
Nexus Total Project Cost (All phases): 17,933,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 1,150,000	PS&E	MI MAJ ST	131,403	0	0	0	0	0	0	131,403
		DEV FEE	104,934	0	0	0	0	0	0	104,934
		Total	236,337	0	0	0	0	0	0	236,337
Total Measure I Request (FY 17/18 -21/22): 639,400	ROW	MI MAJ ST	389,200	0	0	0	0	0	0	389,200
		DEV FEE	310,800	0	0	0	0	0	0	310,800
		Total	700,000	0	0	0	0	0	0	700,000
	CONST	MI MAJ ST	639,400	639,400	0	0	0	0	0	1,278,800
		DEV FEE	510,600	510,600	0	0	0	0	0	1,021,200
		Total	1,150,000	1,150,000	0	0	0	0	0	2,300,000
Total			2,086,337	1,150,000	0	0	0	0	0	3,236,337

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including FY 17/18 expenses.

Project Comments: This is a portion of Nexus Project "Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes". Costs include PS&E, ROW and CON for the Holt portion of the Holt/Mountain intersection project.

Last Update: 8/21/2017 11:40:04 AM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario
 Program: Valley Arterial Sub-Program
 Project Name: Replace 4th St structure between I-10 westbound ramps and I-10 eastbound ramps and widen to 5 lanes
 Agency Project Name: Fourth Street Bridge Undercrossing Improvement
 Agency reported Total Project Cost:
 Escalation Factor(%):

Actual Prior Year dollars and escalated costs in subsequent years (not in 1,000s)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	Future	Total
Nexus Total Project Cost (All phases): 13,650,000	PA&ED	MI MAJ ST	347,700	0	0	0	0	0	0	347,700
		DEV FEE	277,660	0	0	0	0	0	0	277,660
		Total	625,360	0	0	0	0	0	0	0	625,360
Total Presented Funding (FY 17/18 -21/22): 19,909,746	PS&E	MI MAJ ST	66,524	374,152	185,451	0	0	0	0	626,127
		DEV FEE	53,124	298,783	148,094	0	0	0	0	500,001
		Total	119,648	672,935	333,545	0	0	0	0	0	1,126,128
Total Measure I Request (FY 17/18 -21/22): 11,069,819	ROW	MI MAJ ST	507,079	475,329	235,600	0	0	0	0	1,218,008
		DEV FEE	404,934	379,579	188,141	0	0	0	0	972,654
		Total	912,013	854,908	423,741	0	0	0	0	0	2,190,662
	CONST	MI MAJ ST	0	1,332,983	3,171,373	3,176,958	2,117,973	0	0	9,799,287
		DEV FEE	0	1,064,468	377,099	0	0	0	0	1,441,567
		DEV LOAN	0	0	2,155,436	2,536,996	1,691,331	0	0	6,383,763
Total	0	2,397,451	5,703,908	5,713,954	3,809,304	0	0	0	17,624,617	
Total		1,657,021	3,925,294	6,461,194	5,713,954	3,809,304	0	0	0	21,566,767

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including FY 17/18 expenses.

Project Comments: Loan agreement for \$6,383,764 of City DIF share

Last Update: 8/24/2017 5:04:34 PM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario
 Program: Valley Arterial Sub-Program
 Project Name: Spot Widen Airport Dr from Kettering to Etiwanda Ave from 2 to 4 lanes, including intersection at Etiwanda/Slover
 Agency Project Name: Etiwanda Avenue and Airport Drive: Intersection Improvements
 Agency reported Total Project Cost:
 Escalation Factor(%):

Actual Prior Year dollars and escalated costs in subsequent years (not in 1,000s)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	Future	Total
Nexus Total Project Cost (All phases): 5,270,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 2,693,990	PS&E	Total								0
Total Measure I Request (FY 17/18 -21/22): 1,497,858	ROW	Total								0
	CONST	MI MAJ ST	0	0	1,497,858	0	0	0	0	1,497,858
		DEV FEE	0	0	1,196,132	0	0	0	0	1,196,132
		Total	0	0	2,693,990	0	0	0	0	2,693,990
	Total		0	0	2,693,990	0	0	0	0	2,693,990

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including FY 17/18 expenses.

Project Comments:

Last Update: 8/24/2017 10:27:12 AM

Reference: Measure I Policy 40006

Capital Project Needs Analysis

Agency: Ontario
 Program: Valley Arterial Sub-Program
 Project Name: Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes
 Agency Project Name: Widen south side of Holt Blvd from Pleasant Avenue to Melrose Avenue
 Agency reported Total Project Cost:
 Escalation Factor(%):

Actual Prior Year dollars and escalated costs in subsequent years (not in 1,000s)

Public Share: 55.60% | Dev. Share: 44.40%

		Funding	Prior	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23	Future	Total
Nexus Total Project Cost (All phases): 17,933,000	PA&ED	Total								
Total Presented Funding (FY 17/18 -21/22): 0	PS&E	Total								0
Total Measure I Request (FY 17/18 -21/22): 0	ROW	Total								0
	CONST	MI MAJ ST	108,976	0	0	0	0	0	0	108,976
		DEV FEE	87,024	0	0	0	0	0	0	87,024
		Total	196,000	0	0	0	0	0	0	196,000
Total			196,000	0	0	0	0	0	0	196,000

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including FY 17/18 expenses.

Project Comments: This is a portion of Nexus Project "Widen Holt Blvd from Benson Ave to Vineyard Ave from 4 to 6 lanes". Costs include CON only.

Last Update: 8/16/2017 2:51:19 PM

Reference: Measure I Policy 40006

CITY OF ONTARIO

Agenda Report
September 19, 2017

**SECTION:
CONSENT CALENDAR**

SUBJECT: RECOGNITION OF OCTOBER 8-14, 2017 AS “NATIONAL FIRE PREVENTION WEEK”

RECOMMENDATION: That the City Council recognize the week of October 8-14, 2017 as “National Fire Prevention Week” in the City of Ontario and invite the public to attend the Ontario Fire Department Open House to be held on October 7, 2017.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Encourage, Provide or Support Enhanced Recreational, Education, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Fiscal Year 2017-18 Adopted Budget includes appropriations for the minimal staff and materials cost associated with the annual Ontario Fire Department Open House.

BACKGROUND: “National Fire Prevention Week” commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings. Every year since 1925, the President of the United States has signed a proclamation pronouncing a national observance during Fire Prevention Week.

National Fire Protection Association announced Fire Prevention Week 2017 to be observed throughout the nation on October 8-14. Their theme, “Every Second Counts: Plan 2 Ways Out!” will also be the theme at the Ontario Fire Department Open House on Saturday, October 7, 2017, from 9:00 a.m. until 2:00 p.m. at the Ontario Fire Department Training Facility located at 1408 East Francis Street.

This year’s theme actively works to motivate Ontario residents to take actions to keep their homes and family safe from fire. This annual observance serves as a way to keep the public informed about the importance of fire prevention.

STAFF MEMBER PRESENTING: Rob Elwell, Fire Chief

Prepared by: Paul Ehrman

Department: Fire

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: RECOGNITION OF SEPTEMBER 2017 AS NATIONAL PREPAREDNESS MONTH

RECOMMENDATION: That the City Council recognize the month of September 2017 as National Preparedness Month in the City of Ontario and invite the public to attend the City's inaugural Emergency Preparedness Expo to be held on September 21, 2017.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Encourage, Provide or Support Enhanced Recreational, Education, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Fiscal Year 2017-18 Adopted Budget includes appropriations for the minimal staff and materials cost associated with the inaugural Emergency Preparedness Expo.

BACKGROUND: For the thirteenth consecutive year, the Federal Emergency Management Agency (FEMA) has announced September as National Preparedness Month (NPM). The goal of NPM is to build awareness and encourage Americans to prepare for emergencies in their homes, businesses, schools, and communities. NPM is managed and sponsored by FEMA's Ready Campaign. The Ready Campaign works closely with Citizen Corps and the Ad Council to increase national emergency preparedness awareness across the nation.

During NPM residents are encouraged to plan for an emergency by making a family emergency plan, become informed about the different types of emergencies/disasters that could occur in their community, build an emergency supply kit, and get involved in City of Ontario CERT training. All residents are encouraged to visit the City of Ontario's website for additional information regarding emergency plans, hazard mitigation, family emergency kits, and general emergency preparedness guidance.

Ontario residents and businesses are also invited to the City's inaugural Emergency Preparedness Expo on Thursday, September 21, 2017, from 10:00 a.m. until 4:00 p.m. at the Ovitt Family Community Library located at 215 East C Street.

STAFF MEMBER PRESENTING: Rob Elwell, Fire Chief

Prepared by: Raymond Cheung

Department: Fire

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: ONTARIO HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2016-17

RECOMMENDATION: That the Board of the Ontario Housing Authority approve the Ontario Housing Authority Annual Report for Fiscal Year 2016-17 ("OHA Annual Report") (on file in the Records Management Department), and authorize the Executive Director to transmit to the California Department of Housing and Community Development the OHA Annual Report as required by State law.

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: None.

BACKGROUND: In accordance with Health and Safety Code ("HSC") Sections 34328 and 34328.1, the Authority must prepare a complete report its activities during the previous fiscal year. The OHA Annual Report must be filed with the City Clerk and submitted to the California Department of Housing and Community Development ("HCD").

The OHA Annual Report has been prepared to comply with the requirements of HSC Sections 34328, 34328.1, and 34312.3, which require the following information:

- A complete report of activities taken during the prior fiscal year;
- Verification of compliance with the following requirements:
 - Minimum amount of housing units affordable to lower income households in housing projects assisted; and
 - Documentation regarding any minimum and maximum rent requirements for lower income households pursuant to state and federal requirements; and

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

Prepared by: Julie Bjork
Department: Housing/Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

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- Data on termination of tenancies due to domestic violence in housing authority units and a summary of actions taken to address termination of tenancies resulting from domestic violence.

All of the Ontario Housing Authority's properties meet all of the affordability requirements.



ONTARIO HOUSING AUTHORITY

Annual Report for Fiscal Year 2016-17

**Prepared by the
Ontario Housing Authority
208 West Emporia Street
Ontario, CA 91762
(909) 395-2006**

**Ontario Housing Authority
Annual Report for FY 2016-17**

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ONTARIO HOUSING AUTHORITY

Annual Report for Fiscal Year 2016-17

I. INTRODUCTION

Pursuant to California Health and Safety Code (“HSC”) 34328, all housing authorities must file annually with their respective City or County Clerk and with the California Department of Housing and Community Development (“HCD”) a report (“Annual Report”) of its activities for the preceding year.

A. ANNUAL REPORT CONTENTS

This Annual Report has been developed to comply with the reporting requirements of HSC 34328 and 34328.1, including:

- i. To provide a complete report of activities during FY 2016-17 including: any bond issuances; loans, or finance agreements that the Ontario Housing Authority (“Authority”) has entered into; and properties acquired, sold, developed, rehabilitated, or leased;
- ii. To report on compliance with the requirements of HSC 34312.3 such as the minimum amount of housing units affordable to lower income households in projects assisted by the Authority, and establishment of base rents and/or maximum rental payments for lower income households; and
- iii. To document any domestic violence tenancy terminations or Section 8 voucher terminations as required by HSC 34328.1

II. AUTHORITY ACTIVITIES SUBJECT TO HSC 34312.3

Pursuant to HSC Section 34312.3, the Authority must provide a complete report of its activities taken during the prior fiscal year, which includes bonds, loans, and financing agreements for multi-family rental projects.

A. BONDS FOR MULTI-FAMILY HOUSING

During FY 2016-17, the Authority did not issue any bonds.

B. LOANS FOR MULTI-FAMILY HOUSING

During FY 2016-17, the Authority did not enter into any loans.

C. FINANCING AGREEMENTS

During FY 2016-17, the Authority entered into three housing agreements including: Emporia Multi-Family Development, 411 N. Parkside Project, and Mission/Oakland For-Sale Project.

Emporia Multi-Family Development

On June 21, 2017, the Authority approved the Disposition and Development Agreement (DDA) with Ontario Emporia Housing Partners, L.P., for the development a 75-unit housing development. As detailed in the DDA, the Authority will provide a gap loan of \$10,263,875 to the developer if the developer is able to secure an allocation of 9% tax credits. The Authority's loan is a residual receipt note that will be paid back over a 65-year term. The loan will provide \$1,835,000 for the acquisition of the land by the developer, in the form as loan carryback.

Further, the Authority entered into a Grant Agreement with the City. If the developer is able to secure an allocation of 9% tax credits, the City will provide grant funding not to exceed \$8,428,875 to the Authority.

411 N. Parkside Project

On June 21, 2017, the Authority approved the HOME Partnership Agreement with the City of Ontario and Mercy House CHDO for the sale of an affordable housing project, located at 411 N. Parkside Avenue. As part of this project, Mercy House CHDO will purchase the property, located at 411 N. Parkside from the Ontario Housing Authority.

This project will deepen the affordability levels at the property. Currently, the property is restricted to moderate-income households. Once the escrow closes, the property will restrict the units to three very low-income units and five low-income units.

Mission/Oakland For-Sale Housing Project

The Authority entered into a Purchase and Sale Agreement with Inland Investment Partners for the Disposition of the Mission and Oakland site. This project will construct new, infill, for sale housing and will generate \$700,000 in funds for the Ontario Housing Authority for use on creating affordable housing units within Ontario.

D. AUTHORITY OWNED ASSETS

The Authority owns 68 rental units, a former mobile home park, three sites with long term ground leases for affordable housing, and various parcels for future housing development.

Listed on the following page is a table showing all of the Authority owned real estate assets:

Authority Owned Assets			
Development Name	Site Address	APN	Current Use
Continuum of Care Permanent Housing Units	Begonia Apartments (209, 216, 217, 222, 223, 228, and 231 N. Begonia Ave.)	1010-521-15, -18, -14, -19, -13, -20, and -12	Affordable Housing
	Begonia Apartments (305 N. Begonia Ave.)	1010-521-11	Leased to Mercy House CHDO
	Francis Apartments (307-311 W. Francis St.)	1050-371-24	Leased to Mercy House CHDO
	Guadalupe Residence (411 N. Parkside Ave.)	1048-452-10	Leased to Mercy House
Emporia In-Fill Site	401 W. Holt Blvd.	1049-051-01	Vacant Land
	402 W. Holt Blvd.	1049-051-02	
	113 S. Vine Ave.	1049-051-03	
	205 1/2 S. Vine Ave.	1049-052-03	
	210 S. Fern Ave.	1049-052-04	
	215 S. Vine Ave.	1049-052-05	
	415 W. Transit St.	1049-052-09	
	209 S. Vine Ave.	1049-052-06	
	205 S. Vine Ave.	1049-052-07, and -08	
	201 S. Vine Ave.	1049-052-10	
	325 W. Transit St.	1049-054-02	
	301 W. Transit St.	1049-054-03	
	303 W. Emporia St.	1049-059-07	
	Euclid In-Fill	110 E. Maitland St.		1049-511-03	Vacant Land
1004 S. Euclid Ave.		1049-563-10	
1325 S. Euclid Ave.		1049-531-02	
1329 S. Euclid Ave.		1049-531-01	
Hollowell Apartments	1165 W. Hollowell St.	1010-521-03	Affordable Housing
Holt and Virginia Infill Housing	1125 E. Holt Blvd.	1048-472-01	Vacant Land
	116 N. Virginia Ave.	1048-472-02	
	120 N. Virginia Ave.	1048-472-03	
	126 N. Virginia Ave.	1048-472-04	
	1131 E. Nocta St.	1048-472-11	
Ideal Mobile Home Park	905 E. Holt Blvd.	1048-481-08	Vacant Land
Infill Housing	115-115 1/2 S. Sultana Ave.	1049-091-11	Vacant Land
	1038 E. Fourth St.	1048-131-52	Vacant Land
Mission and Oakland Infill Housing	908 S. Oakland Ave.	1049-323-12, and -13	Vacant Land
	905 - 907 S. San Antonio Ave.	1049-323-06	
	911 S. San Antonio Ave.	1049-323-07, and -08	
Mountain View Senior Apartments Phase II	511 N. Palmetto Ave.	1010-461-08	Ground Lease
Ontario Town Square A-1	128 N. Euclid Ave.	1048-553-01	Vacant Land
	115 N. Lemon Ave.	1048-553-05	
	127 E. Holt Blvd.	1048-553-06	
	123 E. Holt Blvd.	1048-553-07	
	117 N. Euclid Ave.	1048-553-08	
	115 E. Holt Blvd.	1048-553-09	
	0 N. Euclid Ave.	1048-553-10	
110 N. Euclid Ave.	1048-553-11		

Authority Owned Assets			
Development Name	Site Address	APN	Current Use
	110, 110 1/2, 112, 114 N. Euclid Ave.	1048-553-12	
	114-116 N. Euclid Ave.	1048-553-13	
	118 N. Euclid Ave.	1048-553-14	
	120 N. Euclid Ave.	1048-553-15	
Ontario Town Square B-1	240 N. Euclid Ave.	1048-552-17	Various Uses
	216 N. Euclid Ave.	1048-552-16	
	"C" Street	1048-552-15	
	109 E. "B" St.	1048-552-19	
Ontario Town Square C-1	116 E. "D" St.	1048-551-10	Vacant Land and Parking Lots
	308 N. Euclid Ave.	1048-551-11	
	334 N. Euclid Ave.	1048-551-12	
	127 E. "C" St.	1048-551-13	
Palm Terrace Senior Apartments Phase II	1449 E. "D" St.	0110-254-78	Ground Lease
State Street	1034 E. State St.	1049-194-07	Vacant Land
Seasons at Gateway	955 N. Palmetto Ave	1010-141-08	Ground Lease
Vesta Apartments	520 – 526 ½ W. Vesta St.	1048-581-58	Affordable Housing
Vesta Apartments	1164 W. Vesta St.	1010-521-02	Affordable Housing

E. DEVELOPED AND/OR REHABILITATED HOUSING PROJECTS

During this reporting period, the Authority did not perform any rehabilitation activities.

F. SPECIAL PROGRAMS

During this reporting period, the Authority was one of the lead agencies in operating Ontario's Continuum of Care. Listed below is a description of the special programs:

i. Continuum of Care

Through a partnership with the City of Ontario and Mercy House, the Authority is implementing Ontario's Continuum of Care, which has been designed to provide a comprehensive homeless strategy to assist homeless individuals and families in becoming self-sufficient. This comprehensive Continuum of Care was developed during FY 2004-05. The final component of the Continuum of Care, the Ontario Access Center was completed during FY 2013-14. The City, the Authority, and Mercy House continue to work together to implement this strategy to address homelessness within Ontario. This strategy provides for a full-service intake center, up to 34 transitional housing beds, and 62 permanent housing units for homeless individuals and families.

In addition, the Authority worked cooperatively with the Housing Authority of the County of San Bernardino, the County of San Bernardino Department of Behavioral Health, and Mercy House to administer 12 Shelter Plus Care (S+C) vouchers that are available to provide rental subsidies and wrap around supportive services for mentally ill homeless individuals and families. These 12 S+C vouchers are restricted to 12 units within the Continuum of Care's permanent housing unit inventory. With all of the agencies working

together, the Housing Authority of the County of San Bernardino was able to obtain a one-year extension on this contract that was set to expire on September 30, 2016.

III. HOUSING COMPLIANCE

As set forth by HSC Sections 34328 and 34328.1, the Authority is required to:

- Show compliance with requirements of HSC Section 34312.3 such as the minimum amount of housing units affordable to lower income in projects assisted by the Authority, and document established base rents and/or maximum rental payment for lower income households; and
- Document any domestic violence tenancy or Section 8 voucher termination as required by HSC Section 34328.1.

A. HOUSING AFFORDABILITY REQUIREMENT

Pursuant to HSC Section 34312.3, not less than 20 percent of the units assisted by the Authority, or 15 percent in targeted areas, as defined by Section 103(b) (12)(A) of Title 26 of the United States Code, must be affordable to persons of low income. Of that amount, not less than one-half must be available to persons of very low-income, if the housing development is financed by bonds.

As shown in the tables on the following pages, the Authority complies with the established affordability requirements of HSC Section 34312.3.

Multi-Family Residential Real Estate Assets (Owned or assisted by the Authority)									
Project Name	Location	Funding Source	Building Owner	Project Type	Affordability Restrictions				
					VL	Low	Mod	PM	Total
Continuum of Care Permanent Housing Units (Begonia Apartments) ^{1, 2, 3}	209, 216, 217, 222, 223, 228, and 231 N. Begonia Ave.	HOME, LMIHF, NSP1, and NSP3	Authority	Family Rental	15	13	0	0	28
Continuum of Care Permanent Housing Units (Begonia Apartments)	305 N. Begonia Ave.	HOME, and LMIHF	Leased to Mercy House CHDO	Family Rental	0	4	0	0	4
Homeless Continuum of Care Permanent Housing Units (Francis Apartments) ^{4, 5}	307, 309, 311 W. Francis St.	HOME and LMIHF	Leased to Mercy House CHDO	Family Rental	6	8	1	0	15
Hollowell Apartments	1165 W. Hollowell St.	HOME and NSP3	Authority	Family Rental	2	1	0	1	4
Ideal Mobile Home Park	905 E. Holt Blvd.	LMIHF	Authority	Former Mobile Home Park	0	0	0	0	0
Mountain View Senior Apartments Phase II (Ground Lease)	511 N. Palmetto Ave.	LIHTC, LMIHF, and Private Financing	Ontario Housing Investors II, LP	Senior Rental	16	4	0	0	20
Palm Terrace Senior Apartments (Ground Lease)	1449 E. "D" St.	HOME and Section 202	D Street Senior Housing, Inc.	Senior Rental	47	0	0	1	48
Vesta Apartments ⁶	520 W. Vesta St.	HOME and CDBG	Authority	Family Rental	3	2	1	0	6
Vesta Apartments	1164 W. Vesta St.	HOME and NSP3	Authority	Family Rental	0	4	0	0	4
TOTAL					89	36	2	2	129
Percentages					69%	28%	1.5%	1.5%	100%
¹ Nine moderate-income units are being assisted through Project Gateway (S+C) rental subsidies, which allows eight units to be classified as very low-income units and one unit to be classified as a low-income unit pursuant to Section 34312.3(c)(6)(A)									
² One moderate-income unit is being assisted through HOME Tenant Based Rental Assistance (TBRA) rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)									
³ Two moderate-income units are being assisted through Housing Choice Voucher rental subsidies, which allows one unit to be classified as a very low-income unit and another unit to be classified as a low-income unit pursuant to Section 34312.3(c)(6)(A)									
⁴ Three moderate-income units are being assisted through Project Gateway (S+C) rental subsidies, which allows those units to be classified as very low-income units pursuant to Section 34312.3(c)(6)(A)									
⁵ One moderate-income units is being assisted through HOME Tenant Based Rental Assistance (TBRA) rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)									
⁶ One moderate-income unit is being assisted through Housing Choice Voucher rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)									

Multi-Family Residential Real Estate Assets (Transferred to the Authority from the former Agency)									
Project Name	Location	Funding Source	Building Owner	Project Type	Affordability Restrictions				
					VL	Low	Mod	PM	Total
Continuum of Care Permanent Housing Units (Guadalupe Residence) ^{1,2}	411 N. Parkside St.	LMIHF	Leased to Mercy House	Family Rental	1	1	5	1	8
Seasons at Gateway (Ground Lease)	955 N. Palmetto Ave.	LIHTC, LMIHF, Tax Exempt Bonds, HOME, LMIHF, NSP1, and NSP3	Ontario Senior Housing, LP	Senior Housing	32	46	0	2	80
TOTAL					33	47	5	3	88
Percentages					38%	53%	6%	3%	100%
	¹ One moderate-income unit is being assisted through Project Gateway (S+C) rental subsidies, which allows this unit to be classified as very low-income unit pursuant to Section 34312.3(c)(6)(A)								
	² One moderate-income unit is being assisted through Housing Choice Voucher rental subsidies, which allows this unit to be classified as a very low-income unit pursuant to Section 34312.3(c)(6)(A)								

B. MINIMUM AND MAXIMUM RENTS

HSC Section 34312.3(c) establishes a set of guidelines to determine base and maximum rents that a housing authority can charge for units reserved for lower income households. According to HSC Section 34312.3(c)(2)(B), rental payments for very low-income units shall not exceed the amount derived by multiplying 30 percent time 50 percent of the median adjusted for family size, as determined pursuant to Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f). At this time, the Authority has not established a schedule of base rental payment.

Listed in the table below are the 2017 maximum gross rents that were established for Successor Housing Entities monitoring projects that were previously funded with LMIHF unless there were other affordable housing definitions included in the regulatory agreements transferred to the Authority:

LMIHF-FUNDED PROJECTS					
	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Very Low Income (50% of AMI)	\$569	\$650	\$731	\$813	\$878
Low Income (80% of AMI)	\$683	\$780	\$878	\$975	\$1,053
Moderate Income (120% of AMI)	\$1,251	\$1,430	\$1,609	\$1,788	\$1,931

In general, the above rental amounts are calculated as follows:

- For extremely low income units, the maximum rental amount is the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit;
- For very low income units, the maximum rental amount is the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit;
- For low income units, the maximum rental amount is the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit.
- For moderate income units, the maximum rental amount is the product of 30 percent time 110 percent of the area median income adjusted for family size appropriate for the unit.

Listed in the table below are the maximum gross rents that were established for 2017 HOME funded projects:

HOME-FUNDED PROJECTS					
	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
Low HOME Rent	\$586	\$628	\$753	\$871	\$972
High HOME Rent	\$800	\$859	\$1,033	\$1,184	\$1,301

IV. DOMESTIC VIOLENCE

State law requires that a housing authority annually disclose data related to domestic violence incidents in units owned or operated by the housing authority. Specifically, the data must include:

- Data on termination of tenancies and/or Section 8 vouchers of victims of domestic violence in housing authority units; and
- Summary of steps taken by the housing authority to address any termination of tenancies and/or Section 8 vouchers of victims of domestic violence.

The Authority did not terminate tenancies for domestic violence during FY 2016-17. In the future, information on any terminations of this kind will be presented under separate cover to protect the privacy of the parties involved.

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF GASOLINE AND DIESEL FUEL

RECOMMENDATION: That the City Council authorize the cooperative purchase and delivery of gasoline and diesel fuel from Nuckles Oil Company, DBA Merit Oil Company of Bloomington, California, consistent with the terms and conditions of County of San Bernardino Contract No. 172948.

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

FISCAL IMPACT: The Fiscal Year 2017-18 adopted budget includes appropriations in the amount of \$1,765,995 to procure fuel for the City's vehicle and equipment fleet.

BACKGROUND: On March 31, 2017, the County of San Bernardino solicited proposals for the purchase of gasoline and diesel fuel. Nuckles Oil Company, DBA Merit Oil Company of Bloomington, California, was awarded Contract No. 172948 by the County of San Bernardino on June 15, 2017.

This cooperative purchasing opportunity will allow the City to pool its procurement power with another public agency to obtain prices lower than would otherwise be possible. City of Ontario Municipal Code Section 2-6.11(b)(3) allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Sections 54201 through 54204.

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

Prepared by: Victor Moraga
Department: Housing/Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017
Approved: _____
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Denied: _____

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CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FLEET VEHICLES

RECOMMENDATION: That the City Council take the following actions:

- (A) Award Bid No. 821 and authorize the purchase and delivery of ten Police Patrol SUVs in the amount of \$284,828 for the Police Department from Raceway Ford of Riverside, California;
- (B) Authorize the cooperative purchase and delivery of one Ford Interceptor SUV in the amount of \$36,243 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 120716-NAF;
- (C) Authorize the cooperative purchase and delivery of one Ford E-450 Camera Van in the amount of \$153,900 for Municipal Utilities Department from Atlantic Machinery (CUES) of Silver Springs, Maryland, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 022014-AMI;
- (D) Award Bid No. 790 and authorize the purchase and delivery of three CNG Front Loading Refuse Trucks in the amount of \$933,779 for the Solid Waste Department from Los Angeles Truck Center LLC of Whittier, California;
- (E) Award Bid No. 791 and authorize the purchase and delivery of two CNG Roll Off Refuse Trucks in the amount of \$504,125 for the Solid Waste Department from Los Angeles Truck Center LLC of Whittier, California; and
- (F) Award Bid No. 795 and authorize the purchase and delivery of three CNG Automated Side Loading Refuse Trucks in the amount of \$893,463 for the Solid Waste Department from Los Angeles Truck Center LLC of Whittier, California.

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

Prepared by: Manuel Rebolledo
Department: Fleet Services

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

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

FISCAL IMPACT: The Fiscal Year 2016-17 Adopted Budget included appropriations in the amount of \$36,500 for the purchase of the Ford Interceptor SUV listed in action item (B). These funds will be carried over to the current fiscal year in the First Quarter Budget Report to the City Council, if approved. The total cost of the Ford Interceptor SUV recommended for purchase is \$36,243.

The Fiscal Year 2017-18 Adopted Budget includes appropriations in the amount of \$2,775,000 for the purchase and replacement of all other vehicles listed. The total cost of all other vehicles recommended for purchase is \$2,770,095.

BACKGROUND: The vehicles recommended for replacement in this action have outlived their useful life and it is no longer cost effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment while ensuring safe and reliable operation.

(A) Bid No. 821: Ten Police Patrol SUVs

In August 2017, the City solicited bids for ten Ford Police Patrol SUVs. The results were as follows:

Ten Police Patrol SUVs		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Raceway Ford	Riverside, California	\$284,828
*Redlands Ford	Redlands, California	\$284,130
Fairview Ford	San Bernardino, California	\$292,068
Sunrise Ford	Fontana, California	\$297,693

Staff recommends award Bid No. 821 to Raceway Ford, of Riverside, California, in the amount of \$284,828 as the lowest responsive bidder to meet specifications. *Redlands Ford was deemed non-responsive as they did not adhere to the prescribed online procurement bid specification requirements.

(B) One Vehicle for the Police Department

Staff recommends the cooperative purchase and delivery of one Ford Police Interceptor Utility in the amount of \$36,243 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 120716-NAF.

(C) One Vehicle for the Utilities Department

Staff recommends the cooperative purchase and delivery of one Ford E-450 Camera Van in the amount of \$153,900 for Municipal Utilities Department, from Atlantic Machinery (CUES) of Silver Springs, Maryland, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 022014-AMI.

(D) Bid No. 790: Three CNG Front Loading Refuse Trucks

In July 2017, the City solicited Bids for three CNG Refuse Front Loading Trucks. Los Angeles Truck Center of Whittier, California was the only responsive bidder.

Three CNG Front Loading Refuse Trucks		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Los Angeles Truck Center	Whittier, California	\$933,779

Staff recommends the purchase and delivery of three CNG Front Loading Refuse Trucks and award Bid No. 790 to Los Angeles Truck LLC, of Whittier, California, in the amount of \$933,779.

(E) Bid No. 791: Two CNG Roll Off Refuse Trucks

In July 2017, the City solicited Bids for two CNG Roll Off Refuse Trucks. Los Angeles Truck Center of Whittier, California was the only responsive bidder.

Two CNG Roll Off Refuse Trucks		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Los Angeles Truck Center	Whittier, California	\$504,125

Staff recommends the purchase and delivery of two CNG Roll Off Refuse Trucks and award Bid No. 791 to Los Angeles Truck LLC, of Whittier, California, in the amount of \$504,125.

(F) Bid No. 795: Three CNG Automated Side Loading Refuse Trucks

In July 2017, the City solicited Bids for three CNG Automated Side Loading Refuse Trucks. Los Angeles Truck Center of Whittier, California was the only responsive bidder.

Three CNG Automated Side Loading Refuse Trucks		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Los Angeles Truck Center	Whittier, California	\$893,463

Staff recommends the purchase and delivery of three CNG Automated Side Loading Refuse Trucks and award Bid No. 795 to Los Angeles Truck LLC, of Whittier, California, in the amount of \$893,463.

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3031 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)

RECOMMENDATION: That the City Council adopt an ordinance amending and restating Ordinance No. 3031 levying special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: Amending and restating Ordinance No. 3031 will reduce some of the special tax rates levied for the financing of facilities in the residential development of the New Haven Facilities - Area A project. Since the special taxes assessed for debt service on Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from amending and restating the ordinance.

BACKGROUND: At the public hearing conducted by the City Council on September 5, 2017, the Council introduced and waived further reading of an ordinance amending and restating Ordinance No. 3031 levying special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A). Adoption of the proposed ordinance will reduce some of the special tax rates levied for the financing of facilities in the residential development of the New Haven Facilities - Area A project.

Pursuant to the provisions of the Initial Rate and Method of Apportionment (the Initial RMA), an updated price point study was prepared at least 30 days prior to the issuance of bonds for the district. The study disclosed that the total tax burden applicable to some units within the district did then exceed 1.95% of the minimum sales prices in effect at that time. As such, the assigned special tax for such

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

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

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units, as well as the back-up tax, would need to be reduced in order to comply with the Initial RMA. Goodwin Consulting Group, the CFD Administrator for the district, has completed a Certificate of Modification of Special Tax, the form of which was attached to the Initial RMA, to reflect the reduced assigned special tax and back-up special tax as required.

To complete the process of reducing the special tax rates in the district to comply with the Initial RMA, it is recommended that the City Council adopt the subject ordinance which amends and restates Ordinance No. 3031 for the levying of special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A). The reduced tax rates authorized by the approval of the ordinance will be reflected in an amended notice of special tax lien which the district will cause to be recorded by execution of the Certificate of Modification of Special Tax, as called for by the Initial RMA. The provisions of the amended and restated ordinance authorizing the revised levying of special taxes have been discussed with the developer of the New Haven Facilities - Area A project, BrookCal Ontario, LLC.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3031, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), established City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A) (the "Community Facilities District") to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, pursuant to the Act, the qualified electors of the Community Facilities District authorized the levy of special taxes (the "Special Taxes") within the Community Facilities District to finance the Facilities and Services; and

WHEREAS, pursuant to Section 53340 of the Act, the City Council, on November 3, 2015, adopted Ordinance No. 3031, entitled "An Ordinance of the City of Ontario, California, Levying Special Taxes Within the City of Ontario Community Facilities District No. 28 (New Haven Facilities - Area A)" (the "Levy Ordinance"), levying the Special Taxes at the rates and in accordance with the method of apportionment attached thereto and incorporated therein (the "Initial Rate and Method") (capitalized undefined terms used herein have the meanings ascribed thereto in the Initial Rate and Method); and

WHEREAS, the Initial Rate and Method provides that at least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 to the Rate and Method) is to be analyzed in accordance with and subject to the conditions set forth therein, that at such time, the Community Facilities District is to select and engage a Price Point Consultant and the CFD Administrator is to request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class, that if, based upon such Price Point Study, the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within the Community Facilities District exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax is to be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units, that each Assigned Special Tax reduction for a Land Use Class is to be calculated by the CFD Administrator separately, and such reduction is not required to be proportionate among Land Use Classes, that in connection with any reduction in the Assigned Special Tax, the CFD Administrator is to also reduce the Backup Special Tax based on the percentage reduction in the Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred, that the Special Tax reductions so required

are to be reflected in an amended notice of Special Tax lien which the Community Facilities District is to cause to be recorded by executing a Certificate of Modification of Special Tax in substantially the form attached therein as Exhibit A, and that such reductions apply to Single Family Property, but not to Other Residential Property or Non-Residential Property; and

WHEREAS, such Price Point Study has been prepared, the CFD Administrator has calculated that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within the Community Facilities District exceeds 1.95% of the Minimum Sale Price of such Units, the CFD Administrator has reduced the Assigned Special Tax for such Land Use Classes in accordance with the Initial Rate and Method, the CFD Administrator has reduced the Backup Special Tax in accordance with the Initial Rate and Method, the CFD Administrator has completed a Certificate of Modification of Special Tax, the form of which is attached to the Initial Rate and Method as Exhibit A, to reflect the Assigned Special Tax and the Backup Special Tax as so modified and the Community Facilities District has executed the same (such Certificate of Modification of Special Tax, as so completed and executed, the "Amendment Certificate"); and

WHEREAS, the City Council desires to amend and restate the Levy Ordinance in order to reflect the amendments to the Initial Rate and Method made thereto pursuant to the Amendment Certificate.

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

SECTION 1. The Levy Ordinance is hereby amended and restated to read in full as set forth herein.

SECTION 2. The City Council hereby authorizes and levies Special Taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in the Initial Rate and Method, as amended by the Amendment Certificate (as so amended, the "Rate and Method"), a copy of which is attached hereto as Exhibit A. The Special Taxes are hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter until the last fiscal year in which such Special Taxes are authorized to be levied pursuant to the Rate and Method.

SECTION 3. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the Special Tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the Special Tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method.

SECTION 4. The Special Tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method.

SECTION 5. The proceeds of the Special Tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 6. The Special Tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 7. If for any reason any portion of this Ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the Special Tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 8. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same.

PASSED, APPROVED, AND ADOPTED this 19th day of September 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held September 5, 2017 and adopted at the regular meeting held September 19, 2017 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 September 19, 2017 and that Summaries of the Ordinance were published on September 12, 2017 and September 26, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 28
(NEW HAVEN FACILITIES – AREA A)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A) ("CFD No. 28") and collected each Fiscal Year, commencing in Fiscal Year 2015-16, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 28, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 28: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 28 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 28 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 28 of complying with City, CFD No. 28, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 28 related to the analysis and reduction, if any, of the Special Tax on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 28 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 28; and amounts estimated or advanced by the City or CFD No. 28 for any other

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

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

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

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

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

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

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 28 under the Act and payable from Special Taxes.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 28 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

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

"CFD No. 28" means City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 28.

"County" means the County of San Bernardino.

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

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

“Expected Residential Lot Count” means 332 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 28.

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

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

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

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

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

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

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

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

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

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

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 28 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 28 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 28, (ii) the City, (iii) any owner of real property in CFD No. 28, or (iv) any real property in CFD No. 28, and (e) is not connected with CFD No. 28 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 28 or the City.

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

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 28 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

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

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 28 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

“Residential Floor Area” means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 28. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 28.

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

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

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

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 28 to be levied within the boundaries of CFD No. 28.

“Special Tax Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 28 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 28, issued for construction of Single Family Property, Other Residential Property, or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 28 that are not exempt from the Special Tax pursuant to law or Section E below.

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

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

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

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

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

“TTM 18991” means Tentative Tract Map No. 18991, the area of which is located within CFD No. 28.

“TTM 18992” means Tentative Tract Map No. 18992, the area of which is located within CFD No. 28.

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

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2015-16, all Taxable Property within CFD No. 28 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Single Family Detached Property shall be assigned to Land Use Classes 1 through 17, and Assessor’s Parcels of Single Family Attached Property shall be assigned to Land Use Classes 18 through 27, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Other Residential Property shall be assigned to Land Use Class 28, and Non-Residential Property shall be assigned to Land Use Class 29.

C. MAXIMUM SPECIAL TAX

1. Special Tax

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 28 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within CFD No. 28 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. The Special Tax reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 28 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) *Maximum Special Tax*

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

2) *Assigned Special Tax*

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

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

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Detached Property	< 1,701	\$1,823 per Unit
2	Single Family Detached Property	1,701 – 1,900	\$2,061 per Unit
3	Single Family Detached Property	1,901 – 2,100	\$2,133 per Unit
4	Single Family Detached Property	2,101 – 2,300	\$2,324 per Unit
5	Single Family Detached Property	2,301 – 2,500	\$2,483 per Unit
6	Single Family Detached Property	2,501 – 2,700	\$2,632 per Unit
7	Single Family Detached Property	2,701 – 2,900	\$2,935 per Unit
8	Single Family Detached Property	2,901 – 3,100	\$3,114 per Unit
9	Single Family Detached Property	3,101 – 3,300	\$3,214 per Unit
10	Single Family Detached Property	3,301 – 3,500	\$3,429 per Unit
11	Single Family Detached Property	3,501 – 3,700	\$3,591 per Unit
12	Single Family Detached Property	3,701 – 3,900	\$3,770 per Unit
13	Single Family Detached Property	3,901 – 4,100	\$3,956 per Unit
14	Single Family Detached Property	4,101 – 4,300	\$4,141 per Unit
15	Single Family Detached Property	4,301 – 4,500	\$4,326 per Unit
16	Single Family Detached Property	4,501 – 4,700	\$4,512 per Unit
17	Single Family Detached Property	> 4,700	\$4,697 per Unit
18	Single Family Attached Property	< 801	\$943 per Unit
19	Single Family Attached Property	801 – 950	\$984 per Unit

20	Single Family Attached Property	951 – 1,100	\$1,100 per Unit
21	Single Family Attached Property	1,101 – 1,300	\$1,185 per Unit
22	Single Family Attached Property	1,301 – 1,500	\$1,377 per Unit
23	Single Family Attached Property	1,501 – 1,700	\$1,628 per Unit
24	Single Family Attached Property	1,701 – 1,900	\$1,678 per Unit
25	Single Family Attached Property	1,901 – 2,100	\$1,900 per Unit
26	Single Family Attached Property	2,101 – 2,300	\$1,993 per Unit
27	Single Family Attached Property	> 2,300	\$2,154 per Unit
28	Other Residential Property		\$32,777 per Acre
29	Non-Residential Property		\$32,777 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,585 per Unit for Single Family Detached Property and \$1,509 per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 240 for Single Family Detached Property or 92 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

$$\text{Backup Special Tax} = \$620,475 \div \text{number of Designated Buildable Lots of Single Family Detached Property}$$

$$\text{or } \$138,832 \div \text{number of Designated Buildable Lots of Single Family Attached Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 28 to become Final Mapped Property, such as the area within TTM 18991, TTM 18992, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots of Single Family Detached Property or Single Family Attached Property subject to the change shall be calculated according to the following steps:

Step 1: Determine the total Backup Special Taxes that could have been collected from Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached

Property, prior to the Final Subdivision Map or expected Final Mapped Property change.

Step 2: Divide the amount(s) determined in Step 1 by the number of Designated Buildable Lots, separately for Single Family Detached Property and Single Family Attached Property, that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount(s) determined in Step 2 as the Backup Special Tax per Unit for Single Family Detached Property or Single Family Attached Property.

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

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

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$32,777 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

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

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

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

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

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

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

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

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

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

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 28 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

No Special Tax shall be levied on up to 18.62 Acres of Public Property and up to 8.88 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

Property Owner Association Property or Public Property that is not exempt from the Special Tax under this section shall be subject to the levy of the Special Tax and shall be taxed Proportionately as part of the fifth or sixth step, respectively, in Section D above, up to 100% of the applicable Maximum Special Tax for Taxable Property Owner Association Property and Taxable Public Property. No Special Tax shall be levied in any

Fiscal Year on Assessor's Parcels that have fully prepaid the Special Tax obligation pursuant to the formula set forth in Section H.

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 28 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

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

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

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

G. MANNER OF COLLECTION

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

H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

"CFD Public Facilities" means \$8,627,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 28.

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

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

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

“**Prepayment Period 1**” means July 1, 2015, through June 30, 2049.

“**Prepayment Period 2**” means July 1, 2049, through June 30, 2082.

“**Prepayment Period 3**” means July 1, 2082, through June 30, 2116.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2014, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

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

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

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

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 28 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 28, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 28, excluding any Assessor's Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".

11. Verify the administrative fees and expenses of CFD No. 28, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the "Prepayment Amount").
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 28.

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

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

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

obligation of an Assessor's Parcel to pay the Special Tax resumes, the Special Tax for the then applicable Prepayment Period may be prepaid.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 28 (after excluding 18.62 Acres of Public Property and 8.88 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

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

$$PP = PF \times \%$$

The terms above have the following meaning:

PP = the partial prepayment

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

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

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

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 28 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

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

I. **TERM OF SPECIAL TAX**

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2115-2116, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

EXHIBIT A

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

CITY OF ONTARIO AND CFD NO. 28 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A) (“CFD No. 28”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 28 has been modified.

- a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 28, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

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

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Detached Property	< 1,701	\$1,725 per Unit
2	Single Family Detached Property	1,701 – 1,900	\$1,818 per Unit
3	Single Family Detached Property	1,901 – 2,100	\$2,005 per Unit
4	Single Family Detached Property	2,101 – 2,300	\$2,201 per Unit
5	Single Family Detached Property	2,301 – 2,500	\$2,354 per Unit
6	Single Family Detached Property	2,501 – 2,700	\$2,501 per Unit
7	Single Family Detached Property	2,701 – 2,900	\$2,694 per Unit
8	Single Family Detached Property	2,901 – 3,100	\$2,769 per Unit
9	Single Family Detached Property	3,101 – 3,300	\$2,910 per Unit
10	Single Family Detached Property	3,301 – 3,500	\$3,083 per Unit
11	Single Family Detached Property	3,501 – 3,700	\$3,184 per Unit
12	Single Family Detached Property	3,701 – 3,900	\$3,323 per Unit
13	Single Family Detached Property	3,901 – 4,100	\$3,462 per Unit
14	Single Family Detached Property	4,101 – 4,300	\$3,600 per Unit
15	Single Family Detached Property	4,301 – 4,500	\$3,739 per Unit
16	Single Family Detached Property	4,501 – 4,700	\$3,877 per Unit
17	Single Family Detached Property	> 4,700	\$4,016 per Unit

EXHIBIT A

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

18	Single Family Attached Property	< 801	\$773 per Unit
19	Single Family Attached Property	801 – 950	\$854 per Unit
20	Single Family Attached Property	951 – 1,100	\$896 per Unit
21	Single Family Attached Property	1,101 – 1,300	\$1,098 per Unit
22	Single Family Attached Property	1,301 – 1,500	\$1,260 per Unit
23	Single Family Attached Property	1,501 – 1,700	\$1,422 per Unit
24	Single Family Attached Property	1,701 – 1,900	\$1,594 per Unit
25	Single Family Attached Property	1,901 – 2,100	\$1,747 per Unit
26	Single Family Attached Property	2,101 – 2,300	\$1,910 per Unit
27	Single Family Attached Property	> 2,300	\$2,072 per Unit
28	Other Residential Property		\$32,777 per Acre
29	Non-Residential Property		\$32,777 per Acre

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

The Backup Special Tax shall be \$2,380 per Unit for Single Family Detached Property and \$1,298 per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 240 for Single Family Detached Property or 92 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

$$\text{Backup Special Tax} = \$583,127 \div \text{number of Designated Buildable Lots of Single Family Detached Property}$$

Or $\$118,092 \div \text{number of Designated Buildable Lots of Single Family Attached Property}$

EXHIBIT A

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

2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 28 Bonds.
3. Upon execution of this certificate by CFD No. 28, CFD No. 28 shall cause an amended notice of Special Tax lien for CFD No. 28 to be recorded reflecting the modifications set forth herein.

By execution hereof, the undersigned acknowledge, on behalf of the City and CFD No. 28, receipt of this certificate and modification of the Rate and Method of Apportionment as set forth in this certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)

By: 

Date: 7/25/17

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3020 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE)

RECOMMENDATION: That the City Council adopt an ordinance amending and restating Ordinance No. 3020 levying special taxes within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane).

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

FISCAL IMPACT: Amending and restating Ordinance No. 3020 will reduce some of the special tax rates levied for the financing of facilities in the residential development of the Carriage House / Amberly Lane project. Since the special taxes assessed for debt service on Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from amending and restating the ordinance.

BACKGROUND: At the public hearing conducted by the City Council on September 5, 2017, the Council introduced and waived further reading of an ordinance amending and restating Ordinance No. 3020 levying special taxes within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane). Adoption of the proposed ordinance will reduce some of the special tax rates levied for the financing of facilities in the residential development of the Carriage House / Amberly Lane project.

Pursuant to the provisions of the Initial Rate and Method of Apportionment (the Initial RMA), an updated price point study was prepared at least 30 days prior to the issuance of bonds for the district. The study disclosed that the total tax burden applicable to some units within the district did then exceed 1.95% of the minimum sales prices in effect at that time. As such, the assigned special tax for such

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

Prepared by: Bob Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

11

units, as well as the back-up tax, would need to be reduced in order to comply with the Initial RMA. Goodwin Consulting Group, the CFD Administrator for the district, has completed a Certificate of Modification of Special Tax, the form of which was attached to the Initial RMA, to reflect the reduced assigned special tax and back-up special tax as required.

To complete the process of reducing the special tax rates in the district to comply with the Initial RMA, it is recommended that the City Council adopt the subject ordinance which amends and restates Ordinance No. 3020 for the levying of special taxes within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane). The reduced tax rates authorized by the approval of the ordinance will be reflected in an amended notice of special tax lien which the district will cause to be recorded by execution of the Certificate of Modification of Special Tax A, as called for by the Initial RMA. The provisions of the amended and restated ordinance authorizing the revised levying of special taxes have been discussed with the developer of the Carriage House / Amberly Lane project, Lennar Homes of California, Inc.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3020, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), established City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) (the "Community Facilities District") to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, pursuant to the Act, the qualified electors of the Community Facilities District authorized the levy of special taxes (the "Special Taxes") within the Community Facilities District to finance the Facilities and Services; and

WHEREAS, pursuant to Section 53340 of the Act, the City Council, on June 16, 2015, adopted Ordinance No. 3020, entitled "An Ordinance of the City of Ontario, California, Levying Special Taxes Within the City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane)" (the "Levy Ordinance"), levying the Special Taxes at the rates and in accordance with the method of apportionment attached thereto and incorporated therein (the "Initial Rate and Method") (capitalized undefined terms used herein have the meanings ascribed thereto in the Initial Rate and Method); and

WHEREAS, the Initial Rate and Method provides that at least 30 days prior to the issuance of Bonds, the Assigned Special Tax A on Developed Property (set forth in Table 1 to the Rate and Method) is to be analyzed in accordance with and subject to the conditions set forth therein, that at such time, the Community Facilities District is to select and engage a Price Point Consultant and the CFD Administrator is to request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class, that if, based upon such Price Point Study, the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Detached Property to be constructed within the Community Facilities District exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax A is to be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units, that each Assigned Special Tax A reduction for a Land Use Class is to be calculated by the CFD Administrator separately, and such reduction is not required to be proportionate among Land Use Classes, that in connection with any reduction in the Assigned Special Tax A, the CFD Administrator is to also reduce the Backup Special Tax A based on the percentage reduction in the Maximum Special Tax A revenues within the Tentative Tract Map area(s) where the Assigned Special Tax A reductions occurred, that the Special Tax A

reductions so required are to be reflected in an amended notice of Special Tax lien which the Community Facilities District is to cause to be recorded by executing a Certificate of Modification of Special Tax A in substantially the form attached therein as Exhibit A, and that such reductions apply to Single Family Detached Property, but not to Other Residential Property or Non-Residential Property; and

WHEREAS, such Price Point Study has been prepared, the CFD Administrator has calculated that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Detached Property to be constructed within the Community Facilities District exceeds 1.95% of the Minimum Sale Price of such Units, the CFD Administrator has reduced the Assigned Special Tax A for such Land Use Classes in accordance with the Initial Rate and Method, the CFD Administrator has reduced the Backup Special Tax A in accordance with the Initial Rate and Method, the CFD Administrator has completed a Certificate of Modification of Special Tax A, the form of which is attached to the Initial Rate and Method as Exhibit A, to reflect the Assigned Special Tax A and the Backup Special Tax A as so modified and the Community Facilities District has executed the same (such Certificate of Modification of Special Tax A, as so completed and executed, the "Amendment Certificate"); and

WHEREAS, the City Council desires to amend and restate the Levy Ordinance in order to reflect the amendments to the Initial Rate and Method made thereto pursuant to the Amendment Certificate; and

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

SECTION 1. The Levy Ordinance is hereby amended and restated to read in full as set forth herein.

SECTION 2. The City Council hereby authorizes and levies Special Taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in the Initial Rate and Method, as amended by the Amendment Certificate (as so amended, the "Rate and Method"), a copy of which is attached hereto as Exhibit A. The Special Taxes are hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter until the last fiscal year in which such Special Taxes are authorized to be levied pursuant to the Rate and Method.

SECTION 3. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the Special Tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the Special Tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method.

SECTION 4. The Special Tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method.

SECTION 5. The proceeds of the Special Tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 6. The Special Tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 7. If for any reason any portion of this Ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the Special Tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 8. This Ordinance shall take effect and shall be in force 30 days after the date of its adoption and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Inland Valley Daily Bulletin*, a newspaper of general circulation, printed and published in the City of Ontario, State of California, together with the names of the City Council members voting for and against the same.

PASSED, APPROVED, AND ADOPTED this 19th day of September 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held September 5, 2017 and adopted at the regular meeting held September 19, 2017 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 September 19, 2017 and that Summaries of the Ordinance were published on September 12, 2017 and September 26, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

**CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT No. 31
(CARRIAGE HOUSE / AMBERLY LANE)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes shall be levied on Assessor's Parcels of Taxable Property in the City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) ("CFD No. 31") and collected each Fiscal Year, commencing in Fiscal Year 2015-16, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. The real property in CFD No. 31, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"**Administrative Expenses**" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 31: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 31 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 31 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 31 of complying with City, CFD No. 31, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 31 related to the analysis and reduction, if any, of the Special Tax A on Single Family Detached Property in accordance with Section C.1 herein; the costs of the City or CFD No. 31 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 31; and amounts estimated or advanced by the City or CFD No. 31 for any other

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

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

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

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

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

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

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 31 under the Act and payable from Special Tax A.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 31 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

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

"CFD No. 31" means City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 31.

"County" means the County of San Bernardino.

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

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

“Expected Residential Lot Count” means 143 Buildable Lots of Single Family Detached Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Detached Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 31.

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

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

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

“Gated Apartment Community Property” means, with respect to Special Tax B, Multiple Family Property within a gated community that, within such community, is primarily served by private interior streets.

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

“Land Use Class” means any of the classes listed in Table 1 and Table 2 below.

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

“Maximum Special Tax B” means, with respect to an Assessor’s Parcel of Taxable Property, the Maximum Special Tax B determined in accordance with Section C.2 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

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

“Multiple Family Property” means, with respect to Special Tax B, all Assessor’s Parcels of Developed Property for which a building permit was issued by the City for any residential building containing two or more Units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Property.

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

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

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

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 31 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 31 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 31, (ii) the City, (iii) any owner of real property in CFD No. 31, or (iv) any real property in CFD No. 31, and (e) is not connected with CFD No. 31 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 31 or the City.

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

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 31 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

“Proportionately” means (a) for Developed Property in the first step of Section D.1 below, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Developed Property; however, for Developed Property in the fourth step of Section D.1 below, Proportionately means that the amount of the increase above the Assigned Special Tax A, if necessary, is equal for all Assessor’s Parcels of Developed Property, except that if the Backup Special Tax A limits the increase on any Assessor’s Parcel(s), then the amount of the increase shall be equal for the remaining Assessor’s Parcels; (b) with respect to Special Tax B, that the ratio of the actual Special Tax B levy to the Maximum Special Tax B is equal for all Assessor’s Parcels of Developed Property; (c) for Final Mapped Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor’s Parcels of Final Mapped Property; (d) for Undeveloped Property, that the ratio of the actual Special

Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Undeveloped Property; (e) for Taxable Property Owner Association Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Taxable Property Owner Association Property; and (f) for Taxable Public Property, that the ratio of the actual Special Tax A levy to the Maximum Special Tax A is equal for all Assessor's Parcels of Taxable Public Property.

"Public Property" means, for each Fiscal Year, property within the boundaries of CFD No. 31 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement; provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

"Residential Floor Area" means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor's Parcel, or as set forth in other official records maintained by the City's Building Department or other appropriate means selected by CFD No. 31. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor's Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

"Residential Property" means, for each Fiscal Year, an Assessor's Parcel for which a building permit for new construction of one or more Units was issued after January 1, 2014, and before May 1 of the prior Fiscal Year.

"Services" means the services authorized to be financed, in whole or in part, by CFD No. 31.

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

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

"Special Tax A" means the special tax authorized by the qualified electors of CFD No. 31 to be levied within the boundaries of CFD No. 31 to pay for Facilities and Services.

"Special Tax A Requirement" means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 31 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on

the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay a pro rata share of Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such amounts does not increase the Special Tax A levy on Final Mapped Property or Undeveloped Property; and (vi) provide an amount equal to Special Tax A delinquencies based on the historical delinquency rate for Special Tax A as determined by the CFD Administrator.

“Special Tax B” means the special tax authorized by the qualified electors of CFD No. 31 to be levied within the boundaries of CFD No. 31 to pay for Services.

“Special Tax B Requirement” means for any Fiscal Year that amount required, after taking into account available amounts in any funds and accounts established to pay for Services, to pay the cost of Services, a pro rata share of Administrative Expenses, and an amount equal to Special Tax B delinquencies based on the historical delinquency rate for Special Tax B as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 31, issued for construction of Residential Property or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 31 that are not exempt from the Special Taxes pursuant to law or Section E below.

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

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

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

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

levies and impositions, excluding service charges such as those related to sewer and trash.

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

“TTM 18476” means Tentative Tract Map No. 18476, the area of which is located within CFD No. 31.

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

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2015-16, all Taxable Property within CFD No. 31 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Developed Property shall be further classified as Single Family Detached Property, Other Residential Property (for Special Tax A), Multiple Family Property or Gated Apartment Community Property (for Special Tax B), or Non-Residential Property. Assessor’s Parcels of Single Family Detached Property shall be organized by Square Footage.

C. MAXIMUM SPECIAL TAX

I. Special Tax A

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax A on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 31 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Detached Property to be constructed within CFD No. 31 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax A shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax A reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax A, the

Backup Special Tax A shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax A revenues within the Tentative Tract Map area(s) where the Assigned Special Tax A reductions occurred. The Special Tax A reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 31 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section apply to Single Family Detached Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) *Maximum Special Tax A*

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

2) *Assigned Special Tax A*

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

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

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Detached Property	< 2,101	\$2,282 per Unit
2	Single Family Detached Property	2,101 – 2,400	\$2,424 per Unit
3	Single Family Detached Property	2,401 – 2,700	\$2,849 per Unit
4	Single Family Detached Property	2,701 – 3,000	\$2,960 per Unit
5	Single Family Detached Property	3,001 – 3,300	\$3,286 per Unit
6	Single Family Detached Property	3,301 – 3,600	\$3,550 per Unit
7	Single Family Detached Property	> 3,600	\$4,153 per Unit
8	Other Residential Property		\$25,379 per Acre
9	Non-Residential Property		\$25,379 per Acre

3) *Backup Special Tax A*

The Backup Special Tax A shall be \$3,216 per Unit for Single Family Detached Property. However, if the Expected Residential Lot Count does not equal 143 Units of Single Family Detached Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Detached Property shall be calculated according to the following formula:

$$\text{Backup Special Tax A} = \$459,875 \div \text{number of Designated Buildable Lots of Single Family Detached Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 31 to become Final Mapped Property, such as the area within TTM 18476 or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax A for all Designated Buildable Lots of Single Family Detached Property subject to the change shall be calculated according to the following steps:

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

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

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

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

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

The Maximum Special Tax A for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and

Undeveloped Property shall be \$25,379 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

2. Special Tax B

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

**TABLE 2
MAXIMUM SPECIAL TAX B – DEVELOPED PROPERTY**

Land Use Class	Maximum Special Tax B Fiscal Year 2015-16
Residential Property:	
Single Family Detached Property	\$1,442 per Unit
Multiple Family Property	\$1,250 per Unit
Gated Apartment Community Property	\$1,048 per Unit
Non-Residential Property	\$0.27 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2016, the Maximum Special Tax B to be applied in the next Fiscal Year shall be subject to an automatic increase at a rate equal to 4.0% of the amount in effect for the prior Fiscal Year.

3. Multiple Land Use Classes on an Assessor’s Parcel

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

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

1. Special Tax A

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax A Requirement for such Fiscal Year. The Special Tax A shall then be levied as follows:

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

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

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

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

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

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

Notwithstanding the above, under no circumstances shall Special Tax A levied in any Fiscal Year on any Assessor's Parcel of Single Family Detached Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 31 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

2. Special Tax B

Each Fiscal Year, beginning with Fiscal Year 2015-16, the CFD Administrator shall determine the Special Tax B Requirement. The Special Tax B shall then be levied Proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax B for such Assessor's Parcel, until the Special Tax B Requirement is satisfied.

E. EXEMPTIONS

No Special Tax shall be levied on up to 8.08 Acres of Public Property and up to 2.69 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

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

F. APPEALS

Any property owner may file a written appeal of the Special Tax with CFD No. 31 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

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

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

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

G. MANNER OF COLLECTION

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

H. PREPAYMENT OF SPECIAL TAX A

The following definitions apply to this Section H:

“CFD Public Facilities” means \$5,094,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 31.

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

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

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

“Prepayment Period 1” means July 1, 2015, through June 30, 2049.

“Prepayment Period 2” means July 1, 2049, through June 30, 2082.

“Prepayment Period 3” means July 1, 2082, through June 30, 2116.

Only Special Tax A may be prepaid; Special Tax B shall continue to be levied on an annual basis on all Developed Property in CFD No. 31.

1. Prepayment in Full

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

of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

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

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

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

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax A and Backup Special Tax A for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax A which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax A and Backup Special Tax A for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax A computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax A for CFD No. 31 based on the Developed Property Special Tax A which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 31, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax A computed pursuant to Paragraph 2 by the estimated total Backup Special Tax A at buildout of CFD No. 31, excluding any Assessor's Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").

5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax A levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".
11. Verify the administrative fees and expenses of CFD No. 31, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax A prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the "Prepayment Amount").
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 31.

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

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

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

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

Notwithstanding the foregoing, no Special Tax A prepayment shall be allowed unless the amount of Maximum Special Tax A that may be levied on Taxable Property within CFD No. 31 (after excluding 8.08 Acres of Public Property and 2.69 acres of Property Owner Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

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

$$PP = PF \times \%$$

The terms above have the following meaning:

PP = the partial prepayment

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

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

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

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay Special Tax A and the percentage by which Special Tax A shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of Special Tax A for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 31 that there has been a partial prepayment of Special Tax A and that a portion of Special Tax A with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax A, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

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

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax A shall be levied or collected is Fiscal Year 2115-2116, except that Special Tax A that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years. Special Tax B shall continue to be levied indefinitely on an annual basis on all Developed Property in CFD No. 31.

EXHIBIT A

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

CITY OF ONTARIO AND CFD No. 31 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane) (“CFD No. 31”), the Assigned Special Tax A and the Backup Special Tax A for Developed Property within CFD No. 31 has been modified.
 - a. The information in Table 1 relating to Assigned Special Tax A for Developed Property within CFD No. 31, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

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

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax A
1	Single Family Detached Property	< 2,101	\$2,282 per Unit
2	Single Family Detached Property	2,101 – 2,400	\$2,424 per Unit
3	Single Family Detached Property	2,401 – 2,700	\$2,849 per Unit
4	Single Family Detached Property	2,701 – 3,000	\$2,960 per Unit
5	Single Family Detached Property	3,001 – 3,300	\$3,116 per Unit
6	Single Family Detached Property	3,301 – 3,600	\$3,285 per Unit
7	Single Family Detached Property	> 3,600	\$3,670 per Unit
8	Other Residential Property		\$25,379 per Acre
9	Non-Residential Property		\$25,379 per Acre

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

The Backup Special Tax A shall be \$2,979 per Unit for Single Family Detached Property. However, if the Expected Residential Lot Count does not equal 143 Units of Single Family Detached Property, and the City has not issued Bonds, then the Backup Special Tax A for Designated Buildable Lots of Single Family Detached Property shall be calculated according to the following formula:

EXHIBIT A

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

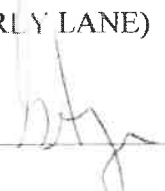
Backup Special Tax A = $\$425,938 \div$ number of Designated
Buildable Lots of Single Family
Detached Property

2. The Special Tax A for Developed Property may only be modified prior to the first issuance of CFD No. 31 Bonds.
3. Upon execution of this certificate by CFD No. 31, CFD No. 31 shall cause an amended notice of Special Tax lien for CFD No. 31 to be recorded reflecting the modifications set forth herein.

By execution hereof, the undersigned acknowledge, on behalf of the City and CFD No. 31, receipt of this certificate and modification of the Rate and Method of Apportionment as set forth in this certificate.

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE /
AMBERLY LANE)

By: _____



Date: _____

8/16/2017

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-002) TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES, WHICH WILL GOVERN THE DEVELOPMENT OF 4.18 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST, WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT (APNS: 1048-472-01, 1048-472-02, 1048-472-03, 1048-472-04, AND 1048-472-11)

RECOMMENDATION: That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-002, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project.

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 September 5, 2017, the City Council introduced and waived further reading of an ordinance a Planned Unit Development. The project site is comprised of five City-owned contiguous parcels of land totaling 4.18 acres, bordered by Holt Boulevard on the south, Nocta Street on the north, Virginia Avenue on the west, and residentially developed properties on the east, and lies within the Center City Redevelopment Project Area. While the practice of redevelopment was eliminated by the State, the Center City Redevelopment Project Area Plan is still in effect and envisions revitalization of the City's East Holt Mixed Use Area, in part, by infusing medium and high density residential and mixed-use developments into the area. The Ontario Plan ("TOP") Policy Plan furthers this vision through establishment of the East Holt Mixed Use Area, with the intention to create 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 along the Holt Corridor and to connect the Downtown Mixed Use Area with the Ontario Airport Metro Center.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

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The Policy Plan specifies that the East Holt Mixed Use Area 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, National Community Renaissance of California, has submitted a PUD document that is consistent with this vision and the goals and policies of the Policy Plan.

The PUD establishes standards and guidelines to facilitate the development of apartment units (101 units in total) in a stacked-flat configuration. A Development Plan (File No. PDEV17-031) was submitted for concurrent processing with the PUD, which is designed with medium density, three-story buildings focused along the Holt Boulevard frontage. The overall residential density of the project is 24.1 dwelling units per acre, which is consistent with the density range of 14 to 40 dwelling units per acre required on the project site by the Policy Plan.

The PUD proposes parking ratios that are below the standards specified in the Development Code if the project provides affordability restrictions. Market rate projects (without affordability restrictions) would be required to fully comply with the Development Code’s parking standards.

The proposed parking reduction is based on the PUD’s proximity to major transportation corridors, including Metrolink lines, multiple bus lines in the area, and the future West Valley Connector Bus Rapid Transit, or BRT, line on Holt Boulevard, as-well-as a study prepared by the City of San Diego, which surveyed more than 2,700 households in existing affordable projects, assessing the number of vehicles available to each household, vehicle use, travel patterns, number of persons per household, and demographic characteristics of each household. The San Diego study concluded that:

- The need for parking in an affordable housing project is about half that of market-rate projects;
- Vehicle availability substantially decreases based on overall household income; and
- Neighborhood characteristics influence vehicle ownership levels in affordable projects, because residents may not need cars if transit is available, or they can walk to destinations.

Based on study results, the City of San Diego created a parking model for four types of affordable housing (Family, SRO, Senior, and Studio/One-bedroom) and three different scenarios, based on the availability of transit and area walkability. Based on parking model results, reduced parking ratios have been proposed for affordable housing projects, which average 1.6.spaces per dwelling unit.

A comparison of the proposed reduced off-street parking standards and current Development Code requirements, as they would apply to the proposed project, is shown below. The proposed parking ratios are based on the results of the City of San Diego parking model for affordable housing projects.

<i>Development Code Requirement</i>		<i>Projects With Affordability Restrictions</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>	1.3 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> 1.75 spaces per dwelling, including one space in a garage or carport
<u>Visitor Parking:</u> Portion < 50 dwellings: 0.25 spaces per dwelling 50 to 100 dwellings: 0.20 spaces per dwelling Portion > 100 dwellings: 0.17 spaces per dwelling A minimum of 3 guest spaces shall be provided regardless of the number of dwellings proposed.	<u>Visitor Parking:</u> 0.15 spaces per dwelling
<u>Staff Parking:</u> N/A	<u>Staff Parking:</u> 0.05 spaces per dwelling

On August 22, 2017, 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 (6-0) to approve a resolution recommending that the City Council approve the PUD document.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site contains one property listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix and the proposed project is consistent with the number of dwelling units (101 low income dwelling units required, 101 low income dwelling units proposed) and density (a minimum of 24.1 du/acre required, 24.1 du/acre proposed) specified in the Available Land Inventory.

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 (ALUCP).

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, Infill Development Projects) of the CEQA Guidelines. Class 32 consists of projects characterized as infill development, meeting 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. PUD17-002, A PLANNED UNIT DEVELOPMENT ESTABLISHING LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES GOVERNING THE DEVELOPMENT OF 4.18 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST, WITHIN THE MU-2 (EAST HOLT MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-472-01, 1048-472-02, 1048-472-03, 1048-472-04, AND 1048-472-11.

WHEREAS, National Community Renaissance of California ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.18 acres of land generally bordered by Holt Boulevard on the south, Nocta Street on the north, Virginia Avenue on the west, and residentially developed properties on the east, within the MU-2 (East Holt Mixed-Use) zoning district, and is presently unimproved; and

WHEREAS, the property to the north of the Project site, across Nocta Street, is within the MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/Acre) zoning district and is developed with a mix of single-family and multiple-family uses. The property to the east is within the MU-2 (East Holt Mixed-Use) zoning district and is developed with a mix of single-family and multiple-family uses. The property to the south, across Holt Boulevard, is within the MU-2 (East Holt Mixed-Use) zoning district and is developed with a motel and vacant property. The property to the west, across Virginia Avenue, is within the MU-2 (East Holt Mixed-Use) zoning district and includes undeveloped property and a mix of residential uses; and

WHEREAS, the project site is located within the Center City Redevelopment Project Area, established in 1983. While the redevelopment practice was eliminated by the State, the Center City Redevelopment Project Area Plan is still in effect. The plan 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 East Holt Mixed Use Area, in part, by infusing medium and high density residential 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. The intent is to create identity and place along the Holt Corridor and connect the Downtown

Mixed Use Area with the Ontario Airport Metro Center. Furthermore, within the East Holt Mixed Use Area, the Policy Plan specifies a residential density range of 14 to 40 dwelling units per acre and a maximum floor area ratio ("FAR") of 2.0 for office developments and 1.0 for retail developments; and

WHEREAS, the Policy Plan specifies that the East Holt 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 Virginia + Holt PUD (included as Attachment "A"), 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:

- Promote high standards in urban design;
- 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;
- Ensure harmonious relationships with surrounding land uses; 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 August 22, 2017, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue its Resolution No. PC17-061 recommending the City Council approve the Application; and

WHEREAS, on September 5, 2017, 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 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, Infill Development Projects) of the CEQA Guidelines. Class 32 consists of projects characterized as infill development, meeting the following conditions:

(a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(c) The project site has no value as habitat for endangered, rare, or threatened species;

(d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(e) The Project site can be adequately served by all required utilities and public services.

(3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the approving body for the Project, the City Council finds that, based on the facts and information contained in the Application and supporting documentation at the time of Project implementation, the project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land

by Planning Area) of the Housing Element Technical Report Appendix and the proposed project is consistent with the number of dwelling units (101 low income dwelling units required, 101 low income dwelling units proposed) and density (a minimum of 24.1 du/acre required, 24.1 du/acre proposed) specified in the Available Land Inventory.

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

SECTION 4: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 3, above, the City Council hereby concludes as follows:

(1) ***The proposed PUD 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 East Holt Mixed Use land use district of the Policy Plan Land Use Map, and the MU-2 (East Holt 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 would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The City Council 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) ***The proposed PUD 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) ***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 Virginia + Holt Planned Unit Development, attached hereto as "Attachment A," and incorporated herein by this reference, subject to inclusion of the following:

(1) Correct description of Nocta Street throughout document; 33 foot half width section with 18 foot half roadway width with 15 parkway.

(2) Provide cross sections of Virginia Avenue and Nocta Street in Section 5, similar to the Holt Boulevard cross section provided in Exhibit 5.1.

(3) Modify section 5.6 Infrastructure to include a discussion of water service on Virginia Avenue and proposed connection to the existing storm drain in Holt Boulevard.

(4) Add Fiber Optics discussion in accordance to the attached Fiber Team Exhibit A—Fiber Optics Corrections and Figure 1.0.

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 19th day of September 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 Ordinance No. 3078 was duly introduced at a regular meeting of the City Council of the City of Ontario held September 5, 2017 and adopted at the regular meeting held September 19, 2017 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. 3078 duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017 and that Summaries of the Ordinance were published on September 12, 2017 and September 26, 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PUD17-002;
Virginia + Holt Planned Unit Development**

(Document follows this page)

ATTACHMENT A

VIRGINIA + HOLT PLANNED UNIT DEVELOPMENT

FILE No. PUD17-002

August 9, 2017



PREPARED BY:

National Community Renaissance ©
9421 Haven Avenue
Rancho Cucamonga, CA 91730

ONYX ARCHITECTS
316 N. Sierra Madre Blvd.
Pasadena, CA 91107





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INTRODUCTION

1.1 OVERVIEW

The Virginia + Holt Planned Unit Development (PUD) is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of five parcels within one block area bounded by Holt Boulevard to the south, Grove Avenue to the west, Nocta Street to the North, and Virginia Avenue to the east [see Exhibit 1-1, Project Location Map], as a high quality residential use development on the parcels that face Holt Blvd, Virginia Ave, and Nocta Street. The Virginia + Holt Planned Unit Development (PUD) will replace the existing zone district designations and zoning standards that apply to the affected properties. Unless otherwise defined herein, definitions and interpretations contained in the Development Code shall apply. City staff and private developers will rely on this PUD to determine whether precise plans for development (“Development Plans”) will adequately meet the City’s land use and design objectives.

Located at the northwest corner of East Holt Boulevard and North Virginia Avenue, the 3.84-acre site is situated along the Holt Commercial Corridor and within the East Holt Mixed Use Area. Through these designations, the Ontario Plan seeks to encourage the redevelopment of Holt Avenue into medium-density residential uses integrated with commercial, workplace, and urban facades.

EXHIBIT 1-1: PUD LOCATION MAP



 PUD Area



PROJECT OBJECTIVES

2.1 GENERAL PLAN CONSISTENCY

Within the Ontario Plan Policy Plan (General Plan) the Virginia + Holt PUD site is designated Mixed Use. The Ontario Plan describes the Mixed Use designations as “an intense mixture of uses that, when concentrated, create focal points for community activity and identity and facilitate the use of transit.” The Mixed Use land use category accommodates a horizontal and/or vertical mixture of retail, service, office, restaurant, entertainment, cultural, and residential uses.

The Virginia Apartments is consistent with the principles, goals and policies contained within the components that make up the Ontario Policy Plan, including: (1) Vision, (2) Policy Plan, (3) Implementation Programs, and (4) City Council Priorities. The policies implemented by this PUD are as follows:

1. VISION

On February 13, 2007, the Ontario City Council adopted The Ontario Vision. The central theme that motivates the Vision is – “A sustained, community-wide prosperity which continuously adds value and yields benefits.” Everything the City does and every action the City takes is done with this simple yet comprehensive theme in mind, from the design quality of the built environment, to the intent of designing socio-economic programs, to the way in which its leaders govern as a community. In discussing a Vision that would endure for the lifetime of The Ontario Plan (30 years

or more), the City Council recognized that there are four components that serve as the basic building blocks that set the foundation for a unified and prosperous community. These foundational blocks must be expressed and widely accepted throughout the Plan's lifetime. They are:

1. A **Dynamic Balance** that enables our community to confront the continued dynamic growth of the region and technological change with confidence and a sense of opportunity.
2. A **Prosperous Economy** that sustains the perception and reality of prosperity across our entire community that positively impacts all the people of Ontario and is broadly – though not uniformly – shared.
3. **Distinctive Development** that integrates our varied and diverse focal points, districts, villages, and neighborhoods to provide a feeling of coherence without sacrificing uniqueness.
4. **Recognized Leadership** in local governance that stimulates excellence and serves to unify the people of Ontario in support of best practices in conducting public endeavors.

The Virginia + Holt PUD will implement the Ontario Vision in several ways that will further the City's desire to be a sustainable and prosperous community.

COMMERCIAL AND RESIDENTIAL DEVELOPMENT

- The PUD allows for the development of multifamily housing on a site in close proximity to schools, recreation and cultural facilities, places of worship, places of employment and shopping, and a future high quality public transportation line.
- The development standards encourage multifamily residential development, further diversifying the City's housing stock and balancing the City's jobs-to-housing ratio that is essential to maintain quality of life within the community.
- The PUD encourages a comprehensive and diverse housing stock that offers broad choices for the diverse workforce and local families, by introducing new affordable multifamily housing units.

DEVELOPMENT QUALITY

- The PUD requires a well-designed project with high-quality materials that are complementary of the existing neighborhood and will enhance the distinctive architectural styles found within the City.

- The development standards require future projects to take into account the existing built environment and open spaces ensuring careful attention to detail at every scale, including public and private spaces and structures.

MOBILITY

- The PUD is located along the future West County Connector bus rapid transit (BRT) line and encourages the development of higher density development near high frequency transportation facilitating an exceptional degree of movement and connectivity.
- Within the development standards, proposed projects will provide features and amenities to encourage the use of alternative forms of transportation including bicycles, buses and walking.

PUBLIC SAFETY

- The PUD will ensure that the project is integrated into the existing neighborhood and that connections are made to residential neighborhoods, schools, parks, community centers and cultural facilities in the surrounding area.

LEISURE AND CULTURAL ACTIVITIES

- The PUD will require recreational amenities, community facilities and programs that offer ample recreation and cultural involvement by a diverse resident population.

RESOURCE CONSERVATION AND ENHANCEMENT

- The location of the PUD on the future West County Connector line provides a unique opportunity to reduce vehicle trips and air pollutants, resulting in improved air quality in Ontario and the region.

2. POLICY PLAN

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

- The PUD allows for the development of a multifamily residential project on an infill parcel preserving open space and ensuring access to necessary services and infrastructure. The proposed project will be affordable to households earning less than 60 percent of the area median income (AMI) which will provide opportunities for lower income families to live close to work, commute via public transportation, and maintain a decent quality of life. The

PUD will also encourage sustainable development practices and LEED certification within all applicable projects.

Goal LU2: Compatibility. Compatibility between a wide range of uses.

- The PUD takes into account the existing uses surrounding the property and buffers new development through setbacks and step backs.

Goal LU3: Flexibility. Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

- The establishment of the PUD allows for clear development standards which allow flexibility to achieve the Ontario Vision, improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.

Goal LU4: Phased Growth. Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.

- The establishment of the PUD allows for long term value through the development of affordable multifamily housing on an infill site that is surrounded by existing development.

Goal H1: Neighborhoods + Housing Development Standards. Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity

- The PUD will improve the long-term sustainability of neighborhoods through comprehensive planning, provision of neighborhood amenities, rehabilitation and maintenance of housing, and community building efforts. The PUD will also ensure that adequate public services, infrastructure, open space, parking and traffic management, pedestrian and bicycle routes and public safety for related to the project are provided consistent with City master plans and neighborhood plans.

Goal H2: Housing Supply & Diversity. Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

- The PUD will revitalize the Holt Boulevard corridor, in anticipation of the West County Connector by encouraging the production of higher density residential uses that are architecturally, functionally and aesthetically suited to corridors. The PUD also encourages infill development on a vacant parcel that is identified within the City's 2014-2021 Housing Element as an opportunity site to meet the City's Regional Housing Needs Allocation (RHNA). A proposed project on the site will be affordable to households earning less than

60 percent of the area median income (AMI) which will provide opportunities for lower income families to live close to work, commute via public transportation, and maintain a decent quality of life.

Goal H4: Housing Assistance. Increased opportunities for low and moderate income households and families to afford and maintain quality ownership and rental housing opportunities, including move-up opportunities.

- The PUD is a collaborative partnership with a nonprofit affordable housing developer to produce affordable housing and supports the City's goal to provide rental assistance for individuals and families earning extremely low, very low, and low income with funding from the state and federal government.

Goal H5: Special Needs Housing. A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

- The PUD allows for and encourages the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of supportive services, recreation and other amenities.

3. CITY COUNCIL PRIORITIES

The Virginia + Holt PUD is consistent with the City Council's desire to:

- Invest in the Growth and Evolution of the City's Economy.
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

5. IMPLEMENTATION

The Virginia + Holt PUD implements the Ontario Plan as the Plan is a public-private partnership proposing a multifamily Development Project on a site identified within the City's Housing Element land inventory and furthers the City's goal to become a Transformative Climate Community.

2.2 CENTER CITY REDEVELOPMENT PLAN OBJECTIVES

The Center City Project Area encompasses the historic Euclid Avenue District, as well as East Holt Boulevard. Ontario's City Hall and surrounding Civic Center, Senior Center, Main Library, the

Museum of History and Art, Ontario Town Square, and the Law School of the University of La Verne are all within the Center City project area. Development is designed to create an immediate and positive identity transforming the area into a comfortable place to stroll and be seen. Specifically along the Holt Boulevard Corridor and surrounding neighborhoods the Plan encourages development of low-rise buildings to include residential uses and mixture of retail in order to maximize the economic productivity of the commercial areas by increasing the housing opportunities of the residential areas, improving aesthetics on major corridors. Create an urban environment, with the ability to live, work, in the neighborhood. While offering a variety of goods and services to serve the surrounding neighborhood, the District will also take advantage of the area's excellent regional access.

The current goals of the Center City Project include:

- Improving aesthetics on major corridors;
- Promoting the creation of a mixed-use urban village in the Civic Center area; and
- Preserving the City's historic commercial structures, neighborhoods and housing stock.

2.3 PUD DISTRICT PURPOSE AND OBJECTIVES

The purpose of the Virginia + Holt PUD as part of the East Holt Mixed-Use MU-1 District is to secure the residential uses of the general plan; promoting high quality design standards in urban design; encouraging the development of mixed-use residential communities while establishing regulations and standards appropriate to the specific need for affordable housing for working families in the area.

The intent of the Virginia + Holt PUD is to:

- Promote development projects that are consistent with the land use/downtown revitalization objectives of the Center City Redevelopment Project area.
- Establish a sense of place and identity along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center.
- Achieve high density residential development or mixed use development, and diversification of housing types, while maintaining high quality in design and construction.
- Encourage clustering of structures to preserve a maximum amount of continuous open space.

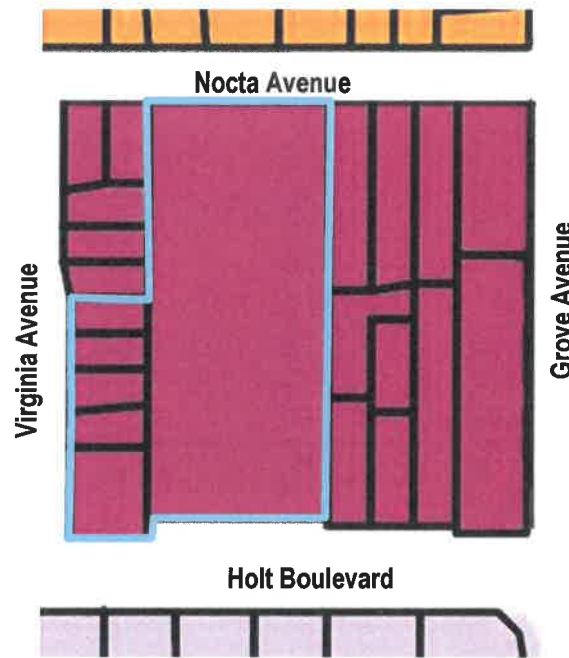


LAND USE PLAN

3.1 LAND USE DESIGNATION

The Virginia + Holt Planned Unit Development (PUD) includes 5 parcels that are designated Mixed Use (MU-2) within the Ontario Plan and on the City's Zoning Map. The MU-2 zoning district was established to accommodate the intensification of the Holt Boulevard Corridor with low-rise (up to 5 stories) buildings accommodating a mix of retail and office uses at a development intensity of up to 2.0 FAR and 1.0 FAR, respectively, and residential uses at a density of 14 to 40 DU/AC. The intent of MU-2 zoning district is to create identity and place along the Holt Boulevard Corridor and provide a connection between the Downtown Mixed Use Area and the Ontario Airport Metro Center. The MU-2 zoning district is consistent with and implements the East Holt Mixed Use Area land use designation of the Policy Plan component of The Ontario Plan.

EXHIBIT 3-1: LAND USE DISTRICT MAP [EXHIBIT LU-01 LAND USE PLAN]



- Project Area:** Mixed Use
- Adjacent Uses:** Medium Density (11.1 - 25 du / ac)
- Business Park (0.6 FAR)

3.2 PERMITTED USES

Virginia + Holt Planned Unit Development does not deviate from the permitted uses as shown in Table 5.02-1, *Land Use Matrix* of the City of Ontario Development Code.

TABLE 5.02-1, LAND USE MATRIX

2012 NAICS Code	Land Uses	MU-1	MU-2	MU-11
	Multiple Family Dwellings	P	P	P
	Second Dwellings	...	...	...
	Senior Citizen Housing Developments	C	...	...
	Single-Family Dwellings	P	...	...
	Single Room Occupancy Facilities	P	...	...
	Supportive Housing	C	...	...
	Work/Live Units	C	C	

P – Per section 5.02.010 of the Ontario Zoning Code, **Permitted** shall mean the land use, activity, or facility within the specified district is permitted by right of bring in the proper zoning district, and is subject to each Development Code provision applicable to the specified zoning district and the standards for specific uses, activities, and facilities contained in division 5.03 (Standards for Specific Uses, Activities, and Facilities) of the City's Development Code.

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DEVELOPMENT REGULATIONS

4.1 INTENSITY

Residential land uses within the Virginia + Holt Planned Unit Development will be consistent with the Mixed Use-2 zoning district allowing for residential uses at a density of 14 to 40 dwelling units per acre (DUA) or non-residential development at an FAR of up to 2.0.

4.2 BUILDING HEIGHT

Development within the Virginia + Holt Planned Unit Development will be consistent with the Mixed Use-2 zoning district allowing for a maximum of five (5) stories or fifty feet (50') in height.

4.3 SETBACKS

Street front and side setbacks within the Virginia + Holt Planned Unit Development shall be maintained at a minimum of ten feet (10') front yard setback along Holt Boulevard to allow for the future West Valley Connector Bus Rapid Transit (BRT) line. Side yard setbacks to the east will be maintained at ten feet (10') along Virginia Avenue. The interior side yard setback to the east property line (adjacent to existing commercial property) will be five feet (5') minimum for any building structures and three feet (3') minimum for carports or parking stalls. The interior "rear"

north property line setback (adjacent to single family dwelling), will be maintained at a minimum of nine feet (9') to any parking areas. Along Nocta Street, to the north, a twenty foot (20') minimum rear yard setback is required. All setbacks shall be measured from the ultimate property lines after all dedications to develop streets to the ultimate right-of-way width. Placement of buildings, structures, fences, walls, utility facilities, yards, etc. will be based on the street rights-of-way and property line dimensions. Allowable encroachments in yards include (maximum 6' high) property line fences and gates, landscaping, paving, and public utilities.

4.4 ACCESS

Along Virginia Avenue, one access driveway is allowed, providing primary access to the site. A secondary access point is permitted along Nocta Street, at the northern end of the PUD area, for emergency vehicle access, only. Use of the secondary access point along Nocta Street by project residents for normal ingress and/or egress shall first require review and approval by the Planning Director and City Engineer.

4.5 LANDSCAPING + DRAINAGE PLAN

A conceptual landscape plan and preliminary drainage plan shall be submitted with each Development Plan proposed within the Virginia + Holt Planned Unit Development area. The plan shall specify all landscape and hardscape elements for the development plan site and indicate how the improvements will coordinate with the other sites within the PUD. The landscape plans and/or civil plans shall show the location of all ground mounted utility structures such as transformers, back flow prevention devices, trash enclosures, and HVAC equipment and indicate the methods for screening these items. All utility structures and equipment shall be screened from view of the public streets and adjacent development.

Water conservation shall be provided through low water using plant materials, hydro zones, water efficient irrigation and weather based controllers. Landscaped areas may be used for storm water infiltration through vegetated swales, retention basins, or dry wells as needed with the use of appropriate planting materials. Broad canopy shade trees shall be used to reduce heat gain on buildings, paving and parking areas. The plan shall identify all existing trees on site and preserve them where possible. The landscape design shall meet the requirements of the Landscape Development Standards and shall create well-functioning spaces within a sustainable design.

Within the entire PUD area, parkways shall be installed adjacent to the curb with the public sidewalk located adjacent to the property line. Along Holt Boulevard, the right-of-way section will vary in width to accommodate the future BRT Plan requirements. At the time of this application,

the most recent BRT plans show the Holt parkway (landscape + sidewalk) to be a consistent ten and a half feet (10.5') width. Along Virginia Avenue, the right-of way section is sixty feet (60') wide with a half street section of thirty feet (30') that includes a twelve foot (12') wide parkway [7 foot landscape parkway + 5 foot sidewalk]. Along Nocta Street, the right-of way section is required to be sixty-six (66') feet wide with a half street section of thirty-three feet (33') that includes a thirteen foot (13') wide parkway [8 foot landscape parkway + 5 foot sidewalk]. Parkway landscaping and irrigation within the public right-of-way shall be installed and maintained by each development. Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan.

4.6 EQUIPMENT SCREENING

All roof mounted and ground mounted equipment shall be fully screened from view of the public street and adjacent developments. The location of items shall be designed to allow screening with landscape materials, walls, architectural features, parapet walls, etc. Screening shall be designed to be integrated into the design of a proposed Development Project.

4.7 FENCES AND WALLS

Fences and walls for a proposed Development Project shall be made of decorative materials which are compatible with the overall architectural character of the development within the PUD area. All fences and walls shall be in scale with the development to fulfill such needs as screening and security. Fences, walls and hedges within the PUD area shall comply with Engineering Corner Sight Distance Standards and other applicable standards. A fifteen foot (15') radius corner dedication is provided at the corner of Holt Boulevard and Virginia Avenue. All decorative walls, monuments and/or other similar features shall not encroach into the public street right-of-way. Within the PUD area, fences and walls shall be limited to a maximum of 4 feet (4') in height within any front yard area. Interior or rear walls shall be a maximum of 6 feet (6') in height consistent with the requirements of the Mixed Use-2 land use district.

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CIRCULATION & PARKING

5.1 VEHICLE CIRCULATION

For any proposed Development Project within the PUD area, the developer shall be responsible to improve Holt Boulevard and Virginia Avenue to their ultimate widths. These streets will provide primary vehicular access to the site. On-site circulation will be provided from Virginia Avenue and Nocta Street.

5.2 PEDESTRIAN CONNECTIONS

Proposed Development Projects within the PUD area are required to ensure adequate pedestrian connections from potential buildings to the public street. This can be achieved through pedestrian gates along street frontages and/or access gates near driveways.

5.3 MASS TRANSIT

Proposed Development Project within the PUD area should encourage the use of existing bus stops by providing pedestrian connections to westbound lines [Omnitrans 61 + 80] with bus stops located on the northwest corner of Holt Boulevard.

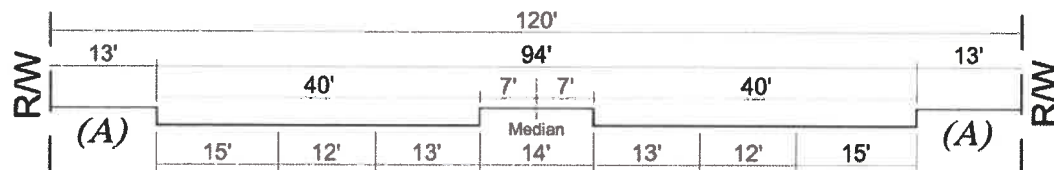
5.4 STREET DEDICATIONS AND EASEMENTS

Proposed Development Projects within the PUD area shall dedicate right-of-way along all street frontages as necessary to increase the right-of-way to ultimate width, including corner cutbacks per City Standard Drawing No. 1051 (Virginia Avenue and Nocta Street) and No. 1058 with modified parkway section (Holt Boulevard). The ultimate right-of-way widths for roadways surrounding the PUD area are as follows:

- **Holt Boulevard:** 120 feet – 60 feet half width
- **Virginia Avenue:** 60 feet – 30 feet half width
- **Nocta Street:** 66 feet – 33 feet half width

Exhibit 5-1 shows the anticipated ultimate right-of-way for Holt Boulevard as shown in the City of Ontario Master Plan of Streets and Highways. Development projects will also ensure that all proposed right-of-ways can accommodate the future development of the West Valley Connector BRT line.

EXHIBIT 5.1 – ULTIMATE RIGHT-OF-WAY - HOLT BOULEVARD



HOLT BLVD + GROVE AVE

[Per City of Ontario Master Plan of Streets and Highways - November 2015]

5.5 PUBLIC RIGHT-OF-WAY IMPROVEMENTS

As development projects are proposed within the PUD area, prospective developers are responsible for improving the public right-of-way to be consistent with the City's General Plan and Municipal Code. Public right-of-way improvements are required to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, raised landscape median with irrigation on Holt Boulevard, public sidewalks, traffic signage and striping, street lights, bus stop, bus shelter and amenities. The extent of the required improvements shall be determined for each development plan. At a minimum the improvements shall incorporate all items along the street frontages of the properties to be developed with proper transitioning if the

entire block frontage is not being installed simultaneously. Improvements along the street frontage for the entire block may be required at the time of development plan review.

5.6 INFRASTRUCTURE

Water service for the PUD site will be provided by existing water lines under Holt Boulevard. Waste water flows for the PUD will also be designed to connect to existing sewer lines in Holt Boulevard. On-site stormwater drainage facilities shall be provided to capture and infiltrate a 2-year, 1 hour storm event, consistent with the San Bernardino County Stormwater Program's Water Quality Management Plan (WQMP) requirements for new development projects. Stormwater capture and infiltration facilities may include the utilization of vegetated swales, depressed landscaped basins, pervious concrete pavement or underground stormwater retention/infiltration vaults. All building roof and paved area runoff shall be directed into depressed landscaped swales, trenches or basins, within the development, in order to comply with the requirement to capture and infiltrate the 2-year, 1 hour storm event runoff. All proposed Development Plans are required to prepare a Preliminary Water Quality Management Plan.

All utility lines (electric, communications, TV, etc.) along Virginia Avenue that are currently overhead will be placed underground. The existing overhead utility lines and utility pole along Nocta Street may remain. Existing overhead utility lines on-site along Virginia Avenue shall be undergrounded at or before the time of development by the developer or property owner.

Street lighting shall be installed along the public right-of-way of Holt Boulevard in accordance with City of Ontario Standards. The type of street lighting will be determined at the time of development.

5.7 PARKING

Given the PUD area's location along a major transportation corridor, with access to multiple bus lines and the future West Valley Connector BRT line, future projects should consider a parking ratio that is below the parking standards included in the City of Ontario Zoning Code. Based on recent legislation (AB 744), best practices in the region, and the PUD location and proximity to transit, a Development Plan that proposes multifamily residential development that has affordability restrictions in place will be required to provide parking based on the following ratios:

- 1 bedroom unit/studio – 1.0 spaces per unit
- 2 bedroom unit – 1.3 spaces per unit
- 3+bedroom unit – 1.75 spaces per unit

- Visitor parking - 0.15 spaces per unit
- Staff parking – 0.05 spaces per unit

Market rate residential projects or mixed use projects that do not require affordability restrictions on the housing units, are subject to the City of Ontario parking standards as shown in the Municipal Code.

A proposed Development Plan may propose secured resident and guest parking within the PUD site. A Development Project will ensure that a parking management plan is in place by a property manager.

On-street parking will be allowed on Virginia Avenue and Nocta Avenue only. No street parking will be allowed on Holt Boulevard. On-street parking may not be used to meet the requirements for on-site parking as indicated in the Development Code.



DESIGN GUIDELINES

6.1 BUILDING ORIENTATION AND STREETSAPES

By blending residential and on-site community amenities, the design of development projects should promote increased walkability. Whenever feasible, Development Projects should locate building edges near the property line along Holt and Virginia to strengthen and define the urban edge and encourage pedestrian activity. Development Projects should create interest and interact with the streetscape when appropriate and feasible.

6.2 ARCHITECTURAL CHARACTER

Due to the size and scale of the PUD project area, virtually all sides of the buildings will be visible from the public street, common access drives, common parking areas or adjacent parcels with commercial uses. As such the architectural treatments should be carried around to the visible portions of all sides of the buildings. All towers or raised elements should be fully finished on all sides to appear as three-dimensional features.

The architecture for the buildings should feature articulation of the walls with offsets a minimum of two feet (2') in depth. Enhanced materials such as stone, or tile should be used as a base treatment and to highlight architectural features such as columns or popped-out tower elements. All enhanced materials shall terminate at logical points, such as an interior corner, and shall incorporate cap treatments to provide a transition between materials.



6.3 MATERIALS AND COLOR

A variety of durable high quality materials with a range of texture and pattern that is naturally inherent in the materials is used. The proposed color scheme for developments within the PUD area should be neutral whites, cool greys, contrasted with warm terracotta earth tones or complementary of these materials and color tones.

6.4 SIGNS

Signs shall comply with the requirements of the City of Ontario Development Code and shall be coordinated through a comprehensive sign program.

6.5 SERVICE FACILITIES

Service facilities such as trash enclosures, parking areas shall be designed, located and oriented to have a minimal visual impact on the development within the PUD area. Trash enclosures shall be designed to coordinate with the architecture, colors and materials of the style of the development and shall be located to provide adequate access for trash pickup without encroaching on access drives or landscaped areas. Trash enclosures shall be designed and constructed with a solid roof cover which shall also be designed to match the architecture of the development.



ADMINISTRATION

7.1 ITEMS NOT ADDRESSED IN 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 General Mixed Use zones and City Standards.

7.2 DEVELOPMENT APPLICATIONS

Development Plans for projects within the Virginia + Holt PUD area, along with fees and other required items, shall be submitted for review and approval per the requirements contained in Article 8 of the City of Ontario Development Code and 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 ten percent (10%) by the Zoning Administrator. Any deviations from the City of Ontario's development standards will be considered an incentive/concession in lieu of a variance.

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CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT TO THE FIRST AMENDED AND RESTATED AGREEMENT FOR THE FINANCING AND CONSTRUCTION OF LIMITED INFRASTRUCTURE IMPROVEMENTS TO SERVE AN EASTERLY PORTION OF ONTARIO RANCH

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute, the Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of Ontario Ranch with NMC Builders, LLC ("Construction Agreement"), subject to non-substantive changes.

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

FISCAL IMPACT: There are no direct impacts to the City General Fund. The Amended and Restated Construction Agreement has provided over \$49.3 million to the City primarily for the construction of Phase 1 water production infrastructure. The proposed Amendment will expand the area (see Exhibit) covered by the Amended and Restated Construction Agreement and provide the additional funding necessary for a second phase of water supply infrastructure. Developers of properties in the expanded area and other properties within the current area covered by the Agreement with NMC Builders, LLC will provide approximately \$35 million in additional funding for the Phase 2 Water Improvements through the advanced payment of the Development Impact Fee in the Regional Water category. The Amendment also provides a mechanism for the provisions of additional funding from Phase 2 Water members of NMC Builders, LLC if additional funding is required for the construction of the Phase 2 Water Improvements.

STAFF MEMBER PRESENTING: Scott Burton, Utilities General Manager

Prepared by: Bob Heitzman, RC Consulting

Department: Management Services

City Manager
Approval:



Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

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BACKGROUND: On October 4, 2005, the City Council approved an agreement with NMC Builders, LLC which has been termed the “Construction Agreement.” The Construction Agreement provided funding for the cost of construction of public infrastructure in two ways: direct payments to the City for the construction of public infrastructure by the City; and the direct construction of public infrastructure by NMC Builders, LLC. In August 2012, the City Council approved an Amended and Restated Construction Agreement between the City and NMC Builders, LLC (the Construction Agreement Amendment). The Construction Agreement Amendment reduced the total amount of construction to be provided by NMC Builders, LLC and deferred the construction of the Phase 2 Water Improvements. The remaining infrastructure constructed by NMC Builders, LLC under the provisions of the Restated and Amended and Restated Agreement generally included: master planned water distribution lines (known as the Francis Zone Water Loop); the Mill Creek Wetlands; street improvements on Archibald Avenue from Schaefer Avenue to the southern City limit; street improvements on Ontario Ranch Road from Milliken Avenue to the Cucamonga Creek; and master planned storm drain improvements and sewer lines on Ontario Ranch Road and Archibald Avenue.

In recognition of the funding for the public infrastructure from NMC Builders, LLC the City agreed that only members of NMC Builders, LLC could receive building permits within the area covered by the Construction Agreement. The mechanism for this was the issuance of Water Availability Equivalents (also described as Net MDD) to NMC Builders, LLC for distribution to NMC Builders members. The limit on the amount of development covered by the Agreements, and the limited amount of Water Availability Equivalents was based upon the amount needed by NMC Builders, LLC members at the time. This amount of Water Availability is termed Phase 1 Water Availability.

While the City received several proposals for an incremental expansion of the water availability from both NMC Builders members and from other developers, it was determined that the most appropriate long-term solution was to determine a mechanism that would provide for the full funding of the Phase 2 Water Improvements with a cost of approximately \$35 million. Therefore, the City and NMC Builders, LLC focused on an amendment to the current Construction Agreement that would expand the amount of water availability and allow for the addition of properties and new members to NMC Builders, LLC. The proposed Amendment is the result of those combined efforts.

The proposed Amendment to the Amended and Restated Construction Agreement will:

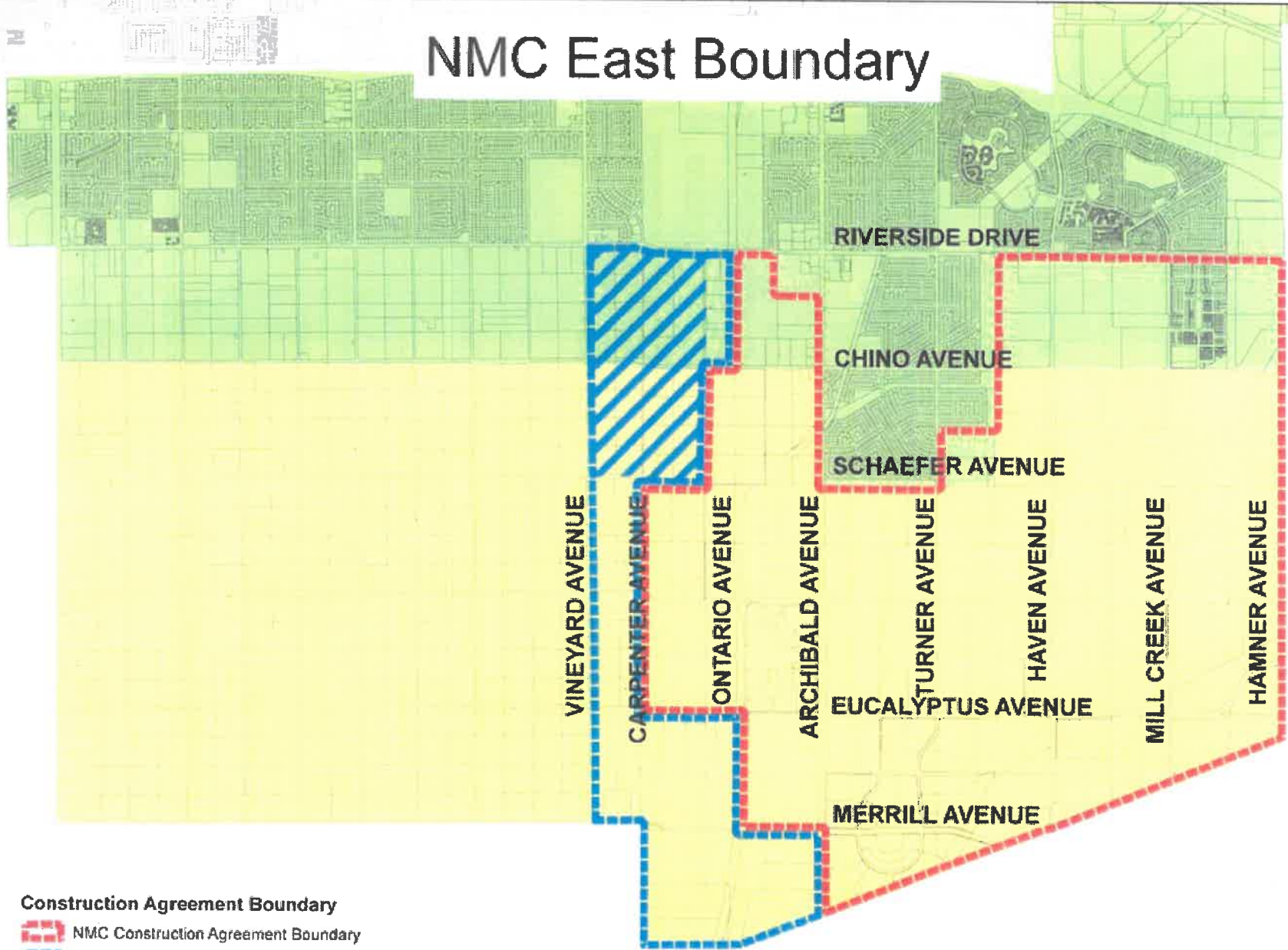
1. Provide the mechanism for the funding of the construction of a second phase of water production and storage infrastructure to serve the Ontario Ranch Area and allows additional property owners within the expanded area to become NMC Builders members and receive additional Water Availability directly from the City, herein termed Phase 2 Water Availability;
2. Further define the limitations on the amount of development for Phase 1 Water participants;
3. Expand the area covered by the Construction Agreement to include additional properties, including non-residential properties on the western boundary of the current area;
4. Provide that if the funding is not sufficient for the construction of the Phase 2 Water facilities or if the constructed facilities do not provide sufficient water, additional funding may be required from NMC Builders members to provide additional or modified facilities;
5. Define an area that will require the construction of an additional major sewer line, known as the Carpenter Sewershed Addition Area and requires the properties within that area to fund the construction of those sewer improvements. The Carpenter Sewershed Addition requires and is contingent upon future actions by the City to modify the City’s Sewer Master Plan and enter into an agreement with IEUA related to the jointly owned Eastern Trunk Sewer Pipeline.

Under the provisions of the proposed Amendment, developers of Phase 2 water properties will pay the regional portion of the Development Impact Fees in the Water Category upon City approval of their representative property entitlements (usually a Development Agreement). In recognition of this payment of the fee, the City will issue the necessary amount of Water Availability Equivalents for the developer's Phase 2 properties. NMC Builders will continue to receive or distribute Certificates of Water Availability Equivalents for Phase 1. Under this arrangement, the NMC Builders will not be exclusively entitled to all of the Phase 2 Water Availability; and at the City's discretion, it may be used outside of the Phase 1 and Phase 2 properties.


The Construction Agreement and the Construction Agreement Amendment both covered many issues that defined common development requirements for development in the Ontario Ranch area. These common requirements were established to ensure that development in the Ontario Ranch area was self-supporting and did not impact service levels in the existing City area. These common requirements continue to include: a special CFD tax to support police, fire and landscaping maintenance services; provision of affordable housing; and expanded parks requirements. These provisions will also apply to additional properties in the expanded area and new member properties within the existing area. Potential development of properties outside the area of both the Construction Agreement and the Construction Agreement Amendment (Phase 1 and Phase 2 Properties) will be treated independently from the NMC Builders and would be required to enter into separate agreements with the City to address all required infrastructure, including these common development requirements.

NMC East Boundary



EXHIBIT A-R



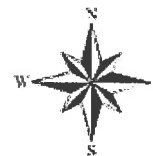
Construction Agreement Boundary

-  NMC Construction Agreement Boundary
-  Addition to NMC Construction Agreement Boundary Area
-  Carpenter Sewershed Addition

Water Pressure Zones

-  1010 Zone (Phillips Zone)
-  925 Zone (Francis Zone)

0 2,640 5,280 Feet



CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
PUBLIC HEARINGS


SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

RECOMMENDATION: That the City Council:

- (A) Adopt a resolution establishing Community Facilities District No. 39 (New Haven Facilities - Area C), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopt a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 39 (New Haven Facilities - Area C);
- (C) Adopt a resolution calling a special election for City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C);
- (D) Adopt a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C); and
- (F) Adopt a resolution authorizing the execution and delivery of a second amended and restated acquisition and funding agreement with Brookcal Ontario, LLC, a Delaware Limited Liability Company.

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

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

Submitted to Council/O.H.A. 09/19/2017
Approved: _____
Continued to: _____
Denied: _____

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

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the New Haven Facilities - Area C project is estimated to generate approximately \$4.5 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no general fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: The Mello-Roos Community Facilities Act of 1982 provided local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. With the adoption of Resolution 2014-035 on May 6, 2014, the City Council authorized the levy of special taxes to fund various city services for the district. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds. On July 18, 2017, the City Council approved Resolution No. 2017-081, a Resolution of Intention to establish City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) and authorize the levy of special taxes, and Resolution No. 2017-082, declaring its intention to issue bonds for the district. The Resolution of Intention set the public hearing date for the regularly scheduled City Council meeting of September 5, 2017 to consider formation matters. On September 5, 2017, the City Council opened said hearing and continued said hearing to this date.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony ("First Amended and Restated Construction Agreement") between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts. Brookcal Ontario, LLC., a member of NMC Builders, LLC., has provided a written petition to the City requesting formation of a community facilities district for the New Haven Facilities - Area C project in Ontario Ranch. The New Haven Facilities - Area C project addresses the development of approximately 10.52 taxable acres located generally east of Archibald Avenue, west of Haven Avenue, south of Schaefer Avenue and north of Ontario Ranch Road (formerly Edison Avenue). At build out, the development is projected to include 225 units - 62 detached units and 163 attached units.

Included, as part of the Resolution of Formation, is the Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos Local Goals and Policies in all aspects, except that the percentage of assessed value of the total annual tax obligation plus the annual Homeowners Association (HOA) fee exceeds the adopted policy thresholds, in aggregate, by .11% for detached units, and by .15% for attached units. However, as was previously authorized for other community facilities districts formed in the Ontario Ranch, and as is consistent with the "enhanced level of amenities" provisions of the Memorandum of Agreement executed between the City and NMC Builders on July 21, 2015, it is recommended that the policy threshold limitations be waived in this instance in recognition of the enhanced level of amenities and services to be provided by the project's HOA(s), which are of the type contemplated by the Memorandum of Agreement. The community facilities district is being formed pursuant to the

provisions of the Brookcal Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

Under the proposed Rate and Method of Apportionment, **the portion of the maximum annual special tax rates which will be used to fund debt service payments on the bonds is fixed and will not increase over time.** The amount of bonds authorized (\$20 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$4.5 million) in order to allow future City Councils the option, without increasing the amount of the annual special taxes, to issue additional bonds to replace and/or construct new public infrastructure improvements in the future, or to fund City services. The term and structure of the Rate and Method of Apportionment of Special Tax for the New Haven Facilities – Area C project is consistent with those of the previously adopted Rates and Methods of Apportionment for Ontario Ranch community facilities districts. This will ensure that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch be developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in New Model Colony community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before entering into a sales contract.

Attached are five resolutions and one ordinance. The first resolution establishes the community facilities district, with the rate and method of apportionment of special taxes, and authorizes the levy of special taxes within the Community Facilities District. The second resolution deems the necessity of incurring bonded indebtedness. The third calls for a special landowner election to be held on September 19, 2017. The fourth resolution declares the results of the election, including a statement from the City Clerk as to the canvass of ballots, and directs the recording of the Notice of Special Tax Lien. The fifth resolution authorizes the execution and delivery of a second amended and restated acquisition and funding agreement. The ordinance authorizes the levying of special taxes within the District.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

WHEREAS, on July 18, 2017, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), and to Authorize the Levy of Special Taxes" (the "Resolution of Intention"), stating its intention to establish a community facilities district (the "Community Facilities District") proposed to be named City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services and setting the date for a public hearing to be held on the establishment of the Community Facilities District; and

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

WHEREAS, on September 5, 2017, the City Council opened said hearing and continued said hearing to September 19, 2017; and

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

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

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

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

WHEREAS, there has been filed with the City Clerk of the City a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 28, 2017, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the proposed Community Facilities District for each of the 90 days preceding the close of said public hearing; and

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

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

WHEREAS, the City and BrookCal Ontario LLC (the "Landowner") entered into a Deposit and Reimbursement Agreement, dated as of July 1, 2017 (the "Deposit Agreement"), that provides for the advancement of funds by the Landowner to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to the Landowner of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

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

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

SECTION 1. The foregoing recitals are true and correct.

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

SECTION 3. The Community Facilities District is hereby named "City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)."

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

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

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

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

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

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

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

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

SECTION 12. The boundary map of the Community Facilities District has been recorded in San Bernardino County in Book 87 at Page 56 of Maps of Assessments and Community Facilities Districts in the San Bernardino County Recorder’s Office (Document No. 2017-0301623).

SECTION 13. The annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the Community Facilities District is hereby established at \$20,000,000.

SECTION 14. Pursuant to the provisions of the Act, the levy of the special tax and a proposition to establish the appropriations limit specified above shall be subject to the approval of the qualified electors of the Community Facilities District at a special

election. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 28, 2017, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearing held by the City Council on the establishment of the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax. The voting procedure shall be by mailed or hand-delivered ballot.

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of September 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- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

FACILITIES, SERVICES AND INCIDENTAL EXPENSES

Facilities

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

Facilities to be Purchased

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

Services

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

Incidental Expenses

The incidental expenses proposed to be incurred include the following:

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

EXHIBIT B

CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT No. 39 (NEW HAVEN FACILITIES – AREA C)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C) ("CFD No. 39") and collected each Fiscal Year, commencing in Fiscal Year 2017-18, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 39, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 39: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 39 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs of remitting the Special Taxes to the Trustee; the costs of the Trustee (including its legal counsel) in the discharge of the duties required of it under the Indenture; the costs to the City or CFD No. 39 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 39 of complying with City, CFD No. 39, or obligated persons disclosure requirements associated with applicable federal and state securities laws and of the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 39 related to the analysis and reduction, if any, of the Special Tax on Single Family Property in accordance with Section C.1 herein; the costs of the City or CFD No. 39 related to an appeal of the Special Tax; the costs associated with the release of funds from any escrow account; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead relating to CFD No. 39; and amounts estimated or advanced by the City or CFD No. 39 for any other

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

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

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

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

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

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

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act) issued by CFD No. 39 under the Act and payable from Special Taxes.

"Buildable Lot" means an individual lot, within a Final Subdivision Map or an area expected by CFD No. 39 to become Final Mapped Property, such as the area within a Tentative Tract Map, for which a building permit may be issued without further subdivision of such lot.

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

"CFD No. 39" means City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C).

"City" means the City of Ontario, California.

"City Council" means the City Council of the City, acting as the legislative body of CFD No. 39.

"County" means the County of San Bernardino.

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

"Developed Property" means for each Fiscal Year, all Taxable Property, exclusive of Final Mapped Property, Taxable Property Owner Association Property, and Taxable Public Property, for which a building permit or other applicable permit for new construction was issued after January 1, 2016, and before May 1 of the prior Fiscal Year.

“Expected Residential Lot Count” means 225 Buildable Lots of Single Family Property or, as determined by the CFD Administrator, the number of Buildable Lots of Single Family Property based on the most recent Tentative Tract Map(s) or most recently recorded Final Subdivision Map(s) or modified Final Subdivision Map(s).

“Facilities” means the public facilities authorized to be financed, in whole or in part, by CFD No. 39.

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

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

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

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

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

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

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

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

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

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

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

“Price Point Consultant” means any consultant or firm of such consultants selected by CFD No. 39 that (a) has substantial experience in performing price point studies for residential units within community facilities districts established under the Act or otherwise estimating or confirming pricing for residential units in such community facilities districts, (b) has recognized expertise in analyzing economic and real estate data that relates to the pricing of residential units in such community facilities districts, (c) is in fact independent and not under the control of CFD No. 39 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 39, (ii) the City, (iii) any owner of real property in CFD No. 39, or (iv) any real property in CFD No. 39, and (e) is not connected with CFD No. 39 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 39 or the City.

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

“Property Owner Association Property” means, for each Fiscal Year, any property within the boundaries of CFD No. 39 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

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

“Public Property” means, for each Fiscal Year, property within the boundaries of CFD No. 39 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public right-of-way that makes

impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

“Residential Floor Area” means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 39. The actual Square Footage shall be rounded up to the next whole square foot. Once such determination has been made for an Assessor’s Parcel, it shall remain fixed in all future Fiscal Years unless an appeal pursuant to Section F below is approved that results in a change in the actual Square Footage.

“Services” means the services authorized to be financed, in whole or in part, by CFD No. 39.

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

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

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

“Special Tax” means the special tax authorized by the qualified electors of CFD No. 39 to be levied within the boundaries of CFD No. 39.

“Special Tax Requirement” means for any Fiscal Year that amount required, after taking into account available amounts held in the funds and accounts established under the Indenture, for CFD No. 39 to: (i) pay debt service on all Outstanding Bonds which is due in the calendar year that commences in such Fiscal Year; (ii) pay periodic costs on the Bonds, including, but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay Administrative Expenses; (iv) provide any amounts required to establish or replenish any reserve fund for the Bonds; (v) pay directly for acquisition or construction of Facilities, or the cost of Services, to the extent that the inclusion of such

amounts does not increase the Special Tax levy on Final Mapped Property or Undeveloped Property; (vi) provide an amount equal to Special Tax delinquencies based on the historical delinquency rate for the Special Tax as determined by the CFD Administrator.

“Square Footage” or **“Sq. Ft.”** means the floor area square footage reflected on the original construction building permit, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 39, issued for construction of Single Family Property, Other Residential Property, or Non-Residential Property, plus any square footage subsequently added to a building of Non-Residential Property after issuance of a building permit for expansion or renovation of such building.

“State” means the State of California.

“Taxable Property” means, for each Fiscal Year, all of the Assessor’s Parcels within the boundaries of CFD No. 39 that are not exempt from the Special Tax pursuant to law or Section E below.

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

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

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

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

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

“TTM 20061” means Tentative Tract Map No. 20061, the area of which is located within CFD No. 39.

“TTM 20076” means Tentative Tract Map No. 20076, the area of which is located within CFD No. 39.

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

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

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2017-18, all Taxable Property within CFD No. 39 shall be classified as Developed Property, Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, or Undeveloped Property and shall be subject to Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below. Assessor’s Parcels of Single Family Detached Property shall be assigned to Land Use Classes 1 through 13, and Assessor’s Parcels of Single Family Attached Property shall be assigned to Land Use Classes 14 through 21, as listed in Table 1 below based on the Residential Floor Area of the Units on such Assessor’s Parcels. Other Residential Property shall be assigned to Land Use Class 22, and Non-Residential Property shall be assigned to Land Use Class 23.

C. MAXIMUM SPECIAL TAX

1. Special Tax

At least 30 days prior to the issuance of Bonds, the Assigned Special Tax on Developed Property (set forth in Table 1 below) shall be analyzed in accordance with and subject to the conditions set forth in this Section C. At such time, CFD No. 39 shall select and engage a Price Point Consultant and the CFD Administrator shall request the Price Point Consultant to prepare a Price Point Study setting forth the Minimum Sale Price of Units within each Land Use Class. If based upon such Price Point Study the CFD Administrator calculates that the Total Tax Burden applicable to Units within one or more Land Use Classes of Single Family Property to be constructed within CFD No. 39 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units. Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. The Special Tax reductions required pursuant to this paragraph shall be reflected in an amended notice of Special Tax lien which CFD No. 39 shall cause to be recorded by executing a certificate in substantially the form attached herein as Exhibit A. The reductions in this section

apply to Single Family Property, but not to Other Residential Property or Non-Residential Property.

a. Developed Property

1) *Maximum Special Tax*

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

2) *Assigned Special Tax*

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

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

Land Use Class	Description	Residential Floor Area (Square Footage)	Assigned Special Tax
1	Single Family Detached Property	< 1,701	\$1,582 per Unit
2	Single Family Detached Property	1,701 – 1,900	\$1,731 per Unit
3	Single Family Detached Property	1,901 – 2,100	\$2,029 per Unit
4	Single Family Detached Property	2,101 – 2,300	\$2,318 per Unit
5	Single Family Detached Property	2,301 – 2,500	\$2,424 per Unit
6	Single Family Detached Property	2,501 – 2,700	\$2,523 per Unit
7	Single Family Detached Property	2,701 – 2,900	\$2,714 per Unit
8	Single Family Detached Property	2,901 – 3,100	\$2,882 per Unit
9	Single Family Detached Property	3,101 – 3,300	\$3,035 per Unit
10	Single Family Detached Property	3,301 – 3,500	\$3,187 per Unit
11	Single Family Detached Property	3,501 – 3,700	\$3,337 per Unit
12	Single Family Detached Property	3,701 – 3,900	\$3,451 per Unit
13	Single Family Detached Property	> 3,900	\$3,539 per Unit
14	Single Family Attached Property	< 801	\$562 per Unit
15	Single Family Attached Property	801 – 950	\$773 per Unit
16	Single Family Attached Property	951 – 1,100	\$1,111 per Unit
17	Single Family Attached Property	1,101 – 1,300	\$1,470 per Unit

18	Single Family Attached Property	1,301 – 1,500	\$1,567 per Unit
19	Single Family Attached Property	1,501 – 1,700	\$1,793 per Unit
20	Single Family Attached Property	1,701 – 1,900	\$2,009 per Unit
21	Single Family Attached Property	> 1,900	\$2,107 per Unit
22	Other Residential Property		\$39,039 per Acre
23	Non-Residential Property		\$39,039 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,387 per Unit for Single Family Detached Property and \$1,612 per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 62 for Single Family Detached Property or 163 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

$$\begin{aligned} \text{Backup Special Tax} &= \$148,021 \div \text{Expected Residential Lot} \\ &\quad \text{Count for Single Family Detached} \\ &\quad \text{Property} \\ &\text{or } \$262,708 \div \text{Expected Residential Lot} \\ &\quad \text{Count for Single Family Attached} \\ &\quad \text{Property} \end{aligned}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 39 to become Final Mapped Property, such as the area within TTM 20061, TTM 20076, or any other Tentative Tract Map, changes any time after the City has issued Bonds, causing an adjustment to the number of Designated Buildable Lots, then the Backup Special Tax for all Designated Buildable Lots of Single Family Detached Property or Single Family Attached Property subject to the change shall be calculated according to the following steps:

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

Step 2: Divide the amount(s) determined in Step 1 by the number of Designated Buildable Lots, separately

for Single Family Detached Property and Single Family Attached Property, that exists after the Final Subdivision Map or expected Final Mapped Property change.

Step 3: Apply the amount(s) determined in Step 2 as the Backup Special Tax per Unit for Single Family Detached Property or Single Family Attached Property.

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

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

The Maximum Special Tax for Final Mapped Property, Taxable Public Property, Taxable Property Owner Association Property, and Undeveloped Property shall be \$39,039 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

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

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

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Each Fiscal Year, beginning with Fiscal Year 2017-18, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year. The Special Tax shall then be levied as follows:

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

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

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

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

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

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

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 39 by more than ten percent above the amount that would have been levied in that Fiscal Year had there never been any such delinquencies or defaults.

E. EXEMPTIONS

No Special Tax shall be levied on up to zero Acres of Public Property and up to 10.58 Acres of Property Owner Association Property. Tax-exempt status will be assigned by the CFD Administrator in the chronological order in which property becomes Public Property or Property Owner Association Property.

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

F. **APPEALS**

Any property owner may file a written appeal of the Special Tax with CFD No. 39 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

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

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

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

G. **MANNER OF COLLECTION**

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

H. **PREPAYMENT OF SPECIAL TAX**

The following definitions apply to this Section H:

“CFD Public Facilities” means \$5,025,000 for each Prepayment Period, or such lower number as determined by the City Council to be sufficient to fund the Facilities and Services to be provided by CFD No. 39.

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

“Future Facilities Costs” means the CFD Public Facilities minus (i) Facilities and Services costs previously paid from the Expenditures Fund during the Prepayment Period in which the prepayment is being made, (ii) moneys currently on deposit in the Expenditures Fund from deposits made during the Prepayment Period in which the

prepayment is being made, and (iii) moneys currently on deposit in an escrow fund that are expected to be available to finance Facilities costs. In no event shall the amount of Future Facilities Costs be less than zero.

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

“**Prepayment Period 1**” means July 1, 2017, through June 30, 2051.

“**Prepayment Period 2**” means July 1, 2051, through June 30, 2084.

“**Prepayment Period 3**” means July 1, 2084, through June 30, 2118.

1. Prepayment in Full

The obligation of an Assessor's Parcel to pay the Special Tax may be prepaid as described herein, provided that a prepayment may be made only for Assessor's Parcels for which a building permit for new construction was issued after January 1, 2016, and only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment. An owner of an Assessor's Parcel intending to prepay the Special Tax obligation shall provide the CFD Administrator with written notice of intent to prepay. Within 30 days of receipt of such written notice, the CFD Administrator shall notify such owner of the prepayment amount for such Assessor's Parcel. The CFD Administrator may charge a fee for providing this service. Prepayment in any six month period must be made not less than 45 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given to the Trustee pursuant to the Indenture.

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

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

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

Paragraph No.

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.

2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 39 based on the Developed Property Special Tax which could be charged in the current Fiscal Year on all expected development through buildout of CFD No. 39, excluding any Assessor's Parcels which have been prepaid, and

(b) Divide the Backup Special Tax computed pursuant to Paragraph 2 by the estimated total Backup Special Tax at buildout of CFD No. 39, excluding any Assessor's Parcels which have been prepaid.
4. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to Paragraph 4 by the applicable redemption premium (e.g., the redemption price minus 100%), if any, on the Outstanding Bonds to be redeemed (the "Redemption Premium").
6. Compute the Future Facilities Costs for the applicable Prepayment Period.
7. Multiply the larger quotient computed pursuant to Paragraph 3(a) or 3(b) by the amount determined pursuant to Paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Amount").
8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the earliest redemption date for the Outstanding Bonds.
9. Determine the Special Tax levied on the Assessor's Parcel in the current Fiscal Year which has not yet been paid.
10. Add the amounts computed pursuant to Paragraphs 8 and 9 to determine the "Defeasance Amount".
11. Verify the administrative fees and expenses of CFD No. 39, including the costs to compute the prepayment, the costs to invest the prepayment proceeds, the costs to redeem Bonds, and the costs to record any notices to evidence the prepayment and the redemption (the "Administrative Fees and Expenses").

12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Indenture) on the prepayment date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "Reserve Fund Credit"). No Reserve Fund Credit shall be granted if reserve funds are below 100% of the reserve requirement on the prepayment date or the redemption date.
13. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Paragraphs 4, 5, 7, 10, and 11, less the amount computed pursuant to Paragraph 12 (the "Prepayment Amount").
14. From the Prepayment Amount, the amounts computed pursuant to Paragraphs 4, 5, 10, and 12 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Paragraph 7 shall be deposited into the Expenditures Fund. The amount computed pursuant to Paragraph 11 shall be retained by CFD No. 39.

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

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

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

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the amount of Maximum Special Tax that may be levied on Taxable Property within CFD No. 39 (after excluding zero Acres of Public Property and 10.58 acres of Property Owner

Association Property) both prior to and after the proposed prepayment is at least 1.1 times the maximum annual debt service on all Outstanding Bonds.

2. Prepayment in Part

The Special Tax on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2016, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

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

The terms above have the following meaning:

PP = the partial prepayment

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

AE = the Administrative Fees and Expenses determined pursuant to paragraph 11 above

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

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

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 39 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

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

I. TERM OF SPECIAL TAX

The Fiscal Year after which no further Special Tax shall be levied or collected is Fiscal Year 2117-2118, except that the Special Tax that was lawfully levied in or before such Fiscal Year and that remains delinquent may be collected in subsequent years.

EXHIBIT A

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

CFD No. 39 CERTIFICATE

1. Pursuant to Section C.1 of the Rate and Method of Apportionment of Special Tax (the “Rate and Method”) for City of Ontario Community Facilities District No. 39 (New Haven Facilities – Area C) (“CFD No. 39”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 39 has been modified.
 - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 39, as stated in Section C.1.a.2 of the Rate and Method of Apportionment, has been modified as follows:

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

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

EXHIBIT A

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

14	Single Family Attached Property	< 801	\$[] per Unit
15	Single Family Attached Property	801 – 950	\$[] per Unit
16	Single Family Attached Property	951 – 1,100	\$[] per Unit
17	Single Family Attached Property	1,101 – 1,300	\$[] per Unit
18	Single Family Attached Property	1,301 – 1,500	\$[] per Unit
19	Single Family Attached Property	1,501 – 1,700	\$[] per Unit
20	Single Family Attached Property	1,701 – 1,900	\$[] per Unit
21	Single Family Attached Property	> 1,900	\$[] per Unit
22	Other Residential Property		\$[] per Acre
23	Non-Residential Property		\$[] per Acre

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

The Backup Special Tax shall be \$[] per Unit for Single Family Detached Property and \$[] per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 62 for Single Family Detached Property or 163 for Single Family Attached Property, and the City has not issued Bonds, then the Backup Special Tax for Designated Buildable Lots of Single Family Property shall be calculated separately for Single Family Detached Property and Single Family Attached Property according to the following formula:

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

or
$$\$[\] \div \text{Expected Residential Lot Count for Single Family Attached Property}$$

EXHIBIT A

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

2. The Special Tax for Developed Property may only be modified prior to the first issuance of CFD No. 39 Bonds.
3. Upon execution of this certificate by CFD No. 39, CFD No. 39 shall cause an amended notice of Special Tax lien for CFD No. 39 to be recorded reflecting the modifications set forth herein.

The undersigned acknowledges receipt of this certificate and of the modification of the Assigned Special Tax and the Backup Special Tax for Developed Property as set forth in this Certificate. Capitalized undefined terms used herein have the meanings ascribed thereto in the Rate and Method.

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C)

By: _____

Date: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C).

WHEREAS, on July 18, 2017, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) (the "Community Facilities District") and to authorize the levy of special taxes within the Community Facilities District to finance certain public facilities and services; and

WHEREAS, on July 18, 2017, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, to Incur Bonded Indebtedness of the Proposed City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)" (the "Resolution to Incur Bonded Indebtedness") declaring the necessity for incurring bonded indebtedness and setting the date for a public hearing to be held on the proposed debt issue; and

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

WHEREAS, on September 5, 2017, the City Council opened said hearing and continued said hearing to September 19, 2017; and

WHEREAS, September 19, 2017, the City Council opened, conducted and closed said public hearing; and

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

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

WHEREAS, on this date, the City Council adopted a resolution entitled “A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District” (the “Resolution of Formation”); and

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 28, 2017, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of said public hearing; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting to the holding of said special election on September 19, 2017, and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on September 19, 2017.

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

SECTION 1. The foregoing recitals are true and correct.

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

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

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

SECTION 5. The maximum aggregate amount of debt to be incurred is \$20,000,000.

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

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

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

SECTION 9. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 28, 2017, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings held by the City Council on the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 10. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), and (b) to the holding of said election on September 19, 2017. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on September 19, 2017.

SECTION 11. The date of the special community facilities district election (which shall be consolidated with the special district election to levy a special tax within the Community Facilities District) at which time the proposition shall be submitted to the voters is September 19, 2017.

SECTION 12. The election is to be conducted by mail ballot. The mailed ballots are required to be received in the office of the City Clerk no later than 7:30 p.m. on September 19, 2017; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of September 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- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C).

WHEREAS, on this date, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), establishing City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) (the "Community Facilities District"), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District; and

WHEREAS, on this date, the City Council also adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)" (the "Resolution Deeming it Necessary to Incur"), deeming it necessary to incur bonded indebtedness in the maximum amount of \$20,000,000; and

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

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

WHEREAS, there has been filed with the City Clerk a letter from the Registrar of Voters of the County of San Bernardino indicating that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 28, 2017, and, accordingly, that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District; and

WHEREAS, there has been filed with the City Clerk consents and waivers of all of the landowners of record in the Community Facilities District waiving any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), consenting

to the holding of said special election on September 19, 2017 and waiving any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act; and

WHEREAS, the City Clerk has concurred in said waivers and has concurred in holding said special election on September 19, 2017.

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

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

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

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

SECTION 4. The City Council hereby finds and determines that no persons were registered to vote within the territory of the proposed Community Facilities District as of July 28, 2017, and that 12 or more persons have not been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings heretofore held by the City Council on the establishment of the Community Facilities District and the proposed debt issue for the Community Facilities District. Accordingly, pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Community Facilities District and each person who is the owner of land as of the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre that he or she owns within the Community Facilities District not exempt from the special tax.

SECTION 5. The City Council hereby finds and determines that the qualified electors of the Community Facilities District have unanimously consented (a) to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said election, including any time limit or requirement applicable to an election pursuant to Article 5 of the Act (commencing with Section 53345 of the Act), (b) to the holding of said election on September 19, 2017, and (c) to the waiver of any impartial analysis, arguments or rebuttals, as set forth in Sections 53326 and 53327 of the Act. The City Council hereby finds and determines that the City Clerk has concurred in said waivers and has concurred in holding said election on September 19, 2017.

SECTION 6. The City Council hereby calls a special election to submit to the qualified electors of the Community Facilities District the combined proposition to incur bonded indebtedness, to levy a special tax within the Community Facilities District and to

establish an appropriations limit for the Community Facilities District, which election shall be held at 303 East B Street, Ontario, California, on September 19, 2017. The City Council has caused to be provided to the City Clerk, as the official to conduct said election, the Resolution of Formation, the Resolution of Deeming it Necessary to Incur, a certified map of sufficient scale and clarity to show the boundaries of the Community Facilities District, and a sufficient description to allow the City Clerk to determine the boundaries of the Community Facilities District.

The voted ballots shall be returned to the City Clerk not later than 7:30 p.m. on September 19, 2017; provided, however, that if all of the qualified electors have voted prior to such time, the election may be closed with the concurrence of the City Clerk.

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

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

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

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

SECTION 9. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk at 303 East B Street, Ontario, California, to and including 7:30 p.m. on September 19, 2017, whether said ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked at said location on the election day by said qualified electors.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 19th day of September 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- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A
OFFICIAL BALLOT

CITY OF ONTARIO
September 19, 2017
SPECIAL ELECTION

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

INSTRUCTIONS TO VOTERS:

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

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 39
(NEW HAVEN FACILITIES - AREA C)

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$20,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$20,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)," each adopted by the City Council of the City of Ontario on September 19, 2017?

Yes:

No:

RESOLUTION NO. _____

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

WHEREAS, on September 19, 2017, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) (the "Community Facilities District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Act, the special election was held on September 19, 2017; and

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

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

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

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

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

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

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

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

PASSED, APPROVED and ADOPTED this 19th day of September 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- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

CITY OF ONTARIO
COMMUNITY FACILITIES DISTRICT NO. 39
(NEW HAVEN FACILITIES - AREA C)

CANVASS AND STATEMENT OF RESULTS OF ELECTION

I hereby certify that on September 19, 2017, I canvassed the returns of the special election held on September 19, 2017, for the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), that the total number of ballots cast in said Community Facilities District and the total number of votes cast for and against the proposition are as follows and that the totals as shown for and against the proposition are true and correct:

	Qualified Landowner <u>Votes</u>	Votes <u>Cast</u>	<u>YES</u>	<u>NO</u>
City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) Special Election, September 19, 2017	24	—	—	—

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) (the "Community Facilities District") be authorized to incur bonded indebtedness in a maximum aggregate amount of not to exceed \$20,000,000 and levy a special tax in order to finance certain facilities and services and shall the annual appropriations limit of the Community Facilities District be established in the amount of \$20,000,000, all as specified in the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" and the Resolution entitled "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)," each adopted by the City Council of the City of Ontario on September 19, 2017?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 19th day of September, 2017.

BY: _____
CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES - AREA C).

WHEREAS, on July 18, 2017, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on September 19, 2017, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on September 19, 2017, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

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

the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2017-18 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this _____ 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held September 19, 2017 and adopted at the regular meeting held _____ 2017 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 _____ 2017 and that Summaries of the Ordinance were published on _____ 2017 and _____ 2017, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDED AND RESTATED ACQUISITION AND FUNDING AGREEMENT WITH BROOKCAL ONTARIO LLC.

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

WHEREAS, the City has approved a General Plan Amendment for the New Model Colony, which has been supplemented by certain water, recycled water and sewer master plans (as so supplemented, the "General Plan Amendment") and has certified an Environmental Impact Report and adopted a Mitigated Negative Declaration in connection with the General Plan Amendment (together, the "Environmental Impact Report"); and

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

WHEREAS, the New Model Colony is now commonly referred to as the Ontario Ranch; and

WHEREAS, BrookCal Ontario LLC, a limited liability company organized and existing under the laws of the State of Delaware (the "Developer"), is developing certain of the property within the Ontario Ranch (the "Property"); and

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

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

WHEREAS, in order to provide such a mechanism, the City has, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), established City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A) ("Community Facilities District No. 28") and City of Ontario Community Facilities District No. 29 (New Haven Facilities – Area B) ("Community Facilities District No. 29"), the boundaries of each of which include a portion of the Property; and

WHEREAS, in connection therewith, the City and the Developer entered into the Acquisition and Funding Agreement, dated as of October 20, 2015 (the "Original Acquisition Agreement"), pursuant to which, in accordance with the terms set forth

therein, the Developer is to construct or cause to be constructed certain of the Facilities, which, upon satisfaction of the conditions specified herein, the City is to acquire and take title thereto, which acquisitions are to be funded by Community Facilities District No. 28 and Community Facilities District No. 29; and

WHEREAS, the City and the Developer subsequently determined that certain additional portions of the Property should be incorporated into such funding mechanism; and

WHEREAS, in order to implement such incorporation, the City (a) pursuant to the provisions of the Act, established City of Ontario Community Facilities District No. 30 (New Haven Facilities – Area B) (“Community Facilities District No. 30”), the boundaries of which include such additional portions of the Property, as well as the portions of the Property included within Community Facilities District No. 29, and (b) dissolved Community Facilities District No. 29 pursuant to the provisions of the Act; and

WHEREAS, in connection therewith, the City and the Developer entered into the Amended and Restated Acquisition and Funding Agreement, dated as of August 16, 2016 (the “First Amended and Restated Acquisition Agreement”), pursuant to which the Original Acquisition Agreement was amended and restated in order to reflect that the acquisition of the Facilities pursuant thereto is to be funded by Community Facilities District No. 28 and Community Facilities District No. 30, rather than Community Facilities District No. 28 and Community Facilities District No. 29; and

WHEREAS, the Developer subsequently determined that funding the Facilities through three, rather than two, Community Facilities Districts would better coordinate such funding with the Developer’s development plan; and

WHEREAS, in furtherance thereof, the City, pursuant to the provisions of the Act, established City of Ontario Community Facilities District No. 39 (New Haven Facilities - Area C) (“Community Facilities District No. 39”), the boundaries of which include portions of the Property; and

WHEREAS, the City and the Developer desire to amend and restate the First Amended and Restated Acquisition Agreement in order to reflect that the acquisition of the Facilities pursuant thereto is to be funded by Community Facilities District No. 28, Community Facilities District No. 30 and Community Facilities District No. 39, rather than Community Facilities District No. 28 and Community Facilities District No. 30; and

WHEREAS, there has been presented to this meeting a form of a Second Amended and Restated Acquisition and Funding Agreement that so amends and restates the First Amended and Restated Acquisition Agreement (such Second Amended and Restated Acquisition and Funding Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the “Second Amended and Restated Acquisition Agreement”).

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

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

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

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

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

PASSED, APPROVED and ADOPTED this 19th day of September 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- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2016-17 FISCAL YEAR

RECOMMENDATION: That the City Council:

- (A) Hold a public hearing to receive testimony on the draft Consolidated Annual Performance and Evaluation Report (CAPER) for the 2016-17 Fiscal Year (on file in the Records Management Department);
- (B) Direct staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER, which will address all public comments received on the draft CAPER; and
- (C) Authorize the City Manager to execute any and all documents necessary and/or desirable to transmit the CAPER to HUD.

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

FISCAL IMPACT: None.

BACKGROUND: The CAPER is a HUD required report providing annual information about the City's utilization of HUD funds for local community development and housing projects. During Fiscal Year 2016-17, a combined total of over \$8.5 million of federal and local funds were expended to implement approximately 36 housing and community development programs and projects. These activities were contained in the City's Fiscal Year 2016-17 One-Year Action Plan, approved on May 3, 2016. Federal funding sources in the CAPER include the following HUD programs: Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency

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

Prepared by: Katryna Gonzalez
Department: Housing/Municipal Services

City Manager Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

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Solutions Grant (ESG). Local funding sources include Ontario Housing Authority and Housing Asset funds.

Listed below are key housing and community development projects discussed in the CAPER:

- The City expended approximately \$2.5 million to implement seven infrastructure and community facility activities and two public service activities under the Community Development Strategy. The major projects within this strategy include, but are not limited to the following: Pavement Management Rehabilitation Program, Security Lighting at Bon View, Veterans Memorial, and Vineyard Parks, COPS Program, and YMCA Child Care Subsidies.
- More than \$570,000 was expended to implement 16 housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: CIT Emergency Grant Program, CIT Homeowner Occupied Loan Program, and Tenant Based Rental Assistance Program.
- Over \$350,000 was expended as part of the Homeless Strategy to implement six activities. The major projects within this strategy include, but are not limited to the following: Mercy House Continuum of Care, Project Gateway, Sova Hunger Program, Services for Battered Women and Children, and Stepping Stones Program.

Attached is the Executive Summary of the Consolidated Annual Performance and Evaluation Report for FY 2016-17. The Executive Summary provides a summary of expenditures and accomplishments for all CDBG, HOME, and ESG funded activities undertaken to address strategies identified within the Five-Year Consolidated Plan and the One-Year Action Plan, adopted by City Council on May 3, 2016.

The Consolidated Annual Performance and Evaluation Report for FY 2016-17 has been available for public review from September 1, 2017 through September 18, 2017. To date, no comments have been received.

Subsequent to City Council approval of the CAPER, staff will submit the final report to HUD. The deadline to submit the CAPER to HUD is September 28, 2017 (90 days after the end of the fiscal year).

CITY OF ONTARIO

Consolidated Annual Performance and Evaluation Report

For the period of July 1, 2016 - June 30, 2017

EXECUTIVE SUMMARY

The Consolidated Annual Performance and Evaluation Report (CAPER) provides information to Ontario residents, elected officials, City staff, and the U.S. Department of Housing and Urban Development (HUD) about housing and community development needs, projects, and accomplishments. This report covers activities conducted during Fiscal Year 2016-17 which began July 1, 2016 and ended June 30, 2017. During this period, federal and local funds were used to implement a myriad of housing and community development programs and projects. Each activity supported one or more of the priorities originally presented in the City's five-year Consolidated Plan Document.

The following list highlights key housing and community development activities implemented during FY 2016-17:

- The City of Ontario expended more than \$8.5 million in federal and local funds to administer housing and community development programs.
- More than \$570,000 was expended to implement 16 housing programs within Ontario as part of the Housing Strategy. The major projects within this strategy include, but are not limited to the following: CIT Emergency Grant Program, CIT Homeowner Occupied Loan Program, and Tenant Based Rental Assistance Program.
- The City expended approximately \$2.5 million to implement seven infrastructure and community facility activities and two public service activities under the Community Development Strategy. The major projects within this strategy include, but are not limited to the following: Pavement Management Rehabilitation Program, Security Lighting at Bon View, Veterans Memorial, and Vineyard Parks, COPS Program, and YMCA Child Care Subsidies.
- Over \$350,000 was expended as part of the Homeless Strategy to implement six activities. The major projects within this strategy include, but are not limited to the following: Mercy House Continuum of Care, Project Gateway, Sova Hunger Program, Services for Battered Women and Children, and Stepping Stones Program.

The tables on the following pages demonstrate the breakdown of funds received and expended within each identified strategy: Community (Capital) Development, Housing, Homeless, Special Populations, Fair Housing, and Public Housing.

FUNDING SOURCES

FUNDING SOURCE	ACTIVITIES FUNDED	ACTUAL AMOUNT RECEIVED/ON HAND FOR FY 2016-17
Community Development Block Grant (CDBG)	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$1,750,893
CDBG Program Income	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$51,720
CDBG Rollover from prior years and reallocated funds	Infrastructure improvements, code enforcement, housing rehabilitation, and social services.	\$522,922
HOME Investment Partnership (HOME)	Housing rehabilitation.	\$467,481
HOME Program Income	Housing rehabilitation.	\$68,552
Emergency Solutions Grant (ESG)	Essential support services and operating expenses for homeless facilities and programs.	\$160,932
Housing Asset Fund (HAF)	Home ownership assistance, housing acquisition and rehabilitation, and homeless services.	\$868,724
Ontario Housing Authority (OHA)	Housing acquisition, property rehabilitation and maintenance.	\$2,909,369
BEGIN Program Reuse Account	Program provides deferred-payment second mortgage loans to qualified buyers of new homes.	\$62,298
State of California CalHome Program	Program provides downpayment assistance to qualified buyers within eligible census tracts.	\$1,000,000 ¹
TOTAL		\$7,862,891

¹ Full amount of grant reflected. Actual funding not received during FY 2016-17.

HOUSING STRATEGY

Program/Project	Funding Source	Expenses	Annual Accomplishment
<i>Priority 1: Preserve existing rental and owner-occupied housing resources.</i>			
Community Improvement Team	CDBG	\$22,949	A total of 242 inspections were completed during the reporting period. Twenty-three citations were given, 134 notices issued, and 108 violations abated.
Low-Mod Assisted Housing Developments	N/A	N/A	Continued ongoing monitoring efforts of affordable housing developments consisting of over 1,750 units throughout Ontario.
Guadalupe Residence (411 North Parkside Avenue)	HOME	\$0	A HOME Program Participation Agreement was executed among the City of Ontario, Ontario Housing Authority, and Mercy House CHDO, Inc. for the acquisition and rehabilitation of an 8-unit apartment building located at 411 N. Parkside Ave. Escrow is expected to close early Fall 2017 and the rehabilitation completed by Spring 2018.
CIT Emergency Grant Program	CDBG	\$23,181	Two homeowners were assisted through this program to abate existing illegal construction and other structural code violations.
CIT Homeowner Occupied Rehabilitation Loan Program	CDBG	\$0	No homeowner were assisted through this program during FY 2016-17.
Minor Rehabilitation at 307/309/311 W. Francis St.	CDBG	\$0	A scope of work was developed for the rehabilitation work. Bidding is expected to take place in the Fall of 2017 and the rehabilitation in early 2018.
TOTAL HOUSING PRIORITY #1		\$46,130	

Program/Project	Funding Source	Expenses	Annual Accomplishment
<i>Priority 2: Expand affordable rental housing opportunities, particularly for low-income persons.</i>			
Tenant Based Rental Assistance Program	HOME	\$232,229	A total of twelve (12) households were assisted through this program during FY 2016-17. Three (3) households had their TBRA certificates renewed, and nine (9) households were new clients.
520-526 West Vesta Street	CDBG	\$1,895	The Ontario Housing Authority and City completed the acquisition of this six-unit affordable housing property in FY 2015-16. During FY 2016-17, bids were solicited for painting the structures. Based on the results of the lead-based paint survey, a revised scope of work was developed and new bids were solicited. Unfortunately, due to a fire that occurred on July 5, 2017, the property will need to undergo repairs prior to the completion of the painting work. Work is expected to be completed by Spring 2018.
Sites for Future Affordable Housing Development	HAF	\$44,773	The Ontario Housing Authority acting as the successor agency to the Ontario Redevelopment Agency and the City of Ontario acting as the successor agency to the Ontario Redevelopment Agency is currently maintaining approximately 11 sites for future development of affordable housing.
TOTAL HOUSING PRIORITY #2		\$278,897	
<i>Priority 3: Increase affordable homeownership opportunities, particularly for low- and moderate-income persons.</i>			
Extra Credit Teacher Home Purchase Program (CalHFA)	Bond	\$0	No homebuyers were assisted in Ontario during FY 2016-17.
Home Buyer Assistance (County of San Bernardino Mortgage Revenue Bond Program)	Bond Financing	\$152,950	One (1) Mortgage Credit Certificate (MCC) was issued for a home in Ontario during FY 2016-17.

Program/Project	Funding Source	Expenses	Annual Accomplishment
Neighborhood Partnership Housing Services (NPHS) Programs	Private Financing	N/A	During FY 2016-17, NPHS provided homeownership services to 154 Ontario residents. Foreclosure prevention assistance was provided to 19 homeowners, 22 first-time Ontario homebuyers received downpayment assistance grants through the WISH program, 95 residents were provided pre-purchase/financial wellness education, and 18 residents received reverse mortgage counseling. This fiscal year NPHS was not able to provide any senior home repair grants due to a lack of funding.
Officer/Teacher/Fireman/Emergency Technician Next Door Program	HUD & FHA	\$0	No homebuyers were assisted in Ontario during FY 2016-17.
Police Residence Assistance Program	Ontario General Fund	\$0	No new loans or subordinations were processed during FY 2016-17.
Mission Oakland Single-Family Housing Development	OHA	\$33,478	The Ontario Housing Authority acting as successor agency to the Ontario Redevelopment Agency is maintaining this site pending future housing development. During FY 2016-17, the Ontario Housing Authority worked with a developer on the sale of this site for development of 31 single-family for-sale homes. Escrow is expected to close in Fall 2017.
	HAF	\$6,180	
	Subtotal	\$39,658	
CalHome Mortgage Assistance Program	CDBG	\$0	City staff worked with Neighborhood Partnership Housing Services to market this program to potential homebuyers. One homebuyer was assisted with this program in FY 2016-17. Due to funding requirements, the program was closed in April 2017.
	CalHome Funds	\$59,556	
	Subtotal	\$59,556	
TOTAL HOUSING PRIORITY #3		\$252,164	
GRAND TOTAL – HOUSING STRATEGY		\$577,191	

HOMELESS STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Preserve and improve the supply of supportive housing and public services for the homeless.</i>			
Foothill Family Shelter – First Steps Transitional Housing Program	ESG	\$6,122	A total of 14 unduplicated homeless persons were served.
Mercy House Living Centers - Ontario Continuum of Care	CDBG	\$52,249	A total of 56 unduplicated homeless persons were served through the Assisi House and Aftercare Services Program. A total of 1,242 unduplicated homeless persons were served at the Ontario Access Center.
	ESG	\$111,731	
	Subtotal	\$163,980	
House of Ruth – Services for Battered Women and Children	ESG	\$12,600	A total of 90 unduplicated battered women and children were provided with services.
Inland Valley Council of Churches - SOVA Food Security Center	ESG	\$18,410	A total of 3,109 unduplicated persons were served.
Project Gateway (Shelter + Care Program)	HUD	\$153,115	Thirteen households were housed using Shelter + Care vouchers.
GRAND TOTAL – HOMELESS STRATEGY		\$354,227	

SPECIAL NEEDS STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Provide supportive services for special needs populations.</i>			
Inland Fair Housing and Mediation Board – Senior Services	CDBG	\$10,000	A total of 260 seniors were served.
GRAND TOTAL – SPECIAL NEEDS STRATEGY		\$10,000	

FAIR HOUSING STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Continue to implement the Fair Housing Laws by providing funding to further fair housing.</i>			
Inland Fair Housing and Mediation Board – Fair Housing (AFFH) Program	CDBG	\$21,965	A total of 138 persons were provided with fair housing services.
Inland Fair Housing and Mediation Board – Landlord/Tenant Mediation Services	CDBG	\$10,186	A total of 1,539 persons were provided with landlord/tenant mediation services.
GRAND TOTAL – FAIR HOUSING STRATEGY		\$32,151	

PUBLIC HOUSING STRATEGY

Program/Agency	Funding Source	Expenses	Accomplishments
<i>Priority 1: Continue to support ongoing efforts of the Housing Authority of the County of San Bernardino to maximize the use of Section 8 subsidies and other resources in the City.</i>			
Housing Authority of the County of San Bernardino (Housing Choice Voucher Program)	HUD	\$4,684,392	422 households assisted in Ontario.
Housing Authority of the County of San Bernardino (Family Self-Sufficiency)	HUD	N/A	Ten Ontario residents served.
GRAND TOTAL – PUBLIC HOUSING STRATEGY		\$4,684,392	

COMMUNITY DEVELOPMENT STRATEGY

Program/Project	Funding Source	Expenses	Accomplishments
<i>Priority 1: Provide for needed infrastructure improvements in lower and moderate-income neighborhoods.</i>			
Pavement Management Rehabilitation Program and Alley Pavement Management Program (FY 2016-17 and FY 2016-17)	CDBG Gas Tax Measure I Subtotal	\$578,899 \$500,892 \$942,448 \$2,022,239	Construction for the FY 2015-16 and FY 2016-17 Pavement Management program was begun on July 27, 2016 and was completed on December 20, 2016. The FY 2016-17 Alley Pavement Rehabilitation Program was completed in October 2016.
Pervious Concrete Gutters	CDBG	\$0	The project was put out to bid, however, due to issues with the funding, the project was put on hold and eventually cancelled.
Wheelchair Ramp Installation	CDBG	\$175,000	The Parks and Maintenance Department along with our contractor, C.J. Construction, Inc. installed a total of 73 wheelchair ramps, adjoining sidewalks, and curbs.
TOTAL COMMUNITY DEVELOPMENT PRIORITY #1		\$2,197,239	
<i>Priority 2: Provide for new community facilities, neighborhood enhancement activities, and improve the quality of existing community facilities to serve lower- and moderate-income neighborhoods.</i>			
Galvin Park West Side Picnic Structure/BBQ Area Improvements and California Friendly Landscape Renovation Project	CDBG	\$6,299	The project was completed during FY 2015-16 and final payment was made during FY 2016-17. Parks and Maintenance staff have seen a gradual increase in community engagement and utilization of this area of the park that is creating a positive flow of traffic through the newly installed decomposed granite paths which connect to the middle access path of the park and the north playground.
Anthony Muñoz Community Center Pool Renovation	CDBG	\$48,400	The old pool plaster was chipped out and replastered. In addition, old coping was replaced around the perimeter of the pool, an automatic water-fill was installed, and new tile and filter covers were installed.

Program/Project	Funding Source	Expenses	Accomplishments
Security Lighting at Veterans, Vineyard, and Bon View Parks	CDBG	\$117,693	Pathway lighting at Vineyard, Veterans Memorial, and Bon View parks was installed, as well as new lights for the outside basketball court at Bon View Park. In addition, new LED hanging lights were installed at Dorothy Quesada Community Center located at Bon View Park.
Restroom Renovation at De Anza Park	CDBG	\$0	The RFP for the architect on this project was prepared.
	Park Funds	\$0	The project is estimated to be complete by December 2017.
	Subtotal	\$0	
TOTAL COMMUNITY DEVELOPMENT PRIORITY #2		\$172,392	
<i>Priority 3: Provide needed community services to serve lower- and moderate-income residents.</i>			
COPS Program	CDBG	\$177,418	During FY 2016-17, the COPS Division addressed many community concerns including but not limited to: graffiti, the transients/homeless population, panhandlers, prostitution, metal theft, theft of utilities, illegal dumping, truancy, curfew violations, and violations of various city building and habitation codes.
Ontario-Montclair YMCA - Child Care Subsidies Program	CDBG	\$21,999	Ninety-four (94) unduplicated youths were served.
TOTAL COMMUNITY DEVELOPMENT PRIORITY #3		\$199,417	
GRAND TOTAL – COMMUNITY DEVELOPMENT STRATEGY		\$2,569,048	

ADMINISTRATIVE COSTS

Program/Project	Funding Source	Expenses	Accomplishments
CDBG Administration	CDBG	\$317,859	Administration of the CDBG Program.
HOME Administration	HOME	\$21,480	Administration of HOME Program.
ESG Administration	ESG	\$11,736	Administration of ESG Program.
GRAND TOTAL – Administrative Costs		\$351,075	
GRAND TOTAL – All Projects & Administration		\$8,578,084	

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, INCLUDING THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING PROGRAM FOR FILE NO. PSP15-001, A SPECIFIC PLAN (COLONY COMMERCE CENTER WEST) REQUEST (FILE NO. PSP15-001) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 123.17 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,951,146 SQUARE FEET OF INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY MERRILL AVENUE TO THE NORTH, REMINGTON AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE WEST AND THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE EAST (APNS: 0218-261-24, 0218-292-05, 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, 0218-292-14, and 0218-311-11)

RECOMMENDATION: That the City Council adopt a resolution approving the Environmental Impact Report prepared for File No. PSP15-001 which includes the adoption of a Statement of Overriding Considerations and approves the Mitigation Monitoring Program and introduce and waive further reading of an ordinance approving the Colony Commerce Center West Specific Plan (File No. PSP15-001).

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

FISCAL IMPACT: Adoption of the Colony Commerce Center West Specific Plan would result in both short and long term fiscal impacts to the City. Short term impacts include infrastructure

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Luis Batres
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017
Approved: _____
Continued to: _____
Denied: _____

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improvements to serve the new industrial development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fees (“DIF”) associated with the various improvements. Long term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the developer will be required to form and/or join a Community Facilities District (“CFD”) to cover the additional public service costs. No Original Model Colony dollars will be used to fund this Ontario Ranch development.

BACKGROUND: The Ontario Plan (TOP) Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure (including drainage, sewer, and water facilities), provision for public services (including parks and schools), and urban design and landscape plans.

COLONY COMMERCE CENTER WEST SPECIFIC PLAN: The Colony Commerce Center West Specific Plan (File No. PSP15-001) serves to implement the City’s Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for the development of 123.17 acres within the Specific Plan boundaries. The Specific Plan establishes a comprehensive set of development regulations and design guidelines to regulate site planning, landscaping, and architectural character, and ensuring that excellence in community design is achieved during project development. The Colony Commerce Center West Specific Plan establishes the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved.

The overall land use concept for the Colony Commerce Center West Specific Plan takes advantage of the site’s proximity to airports and regional freeway access. The land use concept provides for a range of industrial uses, while offering a variety of development and employment opportunities and the ability to accommodate an ever-changing business and industrial environment.

The Specific Plan identifies the land use intensity anticipated in the two planning areas (see *Exhibit “A”: Colony Commerce Center West Specific Plan Land Use Plan*). The maximum floor area ratio (FAR) permitted in each Planning Area conforms to the maximum 0.55 FAR permitted in the Policy Plan (General Plan) Land Use Plan for industrial designations. Planning Area 1, located along the northern portion of the Specific Plan area, is 57.58 acres in size and can potentially be developed with 1,379,501 square feet of industrial development. Planning Area 2, located along the southern portion of the Specific Plan, is 65.60 acres in size and can potentially be developed with 1,571,645 square feet of industrial development (see *Exhibit “B”: Land Use Summary Table*).

Specific Plan Design Concept — The design theme and site design of the Colony Commerce Center West Specific Plan was created to ensure that the Specific Plan reflects the vision embodied by TOP in the following concepts:

- Develop a quality, cohesive design concept and identity for the Colony Commerce Center West area;
- Establish development standards that ensure lasting value for the industrial developments;
- The architectural image of the Specific Plan will be perceived primarily from the public realm. Therefore, building massing, scale and roof forms, as the primary design components require articulation in their architectural expression as they relate to the public view;
- A theme wall/entry monument may be installed at the major project entries at the discretion of the builder or project developer;
- Site design should facilitate the intended functions of developed and open space areas and provide for appropriate interactions between buildings and activity areas, good movement, vehicular access and parking, and pedestrian and bicycle travel;
- Buildings should be oriented to define the streetscene and provide for an aesthetically pleasing streetscape; and
- Major vehicular and pedestrian entries to the site from the public street system should be readily visible.

Architectural Style — The Colony Commerce Center West Specific Plan Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and TOP. Since it is envisioned that the site will be developed with industrial development, the architecture style will be similar to what has been developed within the Meredith Specific Plan at the southeast corner of Fourth Street and Vineyard Avenue (utilizing a tilt-up contemporary style. All buildings will be required to provide a recognizable base, body, roofline and entry.

Landscape Plan — The landscape palette for the Specific Plan (Table 7.1 of the Specific Plan) identifies the plant material and trees to be used within parking lots, along street parkways, within sign monument areas, and adjacent to buildings. Additionally, the Specific Plan establishes the overall landscape coverage for the project and the landscape setbacks along the perimeter streets and interior property lines.

Circulation Concept — The Specific Plan establishes the hierarchy and general location of roadways bounding the project. Merrill Avenue will be designed to be widened to a four (4) lane, 108-foot wide collector street. Carpenter and Remington Avenues will be designed and widened to two-lane local industrial streets (70-foot right-of-way). The easterly end of Remington Avenue will be designed to terminate with a cul-de-sac.

Planning Area 1 has been designed to provide two points of access along Carpenter Avenue and one along Merrill Avenue. Planning Area 2 has been designed to provide two access points along Carpenter Avenue and two along Remington Avenue. Signalized intersections will be provided at the Merrill Avenue/Carpenter Avenue intersection and the Merrill Avenue/Hellman Avenue intersection.

Infrastructure and Services — Backbone infrastructure to serve all areas of Specific Plan will be installed by the developer(s) in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by The Gas Company and electricity by Southern California Edison. Development of the project requires the installation by the developer of all infrastructure necessary to serve the project as a standalone development.

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

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

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: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

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

Even though an EIR was prepared for TOP, the analyses focused on the program or "big picture" impacts associated with development. With the submittal of the Colony Commerce Center West Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the project and determined that an EIR should be prepared for the Colony Commerce Center West Specific Plan. As noted in the Planning Commission staff report, dated August 22, 2017, an EIR was prepared addressing 14 key areas. The Colony Commerce Center West Specific

Plan EIR (SCH# 2015061023) evaluates each of these areas and identifies mitigation measures and/or revisions to the plan to lessen the impacts of the project. Of the 14 areas considered by the EIR, all but three of the impact areas were mitigated a level of less than significant. Even with the mitigation measures, the impacts to air quality, agriculture resources and transportation and traffic) could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. While mitigation of all potential impacts to a level of less than significant is desirable, the fact that three areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the City Council certify the EIR, including the adoption of the Statement of Overriding Considerations and Mitigation Monitoring Program for the project.

PLANNING COMMISSION REVIEW: On August 22, 2017, the Planning Commission conducted a public hearing and voted unanimously (6-0) to recommend City Council certification of the Colony Commerce Center West Specific Plan Environmental Impact Report (SCH#2015061023) including the adoption of a Statement of Overriding Considerations and Mitigation Monitoring Program and approval of the Colony Commerce Center West Specific Plan (File No. PSP15-001).

Exhibit "A"
Colony Commerce Center West Specific Plan Land Use Map

Exhibit 4.1, Land Use Plan



Source: Douglas Franz Architects

N. T. S.

**Exhibit "B":
Land Use Summary Table**

Table 4.1, Land Use Summary

Planning Area (PA)	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Industrial	57.58 ac	1,379,501 SF	0.55
PA-2	Industrial	65.60 ac	1,571,645 SF	0.55
Total		123.17 ac	2,951,146 SF	0.55

Colony Commerce Center West Environmental Impact Report

(Provided under separate cover)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE COLONY COMMERCE CENTER SPECIFIC PLAN (SCH # 2015061023) AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING REPORTING PROGRAM - (APNS: 0218-261-24, 0218-292-05, 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, 0218-292-14, and 0218-311-11).

WHEREAS, CapRock Partners, LLC (the "Applicant") proposes the Colony Commerce Center Specific Plan for the development of a master planned industrial development on 123.17 acres of land in the southern portion of the City of Ontario ("City") (the "Project"); and

WHEREAS, the Project consists of two planning areas analyzed at a specific plan level of detail; and

WHEREAS, the Project site is located north of Remington Avenue, south of Merrill Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Flood Control Channel in the City; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, §§ 21000 *et seq.*), the State CEQA Guidelines (14 CCR §§ 15000 *et seq.*) and the City's Local CEQA Guidelines, the City of Ontario is the lead agency for the Project, as the public agency with the principle responsibility for approving the Project; and

WHEREAS, after determining that an Environmental Impact Report ("EIR") should be prepared for the proposed Project, the City issued a Notice of Preparation ("NOP") on June 10, 2015. Public review of the NOP ended on July 9, 2015 and resulted in the City receiving 14 responses; and

WHEREAS, a public scoping meeting was held June 23, 2015, where 1 comment was received; and

WHEREAS, after completing the Draft EIR (SCH # 2015061023), the City released the document for public review for a 45-day public comment period, beginning November 15, 2016, and ending on January 3, 2017, by filing a Notice of Availability with the County of San Bernardino Clerk's Office; and

WHEREAS, pursuant to Public Resources Code section 21092, the City also provided a Notice of Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Availability on or about November 15, 2016, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area. The Notice of Availability was posed at the San

Bernardino County Clerk's Office on November 15, 2016. Copies of the Draft EIR were made available for public review at the Planning Department, Ontario Main Library, and City Clerk's office. Copies were also available for download via the City's website; and

WHEREAS, pursuant to City of Ontario Local CEQA Guidelines, the Notice of Availability was mailed to all residents and property owners within 600 feet of the Project; and

WHEREAS, during the 45-day comment period on the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines section 15086; and

WHEREAS, during the official public review period for the Draft EIR, the City received 11 written comments, all of which the City responded to in the Final EIR; and

WHEREAS, the City prepared the Final EIR, including comments on the Draft EIR, responses to those comments, revisions to the Draft EIR, the Errata to the Final EIR and appended documents, and pursuant to Public Resources Code section 21092.5, the City provided copies of the Final EIR to all commenting agencies; and

WHEREAS, the City provided a Notice of Public Hearing and/or Intent to Certify an Environmental Impact Report to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing on or about September 8, 2017, in the Inland Valley Daily Bulletin, a newspaper of general circulation in the Project area; and

WHEREAS, all potential significant adverse environmental impacts were sufficiently analyzed in the Final EIR; and

WHEREAS, the City of Ontario Planning Commission conducted a public hearing on August 22, 2017, and concluded said hearing on that date. After considering all public testimony, the Planning Commission issued Resolution No. PC17-054, recommending City Council certification of the Final EIR; and

WHEREAS, on September 19, 2017, the City Council of the City of Ontario conducted a hearing on the Project and concluded said hearing on that date; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local Guidelines have been satisfied by the City in the Final EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the Final EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives

capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines and the City's Local Guidelines; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon all oral and written evidence presented to it as a whole and are not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts identified in the Final EIR which the City finds are less than significant and do not require mitigation are described in Section II of the CEQA Findings of Fact, attached hereto as Exhibit "A"; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant but which the City finds can be mitigated to a level of less than significant, through the imposition of feasible mitigation measures identified in the Final EIR and set forth in the CEQA Findings of Fact, attached hereto as Exhibit "A" and in the Mitigation Monitoring Reporting Program, attached hereto as Exhibit "B", are described in Section III of the CEQA Findings of Fact; and

WHEREAS, environmental impacts identified in the Final EIR as potentially significant and which the City finds cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth in the CEQA Findings of Fact, attached hereto as Exhibit "A" and in the Mitigation Monitoring Reporting Program, attached hereto as Exhibit "B", are described in Section IV of the CEQA Findings of Fact; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section VII hereof; and

WHEREAS, because some environmental impacts identified in the Final EIR as potentially significant cannot be fully mitigated to a level of less than significant, despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth herein, the City Council has balanced the economic, legal, social, technological, and other benefits of the Project against its significant and unavoidable impacts, and has determined that the benefits of the Project outweigh the unavoidable adverse impacts, and therefore, render those impacts "acceptable." The City Council has documented its determination regarding significant and unavoidable impacts in the Statement of Overriding Considerations in Section VIII hereof; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final EIR, and all oral and written evidence presented to it during all meetings and hearings on the Project; and

WHEREAS, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City or any additional information submitted to the City have produced substantial new information

requiring recirculation or additional environmental review under State CEQA Guidelines section 15088.5; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines that the foregoing recitals are true and correct and are incorporated by reference herein as if stated in full.

SECTION 2. The City Council hereby certifies the Final EIR based on the following findings and conclusions:

(a) The Final EIR for the proposed Project has been completed and processed in compliance with the requirements of CEQA; and

(b) The Final EIR was presented to the City Council, and the City Council, as the decision making body of the City, reviewed and considered the information contained in the Final EIR prior to approving the proposed Project; and

(c) The Final EIR reflects the City's independent judgment and analysis.

SECTION 3. The City Council hereby finds that all information added to the Final EIR in response to comments on the Draft EIR and by the Errata to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an already adequate EIR pursuant to CEQA Guidelines section 15088.5(b) and that no significant new information has been received that would require recirculation.

SECTION 4. The City Council finds that the CEQA Findings of Fact and Statement of Overriding Considerations set forth in Exhibit "A", attached hereto and incorporated by reference herein as if stated in full, are supported by substantial evidence in the administrative record and are hereby adopted by the City Council.

SECTION 5. The City Council finds that the Final EIR has adequately analyzed the environmental concerns of the proposed Project and, as explained in the CEQA Findings of Fact set forth in Exhibit "A" and based on the information in the administrative record, including the analysis in the Final EIR, has determined that certain impacts related to Agricultural Resources, Air Quality, and Transportation and Traffic cannot be mitigated to a level of insignificance. The City Council further finds, pursuant to Public Resources Code section 21081(a)(1) and as explained in the CEQA Findings of Fact, that changes or alterations have been incorporated into the Project that mitigate or avoid those other significant impacts identified in the Final EIR as less than significant with the imposition of mitigation.

SECTION 6. With the exception of the impacts identified in Section 5 above, the City Council finds that, the proposed Project, including all related mitigation measures, conditions, permits, and approvals will not have any other significant adverse impacts on the environment. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports any argument that the proposed project, as designed and mitigated, would cause a significant effect on the environment, except as to the impacts identified in Section 5. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts has been submitted that refute the conclusions reached by the Final EIR, studies, data, and reports. Nor does anything in the record alter the environmental determination, as presented, based upon investigation and independent assessment of those studies, data, and reports.

SECTION 7. The City Council finds that the Final EIR has adequately examined the environmental concerns of the proposed Project and has determined that the impacts identified in Section 5 above and described in the Final EIR and in the CEQA Findings of Fact in Exhibit "A", cannot be mitigated to a level of less than significant. The City Council has balanced the benefits of the adoption of the proposed Project against its unavoidable environmental impacts and has determined that the benefits of the proposed project outweigh the unavoidable adverse environmental effects which have been identified in the Final EIR and the CEQA Findings of Fact and the adverse environmental effects are considered acceptable. In making its determination, the City Council has indicated its intention to approve the proposed project and hereby adopts the Statement of Overriding Considerations contained in Exhibit "A", attached hereto and incorporated herein by reference. The statements therein are supported by substantial evidence, and the data to support these overriding considerations are found throughout the Final EIR, the supporting comments and responses section of the Final EIR, the Errata to the Final EIR, and by the information throughout the administrative record. The benefits of the proposed Project set forth in the attached Statement of Overriding Considerations identifies why, in the City Council's judgment, the benefits of the proposed Project as approved outweighs its unavoidable significant effects.

SECTION 8. The City Council Finds that three (3) alternatives to the proposed Project were identified and analyzed in the Final EIR and rejects each of these alternatives as infeasible due to specific economic, legal, social, technological, and other considerations contained in the administrative record, including without limitation the Final EIR, CEQA Findings of Fact, Statement of Overriding Considerations, and the written and verbal testimony. The specific reasons upon which the rejection of the Project alternatives are based are set forth in the CEQA Findings of Fact and Statement of Overriding Considerations attached as Exhibit "A".

SECTION 9. The City Council finds that all significant environmental impacts from implementation of the proposed Project have been identified in the Final EIR and, with the implementation of the mitigation measures set forth in the Mitigation Monitoring Reporting Program attached as Exhibit "B" and incorporated herein by this reference, will be mitigated to a less-than-significant level, with the exception of the impacts identified in Section 5 above. The City Council hereby adopts the Mitigation Monitoring

Reporting Program for the proposed Project to implement the mitigation measures, policies, goals, and implementation measures identified in the Final EIR as necessary to preclude the need for further mitigation measures. Said Mitigation Monitoring Reporting Program is hereby incorporated as a condition of approval of the City Council for the adoption of the proposed Project. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring Reporting Program, the Mitigation Monitoring Reporting Program shall control.

SECTION 10. Specific environmental, economic, social, legal, technical, and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternative to the proposed Project or further mitigation measures beyond those incorporated into this Project.

SECTION 11. The City Council hereby finds that the documents and other materials which constitute the record of proceedings upon which its decision is based are located at the City of Ontario Planning Department at 303 East "B" Street, Ontario, California 91764. The custodian for these documents is the City Clerk of the City of Ontario.

SECTION 12. The City Council directs staff to file a notice of determination with the County Clerk of San Bernardino County within five (5) working days of approval of the proposed Project.

SECTION 13. The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 19th day of September 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- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held September 19, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held September 19, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT "A"

CEQA FINDINGS OF FACT

STATE CLEARINGHOUSE NO. 2015061023

Public Resources Code section 21002 states that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Agencies demonstrate compliance with section 21002's mandate by adopting findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) The approving agency must make written findings for each significant environmental effect identified in an EIR for a proposed project and must reach at least one of three permissible conclusions. The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (State CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding" and that "[s]uch changes have been adopted by such other agency or can and should be adopted by such other agency." (State CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines, § 15091, subd. (a)(3).)

Agencies must not adopt a project with significant environmental impacts if feasible alternatives or mitigation measures would substantially lessen the significant impacts. Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." State CEQA Guidelines section 15364 adds "legal" considerations as another indicia of feasibility. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565.) Project objectives also inform the determination of "feasibility." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) Further, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) An agency need not, however, adopt *infeasible* mitigation measures or alternatives. (State CEQA Guidelines, § 15091, subds. (a), (b).) Further, environmental impacts that are less than significant do not require the imposition of

mitigation measures. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347.)

Notably, section 21002 requires an agency to “substantially lessen or avoid” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen” significant environmental impacts, even if not completely avoided, satisfy section 21002’s mandate. (*Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 521 (“CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level”); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 309 (“[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible”).)

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (State CEQA Guidelines, § 15091, subds. (a), (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 576.)

The City Council has determined that based on all the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at meetings and hearings on the Project, and submission of testimony from the public, organizations and regulatory agencies, the following environmental impacts associated with the Project are: (1) less than significant and do not require mitigation; or (2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified mitigation measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

Section I

ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

- The Final EIR includes the Draft Environmental Impact Report (DEIR) dated November 2016, written comments on the Draft EIR that were received during the public review period, written responses to those comments and changes to the Draft EIR, and the Final EIR Errata making minor corrections and revisions to the Final EIR. In conformance with CEQA and the State CEQA Guidelines, the City of Ontario conducted an extensive environmental review of the Colony Commerce West Specific Plan Project:

- Completion of an Initial Study (IS) by the City of Ontario, which concluded that an EIR should be prepared, and the Notice of Preparation (NOP), which were released for a 30-day public review period from June 15, 2015, through July 14, 2015. The NOP was posted at the San Bernardino County Clerk office on June 15, 2015. The notice was published in the Inland Valley Daily Bulletin, a newspaper of general circulation. Copies of the IS were made available for public review at the Ontario Planning Department, Ontario Main Library, and City of Ontario City Clerk's and it was available for download via the City's website: http://www.ontarioca.gov/sites/default/files/notice_of_preparation_of_a_draft_environmental_impact_report_-_colony_commerce_center_specific_plan_psp15-001.pdf.
- Completion of a scoping process, in which the public was invited by the City to participate. The scoping meeting for the EIR was held on June 23, 2015 at 6:00 PM at the Ontario Police Department Community Room, located at 2500 South Archibald Avenue in the City. The notice of a public scoping meeting was included in the NOP for the City on June 8, 2015.
- Preparation of a Draft EIR by the City, which was made available for a 45-day public review period (November 15, 2016 through January 3, 2017). The Draft EIR consisted of two volumes. Volume I contains the text of the Draft EIR and analysis of Colony Commerce West Specific Plan. Volume II contains the appendices, including the NOP and responses to the NOP. The Notice of Availability (NOA) for the Draft EIR was sent to all property owners and occupants within 600 feet of the Project site, all persons, agencies and organizations on the interest list interested persons, sent to the State Clearinghouse in Sacramento for distribution to public agencies, and published in the Inland Valley Daily Bulletin. The NOA was posted at the San Bernardino County Clerk office on November 15, 2016. Copies of the Draft EIR were made available for public review at the City of Ontario Planning Department, Ontario Main Library, and City of Ontario City Clerk's office, and it was available for download via the City's website: <http://www.ontarioca.gov/planning/reports/environmental-impact-reports/colony-commerce-center-specific-plan-draft-eir>.
- Preparation of a Final EIR, including the Comments and Responses to Comments on the Draft EIR. The Final EIR contains: comments on the Draft EIR, responses to those comments, revisions to the Draft EIR, the Errata to the Final EIR, and appended documents. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.
- Public hearings were held for the proposed Project, including a Planning Commission hearing and a City Council hearing.
- A notice of the City Planning Commission hearing set for August 22, 2017, for the Project was mailed on July 13, 2017 to all property owners of record within 600 feet of the subject site and all individuals that requested to be notified. Additionally, a notice for the City Planning Commission hearing was posted at

303 East "B" Street, Ontario, CA 91764, as required by established public hearing posting procedures.

- A notice of the City Council hearing set for September 19, 2017, for the Project was mailed on ____, 2017 to all property owners of record within 600 feet of the subject site and all individuals that requested to be notified. A notice for the City Council hearing was posted at 303 East "B" Street, Ontario, CA 91764 as required by established public hearing posting procedures. Additionally, notice for the City Council hearing was published in the Inland Valley Daily Bulletin on September 8, 2017.
- The City Council also conducted a second reading of the ordinance adopting the Specific Plan on October 1, 2017.

SECTION II

Resolution Regarding Environmental Impacts Not Requiring Mitigation

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as "less than significant" where no mitigation is required. These findings will nevertheless fully account for all such effects identified in the Draft EIR in this Section II. Thus, the City Council hereby finds that the following potential environmental impacts of the Project are less than significant and do not require the imposition of mitigation measures:

A. Aesthetics

Impact: Does the Project have a substantial adverse effect on a scenic vista? (Draft EIR at p. 4.1-12.)

Finding: The Project will not have a substantial adverse effect on a scenic vista. (Draft EIR at p. 4.1-12-13.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: There are limited views of the San Gabriel Mountains to the north of the Project site from both Remington Avenue and Carpenter Avenue. These streets, however, are located in a predominantly rural area and subject only to limited public travel. Also, none of the public roads bordering the Project site are considered scenic highways. Currently, existing views of visual resources, including the Jurupa Mountains, San Bernardino Mountains, Chino Hills, and San Gabriel Mountains, are obstructed by various manmade and natural features, including intermittent development, houses, trees, and electrical equipment. The basin's air pollution also often obstructs views of these resources from the area.

The Project will result in the development of industrial uses, with a maximum building height of 55 feet (although architectural elements, such as cupolas or towers, are allowed up to a maximum of 65 feet). These buildings will further obscure views of visual resources within the area. However, although views would be obscured to a greater degree, existing views are not considered significant or qualifying and scenic

vistas. For instance, existing views of the Santa Ana Mountains and Chino Hills to the southwest from Carpenter Avenue and Merrill Avenue are already obscured by existing vegetation, homes, and other manmade features. Likewise, existing views of the San Gabriel Mountains are obscured by similar features, including electrical lines and large eucalyptus windrows along the south side of Remington Avenue. These views are not considered high-quality. There are currently limited, long-range views of the San Gabriel Mountains from Carpenter Avenue. The Project, while it would introduce new development into the area, would not significantly impact these views because development would occur consistent with the Specific Plan's design guidelines, including substantial setbacks, and the City's Master Plan of Streets and Highways.

Overall, the Project will introduce development that will alter the existing visual environment and views of scenic resources. However, as discussed above, existing views of scenic resources are already significantly obscured by vegetation, development, and atmospheric conditions. Also, the adjacent roadways are not considered to be scenic roadways, and development would occur consistent with applicable standards and guidelines to preserve views to the extent possible. Therefore, the Project will not have a substantial adverse effect on a scenic vista.

Impact: Does the proposed Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Draft EIR Appendix A at 16.)

Finding: The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (Draft EIR Appendix A at 16.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: None of the roadways adjacent to or in the vicinity of the Project site are designated as state scenic highways. The nearest state scenic highway, Route 18, is located near Big Bear Lake, which is approximately 60 miles from the Project site. There are no valued natural features (e.g., trees, rock outcroppings), or notable features on the site. The Project site has been used for agricultural operations, which leaves little to no native vegetation. Therefore, the proposed Project will not result in substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Impact: Does the proposed Project substantially degrade the existing visual character or quality of the site and its surroundings? (Draft EIR at p. 4.1-13.)

Finding: The proposed Project will not substantially degrade the existing visual character or quality of the site and its surroundings. (Draft EIR at p. 4.1-13–15.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The area surrounding the Project site includes both agricultural and industrial uses (for example, the trucking yard located to the northwest of the Project site). Because of the agricultural uses, the surrounding area often contains mounds consisting of debris and other refuse material, including manure, from dairy and poultry

operations and other agricultural facilities. The Project will convert the site from a former dairy, rural residences, and crop agriculture to a master planned industrial development consistent with the proposed Specific Plan. The existing agricultural use has characteristics that are considered unattractive due to the presence of older structures, dilapidated equipment, livestock, dairy ponds, fencing, and barren fields. The Project includes the development of industrial warehouse buildings to a maximum height of 55 feet (with limited architectural features permitted to 65 feet high).

The Project site includes a limited number of mature trees that will be removed. However, the Project's landscaping plan will replace all removed trees and increase and enhance the overall landscaping features on the site.

While the Project will change the existing visual character of the site, the transformation in character to industrial warehouse development is not considered adverse. As discussed above, the existing visual character of the site and vicinity, which consists of agricultural uses, industrial uses, and limited rural residential uses, is not considered unique or of special aesthetic value or quality. The Project would be developed consistent with the Specific Plan's design guidelines that dictate the development's theme and character, site design, parking, walls and fences, lighting, and landscaping. Also, the surrounding area is proposed for development and, as the character of the area gradually changes from rural to a more urban aesthetic, the design standards in the Specific Plan would ensure that the proposed Project would not degrade the existing visual character of the area.

Impact: Does the Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area? (Draft EIR at p. 4.1-15.)

Finding: The Project will not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. (Draft EIR at p. 4.1-15-16.)

Mitigation Measures: No mitigation measures are necessary.

Explanation:

Construction

Lighting would be needed during Project construction, which could generate light spillover to adjacent uses in the vicinity. However, as mandated in Section 5-29.09 of the Ontario Municipal Code, Construction Activity Noise Regulations, construction activities may only occur on weekdays between the hours of 7:00 a.m. and 6:00 p.m. or on a Saturday or Sunday between 9:00 a.m. and 6:00 p.m. These hour restrictions, which limit the work that could occur after sundown, would likewise minimize the potential for light spillage during construction. Also, construction-related illumination will be used only for safety and security purposes, as required by Ontario Municipal Code Section 4-11.11, Construction Site Security Provisions, and would only occur during the construction period. With adherence to the requirements of the Ontario Municipal Code regarding construction activities, light from construction activities would not significantly impact surrounding uses, substantially alter the character of off-site areas, or interfere with the performance of off-site activities. Thus, the Project will not create a new source

of substantial light or glare that would adversely affect daytime or nighttime views in the area.

Operations

The Project would introduce new lighting on the site consistent with the Specific Plan, which requires illumination of on-site areas for safety, security, and nighttime ambiance. Areas that would be lighted include parking areas, pedestrian walkways, graphics and signage, architectural and landscape features, and shipping and loading areas. Lighting from truck operations will also be a new source.

As required by the City, a comprehensive lighting plan will be prepared and approved in conjunction with the site plans. Exterior lighting will be located and designed to minimize direct glare beyond the Project's parking areas. All lighting sources will be shielded, or diffused, to avoid glare and light intrusion to off-site areas, pedestrians, and motorists. Also, the Specific Plan requires a setback of 23 feet from Merrill Avenue and 10 feet from Carpenter Avenue, and the Project includes significant landscaping, both of which will create a buffer between the Project and adjacent uses. Trucks would travel on existing roadways and, once inside the Project site, would be screened from view or have lights turned off.

The Project could create glare through the introduction of new buildings and shiny surfaces. However, per the Specific Plan, all loading areas must be screened from public view, meaning all buildings will locate loading dock doors, a potential glare-inducing source, to the interior of the buildings. Also, as with Project lighting, landscaping would create a buffer between the proposed Project and potential receptors. The City's design review process would ensure that extensive use of highly reflective surfaces is avoided in the section of exterior treatments and glazing elements. Ontario Municipal Code Section 4.02.025 ensures the review of the location, design, materials, and colors of walls and fences, as well as the exterior building architecture, for any conditions affecting the public health, safety, welfare, and general aesthetic of the community. The proposed Project will not create new sources of substantial light or glare that would adversely affect daytime or nighttime views in the area.

Impact: Does the Project have a cumulative impact to aesthetics? (Draft EIR at p. 4.1-16.)

Finding: The Project will have no substantial adverse impacts on aesthetics, including cumulative impacts. (Draft EIR at p. 4.1-16–17.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The conversion of the Project site from agricultural/rural uses to urbanized uses will change the visual character of the Project site. This change, however, would not result in a cumulative impact. First, the existing area is not considered of a unique or high quality. Second, the Project would be designed consistent with the Specific Plan design standards to ensure an appropriate design aesthetic. Third, development of the Project will represent a consistent and logical continuation of the existing and planned pattern of development in Ontario Ranch. The City has long anticipated that this area would transition from agricultural to urban uses.

The cumulative change in visual condition that will result from the Project and nearby projects is not considered adverse or degrading, as each related cumulative project would be required to comply with the City's Design Standards. Changes in the visual character of the site resulting from the Project, in combination with existing and planned development in the vicinity, will not have a significant cumulative impact on scenic vistas because the existing site is highly disturbed and scenic resources are obstructed by natural and manmade features. Similarly, the Project site area already includes a mixture of industrial uses, which are consistent with the Project, and agricultural uses, which are not considered unique or high quality. Finally, lighting created by the Project, when combined with cumulative projects, will not result in a significant effect because all lighting must comply with the City's Design Standards, which mandate light be screened to minimize spillage onto adjacent uses. No adverse cumulative aesthetic or visual character impacts would result from the Project.

B. Agricultural Resources

Impact: Does the proposed Project conflict with existing zoning for agricultural use, or a Williamson Act contract? (Draft EIR at p. 4.2-7.)

Finding: The Project will not conflict with existing zoning for agricultural uses or a Williamson Act contract. (Draft EIR at p. 4.2-7-8.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: When the City annexed all the land within the Ontario Ranch, which includes the Project site, the land was zoned Specific Plan. However, concurrently, the City adopted the Agricultural Overlay Zoning District that allows existing agricultural uses within the Ontario Ranch to continue until specific development proposals are submitted for a given property. The Project, although it would introduce industrial/warehousing uses to the site, would not conflict with the Agricultural Overlay Zoning District, which was established to protect agricultural uses from conflicts with non-agricultural uses. The Project includes appropriate setbacks and buffers from existing uses, and would ensure that no externalities from the Project would impact agricultural uses. The proposed buildings are self-contained, and trucks operating at the Project site would be located toward the interior of the Project site (a greater distance from the agricultural uses than just the required setback). Therefore, the Project would not conflict with existing zoning for agricultural uses.

None of the Project site's parcels are subject to Williamson Act contracts. Thus, the Project will have no impact on Williamson Act contracts.

Impact: Does the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Draft EIR Appendix A at 17.)

Finding: The proposed Project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. (Draft EIR Appendix A at 17.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is not zoned as forest land, timberland, or timberland zoned Timberland Production, nor is it surrounded by land zoned for forest land, timberland, or Timberland Production. Therefore, the Project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

Impact: Does the Project result in the loss of forest land or conversion of forest land to non-forest uses? (Draft EIR Appendix A at 18.)

Finding: The proposed Project will not result in the loss of forest land or conversion of forest land to non-forest uses. (Draft EIR Appendix A at 18.)

Mitigation Measures: No mitigation measures are necessary.

Explanation: The Project site is not zoned as forest land and currently contains agricultural uses.

Therefore, the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.

C. Air Quality

Impact: Does the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Draft EIR at 4.3-26.)

Finding – Construction: The proposed Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. (Draft EIR at 4.3-26–31.)

Mitigation Measures: No mitigation measures are required, but the following project design features would be implemented:

Fugitive Dust

The Project will be required to comply with South Coast Air Quality Management District (SCAQMD) rules and regulations, including, but not limited to, SCAQMD Rules 402 and 403 setting forth measures to reduce fugitive dust emissions during construction activities. Construction activities shall comply with all applicable SCAQMD rules and regulations, including, but not limited to, Rules 402 and 403:

- **Dust Control Plan:** A dust control plan will be submitted and approved by the City prior to the start of construction activities.

- **Disturbed Areas:** The construction contractor shall apply water or nontoxic chemical soil stabilizers/suppressants according to manufacturers' specifications to all disturbed areas that are not being actively used for construction purposes, using water or nontoxic chemical stabilizers/suppressants.
- **Storage Piles:** The construction contractor shall apply water or nontoxic chemical stabilizers/suppressants for fugitive dust control, or cover storage piles with a tarp or other suitable cover or vegetative ground cover. Following the addition of materials to, or the removal of, materials from the surface of outdoor storage piles, said piles shall be effectively stabilized for fugitive dust emissions, using sufficient water or nontoxic chemical stabilizer/suppressant.
- **Unpaved Roads:** The construction contractor shall effectively stabilize for fugitive dust control all on-site unpaved roads and off-site unpaved access roads using water or nontoxic chemical stabilizers/suppressants.
- **General Watering:** The construction contractor shall control fugitive dust emissions during land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities by watering the construction site a minimum of two times daily when soil conditions are dry.
- **Dirt Hauls:** When materials are transported off-site, the construction contractor shall ensure that all material is covered or effectively wetted to limit visible dust emissions, and at least 24 inches of freeboard space from the top of containers shall be maintained.
- **Dirt Carryout/Trackout:** The construction contractor shall install and maintain an approved carryout and trackout prevention procedure at the construction ingress/egress. Equipment and vehicles shall be cleaned to ensure that soil is not tracked out of the work area (a gravel pad, tire shaker, or wheel wash system may be used). The construction contractor shall remove mud or dirt that has accumulated on adjacent public streets at the end of each workday. In addition, carryout/trackout shall be immediately removed when it extends 50 feet or more beyond the site exit. Carryout/trackout shall be removed by manually sweeping, using a rotary brush broom accompanied or preceded by sufficient wetting, operating a PM10-efficient street sweeper with a minimum pick-up efficiency of 80 percent, or flushing with water if curbs or gutters are not present and where the use of water will not be a source of trackout material or result in adverse impacts on stormwater drainage systems.
- **Unpaved Road Speeds:** The construction contractor shall limit traffic speeds on unpaved roads to 15 miles per hour.
- **Erosion Control:** The construction contractor shall install gravel bags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent during ground-disturbing activities.

- High Winds: The construction contractor shall suspend excavation and grading activity when winds exceed 20 miles per hour.
- Wind Barriers: The construction contractor shall install wind barriers around the work area.

Construction Vehicle Exhaust

The following project design features will be implemented, as appropriate, to minimize construction vehicle exhaust from the Project:

- The construction contractor shall properly service and maintain all construction equipment in accordance with the manufacturer's recommendations.
- The construction contractor shall minimize idling for all construction equipment.
- The construction contractor shall minimize idling of diesel-fueled commercial vehicles to 5 minutes or less.

Explanation: The pollutant-generating activities associated with construction of the proposed Project would be conducted in two phases. The first phase involves the construction of Planning Area 2 (PA-2), which was expected to be completed in 2017. The second phase, Planning Area 1 (PA-1), is anticipated to begin construction after the development of PA-2 and would be based on market conditions. PA-1 is anticipated to be constructed by year 2025. Specific sources of emissions associated with construction would include exhaust from diesel construction equipment at the site and dust generated by the mechanical disturbance of the soil due to equipment and truck travel within the site. In addition, there will be trips to and from the site for construction workers.

The worst-case daily emissions associated with construction activities were calculated using SCAQMD's California Emissions Estimator Model (CalEEMod). The model analysis concluded that construction activities for both PA-2 and PA-1 would not exceed applicable SCAQMD CEQA thresholds for VOC, NO_x, CO, SO₂, PM₁₀, or PM_{2.5}. Thus, the proposed Project would not result in significant impacts to regional air quality from construction phase emissions.

The Project will also not expose sensitive receptors to elevated pollutant concentrations in the Specific Plan area. To evaluate the potential for such impacts, the Draft EIR utilized the SCAQMD Localized Significance Threshold (LST) methodology. The thresholds for the LSTs are based on the Ambient Air Quality Standards, which are designed to protect sensitive receptors most susceptible to respiratory issues, and represent the maximum emission from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state standards. The LST analysis is conservative and proper because any construction activities would be distributed over an area greater than five acres; ambient pollutant concentrations would therefore be more diluted than for a five-acre site. The LST analysis concluded that the construction of neither PA-1 nor PA-2 would significantly impact pollutant concentrations in the area.

Moreover, although the Project's construction emissions were determined to be less than significant, the Project would implement the project design features identified above, which would further reduce emissions.

Impact: Does the Project conflict with or obstruct implementation of the applicable air quality plan? (Draft EIR at 4.3-25.)

Finding: The proposed Project will not conflict with or obstruct implementation of the applicable air quality plan. (Draft EIR at 4.3-25–26.)

Mitigation Measures: No mitigation measures are required.

Explanation: A project conflicts with the SCAQMD Air Quality Management Plan (AQMP) if it conflicts with the City's General Plan, which serves as the basis for the growth assumptions contained in the AQMP. The Project does not require a General Plan amendment as the site is designated for industrial land use. Thus, development of the site with industrial land uses is consistent with the General Plan and, as a result, the AQMP. The City's requirement for a Specific Plan is to enable the planning and development of the site in a coordinated and comprehensive manner and to provide for the systematic implementation of the General Plan. The Project would not exceed the assumptions in the AQMP, and would not result in a significant impact related to the obstruction of the implementation of the AQMP.

Impact: Does the Project expose sensitive receptors to substantial pollutant concentrations? (Draft EIR 4.3-32.)

Finding: The proposed Project will not expose sensitive receptors to substantial pollutant concentrations. (Draft EIR at 4.3-32–35.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project would result in the emissions of diesel particulate matter (DPM) during the operational phase, and DPM can have health impacts. To assess the potential health risks of the Project, a Health Risk Assessment (HRA) was prepared. The HRA concluded that, when accounting for the operational emissions of DPM, the Project's maximum individual cancer risk was estimated to be 8 in 1 million at the sensitive receptor along Merrill Avenue that would be most impacted by the Project. This value was based on an assumed 30-year residential exposure, which is consistent with the 2015 OEHHA guidance. This maximum individual cancer risk is less than the significance threshold of 10 in 1 million. The Project's maximum individual cancer risk would occur only during the PA-2 operational phase because fleet mix emissions would be reduced when PA-1 and PA-2 are both operational (due to technological advances). The nearest non-residential sensitive receptor is Rosa Parks Elementary School, which is located approximately one mile southeast of the Project site. Because of this significant distance, the Rosa Parks Elementary School will not be impacted by the Project.

The HRA also concluded that the Project's chronic hazard index would be less than the significance threshold of 1.0. As such, Project operations would not expose any nearby residents or sensitive receptors to significant concentrations of DPM that would exceed any threshold of significance for health risks. The Project would result in a less than significant impact with respect to the exposure of sensitive receptors to substantial pollutant concentrations.

Impact: Does the Project create objectionable odors affecting a substantial number of people? (Draft EIR at 4.3-35.)

Finding: The proposed Project will not create objectionable odors affecting a substantial number of people. (Draft EIR at 4.3-35.)

Mitigation Measures: No mitigation measures are required.

Explanation: Project-related construction activities would involve the use of heavy equipment, creating exhaust pollutants from on-site earth movement and from bringing asphalt and other building materials to the Project site. Construction activities would be temporary in nature, and impact would be confined to the immediate vicinity of related equipment.

The Project will involve a manufacturing use, although the specifics of that use are not yet known. However, various heavy industrial activities have been characterized as odor-generating sources. The potential for odors is dependent on the materials used in the manufacturing process. The Specific Plan provides that the manufacturing processes include "Light Manufacturing" uses, which do not produce odors, noise, vibration, or particulates that would adversely affect uses within the same structure or on the same site, and "Machinery Manufacturing," not heavy industrial uses. Moreover, all land uses must comply with SCAQMD Rule 402, which prohibits the generation of odors that cause injury, detriment, nuisance, or annoyance to a considerable number of persons or that endanger the comfort, repose, health, or safety of people. Because the Project would be required to comply with SCAQMD Rule 402, Project-related odor emissions are not considered substantial, and the Project would not result in a significant impact.

D. Biological Resources

Impact: Does the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services? (Draft EIR at 4.4-16.)

Finding: The proposed Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services. (Draft EIR at 4.4-16–19.)

Mitigation Measures: No mitigation measures are required.

Explanation: Development of the Project would result in the disruption and removal of non-native and common vegetation communities and the loss and displacement of common wildlife species. Through thorough investigation, no special status plant species or communities were observed on the Project site. Therefore, the proposed Project will not significantly impact sensitive plant species or communities.

Common wildlife species on the Project site are likely to persist in the area because such species have adapted to living within close proximity to humans, and on highly disturbed sites. With respect to sensitive wildlife species, 37 of the 43 special status wildlife species identified as occurring within the Project's vicinity are not considered to have a potential to occur within the Project study area due to the lack of suitable habitat or because the site is outside the known distribution range for the species. Of the remaining species that have a potential to occur on-site, five were determined as having a low to very low potential based on the quality of habitat on-site and in the surrounding area, and known occurrence data. Four of the six species were determined to have only a potential to forage and not nest on-site (golden eagle, Swainson's hawk, western mastiff bat, and big free-tailed bat). As such, no direct impacts to these species would occur, and indirect impacts to foraging habitat is less than significant because of the disturbed nature of the Project site.

Delhi Sands Flower-Loving Fly

The Delhi Sands flower-loving fly (DSFLF) is a federally endangered species with known occurrences in the vicinity of the study area. The study area also lies within the DSFLF Ontario RU boundary, and soils on-site are identified as containing Delhi sands. As such, and notwithstanding the highly disturbed nature of the Project site, site-specific habitat surveys were conducted on PA-1 and PA-2 to assess the likelihood of DSFLF on the Project site, and to assess any habitat's potential for DSFLF. Those habitat surveys, which were conducted consistent with applicable standards, did not identify the presence of any DSFLF or any habitat that would support any DSFLF. These surveys revealed that the agricultural land uses in the study area have altered the soils and habitat so that they are not suitable for DSFLF, and no individuals were detected.

Burrowing Owl

The study area supports potentially suitable habitat for burrowing owls, a state species of special concern. Suitable habitat was identified on-site during the field surveys that were conducted for the burrowing owl, including disturbed low-growing vegetation, bare ground, and a few small fossorial mammal burrows. The field surveys consisted of trained biologists walking transects within the study area, plus an approximately 500-foot buffer zone around the study area perimeter. The surveyors looked for any signs of burrowing owls, including small fossorial mammal burrows potentially suitable for burrowing owls, existing burrows, and other signs of their occurrence. The surveys did not identify any burrowing owls present on the Project site or within the study area.

Through the site research and investigation conducted for the study area, along with the site-specific surveys for potentially existing special status species, it was determined that the proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Services.

Impact: Does the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Draft EIR at 4.4-21.)

Finding: The proposed Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Draft EIR at 4.4-21.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City's Municipal Code has a provision to protect parkway trees within the public right-of-way and requires a permit to remove or relocate any trees. The study area supports eucalyptus trees that were planted as windrows and three palm trees associated with the agricultural building. However, none of these trees are considered parkway trees maintained within the public right-of-way and therefore removal would not be regulated by the Municipal Code.

Impact: Does the Project conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan? (Draft EIR at 4.4-21.)

Finding: The proposed Project will not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP. (Draft EIR at 4.4-21; Draft EIR Appendix A at 20.)

Mitigation Measures: No mitigation measures are required.

Explanation: There is no adopted HCP, NCCP, or other approved local, regional, or state HCP with which the proposed Project will conflict.

E. Cultural Resources

Impact: Does the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines? (Draft EIR at 4.5-11.)

Finding: The proposed Project will not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. (Draft EIR at 4.5-11–16.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are only two properties within the study area that contain residences and/or buildings. The remaining land of the study area is vacant land. The two properties – (1) 15133 Carpenter Avenue and (2) 9131 Merrill Avenue – were evaluated for their potential as historic resources, but neither property was found to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or classification as a local Historic Landmark. Appendix E of the Draft EIR includes specific analysis of whether these resources should be considered historic, and provides substantial evidence as to why the applicable criteria for identification as historic were not satisfied. Thus, the Project study area does not include any historical resources that will be impacted by development of the Project. The Project will not result in a substantial adverse change in the significance of a historical resource, and will have a less than significant impact.

Impact: Does the Project have the potential to disturb currently unknown human remains, including those interred outside of formal cemeteries? (Draft EIR Appendix A at 20.)

Finding: The proposed Project does not have the potential to result in any significant impacts on currently unknown human remains, including those interred outside of formal cemeteries. (Draft EIR Appendix A at 20-21.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no known informal or formal cemeteries within the Project site. Therefore, implementation of the proposed Project is not expected to disturb human remains associated with a formal or informal cemetery. However, in the event that any human remains or related resources are discovered during ground-disturbing activities, such resources would be handled in compliance with provisions in California Health and Safety Code § 7050.5 and Public Resources Code § 5097 *et seq.* Compliance with these laws would ensure that potential impacts to human remains, if unearthed, would be less than significant.

F. Geology and Soils

Impact: Does the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving (1) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault or strong seismic ground shaking? (Draft EIR at 4.6-8.)

Finding: The proposed Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (1) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault or strong seismic ground shaking. (Draft EIR at 4.6-8; Draft EIR Appendix A at 22.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no active faults known on the site, and the Project site is located outside the Fault Rupture Hazard Zone. The closest fault zone to the Project site is the Chino-Central Avenue Fault Zone, which is located nearly five miles west/southwest of the site. Given that there are no faults located on the Project site, there is no potential that the proposed Project could expose people or structures to adverse effects related to ground rupture.

The Project site is located in the seismically active Southern California region and, therefore, would likely be subjected to moderate to severe ground shaking, which could result in injuries or damages to structures. Through the development and occupancy of the manufacturing and warehousing uses of the Project, the Project has the inherent potential to expose persons to ground shaking-related hazards. There are no regional faults within the vicinity of the Project site. The Chino-Central Avenue regional fault, which is located approximately five miles away, is the closest to the Project site. The peak ground acceleration associated with the Chino-Central Avenue Fault is approximately 0.23 to 0.54 g.

The Project is required to comply with multiple regulations, General Plan policies, and other standards that would reduce the potential for damage associated with ground shaking. For instance, the Project will comply with the International Building Code, Uniform Building Code, and California Building Code, all of which include design requirements to minimize the potential for strong seismic ground-shaking impacts.

Impact: Does the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving landslides? (Draft EIR Appendix A at 22.)

Finding: The proposed Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. (Draft EIR Appendix A at 22.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project site is largely flat, and there are no slopes adjacent to the site that could impact the proposed Project due to a landslide or other slope failure. The relatively flat nature of the Project site makes the chance of landslides very remote. Also, grading for the Project would occur but would not significantly alter the existing topography. Thus, the proposed Project would not result in any significant impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Impact: Does the Project result in substantial soil erosion or loss of topsoil? (Draft EIR at 4.6-9.)

Finding: The proposed Project will not result in substantial soil erosion or loss of topsoil. (Draft EIR at 4.6-9–10.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project includes the removal of much of the surficial soils during initial grading. During such activities, standard measures would be implemented, such as compliance with SCAQMD Rule 403 related to fugitive dust, and implementation of a Storm Water Pollution Prevention Plan, which would require installation of erosion and sediment control Best Management Practices. Also, the Project would implement proper trackout controls, daily sweeping of public roads adjacent to the Project, and storm drain inlet protection, among other things. Regarding construction activities, Policies S5-2 and S5-3 of The Ontario Plan (TOP) require the Project to adhere to Soil Erosion Control Area or City-mandated dust control programs and take measures regarding windblown sand. The design guidelines of the Specific Plan adhere to the Uniform Building Code/California Building Code requirements to mitigate the effects of wind on-site. Finally, all grading plans and activities must comply with the City's grading ordinance and dust and erosion control requirements. Through compliance with the above standards and regulations, the Project will not result in substantial soil erosion or loss of topsoil.

Impact: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Draft EIR at 4.6-10.)

Finding: The Project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. (Draft EIR at 4.6-10-11.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project site does not exhibit characteristics that would result in a high potential for geotechnical hazards. The geotechnical reports prepared for both PA-1 and PA-2 confirmed that the Project site does not pose hazards related to liquefaction, landslides, lateral spreading, or subsidence or collapse. Any development of the Project site would comply with California Geological Survey (CGS) Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California (1997), as well as all applicable state and local building and safety codes (which are designed to alleviate geotechnical hazards). These measures require, among other things, that prior to development of the Project site, the developer follow the standard practice for ensuring stability against earthquake-induced rotational slides, which is to adequately explore all potential instabilities and treat them during the rough grading phase.

The Project site's groundwater depth was identified as being consistent with the CGS historical survey maps (approximately 31 feet below ground for PA-2). As such, the Project site is not at risk for lateral spreading impacts. With respect to subsidence or collapse, the Project site does not present any features that are associated with such hazards. Both PA-1 and PA-2 have an estimated subsidence of approximately 0.10 feet, which is minor, and no significant impacts would result with compliance with the California Building Code and other regulatory measures.

Impact: Does the Project site have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Draft EIR Appendix A at 22.)

Finding: The proposed Project would not have significant impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (Draft EIR Appendix A at 22.)

Mitigation Measures: No mitigation measures are required.

Explanation: The proposed Project does not propose the installation of any septic tanks or alternative wastewater disposal systems, and no impact would occur.

G. Greenhouse Gas Emissions and Energy

Impact: Does the Project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment? (Draft EIR at 4.7-18.)

Finding: The proposed Project would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment. (Draft EIR at 4.7-18–21; Final EIR at 2-301–302.)

Mitigation Measures: No mitigation measures are required.

Explanation: The combined construction activities associated with PA-1 and PA-2 would generate a total of 5,836 metric tons of carbon dioxide equivalent (MTCO_{2e}), which amounts to 195 MTCO_{2e} per year when amortized pursuant to SCAQMD's recommended methodology. When combined with construction emissions, and accounting for existing emissions from the site, the Project's operations would generate 20,294 MTCO_{2e} per year (not accounting for future reductions associated with regulation). This amount of emissions would exceed the SCAQMD recommended threshold of 3,000 MTCO_{2e} per year. However, pursuant to the City's "Greenhouse Gas Emissions, CEQA Thresholds and Screening Table" document, a project that would exceed the numerical threshold must then be evaluated against the City's Climate Action Plan. Pursuant to the CAP, a project that implements GHG reduction measures and garners a total of 100 points or greater is considered to have a less than significant impact.

With implementation of PDF GHG-1 and PDF GHG-2 (below), the Project will be compliant with the CAP and incorporate reduction measures sufficient to meet the 100 points or greater requirement.

PDF GHG-1 All developers within the Specific Plan area, inclusive of both PA-1 and PA-2, must implement a sufficient number of GHG reduction measures identified in the City's CAP to garner a total of 100 points or greater, which would make any development consistent with the reduction quantities anticipated in the City's CAP.

PDF GHG-2 The various project design features that will be implemented within PA-2 to reduce GHG emissions, consistent with the CAP, include the following:

- Use of Modestly Enhanced Insulation for energy efficiency
- Installation of Enhanced Window Insulation (0.4U-factor, 0.32 SHGC)

- Use of swaled landscape areas for storm runoff capture and retention/infiltration
- Identify opportunities to provide natural lighting to reduce reliance on artificial lighting
- Install high-efficiency lighting systems with advanced lighting controls
- Use light-colored roofing with high solar reflectance to reduce heat island effects (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance)
- Implement distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent) in the buildings' heating/cooling distribution system
- Use energy star commercial appliances in the development including water efficient appliances
- Align building orientation to take advantage of natural heating, cooling, and lighting conditions
- Use low VOC paints and wallpapers
- Use recycled base, crushed concrete base, recycled content asphalt, and, shredded tires in base and asphalt roads, parking areas and drive aisles where feasible and economically available
- Use ultra low-flush toilets, low-flow shower heads and other water conserving fixtures
- Use smart irrigation controllers that automatically adjust frequency/duration of irrigation of landscape areas in response to changing weather conditions
- Use recycled water to irrigate Project landscape areas
- Choose construction materials and interior finish products with zero or low emissions to improve indoor air quality
- Provide adequate ventilation and high-efficiency in-duct filtration system
- Use low- or medium water use, and native plant materials where appropriate; minimize turf areas
- Provide public charging stations for use by electric vehicles

Together, implementation of these measures will result in PA-2 reaching a total of 103 points in terms of the GHG reduction measures consistent with the CAP. Also, as required by PDF GHG-1, the PA-1 developer would be required to implement reduction measures sufficient to achieve a total of 100 points or greater under the CAP. Thus, the Project will be consistent with the CAP, and GHG emissions will have a less than significant impact.

Impact: Does the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs? (Draft EIR at 4.7-21.)

Finding: The proposed Project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Draft EIR at 4.7-21–22; Final EIR at 2-301–302.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City has an adopted Climate Action Plan that includes GHG emissions inventories, identifies effective state initiatives to reduce GHG emissions, and identifies local measures designed to reduce GHG emissions. The CAP commits the City to a GHG reduction target of 30 percent below business as usual 2020 levels, with reductions of approximately 942,000 MTCO₂e. This target is consistent with AB 32 and ensures that the City is providing GHG reductions locally that will aid state and international efforts to stabilize climate change.

As discussed above, consistency with the City's CAP is based on whether a project will implement sufficient GHG reduction measures from the Screening Tables to ensure compliance with the CAP. The point values in the CAP Screening Tables correspond to the minimum emissions reduction expected from each reduction measure. With implementation of PDF GHG-1 and PDF GHG-2, identified above, the Project will be compliant with the CAP and incorporate reduction measures sufficient to meet the 100 points or greater requirement.

Impact: Does the Project result in the wasteful, inefficient, and unnecessary consumption of energy during construction and operation of the Project? (Draft EIR at 4.7-22.)

Finding: The proposed Project will not result in the wasteful, inefficient, and unnecessary consumption of energy during construction and operation of the Project. (Draft EIR at 4.7-22–24; Final EIR at 2-304–305.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will result in the use of energy during both construction and operation. During construction, the Project will consume energy through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings and lighting, among other things. During operations, the Project will consume energy through building heating and cooling, lighting, electronics, and commercial equipment, among other things.

The EIR included a thorough analysis of the Project's energy consumption, including for electricity and natural gas, and estimated that the total energy consumption for construction would be 113,184 MMBtu and for operation would be 360,866 MMBtu per year. To provide a summary of overall energy use, the analysis combined electricity and natural gas into a common unit of energy usage, BTU.

The Project would comply with the provisions of the California Building Code designed to reduce energy usage, and also incorporates measures that would reduce inefficient or wasteful usage of energy beyond the requirements of the Code. Pursuant to PDFs GHG-1 and GHG-2, identified above, the Project will incorporate measures that will increase the energy efficiency of future buildings. For instance, future development of PA-2 will (1) use Modestly Enhanced Insulation for energy efficiency, (2) install enhanced window insulation, (3) install high-efficiency lighting systems with advanced lighting controls, (4) use light-colored roofing with high solar reflectance to reduce heat island effects, and (5) orient the buildings to take advantage of natural heating, cooling, and lighting, among other things. Thus, although future development will increase demand for energy beyond existing conditions, the Project will not result in the wasteful, inefficient, and unnecessary consumption of energy because it implements specific measures designed to significantly minimize energy use.

H. Hazards and Hazardous Materials

Impact: Does the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material? (Draft EIR at 4.8-10.)

Finding: The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material. (Draft EIR at 4.8-10.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project's construction will involve storing limited quantities of petroleum products on-site during construction-related activities. However, given mandatory compliance with the City's Environmental Performance Standards, the Project will not create a health hazard, or produce or dispose of materials that pose a hazard to human, animal, or plant populations within the area. Regarding operations, the Project will introduce new industrial uses, which oftentimes includes the use of industrial cleaning and janitorial products and solvents. There are strict federal, state, and local regulations that control the use and disposal of such materials, however. Given the mandatory compliance with applicable regulations, the Project would not result in a significant impact by creating a hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials.

Impact: Does the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school? (Draft EIR Appendix A at 23.)

Finding: The proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school. (Draft EIR Appendix A at 23.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no proposed schools within the Specific Plan area. The nearest existing school is Rosa Parks Elementary School, which is approximately one mile southeast of the Project site. Therefore, the proposed Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

Impact: Would the Project be within the vicinity of a private airstrip such that it would result in a safety hazard for people residing or working in the Project area? (Draft EIR Appendix A at 24.)

Finding: The proposed Project is not within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the Project area. (Draft EIR Appendix A at 24.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no private airstrips in the vicinity of the proposed Project. As there are no private airports located near the Project site, there is no potential for safety hazards related to private airstrips.

Impact: Does the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Draft EIR Appendix A at 24.)

Finding: The proposed Project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Draft EIR Appendix A at 24.)

Mitigation Measures: No mitigation measures are required.

Explanation: The proposed Project site and the surrounding areas are generally used for agricultural operations, which are not associated with wildland fire hazards. There are currently no wildlands located on or adjacent to the Project site. In addition, future development of the Specific Plan area would be designed and built according to applicable fire codes to minimize the potential for significant impacts. Therefore, the proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

Impact: Does the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Draft EIR Appendix A at 24.)

Finding: The proposed Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Draft EIR Appendix A at 24.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project site does not currently contain any emergency facilities and does not serve as an emergency evacuation route. Construction activities related to the proposed Project would be generally confined to the Project site and would not physically impair access to the site or the vicinity of the site. During both construction and long-term operation the Project would be required to maintain adequate emergency access for emergency vehicles as required by the City. Therefore, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

I. Hydrology and Water Quality

Impact: Does the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)? (Draft EIR at 4.9-15.)

Finding: The proposed Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted). (Draft EIR at 4.9-15.)

Mitigation Measures: No mitigation measures are required.

Explanation: Because of the Project's significant size, a Water Supply Assessment (WSA) was prepared as required by SB 610. The WSA concluded that the projected water demand for the Project is 276 AFY, which is accounted for in the City's Urban Water Management Plan. The City's water supply includes two groundwater sources: (1) the Chino Basin and (2) treated groundwater from the Chino Salter Authority. The Project will receive water from these groundwater sources and will increase the impervious surfaces of the Specific Plan area. However, as stated in the WSA, the City's total projected water supplies during normal, single dry, and multiple dry years are sufficient to meet the projected water demand associated with the Project. Therefore, the Project will not substantially deplete groundwater supplies or interfere with groundwater recharge such that a deficit would be created.

Impact: Does the Project place housing within a 100-year flood hazard area mapped on Federal Flood Hazard Boundary and Flood Insurance Rate Map or other flood hazard delineation map? (Draft EIR at 4.9-16.)

Finding: The proposed Project will not place housing within a 100-year flood hazard area mapped on the Federal Flood Hazard Boundary and Flood Insurance Rate Map or other flood hazard delineation map. (Draft EIR at 4.9-16)

Mitigation Measures: No mitigation measures are required.

Explanation: The proposed Project does not include housing as a part of its development. Therefore, there is no potential for housing to be located within a 100-year flood hazard zone and no significant impacts would occur under the proposed Project.

Impact: Does the Project place within a 100-year flood hazard area structures that would impede or redirect flood flows? (Draft EIR at 4.9-16; Draft EIR Appendix A at 35.)

Finding: The proposed Project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. (Draft EIR at 4.9-16; Draft EIR Appendix A at 35.)

Mitigation Measures: No mitigation measures are required.

Explanation: According to the TOP EIR, the Project site is located outside a 100-year flood hazard area. Likewise, according to the FEMA Flood Insurance Rate Map (FIRM) that covers the Specific Plan area, the Project site is located within an area designated as Zone X. Zone X is an area of minimal flood hazards and refer to areas of 0.2 percent annual chance of flooding, areas of a 1.0 percent annual chance of flood with average depths of less than 1 foot or with drainage areas of less than 1 square mile, and areas protected by levees from 1 percent annual chance of flood. Notwithstanding this low potential for flooding, the Project would be constructed in accordance with applicable regulations in order to minimize potential flood damage. Moreover, although not required, adherence to Mitigation Measures HWQ-1 through HWQ-6 would further ensure impacts would be less than significant.

Impact: Does the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of levee or dam? (Draft EIR at 4.9-16; Draft EIR Appendix A at 35.)

Finding: The proposed Project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of levee or dam. (Draft EIR at 4.9-16; Draft EIR Appendix A at 35.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project site is not located in a dam inundation area according to the San Bernardino County Land Use Plan, Hazard Overlay Map. No dams or levees exist in the proposed Project's vicinity such that residents or structures on the site would be exposed to significant risk involving flooding as a result of the failure of a levee or dam. The Cucamonga Creek channel, which is located directly east of the Project site, is not considered to be a levee. The Project would not have any significant impacts associated with exposing people or structures to floods.

Impact: Does the Project expose people or structures to inundation by seiche, tsunami, or mudflow? (Draft EIR at 4.9-16; Draft EIR Appendix A at 35.)

Finding: The proposed Project will not expose people or structures to inundation by seiche, tsunami, or mudflow. (Draft EIR at 4.9-16; Draft EIR Appendix A at 35.)

Mitigation Measures: No mitigation measures are required.

Explanation: A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as a tectonic displacement of a sea floor associated with large shallow earthquakes. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity. The Pacific Ocean is approximately 31 miles from the Project site, and therefore there is no potential for tsunamis to impact the proposed Project. In addition, the Project site is relatively flat, and no steep hillsides that are subject to mudflow are in the vicinity of the site. Cucamonga Creek, which is located directly east of the Project site, is not enclosed or semi-enclosed so that it would be conducive to the creation of a seiche. Therefore, there is no impact to the Project site due to seiche, tsunami, or mudflow

J. Land Use and Planning

Impact: Does the Project physically divide an established community? (Draft EIR at 4.10-6-7.)

Finding: The proposed Project will not physically divide an established community. (Draft EIR at 4.10-6-7.)

Mitigation Measures: No mitigation measures are required.

Explanation: The area surrounding the Specific Plan area includes agricultural fields, active and former dairies and related structures, and other industrial uses (i.e., trucking operations). These uses do not share characteristics of an established community. Therefore, the Project will not physically divide an established community. The Specific Plan will introduce new industrial uses that would be compatible with the surrounding rural uses. Also, the Specific Plan will be consistent with the type and location of planned land uses on adjacent properties, as planned by the TOP, which will preclude the potential for division of a future community.

Impact: Does the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Draft EIR at 4.10-7.)

Finding: The proposed Project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (Draft EIR at 4.10-7-9.)

Mitigation Measures: No mitigation measures are required.

Explanation:

The Ontario Plan

The Specific Plan was prepared in conformance with the goals and policies of the TOP. The TOP designated the site as Industrial (0.55 FAR), which allows for a total of up to 2.95 million square feet of industrial development. Thus, the Project would achieve the intent of the TOP.

Ontario Development Code

The Specific Plan area is zoned Specific Plan, and is also subject to an Agricultural Overlay. The Agricultural Overlay was intended to allow for the continuation of agricultural uses on an interim basis until development is proposed for individual Ontario Ranch subareas. The Specific Plan zoning, however, furthers the ultimate intent of the TOP and requires that future development prepare a specific plan to ensure development is accomplished in an orderly manner and consistent with the TOP. The Specific Plan here is consistent with the Ontario Development Code and the underlying zoning.

Applicable Regional Plans

The Southern California Association of Governments (SCAG) has multiple regional plans, including the RTP, RCP, and GVR, that apply to the Project. All these plans provide guidance for regional development through the Southern California region, and SCAG's regional policies have been incorporated into the TOP and are based on individual jurisdictions' land use plans. Thus, because the Specific Plan is consistent with the TOP, the Specific Plan is consistent with these regional plans and no conflicts would result.

Riverside County Airport Land Use Plan

The Riverside County Airport Land Use Compatibility Plan (ALUCP) for Chino Airport is used as a guide for development around the airport. As discussed in Section 4.8 of the Draft EIR, the City has determined that the Specific Plan is compatible with the ALUCP provided certain conditions are addressed. Those conditions are included in the EIR as mitigation measures.

Chino Airport Master Plan

The Chino Airport Overlay covers the entirety of the Specific Plan area. As described in the Riverside County Airport Land Use Compatibility Plan, the Chino Airport Master Plan was adopted by San Bernardino County in 2006. The proposed Colony Commerce Center Specific Plan was prepared in conformance with the goals and policies of the ALUCP, including the compatibility zones that place land use restrictions on properties located within Airport Influence Areas. As discussed in the Specific Plan, the proposed development would comply with the compatibility zones that determine the number of people allowed on the site per acre.

Impact: Does the Project conflict with any applicable habitat conservation plan or natural community conservation plan? (Draft EIR at 4.10-9.)

Finding: The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan. (Draft EIR at 4.10-9.)

Mitigation Measures: No mitigation measures are required.

Explanation: There is only one HCP in the City, and it is located approximately 3.6 miles from the northern boundary of the Project site. Thus, this HCP does not apply to the Project.

Impact: Does the Project result in a cumulatively considerable impact with respect to land use impacts? (Draft EIR at 4.10-9.)

Finding: The Project will not result in a cumulatively considerable impact with respect to land use impacts. (Draft EIR at 4.10-9.)

Mitigation Measures: No mitigation measures are required.

Explanation: Development of the Specific Plan as proposed would not result in any cumulative significant land use impacts as other projects are implemented in the area. Each project would undergo the same project review process as the proposed Project to preclude potential land use incompatibility and planning policy conflicts. It is assumed that cumulative development would progress in accordance with the criteria set forth within the jurisdiction in which the cumulative development is located. Each project would be analyzed independent of other land uses, as well as within the context of existing and planned developments, to ensure that the goals, objectives, and policies of the TOP are consistently upheld.

K. Mineral Resources

Impact: Does the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Draft EIR Appendix A at 28.)

Finding: The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. (Draft EIR Appendix A at 28.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no known mineral resources on the Project site or in the area that would be impacted by the Project. The TOP EIR shows that the Project site is located in mineral resources zone 3 (MRZ-3), which means that the significance of mineral deposits is unknown. The TOP EIR states that development in MRZ-3 would not result in significant impacts because mineral resources of statewide or local importance are not identified in the California Geologic Survey PC maps.

Impact: Does the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Draft EIR Appendix A at 28.)

Finding: The Project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. (Draft EIR Appendix A at 28.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no known mineral resources on the Project site or in the area. The Project would have no impact to the loss of important mineral resources.

L. Noise and Vibration

Impact: Does the Project expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies? (Draft EIR at 4.11-21.)

Finding: The Project will not expose persons to or generate noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies. (Draft EIR at 4.11-21–24.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Construction Noise

The City's Noise Ordinance exempts construction noise from applicable regulations, provided construction is done within certain specified hours. The Project would comply with all requirements of the Noise Ordinance and, therefore, would not generate noise in excess of applicable standards. A less than significant impact would occur.

Operation

The Project's operational phase would generate noise from trucking and manufacturing operations at the site, among other things, but vehicular noise would be the primary generator of noise. There are four roadways that are anticipated to see an increase in volume from the Project. When accounting for existing traffic noise, the nearest sensitive receptors were determined to all have ambient noise levels that exceed applicable residential standards (65 dBA), but are located on land zoned for agricultural or industrial uses (75 to 80 dBA), which apply a higher threshold. The Project's vehicular traffic would not cause an exceedance of the applicable standard.

Likewise, the Project's stationary noise sources (i.e., HVAC or other equipment) were determined not to result in a significant impact at the nearest sensitive receptor. This less than significant impact is primarily the result of significant attenuation of stationary noise to the sensitive receptor.

With the Project, the noise standard applicable to agricultural and industrial uses would not be exceeded. The Project's impact would be less than significant.

Impact: Does the Project expose persons to or generate excessive groundborne vibration or groundborne noise levels? (Draft EIR at 4.11-24.)

Finding: The proposed Project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels. (Draft EIR at 4.11-24–25.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will not generate vibration levels at any nearby sensitive receptor that exceed the applicable standard. For example, at the nearest sensitive receptor, the Project would generate vibration levels of 0.0093 ips and 67 VdB, both of which fall significantly below the thresholds of either the City of Ontario or the City of Chino.

Impact: Does the Project result in a substantial permanent increase in ambient noise levels in the proposed Project vicinity above levels existing without the proposed Project? (Draft EIR at 4.11-25.)

Finding: The proposed Project will not result in a substantial permanent increase in ambient noise levels in the proposed Project vicinity above levels existing without the proposed Project. (Draft EIR at 4.11-25–26.)

Mitigation Measures: No mitigation measures are required.

Explanation: As discussed above, the Project's primary source of noise will be truck and vehicular operations. However, when comparing (1) existing conditions with the Project and (2) anticipated buildout of the Project (2025), the Project's off-site roadway noise would not increase ambient conditions (either now or in the future) more than 5 dBA (the applicable threshold/standard). For instance, at Merrill Avenue, the Project would only contribute a 0.3 dBA increase when compared with 2025 conditions. Thus, with respect to increases in off-site roadway noise, the Project would have a less than significant impact.

Regarding stationary source noise, the nearest sensitive receptor is located approximately 130 feet from the site. The most noise-intensive stationary source (85 dBA) would be attenuated to approximately 52 dBA at the nearest sensitive receptor. This falls below the threshold of significance, and stationary source noise would not result in a substantial permanent increase in ambient noise levels at sensitive receptors.

Impact: Does the Project, if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the Project area to excessive noise? (Draft EIR at 4.11-21.)

Finding: The proposed Project is not located within two miles of a public airport or public-use airport and will not expose people residing or working in the Project area to excessive noise. (Draft EIR at 4.11-21.)

Mitigation Measures: No mitigation measures are required.

Explanation: The proposed Project is more than two miles south of ONT. While the proposed Project is within two miles east of Chino Airport, Figure N-6 from the Noise Element of the City of Chino General Plan indicates that it is over a mile from the eastern extent of the Chino Airport 65 dB long-term noise contour and is located outside the designated noise and safety impact zones. Hence, there would be a less than significant impact under this threshold.

Impact: Would the Project be within the vicinity of a private airstrip and expose people residing or working in the Project area to excessive noise? (Draft EIR at 4.11-21.)

Finding: The proposed Project will not be within the vicinity of a private airstrip and expose people residing or working in the Project area to excessive noise. (Draft EIR at 4.11-21.)

Mitigation Measures: No mitigation measures are required.

Explanation: There are no private airstrips within the proposed Project vicinity. Therefore, this impact significance criterion would not apply to the proposed Project.

Impact: Would the Project result in a cumulatively considerable impact with respect to the exposure of sensitive receptors to noise or vibration? (Draft EIR at 4.11-29.)

Finding: The proposed Project would not result in a cumulatively considerable impact with respect to the exposure of sensitive receptors to noise or vibration. (Draft EIR at 4.11-29.)

Mitigation Measures: No mitigation measures are required.

Explanation: Because noise attenuates logarithmically with distance, construction noise associated with the proposed Project is localized in the proximity of the Specific Plan area. Construction noise from the construction activity of other projects that may be developed concurrently with the proposed Project would need to occur in proximity (e.g., less than 0.25 mile away) from the proposed Project to have the potential for a cumulative effect on noise related to the construction of the proposed Project.

The western portion of Subarea 29 borders the Cucamonga Creek canal, and thus creates an opportunity for sensitive receptors to be within 0.25 miles from concurrent construction activities. However, even when assuming that construction of Subarea 29 would proceed concurrent with the Project, concurrent construction would not result in construction noise that would result in a 10 dBA increase in ambient noise, and thus no cumulative impact would result.

Other projects in the larger vicinity of the Project, including those currently under construction in the surrounding cities of Eastvale, Chino, and Ontario, may result in the introduction of added ADT to traffic volumes and thus create a net increase in the ambient noise level that is greater than that of the contribution of the proposed Project alone. However, this analysis expects that the traffic data (on which it has relied) for opening year (2017) and buildout (2025) accounts for, to a reasonable degree, regional transportation growth associated with these three cities and growth of residential,

commercial, and industrial development within them. Thus, such cumulative noise would be considered a less than significant impact.

M. Population and Housing

Impact: Does the Project induce substantial population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)? (Draft EIR at 4.12-3.)

Finding: The proposed Project will not induce substantial population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure). (Draft EIR at 4.12-3.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will transition the Specific Plan area from rural agricultural uses to industrial uses largely comprising warehouse/distribution and manufacturing space. The Project will generate additional long-term jobs in the area, but because the SANBAG subregion is housing rich, this increase in jobs is not anticipated to create a corresponding increase in a need for housing (because workers will come from the area). The City of Ontario is also considered jobs rich, suggesting that a large number of workers commute to the City, rather than live and work in the City. The region has also seen a decrease in general job availability, reducing the job market by nearly 16 percent over the 10-year period of 2001–2011. Therefore, it is likely that residents within the subregion will supply the majority of the workforce, thereby reducing the influx of individuals migrating to southwest San Bernardino County and the Ontario area. Additional employment to the area is expected to create a better balance between housing and jobs within the San Bernardino County subregion. Therefore, potential impacts would be less than significant.

Impact: Does the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Draft EIR at 4.12-3.)

Finding: The proposed Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. (Draft EIR at 4.12-3.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project site includes primarily agricultural uses, but does have a dairy farm residence and another rural property residence. With development of the Project, these homes will be demolished, and the occupants will relocate. However, the demolition of two homes is not considered to displace a substantial number of existing housing. The Project's impact is less than significant.

Impact: Does the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Draft EIR at 4.12-3.)

Finding: The proposed Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (Draft EIR at 4.12-3.)

Mitigation Measures: No mitigation measures are required.

Explanation: With the phased implementation of the Specific Plan, it is anticipated that residents of the two farm homes on the Project site will relocate to other locations within the City or region, as anticipated by the City's Municipal Code and Specific Plan designation. Regional forecasts and approved local plans indicate that new housing opportunities will be available. As such, the Project does not result in a displacement of substantial numbers of people, and the impact is less than significant

Impact: Would the Project result in a significant cumulative impact related to the inducement of population growth or the substantial displacement of either population of housing units in the City of Ontario? (Draft EIR at 4.12-4.)

Finding: The proposed Project will not result in a significant cumulative impact related to the inducement of population growth or the substantial displacement of either population of housing units in the City of Ontario. (Draft EIR at 4.12-4.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project would generate long-term employment opportunities associated with industrial use of the site. These jobs are likely to be filled largely by workers already living within Ontario, or commuting from other nearby areas in southwest San Bernardino County or western Riverside County. The indirect effect of Project employment on housing and population growth in the City has been anticipated in the TOP, and therefore in regional housing and population forecasts. As such, the Project would not contribute to cumulatively adverse growth impacts.

The Specific Plan would implement new industrial development and supporting infrastructure identified in the TOP and sized in Ontario Ranch infrastructure plans to support planned development. The extension of roads, water, and sewer lines to serve the Project has been anticipated in the City's Circulation Element and Ontario Ranch infrastructure master plans. No substantial new unplanned growth would occur, and cumulative population growth impacts are less than significant.

N. Public Services

Impact: Does the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives? (Draft EIR at 4.13-7-8.)

Finding – Police: The proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (Draft EIR at 4.13-7-8.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project would generate additional long-term jobs at the Specific Plan area. However, the increase in jobs is not expected to create a need for additional police services or facilities as workers would reside throughout the City and/or region generally. The Ontario Police Department currently maintains an average emergency response time of 2.23 minutes. A representative for the Ontario Police Department concluded that the Project (construction and operations) is not anticipated to result in a reduction in the current level of police services within the City. As discussed above, the lack of any increased need for additional services or facilities is attributable to the fact that the Project, while it will increase jobs in the area, is not anticipated to increase the number of residents within the City or surrounding area.

Finding – Fire: The proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives. (Draft EIR at 4.13-8.)

Mitigation Measures: No mitigation measures are required.

Explanation: As described in the EIR, the Project would not result in significant impacts because (1) new fire stations, including Fire Station No. 9, are projected to be constructed in the near future, (2) the nearest currently operating fire station is approximately 4.5 miles from the Project site, and (3) the Ontario Fire Department (OFD) has agreements with adjacent jurisdictions for mutual aid for fire suppression and emergency medical services. The Project also includes the installation of advanced automatic fire suppression systems, such as an ESFR (Early Suppression, Fast Response) ceiling-mounted fire sprinkler system. The Project will implement fire safety features for industrial developments consistent with the OFD Fire Master Plan. Also, consistent with police services, the increase in workforce is not anticipated to require additional fire services because Project workers will likely come from within the surrounding vicinity.

The site's fire access will be provided from main arterial streets, including Archibald Avenue and Merrill Avenue, and will be designed consistent with applicable requirements of the California Fire Code.

The existing response time from Fire Station No. 6 exceeds the response goals. However, as discussed above, the Project is not anticipated to generate a new substantial demand for fire protection services, and thus will not appreciably increase response times from Fire Station No. 6. Moreover, new Fire Station No. 9 is proposed for the area, consistent with the TOP buildout assumptions. Fire Station No. 9 would reduce the average response time to the area, including the Project.

Finding – Schools The proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at 30.)

Mitigation Measures: No mitigation measures are required.

Explanation: The proposed Project includes a planned industrial development and would not create a direct demand for public school services, as there are no proposed residential uses that would result in the presence of any school-aged children requiring public education. Although the proposed Project would not create a demand for additional public school services, the Project Applicant would be required to pay school fees as prescribed by state law prior to the issuance of building permits. With mandatory payment of fees as stated, impacts to public schools would be less than significant.

Finding – Parks: The proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered parks facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at 30.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project proposes to develop a planned industrial area on the site. The Project does not propose any significant new residential use or other land use that would generate a population increase that would increase utilization of City parks. The Project would not create a demand for public park facilities and would not result in the need to modify existing facilities or construct new facilities. Therefore, development of the proposed Project would not adversely affect any park facility.

Finding – Other Public Facilities: The proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. (Draft EIR Appendix A at 30.)

Mitigation Measures: No mitigation measures are required.

Explanation: Because the Project will not result in an increase in the City's population, it is not expected to result in a demand for other public facilities/services, including libraries, community recreation centers, post offices, and animal shelters. As such, the Project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could create the need to construct new facilities.

Impact: Does the Project result in substantial adverse cumulative physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities? (Draft EIR at 4.13-9.)

Finding: The Project will not result in substantial adverse cumulative physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. (Draft EIR at 4.13-9–10.)

Mitigation Measures: No mitigation measures are required.

Explanation: As discussed above, the Project will not result in an increase in population that would impact the provision of police services, and will be constructed consistent with applicable standards to deter crime within the Specific Plan area. The Ontario Police Department has stated that the Specific Plan will not impact service times or ratios, and thus it will not require the construction of new or expanded facilities. Future cumulative development within the Project area would result in increased demands for police protection services, which may specifically impact existing response times and foster inadequate levels of police service. According to the TOP EIR, the need for additional structures and personnel would be financed through the City's Development Impact Fee program, and the impacts of the TOP on police services would be less than significant. Future cumulative development, similar to the Project, may also require additional police staffing, equipment, or facilities to ensure police services are maintained at adequate levels. However, the OPD regularly evaluates police protection services throughout the City to ensure they are maintained at adequate service levels and in compliance with the City's current standards and the TOP. Thus, adequate police services would be provided to the City.

With respect to fire services, the Project will be constructed to current California Fire Code standards and will include other advanced automatic fire suppression systems that would lessen the need for fire services. Future development within Ontario Ranch and throughout the City would result in an increased demand for fire services and facilities. According to the TOP EIR, future growth in accordance with the TOP is expected to increase the demand for fire services throughout the City but especially in Ontario Ranch. The DIF program and Nexus Schedule (2015) recommend that four new stations be built in Ontario Ranch. With the addition of the new fire station near Archibald Avenue and Ontario Ranch Road and the planned fire station on Mill Creek Avenue, this will mitigate the cumulative impacts regarding fire services associated with this and other nearby projects. The funding needed to build these stations has been assessed and incorporated into the fee schedule, and it would be adequate for the proposed development and relocation of stations. Cumulative impacts relative to fire and emergency medical services would be considered significant if fire departments within each jurisdiction were unable to accommodate increased demands created by the new development. Mutual aid agreements between various surrounding cities and the State of California within the cumulative area may also be significantly impacted if sufficient funds are not available to implement improvements to fire and emergency medical services. However, with the payment of developer fees and with the development proposed within Ontario Ranch, cumulative impacts regarding fire services to nearby projects would be reduced to a less than significant level.

O. Recreation

Impact: Does the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Draft EIR Appendix A at 30.)

Finding: The Project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Draft EIR Appendix A at 30.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project proposes to develop a planned industrial area on the site. The Project does not propose any significant new residential use or other land use that would generate a population increase. Therefore, implementation of the proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park.

Impact: Does the Project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment? (Draft EIR Appendix A at 30.)

Finding: The Project will not include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment. (Draft EIR Appendix A at 30.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project proposes to develop a planned industrial area on the site. The Project does not propose any new on- or off-site recreational facilities. Therefore, the proposed Project would not result in environmental impacts related to the construction or expansion of recreational facilities.

P. Transportation and Traffic

Impact: Does the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in a substantial safety risk? (Draft EIR at 4.14-55.)

Finding: The proposed Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in a substantial safety risk. (Draft EIR at 4.14-55.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project does not include facilities to support air travel (e.g., runways, helipads) or structures that would interfere with air traffic patterns; therefore, neither air traffic volumes nor air traffic patterns would be directly changed as a result of the Project. The Project site is proposed to be developed with industrial buildings and related improvements, including parking areas, loading bays, detention basins, and landscaping. Warehouse building main structures would have a maximum height of approximately 55 feet and would not include any feature that would obstruct the flight path or change air traffic patterns at Chino Airport. The Project will not have the potential to affect air traffic patterns, including an increase in traffic levels or a change in flight path location that results in substantial safety risks.

Impact: Does the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Draft EIR at 4.14-55.)

Finding: The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR at 4.14-55.)

Mitigation Measure: No mitigation measures are required.

Explanation: The proposed Project will be compatible with planned industrial and business park development in the surrounding area. The Project also would be located in proximity to City-designated truck routes along Merrill Avenue and Archibald Avenue, which would reduce potential incompatibilities with residential properties developed within other Specific Plans and with primary bicycle and pedestrian travel ways of Ontario Ranch. As such, no transportation hazards would be created as a result of an incompatible land use.

All proposed improvements within the public rights-of-way would be installed in conformance with City design standards. OMUC will review Project site plans to ensure that no hazardous transportation design features would be introduced by the Project. On-site traffic signing and striping will be implemented in conjunction with detailed construction plans for the site. Sight distance at each Project driveway will be reviewed for conformance with City of Ontario sight distance standards at the time of preparation of final grading, landscape, and street improvement plans. Accordingly, the Project would not create or substantially increase safety hazards due to any design feature.

Impact: Does the Project result in inadequate emergency access? (Draft EIR at 4.14-55.)

Finding: The proposed Project will not result in inadequate emergency access. (Draft EIR at 4.14-55–56.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City of Ontario Municipal Code, the City's development standards, and Ontario Fire Department standards, which include roadway, lighting, and site access standards, require adequate provisions for emergency access for all new development. The Project's internal circulation system will be connected to Carpenter Avenue and Remington Avenue via access points distributed along the Project site's western and southern boundaries. This internal circulation system will be designed to allow emergency vehicles, including fire trucks, to make turning maneuvers within the Project site and to access all points throughout the site without restriction. With required adherence to City requirements for emergency vehicle access, impacts would be less than significant.

Impact: Does the Project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Draft EIR at 4.14-56.)

Finding: The Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Draft EIR at 4.14-56.)

Mitigation Measures: No mitigation measures are required.

Explanation: The Project will construct a warehouse/distribution facility on property designated for industrial development by the TOP. The Project would not prevent the implementation of any adopted policies, plans, or programs supporting alternative transportation, including pedestrian, bicycle, and transit use or system performance, and in fact includes components that promote alternative transportation. The Specific Plan provides a pedestrian circulation system utilizing sidewalks, which would be included as part of Project design. Sidewalks would be provided along all streets abutting the Specific Plan area, and would be a minimum of five feet in width. In addition, a multipurpose pedestrian and bicycle trail would be provided within the Cucamonga Creek flood control channel, and the Specific Plan proposes to construct trail connections to link the trail with the on-street bicycle system. A Class II bikeway and multipurpose trail along Merrill Avenue is designated under the Mobility Element of the Policy Plan (Figure M-1, Mobility Element System). Therefore, no impacts associated with alternative transportation would occur.

Q. Utilities and Service Systems

Impact: Does the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Draft EIR at 4.15-13.)

Finding: The Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. (Draft EIR at 4.15-13–14.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Construction

Because the Project is greater than one acre in size, compliance with the Construction General Permit, which authorizes and regulates stormwater discharge into surface waters, is mandatory. The Construction General Permit also prohibits non-stormwater discharges that contain pollutants and hazardous substances. To comply with the Construction General Permit, developers must first obtain a Waste Discharge Identification Number and develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that contains Best Management Practices (BMPs) to control erosion and prevent pollution. Thus, although construction of the Specific Plan has the potential to produce pollutants, the required SWPPP and BMPs that must be implemented will ensure that water quality is not significantly impacted by construction activities. A less than significant impact would result.

Operation

The Project includes the operation of trucks and other vehicles which, among other things, have the potential to result in pollutants on the site. However, consistent with

applicable regulatory requirements, the Project is required to implement operational BMPs as part of a Water Quality Management Plan (WQMP) that would reduce potential pollutant loads generated by the Project. The development of uses proposed under the Specific Plan would substantially increase impervious areas and the intensity of on-site activities, contributing to pollutant loads and construction phase and post-construction stormwater quality impacts off-site. However, with implementation of construction BMPs, Low Impact Development/site design features including planned infiltration basins, and implementation of the WQMP would ensure that impacts to water quality would be less than significant.

Impact: Does the Project require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at 4.15-12.)

Finding: The proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at 4.15-12–13.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Water Infrastructure

The Project's domestic water would be provided by the City of Ontario. The City's Water Master Plan identifies new water facilities to serve the Ontario Ranch area, which would be constructed prior to or concurrent with on-site water improvements. The off-site improvements necessary for domestic water service to the Project site would include a 12-inch Master Plan water main in Merrill Avenue, from Archibald Avenue to Carpenter Avenue, and a 12-inch water main in Carpenter Avenue, from Merrill Avenue to Remington Avenue. The water main continues east on Remington Avenue and back to Archibald Avenue across the Cucamonga Creek flood control channel and under an existing agricultural road that extends to Archibald Avenue, creating a looped public system serving the site. Within the Project site, a network of 8-inch and 10-inch water lines would be installed for the private fire system. A similar system is anticipated for PA-1 when it is developed. The on-site water system would include connections to the main in Carpenter Avenue or the main in Merrill Avenue. These existing facilities have adequate capacity to serve the Specific Plan area. Also, any needed on- or off-site water facilities were analyzed as part of the Project's construction impacts. The Project would not necessitate the construction of new water facilities other than those identified above, and a less than significant impact would result.

Recycled Water Infrastructure

The Project would comply with City Ordinance 2689 and make use of recycled water for all approved uses, including, but not limited to, the irrigation of street landscaping and common areas. All recycled water would be provided by the City of Ontario from the Inland Empire Utilities Agency via an existing 30-inch line in Carpenter Avenue. The Project will construct a 12-inch line in Merrill Avenue that will provide recycled water to the Specific Plan area. The developer would prepare and secure approval of an

Engineering Report from the City of Ontario and State Water Resources Control Board (SWRCB) prior to the use of recycled water. Sizing of the on-site system is subject to the City-approved hydraulic analysis and minimum requirements of the City. Aside from the improvements discussed above, no new recycled water facilities are required, and impacts associated with the Project are less than significant.

Impact: Does the Project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at 4.15-15.)

Finding: The Project will not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Draft EIR at 4.15-15–16.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Construction

As discussed above, the Project must prepare a SWPPP that contains appropriate Best Management Practices (BMPs) to reduce impacts associated with construction erosion and pollution. With the implementation of these required BMPs, construction within the Specific Plan would not require the construction of new or expanded stormwater drainage facilities.

Operation

The Project would, when constructed, increase impervious surfaces within the Specific Plan area. However, notwithstanding this increase, the Project will not require new or expanded facilities because the Specific Plan will be required to implement BMPs, comply with the WQMP, and include Low Impact Development design features including planned infiltration basins. With these measures, the Project will not increase stormwater runoff such that new or expanded facilities are required, and a less than significant impact will occur.

Impact: Does the Project result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (Draft EIR at 4.15-15.)

Finding: The Project will not result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. (Draft EIR at 4.15-15–16.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City will provide wastewater services to the Specific Plan. The City's wastewater is currently treated at the IEUA's Regional Water Recycling Plant No. 1 (RP-1), which has an existing wastewater treatment capacity to 44 mgd, and is

projected to be expanded to 60 mgd after year 2020. The plant treats, on average, influent wastewater flow of approximately 28 mgd.

Wastewater from other areas of the City are treated at RP-5, which began operating in 2004. RP-5 treats, on average, influent wastewater flow of approximately 16.3 mgd. The plant services the cities of Chino and Chino Hills and southern Ontario, including the Project area. As discussed in the TOP EIR, wastewater effluent is expected to increase to 56.4 mgd with full buildout of the TOP. The combined capacity of RP-1 and RP-5 is currently 60.3 mgd, with a combined ultimate capacity of 108 mgd. The Sewer Master Plan estimated that the ultimate City-wide wastewater generation, inclusive of development of Ontario Ranch, would be 45.03 mgd, of which the OMC would account for 18.75 mgd and Ontario Ranch would account for 26.28 mgd. The Sewer Master Plan assumed a full buildout and occupancy of Ontario Ranch.

Utilizing a high industrial generation rate, and assuming that 100 percent (not discounting this percentage for landscape irrigation and other water usage that does not ultimately end up going into the sewer) of the Project's water demand of 2,000 gpd per acre would be generated as wastewater, development in the Colony Commerce Center Specific Plan area can be anticipated to generate 246,340 gpd of average daily wastewater flow. The Project would contribute approximately 0.9 percent of the Ontario Ranch estimated average wastewater dry weather flow, which is within the Sewer Master Plan estimate. Moreover, if the Project generated 246,340 gpd of wastewater, which is a conservative estimate, it would not require the construction of new wastewater treatment facilities because the existing facilities have adequate remaining capacity. Given the stated capacity for wastewater treatment flow at the City's treatment facilities, including RP-1 and RP-5, it is anticipated impacts to wastewater treatment facilities from the Project (both PA-1 and PA-2, assessed with conservative generation numbers) would be less than significant.

Impact: Does the Project require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Draft EIR at 4.15-15.)

Finding: The Project will not require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Draft EIR at 4.15-15–16.)

Mitigation Measures: No mitigation measures are required.

Explanation: Please refer to the explanation section directly above.

Impact: Does the Project have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed? (Draft EIR at 4.15-12.)

Finding: The Project does have sufficient water supplies available from existing entitlements and resources, and no new or expanded entitlements are needed. (Draft EIR at 4.15-12–13.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City of Ontario would supply water to the Project. A Water Supply Assessment was prepared to assess the adequacy of existing water supplies to serve the Specific Plan area. The WSA determined that an estimated 276 AFY of water is required to serve the Project, which is fully accounted for as part of the New Model Colony in the 2010 Urban Water Management Plan. Adequate water supply would be provided to the Project site through the implementation of and addition of water supply infrastructure and water supply and recycled water services, as further discussed below. Additional water supply would also be provided by allocation of additional groundwater rights at the time the Project is developed. The Chino Watermaster is responsible for administering groundwater rights conversion. As such, impacts to the potable water and recycled water supply would be less than significant.

Impact: Is the Project served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs? (Draft EIR at 4.15-17.)

Finding: The Project is served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. (Draft EIR at 4.15-17-18.)

Mitigation Measures: No mitigation measures are required.

Explanation:

Construction

Construction waste generated by the Project would be disposed at the El Sobrante Landfill. During construction, 6,404 tons of waste would be generated over the one-year construction of PA-1 and PA-2, which is below the El Sobrante Landfill maximum permitted daily disposal volume (16,054 tons). An additional year of construction would occur for PA-1, at the time of development. As such, demolition and construction waste generated by the proposed Project is not expected to cause the landfill to exceed its maximum permitted daily disposal volume. As the El Sobrante Landfill is currently estimated to reach capacity at the earliest in the year 2045, it will have sufficient capacity to accept construction waste throughout the Project construction phase. Project construction impacts to landfill capacity would be less than significant.

Operations

Long-term operation of the proposed industrial warehouse buildings (together, 2,951,146 square feet) would generate approximately 21 tons of waste per day, at least 50 percent of which is required to be recycled. The West Valley material recovery facility (MRF) is permitted to receive 7,500 tons of solid waste per day (business and household refuse, green waste, and recycling). Based on the TOP EIR estimate, the West Valley MRF would be able to accommodate the solid waste generated by the proposed Project. Solid waste generated during operation would first be transported to the West Valley MRF for processing to determine whether it will be recycled or sent to a landfill. Furthermore, as previously discussed, the El Sobrante Landfill has a maximum daily capacity of 16,054 tons. Of the Project's estimated 21 tons of solid waste per day, 50 to 64 percent would be diverted into recoverable materials, which would contribute approximately 0.006 percent of the allowable amount per day. The El Sobrante Landfill receives well below its maximum permitted daily disposal volume. As the Project will

contribute a relatively small amount of solid waste per day in comparison with the permitted daily capacity, impacts to the receiving landfill from Project operations would be less than significant.

Impact: Does the Project comply with federal, state, and local statutes and regulations related to solid waste? (Draft EIR at 4.15-18.)

Finding: The Project will comply with federal, state, and local statutes and regulations related to solid waste. (Draft EIR at 4.15-18.)

Mitigation Measures: No mitigation measures are required.

Explanation: The City has diverted approximately 64 percent of waste through local recycling programs and participation in regional recycling programs (TOP EIR) and reached the 50 percent diversion rate mandated by AB 939. Compliance with AB 939 would ensure impacts related to solid waste statutes and regulations would be less than significant

The proposed Project will comply with Chapter 3 of the Ontario Municipal Code, which sets forth the provisions and requirements for solid waste and recyclable collection within the City. Specifically, the proposed Project will comply with the requirements for receptacles, solid waste collection, and provisions regarding service rates, fees, and charges. The proposed Project would also comply with Article 4, which relates to rates and provisions for services and billing and requires the owner or occupant of any commercial establishment to pay monthly solid waste service charges as established by an ordinance of the City Council. Compliance with the Ontario Municipal Code would ensure impacts related to solid waste statutes and regulations would be less than significant.

Impact: Will the Project result in a cumulatively considerable impact to utilities and services systems, including water supply, wastewater generation, and/or solid waste? (Draft EIR at 4.15-19.)

Finding: The Project will not result in a cumulatively considerable impact to utilities and services systems, including water supply, wastewater generation, and/or solid waste. (Draft EIR at 4.15-19–20.)

Mitigation Measures: No mitigation measures are required.

Explanation: Project development and the buildout of the entire Ontario Ranch as proposed would significantly increase potable and recycled water demands. Although demands for water supply would significantly increase, the Water Supply Assessment (WSA) prepared for the New Model Colony has stated that adequate water supply would be available for Ontario Ranch. As discussed in the WSA, the total projected water supplies available to the City of Ontario during normal, single dry and multiple dry water years across a 20-year projection are sufficient to meet the projected water demand associated with the proposed Specific Plan, in addition to the City's existing and planned future uses, including agricultural and manufacturing uses. The Project and cumulative projects would not generate excess water demands not already accounted for in Water Master Plans and the City's Urban Water Management Plan

(UWMP). As such, cumulative impacts to the water supply would be less than significant and no mitigation measures are required.

The City's Sewer Master Plan estimated that the ultimate City-wide wastewater generation, inclusive of development of Ontario Ranch, would be 45.03 mgd, of which the OMC would account for 18.75 mgd and Ontario Ranch would account for 26.28 mgd. The Sewer Master Plan assumed a full buildout and occupancy of Ontario Ranch. Utilizing a high industrial generation rate, and assuming that 100 percent (not discounting this percentage for landscape irrigation and other water usage that does not ultimately end up going into the sewer) of the Project's water demand of 2,000 gpd per acre would be generated as wastewater, development in the Colony Commerce Center Specific Plan area can be anticipated to generate 246,340 gpd of average daily wastewater flow. Moreover, if the Project generated 246,340 gpd of wastewater, which is a conservative estimate, it will not require the construction of new wastewater treatment facilities because the existing facilities have adequate remaining capacity. As stated in the Sewer Master Plan, planned facilities within Ontario Ranch would provide adequate wastewater services to the planned Ontario Ranch area.

Section III

Impacts Mitigated to a Level of Less Than Significant

The City Council hereby finds that mitigation measures have been identified in the EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. This section also sets out in greater detail specific impacts that were determined to be less than significant even without the implementation of mitigation measures. The potentially significant impacts and the mitigation measures that will reduce them to a less than significant level are set out in the EIR and summarized below.

A. Biological Resources

Impact: Does the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations of the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Draft EIR at 4.4-19.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.4-19.)

Mitigation Measures: The following mitigation measures will reduce potentially significant seismic-related ground failure, including liquefaction, of the proposed Project:

MM BIO-2 If improvements to the box structure in Cucamonga Creek are required by the City as part of the development of PA-1, the Project applicant shall obtain regulatory permits from the USACE, RWQCB, and CDFW prior to the issuance of any grading permit for temporary impacts in the areas designated as jurisdictional features. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:

1. Restore the temporarily disturbed jurisdictional areas in Cucamonga Creek channel to pre-Project conditions following completion of storm drain outlet improvements (i.e., return to “pre-Project contours”).

MM BIO-3 Prior to construction of the water line extension, temporary fencing would be erected under the supervision of a qualified biologist along the northern limit of the off-site work area, at or within the limits of the dirt road. The purpose of the fencing shall be to protect the ditch located outside of the work area and immediately north of the dirt road. The fencing would be comprised of orange silt fencing, or similar material, to prevent sediment from entering the ditch and to clearly delineate the limit of work. Other Best Management Practices (BMPs), such as sand bags or weed-free straw bales, would also be installed if deemed appropriate by the Project engineer to avoid any discharge of sediment into the ditch and/or erosion; any additional BMPs would be installed at or within the limits of the dirt road and under the supervision of a qualified biologist. All construction personnel would be educated prior to commencement of construction regarding the purpose of the fence and any BMPs, and the importance of staying within the identified work area. The fencing and BMPs would be maintained in their original condition by construction personnel for the entire duration of construction activities, and any damages would be repaired immediately. Once installation of the water line is complete and the dirt road has been restored to pre-project conditions, the fencing and BMPs would be removed.

Explanation: The development of PA-2 will not impact any riparian habitat or other sensitive natural communities. The stock pond present on PA-2 is not considered jurisdictional because the pond is unvegetated, and biological functions and value do not appear to exist in the stock pond feature. It does not support any surface connection to the Cucamonga Creek flood control channel. If the City requires improvements to the box structure in the Cucamonga Creek flood control channel and the existing crossing across Merrill Avenue as part of the development of PA-1, temporary impacts would occur to approximately 0.47 acre of jurisdictional streambed, as regulated by the California Department of Fish and Wildlife (CDFW). Impacts to CDFW jurisdictional features would be required to comply with Section 1602 of the California Fish and Game Code, including applying for a permit and compensatory mitigation. Mitigation Measure BIO-2, identified above, requires compliance with the compensatory mitigation requirement of Section 1602, subject to approval by the CDFW. Compliance with Mitigation Measures BIO-2 and BIO-3, and Section 1602, will reduce impacts to jurisdictional features to a less than significant level.

Impact: Does the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means? (Draft EIR at 4.4-19.)

Finding: The proposed Project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.

Mitigation Measures: Refer to Mitigation Measures BIO-2 and BIO-3 above.

Explanation: The study area does not support wetlands, but does have a small portion of U.S. Army Corps of Engineers (USACE) non-wetland jurisdictional waters associated with Cucamonga Creek that is regulated under Section 404/401 of the Clean Water Act. If the City requires improvements to the box structure in the Cucamonga Creek flood control channel and the existing crossing across Merrill Avenue associated with the development of PA-1, impacts will occur to the non-wetland jurisdictional waters. Temporary impacts to the jurisdictional features will be required to comply with Sections 404/401 of the Clean Water Act, including applying for a permit and mitigation subject to approval by the USACE and/or the Regional Water Quality Control Board. Also, Mitigation Measures BIO-2 and BIO-3 would further ensure that any impacts to non-wetland jurisdictional waters are less than significant.

Impact: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Draft EIR at 4.4-20.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.4-20–21.)

Mitigation Measures: The following mitigation measures will reduce impacts to migratory species or wildlife movement to a less than significant level:

MM BIO-4 Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the Project Applicant shall demonstrate to the satisfaction of the City of Ontario that either of the following have been or will be accomplished.

(i) Vegetation removal activities shall be scheduled outside the nesting season (September 1 through February 14 for songbirds; September 1 through January 14 for raptors) to avoid potential impacts to nesting birds.

(ii) Any construction activities that occur during the nesting season (February 15 through August 31 for songbirds; January 15 through August 31 for raptors) will require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts.

Explanation: The Specific Plan area supports a limited potential live-in and marginal movement habitat for species on a local scale (e.g., some reptile and small mammal species), but provides little to no habitat that facilitates wildlife movement for species on a regional scale due to surrounding and existing uses within the Specific Plan (and the disturbing nature of those uses). The only potential for regional scale movement would be Cucamonga Creek, which borders the Specific Plan on the east. However, the majority of Cucamonga Creek is channelized and surrounded by a chain-link fence, which limits potential wildlife movement. To the extent local wildlife movement does

occur and proposed development could impact such movement, the species impacted are adapted to urban areas and are expected to persist on-site following construction. The Project site is also not known to function as a wildlife nursery area, which is a product of the existing operations.

The Project site has only limited potential nesting and foraging habitats for migratory birds, in addition to potential foraging habitat for raptors. The Specific Plan area is highly disturbed as a result of the past agricultural and/or dairy operations, which makes the quality of existing foraging habitat very low. Thus, foraging by birds is expected to be limited due to the high level of human activity as compared to native habitat with lesser disturbance. Also, there is foraging habitat nearby of significantly higher quality than that available on-site, particularly Prado Basin and the Santa Ana River.

The Specific Plan area does have the potential to support songbird and raptor nests due to the presence of shrubs, ground cover, and limited on-site trees along existing windbreaks. Any nesting activities for such species typically occur between February 15 and August 31 for songbirds and between January 15 and August 15 for raptors. The Migratory Bird Treaty Act (MBTA) makes disturbing or destroying an active nest a violation. If nesting birds do use the Specific Plan area, implementation of Mitigation Measure BIO-4, which limits construction activities to minimize impacts to nesting birds, and compliance with the MBTA, would ensure that impacts to any such species are reduced to a less than significant level.

Impact: Would the Project result in any cumulatively considerable impacts to biological resources, including wildlife movement, special status species, or jurisdictional waters? (Draft EIR at 4.4-21.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.4-21–22.)

Mitigation Measures: Refer to Mitigation Measures BIO-2 through BIO-4.

Explanation: The Project site has been subjected to decades of agricultural and dairy uses. This is consistent with the surrounding properties in the Specific Plan vicinity, although some properties have changed to more intensive uses (e.g., trucking operations). Because of the disturbed nature of the Specific Plan area, and because no special status plant communities exist on the site (as evidenced by the focused plant survey that was conducted), the Project would not result in cumulative impacts to plant communities.

With respect to wildlife, only seven special-status wildlife species were determined to have some, although limited and low, potential to occur on-site: (1) golden eagle, (2) Swainson's hawk, (3) burrowing owl, (4) San Diego black-tailed jackrabbit, (5) western mastiff bat, (6) big free-tailed bat, and (7) the Delhi Sands flower-loving fly (DSFLF). Aside from the DSFLF and the burrowing owl, the remaining species were determined to have a low to very-low potential to occur on-site due to the low quality of habitat on-site and in the surrounding area, and known occurrence data. Regarding the DSFLF, two species-specific surveys were conducted on both PA-2 and PA-1, respectively. Those surveys did not identify any DSFLF occurrences within the Specific Plan area

and concluded that the on-site conditions are not considered suitable habitat for the DSFLF. Similarly, focused surveys conducted for potential burrowing owls did not identify any signs of owls.

The Project will also not have a cumulative impact on wetlands or jurisdictional lands because, although temporary impacts would occur to approximately 0.47 acre of jurisdictional streambed, compliance with Section 1602 of the California Fish and Game Code, including compensatory mitigation, is required. Mitigation Measure BIO-2 requires compliance with this regulation, subject to the approval of the California Department of Fish and Wildlife. Through compensatory mitigation, any impacts would be less than significant and a cumulatively considerable impact would not occur.

The eucalyptus windbreak, along with other shrubs, ground cover, and limited trees, provides potential nesting and foraging habitat for raptors and migratory birds protected under the MBTA and the California Fish and Game Code, but would be removed by the Project. However, as discussed in the Draft EIR, the Project will comply with Mitigation Measure BIO-4, which requires specific procedures for vegetation removal activities.

As previously discussed, the proposed Project would not have a significant impact on regional wildlife movement due to the absence of regional corridors associated with the site. Local wildlife movement could be impacted; however, those species adapted to urban areas would likely persist on-site following construction. Since the study area does not function as a regional wildlife corridor and is not known to support wildlife nursery area(s), no cumulative impacts to wildlife movement would occur.

B. Cultural Resources

Impact: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? (Draft EIR at 4.5-16.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.5-16–17.)

Mitigation Measures: The following mitigation measure will reduce potentially significant impacts associated with archaeological resources:

MM CUL-1 Cultural resources monitoring is required on the Project site once Project-related excavations reach 4 feet below current grade during all Project-related earthmoving in the Specific Plan. The monitoring must be headed by a City-approved Project Archaeologist, who may choose to use qualified field representatives (monitor) during earthmoving. The Project Archaeologist must create a Mitigation Monitoring Plan (MMP) prior to a City-approved pre-grade meeting. The MMP must contain a description of archaeological monitoring requirements (including who can decide if monitoring is not necessary due to disturbance or a lack of potential for resources), communication protocols on the Project site and with the lead agency, protocols for the treatment of unanticipated discoveries, and a description of how and where historical and/or prehistoric artifacts will be curated if found during archaeological monitoring.

MM CUL-2 If, during the implementation of PA-2, any historic-period or prehistoric cultural resources are inadvertently discovered by the Project Archaeologist or designated archaeological monitor(s), the find(s) must be blocked off from further construction-related disturbance by at least 50 feet, and the Project Archaeologist must then determine whether the find is a historical resource as defined under Section 15064.5(a)(3) of the CEQA Guidelines. If the find(s) is not found to be a historical resource, it must be recorded onto DPR 523 forms and Project-related excavation may continue. If the find(s) is/are determined to be a historical resource, appropriate measures associated with impacts to such resources could include avoidance; capping; incorporation of the site in greenspace, parks or open space; or data recovery excavation of the find(s). No further grading shall occur in the area of the discovery until the lead agency approves the measures to protect or appropriately mitigate the significant resource. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the lead agency where they would be afforded long-term preservation to allow future scientific study.

Explanation: To assess the potential for archaeological resources in the Specific Plan area, a records search and intensive pedestrian survey were conducted. The survey, which was conducted by an AECOM staff archaeologist using 15-meter (45-foot) transects following a north-south direction across the site, did not identify any potential archaeological resources. Likewise, the historic records search, which included a review of historic imagery and a Native American Heritage Commission records search, revealed that the Specific Plan area has been subjected to historic soil disturbance from agricultural and/or dairy operations. The survey similarly confirmed that the site comprises three distinct areas, all of which consist of soils that have been completely disturbed by past/existing activities. Thus, the potential for impacts to archaeological resources is considered low to a point four feet below grade, and moderate for native soils existing more than four feet below grade due to their undisturbed nature.

Notwithstanding the lack of any evidence of archaeological resources in the Specific Plan area, the potential for subsurface archaeological resources in undisturbed soils still exists. However, implementation of Mitigation Measures CUL-1 and CUL-2, which require cultural resources monitoring and procedures that must be followed for any discovery of archaeological resources, would ensure that impacts would be less than significant.

Impact: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Draft EIR at 4.5-17.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.5-17–18.)

Mitigation Measures: The following mitigation measure will reduce potentially significant impacts associated with paleontological resources:

MM CUL-3 Once Project-related excavations reach 15 feet in any one location in the Specific Plan, the City of Ontario shall require that a qualified Paleontologist be brought to the area(s) that have been cut at that depth and inspect the cut(s) to determine if the potential for impacts to fossil resources has risen from “low” to “moderate.” If the

potential for impacts has indeed risen to “moderate,” then the City shall require that a qualified Paleontological Inspector monitor all cuts until all deep excavations are completed. Mitigation for impacts to any vertebrate finds shall follow all professional standards, as described in the Society of Vertebrate Paleontology’s *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (2010), and any finds shall be offered to a museum the City names.

Explanation: The subsurface soils within the Specific Plan area are a mix of Plio-Pleistocene alluvium and relatively recent Holocene alluvium. These soils have a “low to moderate” potential for impacts to paleontological resources due to the layered alluvium soils and minimal precipitation. However, as the depth of the soils increases, the potential for encountering significant paleontological resources also increases. As such, there is a potential to encounter fossils on the site if excavation occurs at depths of 15 feet or more. To alleviate the potential for significant impacts to significant paleontological resources, Mitigation Measure CUL-3 requires that if excavation activities reach 15 feet in any area within the Specific Plan area, a qualified paleontologist must be engaged to inspect the excavated area to determine if the potential for paleontological resources had risen from low to moderate. If the soil potential is moderate, a qualified paleontological inspector must remain on-site and monitor all cuts until deep excavations (15 feet or more) are completed. Any discovered paleontological resources will be handled consistent with the Society of Vertebrate Paleontology’s *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources* (2010). With implementation of Mitigation Measure CUL-3, any potential impacts to undiscovered paleontological resources within the Specific Plan area will be reduced to a less than significant level.

Impact: Would the Project result in a cumulatively considerable impact to historic, paleontological, or archaeological resources? (Draft EIR at 4.5-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.5-18.)

Mitigation Measures: Refer to Mitigation Measures CUL-1 through CUL-3.

Explanation: As discussed above, no historical, archaeological, or paleontological resources were identified on the site. Also, although there may be the potential for archaeological or paleontological resources to occur within the lower strata of on-site soils, it is not anticipated that any such resources would be discovered. Nevertheless, with implementation of Mitigation Measures CUL-1, CUL-2, and CUL-3, which require specific on-site monitoring if construction activities have the potential to impact undiscovered resources and handling of any resources that are discovered, impacts to archaeological and/or paleontological resources will be less than significant. Similarly, any other projects within the vicinity of the Specific Plan area will be required to undergo environmental review and implement mitigation measures to ensure impacts to potential resources would be mitigated to a less than significant level.

C. Geology and Soils

Impact: Does the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving (1) seismic-related ground failure, including liquefaction? (Draft EIR at 4.6-9.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.6-8–9; Final EIR at 2-271–272.)

Mitigation Measures: The following Project design features and mitigation measures will reduce potentially significant seismic-related ground failure, including liquefaction, of the proposed Project:

PDF GEO-1 The developer of PA-2 is required to comply with and implement all of the recommendations of the site-specific geotechnical report prepared for PA-2 (Geotechnical Investigation Proposed Commercial/Industrial Development 15133 Carpenter Avenue, Prepared by Southern California Geotechnical (December 23, 2013).)

MM GEO-1 Prior to issuance of grading permits for PA-1, a detailed Geotechnical Investigation report shall be submitted with engineered grading plans to further evaluate geologic and geotechnical conditions, and provide site-specific recommendations to mitigate potential hazards, in accordance with the criteria and seismic design parameters of the CBC and the City. The geotechnical report shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. The recommendations contained in the geotechnical report shall be implemented by the developer. Geotechnical rough grading plan review reports shall be prepared in accordance with the City of Ontario Grading Ordinance.

MM GEO-2 Prior to construction of PA-1, the geology, soils, and groundwater-related features for the proposed Project will be evaluated by a geotechnical engineering and hydraulics staff or a licensed Geotechnical Engineer or Civil Engineer. The Engineer will provide design recommendations based on subsurface conditions encountered in field explorations conducted in the Project area.

Explanation: The Project site is not located within a designated liquefaction hazard zone, as identified by the California Geological Survey. As detailed in the TOP, the Project site is located in an area of the City that has generally fine-grained sediments. Per the TOP EIR, most of the New Model Colony area is considered to have moderate liquefaction susceptibility due to sediments that are young, unconsolidated, and generally fine grained. However, as discussed in the geotechnical investigations conducted on the Project site, the subsurface conditions encountered at the Project site (both PA-1 and PA-2) are not considered conducive to liquefaction. Any development on the Project site would either be required to comply with the recommendations in the respective geotechnical investigations prepared for PA-1 and PA-2 (see PDF GEO-1, MM GEO-1, and MM GEO-2), or to obtain a new site-specific geotechnical report and comply with any recommendations. Compliance with these project design features and mitigation measures will ensure that the proposed Project's potentially significant seismic-related ground failure, including liquefaction, will be reduced to a less than significant level.

Impact: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? (Draft EIR at 4.6-11.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. (Draft EIR at 4.6-11; Final EIR at 2-271–272.)

Mitigation Measures: Refer to PDF GEO-1 and Mitigation Measures GEO-1 and GEO-2.

Explanation: Expansive soils are typically associated with fine-grained clayey soils that have the potential to shrink and swell with repeated cycles of wetting and drying. The majority of Ontario, including the Project site, is located on alluvial soil deposits, which do not have significant expansive potential. The geotechnical reports for PA-1 and PA-2 confirmed that the near-surface soils possess very low to low expansion potential. However, the subsurface soils, which include more clay soils at depths greater than five to 10 feet, have a higher expansion potential. To ensure that impacts associated with this higher potential are minimized, both PA-1 and PA-2 would have to properly moisture condition and maintain adequate moisture content within all subgrade soils as well as newly placed fill soils. For development on either PA-1 or PA-2, foundation subgrade soils will be moisture conditioned to 2 to 4 percent above the Modified Proctor optimum during site grading. This moisture condition must be maintained, and the contractor must monitor the soil moisture condition. Also, all imported fill soils are required to have low expansive characteristics. Through compliance with the recommendations of the geotechnical reports prepared for the Project site, as well as conformance with California Building Code requirements, the Project's potential impacts associated with expansive soils will be less than significant.

D. Hazards and Hazardous Materials

Impact: Would the Project create a hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Draft EIR at 4.8-10.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.8-10-12.)

Mitigation Measures: The following mitigation measures will reduce potentially significant impacts associated with the release of hazardous materials into the environment:

MM HAZ-1 The presence or absence of contamination associated with the on-site collection pond on PA-2 can only be determined through subsurface investigation. Prior to issuance of a grading permit, the Project Applicant shall have conducted an environmental subsurface investigation at this location by a qualified environmental consulting/testing firm in order to determine the presence or absence of surface water, sediment, soil, and/or groundwater contamination. If contamination is encountered at a level above health risk thresholds, the appropriate environmental agency (RWQCB,

DISC, SCAQMD) shall be notified. Any contamination identified as a result of such testing/sampling shall be investigated, and removed or remediated to the satisfaction of the City.

MM HAZ-2 Prior to issuance of a grading permit, the Project Applicant shall hire a qualified environmental consultant to remediate in place or excavate and dispose of contaminated soils in accordance with applicable regulatory requirements. Soil remediation and/or export of hazardous materials must be performed in accordance with the agency (RWQCB, DTSC, SCAQMD) requirements. A Soil Management Plan shall be prepared to ensure the appropriate reporting, oversight, and protocols used during construction to protect the health and safety of workers and future residents. The Plan establishes methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered and prior to grading for the soil stockpile. If during grading activities additional contamination is discovered, grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures in accordance with the Soil Management Plan are implemented so as to render the area suitable for grading activities to resume.

MM HAZ-3 Prior to demolition and/or renovation activities, all fluorescent light ballasts within building structures and on-site pole-mounted transformers shall be inspected for PCBs. Any PCB-containing fluorescent light ballasts and/or transformers shall be disposed of in accordance with applicable regulatory requirements.

MM HAZ-4 During removal of on-site gasoline and diesel USTs, governmental agencies that may have applicable permit requirements must be notified. This includes, but is not limited to, the following: Local Fire Agency, Local Building Department, and the Air Quality Management District. California HSC Section 25404 delegates authority for implementing and enforcing statewide underground storage tank requirements to the local Certified Unified Program Agency (CUPA). In San Bernardino County, the San Bernardino County Fire Department Hazardous Materials Division is the CUPA. The CUPA has outlined tank removal procedures that include permit application for removal, fees, scheduling, and inspection. It must be demonstrated to the satisfaction of this CUPA whether an unauthorized release has occurred. Demonstration is based on the analytical results of soil samples obtained during closure activities. Soil samples below and in the immediate vicinity of the UST and associated piping are collected and analyzed, and a report of findings is prepared documenting sample collection, analysis, and results. Soil stockpiled from the excavation shall be sampled and analyzed for the constituents of concern. Excavated soil must not be used as backfill unless it can be demonstrated that soil is not contaminated. Samples are analyzed for all common contents of USTs. The Project Applicant shall submit the results of the soil survey to the City of Ontario (City) Building Department.

MM HAZ-5 Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City Building Department that an asbestos survey has been conducted at all existing buildings located on the Project site. If asbestos is found, the Project Applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity;

asbestos removal in accordance with prescribed procedures; placement of collected asbestos in leak-tight containers or wrapping; and, proper disposal.

MM HAZ-6 Prior to issuance of demolition permits, the Project Applicant shall submit verification to the City Building Department that a lead-based paint survey has been conducted at all existing buildings located on the Project site. If lead-based paint is found, the Project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.

MM HAZ-7 Prior to issuance of grading or building permits for Planning Area 1 (PA-1), the Project applicant shall hire a qualified environmental consultant to perform a Phase I ESA for properties within PA-1 not previously accessible for investigation. The results shall be provided to the City of Ontario. The Project Applicant shall demonstrate to the satisfaction of the City that all applicable recommendations in the Phase I ESA are adhered to and implemented to address any potential hazards in these portions of the Project area.

MM HAZ-8 The Project applicant shall conduct methane gas soil reports for PA-1 and PA-2 and implement all applicable recommendations for grading activities contained in such reports to the satisfaction of the City Building Department. This shall include a post-construction soil gas investigation and installation of methane mitigation systems where post-grading methane levels exceed 5,000 ppm (0.5 percent), should any such levels occur.

Explanation: The Project area has historically been used for agricultural operations, including dairies. This use has resulted in the existence of one recognized environmental condition (REC) and several environmental issues that may pose a risk to people living or working in the area. To fully assess potential impacts, a Phase I ESA was prepared for PA-2. The owner of the PA-1 property also had a Phase I ESA prepared for that portion of the property and submitted it with comments on the Draft EIR.

With respect to the REC identified on PA-2 (the collection pond), the presence or absence of contamination can only be determined through subsurface investigation. Mitigation Measure HAZ-1 commits the developer of PA-2, prior to any development activities, to have a subsurface environmental investigation done at the collection pond. If contamination is discovered above applicable health risk thresholds, the appropriate environmental agency must be notified, and the conditions investigated, removed, and remediated to the satisfaction of the City. Mitigation Measure HAZ-2 also obligates the applicant to hire a qualified environmental consultant to remediate in place or excavate and dispose of any contaminated soils discovered on the site. Mitigation Measure HAZ-2 also requires the preparation of a Soil Management Plan to ensure the appropriate reporting, oversight, and protocols are used during construction to protect the health and safety of workers and residents.

The Specific Plan area also includes existing buildings, the demolition of which has the potential to release asbestos fibers into the atmosphere if they are not properly

stabilized or removed prior to demolition or renovation. However, the removal of asbestos materials is regulated by SCAQMD Rule 1403, which requires adherence to work practice requirements to limit asbestos emissions during demolition. Through implementation of SCAQMD Rule 1403, and Mitigation Measure HAZ-5, which requires the submittal of an asbestos survey to the City, potential impacts associated with asbestos release will be mitigated.

The age of the existing structures also presents the possibility that lead-based paint could present. However, Mitigation Measure HAZ-6 requires the submittal of a lead-based paint survey to the City Building Department and, to the extent any is found, compliance with applicable regulations for disposal of lead-based paint. With adherence to Mitigation Measure HAZ-6, potential impacts associated with lead-based paint will be minimized.

A review of governmental records did not reveal any oil wells within the site area. However, given the past use of the property for agricultural purposes, the organic-rich soils could generate methane that could accumulate under or within future structures. This would pose a risk to future workers on-site but is not expected to impact individuals off-site. To minimize any potential impact from methane, all grading and construction activities must comply with Mitigation Measures HAZ-7 and HAZ-8, which require (1) the preparation and submittal of a Phase 1 ESA prior to the issuance of grading permits for PA-2 and (2) the preparation of a methane gas oil report and implementation of all recommendations for grading contained within such report. These measures would ensure any impacts from methane are less than significant.

Impact: Would the Project be located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment? (Draft EIR at 4.8-12.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.8-12.)

Mitigation Measures: Refer to Mitigation Measures HAZ-1 through HAZ-7.

Explanation: The Phase I ESAs prepared for both PA-1 and PA-2 did not identify any properties within the Specific Plan area that are listed on a hazardous materials site compiled pursuant to Government Code Section 65962.5. Also, sites within the vicinity that have been subject to remediation or are the location of hazardous materials releases are generally not expected to result in risks to future workers of the Project. Where residual contamination is known or expected to exist, appropriate remedial action will be taken as required by federal, state, and local regulations. Also, with respect to the Project, Mitigation Measures HAZ-1–HAZ-7 would reduce any potential health risks from hazardous materials on-site to a less than significant level. With implementation of these mitigation measures, impacts related to listed hazardous materials sites would be less than significant.

Impact: Would the Project, located within two miles of a public airport, result in a safety hazard for people residing or working in the project area? (Draft EIR at 4.8-12.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.8-12; Final EIR at 2-220.)

Mitigation Measures: The following mitigation measures will reduce potentially significant impacts associated with the Project's location near the Chino Airport:

MM HAZ-9 As directed by the City of Ontario Planning Department, Airport Planning Division, the following would be required:

- Prior to project approval of PA-1 and PA-2, the Project Applicant shall demonstrate to the satisfaction of the City Planning Department, Airport Planning Division that sufficient open land is being provided on-site.
- Obtain FAA approval for building/structure height limitations exceeding 50 feet in height within Zones 4 and 2.
- Obtain FAA approval for any object/temporary structure such as construction crane equipment that exceed 50 feet in height within Zones 4 and 2.
- Obtain FAA approval for building/structure height limitations exceeding 70 feet in height within Zone 6.
- Obtain FAA approval for any object/temporary structure such as construction crane equipment that exceeds 70 feet in height within Zone 6.
- The development of PA-2 must comply with the Project conditions outlined in the Airport Land Use Compatibility Planning Consistency Determination Report, dated April 6, 2016.

Explanation: The Specific Plan area is located within the Airport Influence Areas (AIAs) of the Chino Airport and Chino Airport Overlay. With respect to PA-2, an Airport Land Use Compatibility Planning Consistency Determination Report ("Consistency Report") was prepared by the City of Ontario Planning Department, Airport Planning Division. The Consistency Report evaluated the Project's consistency with the Ontario Airport Land Use Compatibility Plan (ALUCP), as well as consistency with the AIAs of the Chino Airport. The Consistency Report concluded that the Project is consistent with the policies and criteria of the Ontario Airport ALUCP. Regarding the Chino Airport AIAs, the Consistency Report concluded that PA-2 would be consistent with the Chino Airport AIAs provided four conditions are satisfied. MM HAZ-9 requires that development of the proposed uses/buildings on PA-2 comply with the conditions of the Consistency Report, thus ensuring compatibility with the Chino Airport AIAs and resulting in a less than significant impact.

The Consistency Report did not evaluate PA-1. However, per the Consistency Report, PA-1 does not have any land area located within any safety zone other than Safety Zone 6 (PA-2, by comparison, has land located in Safety Zones 2, 4, and 6). As described in the EIR, consistent with Safety Zone 6, approximately 10 percent of usable open land or an open area approximately every 0.25 mile to 0.5 mile would be provided. This will amount to approximately 12 acres across the entire Project site, and applies directly to any development of PA-1. Moreover, implementation of Mitigation Measure HAZ-9 would ensure no inconsistencies between Project development and the Chino Airport AIAs. That measure requires, among other things, that prior to Project approval, the applicant must demonstrate that sufficient open land is being required consistent with applicable standards. It also mandates that the FAA approve any buildings above certain heights within certain safety zones. With implementation of Mitigation Measures HAZ-9 and HAZ-9, the Project would not result in a significant hazard for people working or residing within two miles of a public airport.

Impact: Would the Project contribute to significant cumulative impacts with respect to hazards or hazardous materials, airport safety, hazard exposure to nearby schools, or exposure to wildland fire hazards, or impede or impair emergency response/evacuation plans? (Draft EIR at 4.8-13.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.8-13.)

Mitigation Measures: Refer to Mitigation Measures HAZ-1 through HAZ-9.

Explanation: The Specific Plan provides for a variety of uses, including industrial uses such as warehousing and distribution, as well as light manufacturing. These uses could include the storage and use of potentially hazardous substances. However, as discussed above, compliance with federal, state, and local regulations would ensure that any impacts associated with such storage and use would be reduced to a less than significant level. Also, with respect to other possible impacts related to hazards, including from construction within the vicinity of a public airport and the reasonably foreseeable upset of hazardous materials, mitigation measures would ensure that such impacts would be less than significant. Because hazards impacts are generally site specific, and because any related projects in the vicinity of the Specific Plan will be required to mitigate their own impacts, no significant cumulative impacts related to hazardous materials or hazards would occur. With the implementation of the Project-specific mitigation measures, the Project will not result in a cumulatively considerable impact.

E. Hydrology and Water Quality

Impact: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial soil erosion or siltation on- or off-site? (Draft EIR at 4.9-10.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.9-10–13.)

Mitigation Measures: The following mitigation measures would ensure that potentially significant impacts associated with the alteration of existing drainage patterns that could result in soil erosion or siltation would be less than significant:

MM HWQ-1 Additional Project drainage studies shall be prepared and submitted for approval by the City Engineer when future development plans are available for Specific Plan Phase 2 (PA-1). Such studies will need to identify any increase in developed condition peak flows, measures to manage any incremental increase in storm flows (e.g., detention/retention basins, other stormwater BMPs), and the timing of additional Master Plan improvements needed to serve Specific Plan buildout.

MM HWQ-2 Local storm drain facilities shall be sized to convey the 10- and/or 100-year storm event per a final drainage plan reviewed and approved by the City Engineer.

MM HWQ-3 The Project Applicant shall obtain approval from the City of Ontario for the storm drain connection from the on-site collection system to NMC Master Plan storm drain facilities.

Explanation: The Project site currently drains to the east to the abutting Cucamonga Creek flood control channel. The development of PA-1 and PA-2 will not disrupt existing drainage within the Specific Plan area or the surrounding area (which also flows to the Cucamonga Creek flood control channel). First, the Project includes improvements to adjacent streets such as curbs and gutters that are consistent with the City's Storm Drain Master Plan and will ensure that increased flows are properly conveyed to the Cucamonga Creek flood control channel. Also, the Project incorporates on-site best management features and practices identified in the Project's Water Quality Management Plan (WQMP), which will further limit flow discharges from the site.

The City's Storm Drain Master Plan identifies a double box culvert to serve the drainage area within which the Specific Plan area is located. However, the original alignment of this culvert would require construction on private property in the City of Chino, although the owners within that city do not need the culvert's capacity. The Specific Plan proposes modifying the ultimate alignment of the double 12-foot by 12-foot box culvert to run along Merrill Avenue and connect to the Cucamonga Creek flood control channel at its intersection with Merrill Avenue. This alignment would reduce the total linear feet of the culvert box while providing the same stormwater drainage capacity for the properties to the north and west.

The Preliminary Drainage Report prepared for the Project (Appendix I to the Draft EIR) compared the peak flows under existing conditions and the proposed development of PA-2. With the Project, PA-2 would be improved with four retention/infiltration basins and one underground infiltration system for on-site stormwater infiltration. These systems will be located near the southern Project boundary. With the implementation of these improvements (and other measures required by the WQMP), the Preliminary Drainage Report concluded that the existing 60-inch connection to the Cucamonga Creek flood control channel (to which stormwater will be conveyed through new storm drain infrastructure) has adequate capacity to handle runoff from PA-2.

PA-1 was not analyzed for its potential to contribute to drainage impacts because no site-specific plans were available at the time the Draft EIR was prepared. However, to ensure that impacts to drainage will be minimized, Mitigation Measure HWQ-1 requires that additional drainage studies must be prepared when future development plans are available for PA-1. These studies must evaluate the potential for impacts, identify any increase in developed peak condition flows, and specify measures to manage any incremental increase as well as any timing of Master Plan improvements needed to serve PA-1's buildout.

Also, the Project must comply with Mitigation Measures HWQ-2 and HWQ-3, which require (1) storm drain facilities to be sized to convey the 10- and 100-year storm events and (2) the Project Applicant to obtain approval from the City of Ontario for connections from on-site collection systems and facilities to the Ontario Ranch Master Plan stormwater facilities.

Therefore, although development of the Specific Plan area will alter existing drainage patterns on-site with the conversion of currently pervious surfaces to impervious, compliance with City and Regional Water Quality Control Board permit requirements regarding on-site stormwater conveyance infrastructure, hydrology, and drainage impacts will ensure that runoff impacts are less than significant. The provision of four retention/infiltration basins and one underground infiltration system will capture on-site stormwater runoff from development of PA-2 to avoid potential erosion, siltation, and flooding impacts.

Impact: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? (Draft EIR at 4.9-10.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.9-10–13.)

Mitigation Measures: Refer to Mitigation Measures HWQ-1 through HWQ-3.

Explanation: Refer to the explanation above for the impact identified regarding the alteration of existing drainage patterns in a manner that would result in substantial soil erosion or siltation on- or off-site.

Impact: Would the Project create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Draft EIR at 4.9-10.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.9-10–13.)

Mitigation Measures: Refer to Mitigation Measures HWQ-1 through HWQ-3.

Explanation: Refer to the explanation above for the impact identified regarding the alteration of existing drainage patterns in a manner that would result in substantial soil erosion or siltation on- or off-site.

Impact: Would the Project violate any water quality standards or waste discharge requirements? (Draft EIR at 4.9-13.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.9-13–15.)

Mitigation Measures: The following mitigation measures would ensure that potentially significant impacts associated with water quality would be mitigated to a less than significant level:

MM HWQ-4 The Project Applicants for future development projects greater than 1 acre in size shall apply online for a Construction General Permit on the California State Water Resources Board's website and shall submit a certification for filing a Notice of Intent and the issuance of a Waste Discharger Identification Number, to the City of Ontario, prior to Grading Permit issuance.

MM HWQ-5 The Project Applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) per requirements of the Construction General National Pollutant Discharge Elimination System (NPDES) Permit and shall upload the document to the State website as well as maintain a copy at the construction site.

MM HWQ-6 Project-related construction activities shall implement all stormwater quality BMPs, as required by the Project's SWPPP, which may include, but are not limited to, any of the following: Employee and Subcontractor Training – Have a training session for employees and subcontractors to understand the need for implementation and usage of BMPs; installation of all required erosion and sediment control BMPs; proper trackout controls; daily sweeping of public roads adjacent to the Project; appropriate dust control; and storm drain inlet protection.

Explanation:

Construction

The Project proposes development of one or more acres. Therefore, compliance with the NPDES Construction General Permit is required. The Construction General Permit, which applies to all construction activities of the Project, mandates that appropriate stormwater BMPs are implemented to control sediment and water quality impacts that could result during construction activities. It also prohibits non-stormwater discharges that contain pollutants and hazardous substances. To comply with the Construction General Permit, the Project Applicant must develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that must contain appropriate BMPs. Thus, the regulatory structure currently in place prohibits the discharge of sediments through structural and operational BMPs. Therefore, impacts on water quality due to Project construction are identified as less than significant with implementation of applicable

construction phase BMPs identified in the SWPPP and Erosion/Sediment Control Plans, included in the Grading Plans.

Operations

The Project's operations could include the use and storage of hazardous materials, and trucking operations may result in pollutants on the site. However, the City requires that new development or significant redevelopment projects prepare a Water Quality Management Plan (WQMP). A WQMP was prepared for the Project, and identifies BMPs for source control, pollution prevention, site design, Low Impact Development implementation, and structural controls. As required, the WQMP includes control measures designed to eliminate the runoff of any listed pollutants into an impaired waterway. The WQMP is also required to comply with the San Bernardino County Stormwater Program requirements that a project not contribute to hydrologic conditions of concern in unlined downstream waterways.

BMPs described in the WQMP include, but are not limited to, education of property owners/tenants on BMPs and training of employees, activity restrictions, landscape management BMPs, spill contingency plans, the use of efficient irrigation systems, protection of slopes and channels, and the design and construction of outdoor material storage areas and waste storage areas to reduce pollution.

The development of the Specific Plan will increase impervious areas and the intensity of on-site activities, thus contributing to pollutant loads. Project operations would result in runoff from accumulated contaminants such as oil, hydrocarbons from vehicles, or landscaping chemicals. However, compliance with existing water quality requirements and regulations that require the implementation of construction BMPs, site design features such as infiltration basins, and compliance with a Project-specific WQMP will ensure that water quality impacts are reduced to a less than significant level.

Impact: Would the Project otherwise substantially degrade water quality? (Draft EIR at 4.9-13.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.9-13–15.)

Mitigation Measures: Refer to Mitigation Measures HWQ-4 through HWQ-6.

Explanation: Refer to the explanation above for the impact identified regarding the potential for the Project to violate any water quality standards or waste discharge requirements.

Impact: Would the Project create a cumulatively considerable impact to hydrology or water quality? (Draft EIR at 4.9-16–17.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.9-16–17.)

Mitigation Measures: Refer to Mitigation Measures HWQ-1 through HWQ-6.

Explanation: With the implementation of mitigation, the Project would not result in a significant hydrology or water quality impact. Consistent with the Project, other cumulative projects would also be required to adhere to applicable regulations and standards, which require the implementation of BMPs and other source and runoff controls to ensure that water quality and hydrology impacts do not exceed certain thresholds. Significant future development would be required to complete and implement a SWPPP and WQMP, and identify measures to ensure that water quality and hydrology are not impacted. The particular BMPs to be employed for each project would be determined as part of the NPDES permitting process, subject to review and approval by the Regional Water Quality Control Board. Because the Project and future cumulative projects will comply with applicable regulations designed to ensure water quality and hydrological impacts are minimized, the Project would not have a cumulatively considerable impact.

F. Noise and Vibration

Impact: Would the Project result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project? (Draft EIR at 4.11-26.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant environmental effect identified in the Final EIR. (Draft EIR at 4.11-26; Final EIR at 2-282.)

Mitigation Measures: The following mitigation measures would ensure that potentially significant impacts associated with temporary noise would be mitigated to a less than significant level:

MM NOI-1 The proposed Project contractors shall ensure Project-attributed temporary construction noise during the Site Preparation phase of construction activity received at noise-sensitive receiver (NSR) NMS-2 does not exceed a fifteen-minute Leq of 67 dBA, which is 2 dBA less than the predicted construction noise level. To yield this required 2 dBA noise reduction and thus comply with this noise level limit, the contractors must implement noise control and/or sound abatement means that could include one or more of the following options:

- Administrative noise controls – schedule construction activity, when it would occur at its closest distance to NMS-2, during periods of time when the owner/occupant of the impacted land use is scheduled to not be present.
- Engineering noise controls – to the extent practical, locate stationary and/or continuous major noise producers (e.g., air compressors, generators) as far as possible from the potentially impacted residential receiver. In other words, gain more naturally occurring noise attenuation via increasing distance between source and receiver. For example, if the approximate distance between these stationary sources and NMS-2 was 250 feet instead of 200 feet as shown in Table 4.11-7, the noise from these sources would be reduced by the needed 2 dBA.

- Equipment noise controls –a number of practices can be employed as follows:
 - Ensure that all engine-driven vehicles and stationary equipment feature factory approved exhaust silencers/mufflers that are in proper working order.
 - Do not let operating vehicles or equipment idle for long periods of time. Reducing the time that a vehicle or piece of equipment operates by half enables a 3 dBA reduction of that noise source.
 - As certain equipment may have a “louder” side or facing (e.g., an air intake that produces the most noise), position the equipment on-site so that said louder facings are directed away from the noise-sensitive receiver. Utilizing source acoustical directivity in this manner can, under the right conditions, yield at least 3 dBA of noise reduction with respect to a receiver location.
- Sound abatement – install a temporary noise barrier, such as the types shown in Exhibit 4.11-5. A properly designed and implemented noise barrier that can provide linear path occlusion between the receiver and the sound source(s) of concern should be able to reliably yield at least 3 to 5 dBA of noise reduction. If needed, and because installation of an effective temporary noise barrier involves features such as its height, extent, material and location with respect to both the noise-producing sources of interest and the intended benefited receiver, a proposed temporary barrier layout and specification—including consideration of non-interference with respect to grading activity, road improvements, utility installation, site safety, etc.— would be submitted as part of the construction activity permitting process.

To demonstrate that NOI-1 has been implemented, the Project contractors shall conduct noise level monitoring at NMS-2 during one representative sample daytime work shift within the Site Preparation phase of Project construction progress and submit a summary report of the collected data to the City showing that 67 dBA Leq attributed to the Project construction activity was not exceeded during any consecutive chronological 15-minute duration interval, starting with the work shift commencement (e.g., 7:00 a.m.).

MM NOI-2 Complete review of building details at the appropriate stage of design development by a qualified acoustical consultant, and submit his/her findings and recommendations to the City of Ontario that the proposed Project buildings would feature adequate exterior-to-interior noise reducing components with respect to the predicted exterior noise levels of this study for 2025. Based on the 2025 exterior noise level estimates, such components of a building shell assembly (exterior wall, glazing, door, etc.) should, in aggregate, be designed to demonstrate an expected minimum sound transmission class rating of 35, which is performance typically expected from commercial glazing systems featuring 1-inch laminated insulating glass.

Explanation: The Project’s construction activities, which will include the use of heavy machinery, would generate noise. Project construction noise would be, by its nature, short-term and intermittent, but would nevertheless be a potentially substantial source of noise. However, as evidenced by the analysis in the Draft EIR, the Project-related

construction noise would increase outdoor ambient noise levels at only one sensitive receptor (NMS-2) beyond the greater than 10 dBA increase threshold, and only during the site preparation phase. The other sensitive receptors would experience modest increases in ambient noise, but such noise increases would not exceed the applicable threshold. To mitigate the noise generated at the single impacted sensitive receptor, the EIR incorporates Mitigation Measure NOI-1, which would ensure that noise levels emanating from construction would be below the applicable threshold. Thus, with implementation of Mitigation Measure NOI-1, the Project would not result in a significant temporary or periodic increase in ambient noise at nearby sensitive receptors.

The Project is proposed to be constructed in phases and, after development of PA-1 and PA-2, there could be offices that would be impacted by future operations. However, to ensure that any such offices are not significantly impacted, Mitigation Measure NOI-2 requires that exterior building assembly and common interior acoustical treatments be incorporated into the design at a minimum sound transmission class rating of 35. With implementation of Mitigation Measure NOI-2, the Project would not result in significant temporary or periodic noise impacts to future operations.

SECTION IV

Resolution Regarding Significant and Unavoidable Environmental Impacts

Public Resources Code section 21002 states that “it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

Section 15364 of the State CEQA Guidelines defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

The City Council hereby finds that, despite the incorporation of feasible measures outlined in the Final EIR, the following impacts cannot be fully mitigated to a less than significant level. Despite these significant and unavoidable impacts, the City nevertheless approves the Project because of the benefits described in the Statement of Overriding Considerations included herein.

A. Agricultural Resources

Impact: Does the Project involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use? (Draft EIR at 4.2-8.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The loss of agricultural land is considered significant at the Project site and cumulatively considerable. (Draft EIR at 4.2-6–7.)

Mitigation Measures: No feasible mitigation measures on or off the Project site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: The Project would directly result in the conversion of agricultural land to non-agricultural land. To assess the quality of the existing agricultural land and potential impacts of the Project, the Land Evaluation and Site Assessment (LESA) Model was used. Applying the LESA factors, the model determined that the existing agricultural land on the Project site was considered significant. Therefore, because the proposed Project would convert the agricultural land to non-agricultural uses, the Project would have a significant and unavoidable impact to Farmland and agricultural resources.

Impact: Does the Project involve other changes in the existing environment, which, due to their location or nature, could result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use? (Draft EIR at 4.2-8.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The loss of Farmland to non-agricultural use is considered a significant impact. (Draft EIR at 4.2-8—9.)

Mitigation Measures: No feasible mitigation measures on or off the Project site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: As discussed above, the Project will result in the direct conversion of Farmland to non-agricultural use. The Project's impact is, therefore, significant and unavoidable. Also, the Project is consistent with the TOP, and what was analyzed in the TOP EIR. The implementation of the TOP Land Use Plan would potentially convert all 3,269.3 acres of the City's Important Farmland to non-farmland uses, including residential, commercial, mixed-use, public, open space, and industrial. The properties surrounding the Project area are currently utilized for agricultural purposes. However, there is encroaching land development that is consistent with the TOP. Because the Project would directly result in the conversion of Farmland to non-agricultural uses, it would have a significant and unavoidable impact.

Impact: Does the Project have a cumulative impact to agricultural resources? (Draft EIR at 4.2-9.)

Finding: Specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. (Draft EIR at 4.2-9.)

Mitigation Measures: No feasible mitigation measures on or off the Project site were identified or put forth that would eliminate this potentially significant impact altogether or reduce it below the level of significance.

Explanation: The Project will result in the direct conversion of Farmland to non-agricultural use. The Project's impact is, therefore, significant and unavoidable. Also, implementation of the TOP Land Use Plan could potentially result in the conversion of all Farmland acreage in the City. For instance, the properties to the northeast are projected to be developed with urban uses per the approved Subarea 29 Specific Plan. The future planned urban development proposed with the TOP will eliminate the cultivation of agriculture such as crops, grazing, and poultry on both prime and non-prime agricultural lands within the City. In addition to the Ontario Ranch, future planned urban development in the City of Chino, elsewhere in San Bernardino County, and in Riverside County is also anticipated to result in the conversion of agricultural lands to urban uses, which would substantially reduce agricultural productivity in the region. Because the Project directly contributes to the anticipated loss of Farmland and other agricultural land within Ontario, and the greater Southern California region, its impact is cumulatively considerable.

B. Air Quality

Impact: Does the Project violate any air quality standard or contribute substantially to any existing or projected air quality violations? (Draft EIR at 4.3-26.)

Finding – Operations: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact to an existing or projected air quality violation. (Draft EIR at 4.3-26—31.)

Mitigation Measures:

MM AQ-1 The Project shall comply with California Code of Regulations (CCR) Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles," and CCR Title 13, Division 3, Chapter 10, Article 1, Section 2485, "Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling."

MM AQ-2 The Project shall place signs at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum each sign shall include (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 3 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and the CARB to report violations.

Explanation: The Project would generate air emissions from trucking operations and from natural gas used for cooking and heating. Energy, mobile, water, and waste-related emissions generated by the Project were compiled using the California Emissions Estimator Model (CalEEMod). The CalEEMod computer modeling for

operation emissions associated with the buildout of the Project assumed that PA-2 would be constructed by the year 2017, while PA-1 would be constructed by 2025. The CalEEMod analysis concluded emissions generated during operation of only PA-2 in the Project's opening year (2017) would not exceed SCAQMD's regional significance thresholds for the criteria pollutants, except NOx, which would exceed the threshold. Likewise, operational emissions from both PA-2 and PA-1 (Year 2025) were determined to be less than significant for all emissions types but NOx, which would exceed the significance threshold. It should be noted, however, that operational emissions decrease in later years compared with 2017 due to advancements in engine technology, retrofits, and turnover in the vehicle fleet.

Mitigation Measures AQ-1 and AQ-2 were incorporated to reduced NOx emissions to a less than significant level. AQ-1 requires diesel-powered trucks to be upgraded to reduce emissions and applies to nearly all privately and federally owned diesel-fueled trucks and buses with a gross vehicle weight rating greater than 14,000 pounds. By January 1, 2012, heavier trucks were required to be retrofitted with particulate matter filters. By January 1, 2015, older trucks were required to be replaced. By January 1, 2023, nearly all trucks and buses must have 2010 model year engines or equivalent. Since it is unknown to what extent the tenants will meet the criteria for Mitigation Measure AQ-1 and the actual number of trucks that will meet 2010 or newer standards, it is not possible to estimate the emission reductions associated with this measure. Therefore, although Mitigation Measures AQ-1 and AQ-2 will reduce NOx emissions, because it is not possible to calculate with certainty that the emissions will be less than the SCAQMD threshold, the Project impact to air quality standards will remain significant and unavoidable.

The Project will also generate CO emissions, which are produced as a result of vehicle combustion. Because CO does not readily disperse into the atmosphere, areas of high vehicle congestion have the potential to create pockets of CO hotspots. The EIR analyzed the potential for the Project to result in CO hotspots, but concluded that the Project will not result in significant impacts with respect to CO hotspots because the intersections that have the most Project-generated trips fall substantially below the screening thresholds used by the Bay Area Air Quality Management District. As such, the Project's potential impact to CO hotspots would be less than significant.

Impact: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard? (Draft EIR at 4.3-31.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable and cumulatively considerable net increase of a criteria pollutant for which the Project region is in non-attainment. (Draft EIR at 4.3-31–32.)

Mitigation Measures: Refer to Mitigation Measures AQ-1 and AQ-2 identified above.

Explanation: CEQA's cumulative air quality analysis focuses on whether a specific project would result in a cumulatively considerable increase in emissions. By its very nature, air pollution is largely a cumulative impact. The non-attainment status of regional pollutants is a result of past and present development within the SCAB, and this regional impact is cumulative rather than attributable to any one source. As discussed above, the net increase in emissions over existing conditions would not result in the generation of criteria air pollutant emissions that exceed thresholds for construction or operational activities, except for PA-2 (2017) operational NO_x emissions and PA-1 and PA-2 (2025) operational NO_x emissions. Because the SCAQMD project-specific thresholds are designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards, any exceedance of these thresholds would likewise contribute a considerable amount of criteria air pollutant emissions to the region's emissions profile, and would not impede attainment and maintenance of Ambient Air Quality Standards. Thus, because the Project would have a significant and unavoidable operational air quality impact with respect to NO_x emissions, the Project is also considered to have a cumulatively considerable impact.

C. Transportation and Traffic

Impact: Would the Project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Draft EIR at 4.14-22.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact associated with conflicts with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. (Draft EIR at 4.14-22–55.)

Mitigation Measures:

TRANS-1 Euclid Avenue/Merrill Avenue – The following improvement to this future intersection within the City of Chino will reduce the Project's impact:

- Add additional southbound left turn lane
- Add exclusive westbound left and right turn lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-2 Grove Avenue/Merrill Avenue – The following improvement to this future intersection, which shares a common City of Ontario/City of Chino boundary, will reduce the Project's impact to a less than significant level:

- Install traffic signal
- Add exclusive eastbound left turn lane
- Add additional southbound left turn lane

The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.

TRANS-3 Carpenter Avenue/Merrill Avenue – The following improvement to this future intersection, which shares a common City of Ontario/City of Chino boundary, will reduce the Project's impact to a less than significant level:

- Install traffic signal
- Add exclusive eastbound left turn lane
- Add exclusive westbound left turn lane

The City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-4 Hellman Avenue/Merrill Avenue (Future) – The following improvement to this future intersection within the City of Ontario will reduce the Project's impact to a less than significant level:

- Install traffic signal

The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.

TRANS-5 Archibald Avenue/SR-60 WB Ramps – The following improvements to this intersection within the Caltrans jurisdiction will reduce the Project’s proportionate increase in delay to pre-Project levels or better, thus reducing the Project’s impact:

- Add additional northbound left turn lane
- Add southbound free right turn lane
- Add westbound free right turn lane
- Add additional westbound left turn lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City’s jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-6 Archibald Avenue/SR-60 EB Ramps – The following improvements to this intersection within the Caltrans jurisdiction will reduce the Project’s proportionate increase in delay to pre-Project levels or better, thus reducing the Project’s impact:

- Add northbound free right turn lane
- Add additional southbound left turn lane
- Add eastbound free right turn lane
- Add additional eastbound left turn lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City’s jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-7 Archibald Avenue/E. Riverside Drive – The following improvements to this intersection within the City of Ontario will reduce the Project’s proportionate increase in delay to pre-Project levels or better, thus reducing the Project’s impact to a less than significant level:

- Add northbound left and right turn lane
- Add southbound left and right turn lane

The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.

TRANS-8 Archibald Avenue/E. Chino Avenue – The following improvements to this intersection within the City of Ontario will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the Project's impact to a less than significant level:

- Add additional northbound left turn lane
- Add southbound left turn lane

The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.

TRANS-9 Archibald Avenue/Ontario Ranch Road – The following improvements to this intersection within the City of Ontario will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the project's impact to a less than significant level:

- Add northbound left, through, & free right turn lanes
- Add southbound left turn and through lanes
- Add two eastbound through lanes
- Add two westbound through lanes

The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.

TRANS-10 Archibald Avenue/Merrill Avenue – The following improvements to this intersection within the City of Ontario will reduce the Project's impact to a less than significant level:

- Add exclusive southbound right turn lane
- Add additional southbound through lane
- Add additional northbound left turn lane
- Add additional northbound through lane

The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.

TRANS-11 Archibald Avenue/Limonite Avenue – The following improvements to this intersection within the City of Eastvale will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the project's impact:

- Add two northbound through lanes
- Add additional northbound right turn lane
- Add additional southbound through lane
- Add additional westbound right and left turn lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-12 Harrison Avenue/Limonite Avenue – The following improvements to this intersection within the City of Eastvale will reduce the Project's impact:

- Add additional westbound through lane
- Add additional westbound left turn lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-13 Scholar Way/Limonite Avenue – The following improvements to this intersection within the City of Eastvale will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the Project's impact:

- Add additional eastbound through lane
- Add additional westbound through lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-14 Hamner Avenue/Ontario Ranch Road – The following improvements to this intersection within the City of Eastvale will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the Project's impact:

- Add additional northbound left and through lane
- Add additional southbound left turn lane
- Add two southbound through lane
- Add additional eastbound and westbound left turn lane
- Add two eastbound and westbound through lane with one shared-through right turn lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-15 Hamner Avenue/Limonite Avenue – The following improvement to this intersection within the City of Eastvale will reduce the Project's impact:

- Add additional westbound through lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-16 Eastvale Gateway/Limonite Avenue – The following improvement to this intersection within the City of Eastvale will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the Project's impact:

- Add additional eastbound left turn lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-17 I-15 SB Ramps/Limonite Avenue – The following improvements to this intersection within the Caltrans jurisdiction will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the Project's impact:

- Add additional southbound left turn lane
- Add additional eastbound through lane
- Convert eastbound exclusive right turn lane to free right
- Add additional westbound through lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-18 I-15 NB Ramps/Limonite Avenue – The following improvements to this intersection within the Caltrans jurisdiction will reduce the Project's proportionate increase in delay to pre-Project levels or better, thus reducing the Project's impact:

- Add additional northbound right turn lane
- Add additional eastbound through lane
- Add additional westbound through lane

The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.

TRANS-19 Prior to the issuance of building permits, the Project Applicant shall participate in the City's DIF program by paying the Project's fair share amount for the improvements identified above. The City will ensure that the improvements identified in mitigation measures TRANS-1 through TRANS-18 will be constructed pursuant to the

fee program at that point in time necessary to avoid identified significant impacts. In cases where mitigation (inside and outside of the City's jurisdiction) cannot be implemented in the near term, the impacts may remain significant and unavoidable until such time that adequate funding is collected from fair share fees and other funding sources. Based on these circumstances, which are beyond the Project's control, the City may not preclude the development of the Project upon demonstrated payment of the corresponding fair share fees attributed to the Project.

Explanation: The Project will generate traffic from passenger vehicles and trucks accessing the future uses at the Specific Plan. To assess potential impacts associated with traffic generated by the Project, a traffic impact analysis was performed consistent with the City's Traffic Study requirements. The Project is expected to generate daily vehicle trips as follows, converted to Passenger Car Equivalent trips: PA-1 3,595 and PA-2 4,095 (for a total of 7,690 daily trips).

The addition of these trips was analyzed against (1) existing conditions, (2) 2017 future conditions, and (3) 2025 future conditions to determine whether implementation of the Specific Plan, and thus Specific Plan-generated traffic, would result in any deficiencies at intersections and on roadway segments. The analysis also used reasonable assumptions related to (1) the distribution of trips, (2) the percentage of truck trips that will be generated by the Project, and (3) the intersections that will be impacted by vehicular trips. The analysis concluded that, under each possible condition, the Project would generate trips that would result in significant impacts to intersections and roadways. Table 4.14-22, *Summary of Intersection Level of Service Results*, and Table 4.14-23, *Summary of Roadway Segments Level of Service Results*, provide a summary overview of the intersections and roadways that would be impacted by Specific Plan-generated traffic and under which conditions (existing or future).

The Draft EIR incorporates mitigation measures, as outlined above, that identify certain roadway and intersection improvements needed to lessen the significant impacts. However, the significant project-level impacts under the existing conditions scenario are to intersections and roadways segments outside the jurisdiction of the City of Ontario. Therefore, the City of Ontario, as lead agency, cannot mandate that the necessary improvements be constructed. The Draft EIR, instead, requires the payment of fair share fees (in addition to the City of Ontario's standard development impact fees) that account for the Specific Plan's contribution to impacts at those intersections and roadway segments. Notwithstanding these fees, however, the significant impacts to these intersections and roadways segments cannot be mitigated to a less than significant level because the intersections and roadways are not within the City of Ontario, and the City of Ontario cannot mandate that the impacted jurisdiction construct the necessary improvements. Thus, the Project's impacts are considered significant and unavoidable.

The Draft EIR's mitigation measures also require the payment of fair share fees to fund the Specific Plan's portion of intersection and roadway improvements that will be impacted during future conditions (i.e., when accounting for future traffic conditions plus Project traffic). Also, like the existing conditions impacts, however, the significant impacts to these intersections and roadways segments cannot be mitigated to a less than significant level because (1) there are intersections that, even with the identified improvements, would continue to operate at a deficient level of service; (2) some

intersections and roadways are not within the City of Ontario, and the City of Ontario cannot mandate that the impacted jurisdiction construct the necessary improvements; and (3) the specified improvements are not part of an adopted plan or program that mandates the improvements be constructed within a certain period. The City does earmark fair share funds paid for traffic improvements, meaning that any fair share fees paid for a certain improvement will necessarily be spent on that specific improvement (i.e., fair share fees cannot be spent on alternative improvements or other items). This type of structure has been found to comply with CEQA. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 304 [EIR was valid when it included mitigation that required payment of fair share fees to mitigate traffic impacts and the lead agency described the fair share contributions as being collected at the plan check phase and placed into a special fund that will be used to fund the required improvements].) Notwithstanding this commitment to use the funds for the specified improvements, given the uncertainty regarding timing of improvements, the Project's traffic impacts are significant and unavoidable.

Impact: Would the Project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Draft EIR at 4.14-22.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would result in a significant and unavoidable impact associated with a conflict with an applicable congestion management program. (Draft EIR at 4.14-22–55.)

Mitigation Measures: Refer to Mitigation Measures TRANS-1 through TRANS-19.

Explanation: Please refer to the explanation discussion immediately above regarding the Specific Plan's impacts to area intersections and roadway segments from traffic generation.

Impact: Would the Project be cumulatively considerable with respect to significant cumulative impacts of areawide traffic growth on the circulation system, including intersections, roadway segments, and freeway interchanges? (Draft EIR at 4.14-56.)

Finding: Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not completely avoid, the significant environmental effect associated with implementation of the Specific Plan. (State CEQA Guidelines § 15091 subd. (a)(1).) Beyond the mitigation measures identified below, specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or Project alternatives that would completely reduce this impact to a less than significant impact. The Project would contribute a cumulatively considerable impact of areawide traffic growth on the circulation system. (Draft EIR at 4.14-26.)

Mitigation Measures: Refer to Mitigation Measures TRANS-1 through TRANS-19.

Explanation: The traffic model utilized for the analysis of Project-specific impacts is based on the buildout of the eastern Ontario Ranch (former New Model Colony), which accounts for cumulative growth in the area. Therefore, the cumulative growth associated with implementation of the various specific plans in the area has been incorporated into the traffic model and is represented by the Project Opening 2017 Plus Cumulative Conditions (2017 Without Project Conditions) traffic volumes and Future Buildout 2025 No Project Conditions (2025 Without Project Conditions) traffic volumes. Project impacts, in conjunction with the impacts of related projects, would be significant at 16 intersections under 2017 Plus Cumulative Plus Project Conditions and at 18 intersections under 2025 Plus Cumulative Plus Project Conditions. Likewise, cumulative impacts would be significant and unavoidable to two roadway segments under 2017 Plus Cumulative Plus Project Conditions and four roadway segments under 2025 Plus Cumulative Plus Project Conditions without implementation of applicable roadway improvements. As discussed above, the Project will include mitigation in the form of fair share fees that would be allocated for the specific improvements outlined in Mitigation Measures TRANS-1 through TRANS-19. However, because of uncertainty as to the future implementation or timing of those identified improvements, the Project's impacts are considered cumulatively considerable and significant and unavoidable.

SECTION V

Resolution Regarding Significant IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the CEQA Guidelines requires that an EIR discuss "any significant irreversible environmental changes which would be involved in the proposed action should it be implemented." Generally, a project would result in significant irreversible environmental changes if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources.
- Irreversible damage can result from environmental accidents associated with the project.
- The proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Implementation of the Project will require the long-term commitment of natural resources and land. The Project will consume limited, slowly renewable, and nonrenewable resources. This consumption will occur during the construction phase of the Project and continue throughout its operational lifetime. Project development will require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project site. Construction will require the use and consumption of nonreplenishable or nonrenewable metals such as copper and lead, aggregate materials such as sand and stone used in concrete and asphalt, petrochemical construction materials such as plastics, and water. Construction vehicles and equipment and the transportation of goods and people to and from the project site would also consume nonrenewable fossil fuels such as gasoline and oil.

Project operation will continue to expend similar nonrenewable resources that are currently consumed within the City of Ontario and on-site. These include energy resources such as electricity, petroleum-based fuels, fossil fuels, and water. Energy resources would be used for heating and cooling buildings, transportation within the project site, and building lighting. Fossil fuels are the primary energy source for Project construction and operation. This existing, finite energy source would thus be incrementally reduced. Under California Code of Regulations Title 24, Part 6, conservation practices limiting the amount of energy consumed by the Project are required during operation.

Development of the Project will result in the construction of structures, facilities, or infrastructure on land that is currently undeveloped and used for agricultural uses. This land will be permanently committed to urban uses. Limited use of potentially hazardous materials such as typical cleaning agents and pesticides for landscaping would occur and would be contained on-site. These hazardous materials would be used, handled, stored, and disposed of in accordance with manufacturer's instructions and applicable government regulations and standards. Compliance with these regulations and standards would serve to protect against significant and irreversible environmental change resulting from the accidental release of hazardous materials. In addition, demolition activities will comply with regulatory requirements to ensure that asbestos and lead-based paints are not released into the environment. Similarly, mitigation has been included to address any hazardous materials discovered during construction.

SECTION VI

Resolution Regarding GROWTH-INDUCING IMPACTS AND COMMITMENT OF RESOURCES

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. EIR Section 5.3 evaluates the potential for the proposed Project to affect economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Growth-inducing impacts can occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area of the project. Also included in this category are projects that would remove physical obstacles to population growth, such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional new development.

Construction of these types of infrastructure projects cannot be considered in isolation from the development they may facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area (such as a new residential community that requires additional commercial uses to support residents). The growth-inducing potential of a project would also be considered significant if it fosters growth in excess of what is assumed in the local master plans and land use plans, or in projections made by regional planning agencies.

Implementation of this Project will involve the extension of roads or other infrastructure into areas off-site that will facilitate additional planned growth pursuant to the TOP. The frontage roadway segments of Merrill, Carpenter, and Remington Avenues will be improved to their ultimate widths per the existing City of Ontario Functional Roadway Classification Plan. All access driveways, utilities, and other infrastructure necessary to serve the project site will extend into the site from these frontage roads.

While the industrial Project can be anticipated to create temporary and longer-term local employment opportunities, the indirect effects of increased public services (i.e., police, fire, schools, parks) to support new population growth derived from such employment growth is not anticipated to be substantial, nor beyond service levels anticipated by the TOP.

Almost the entire area immediately surrounding the Specific Plan area is planned for urbanization. Project infrastructure will be located and sized to serve the Colony Commerce Center without surplus capacity that may otherwise induce unplanned growth within Ontario Ranch and surrounding jurisdictions. The extension of roads, water, and sewer lines to serve the project has been anticipated in the City's Circulation element and Ontario Ranch infrastructure master plans. Consequently, development of the Project will not affect areas currently designated as Industrial and Business Park surrounding the site, and the extension of infrastructure and services to the project site is not expected to induce future growth in these areas. Moreover, as required by the TOP, the City would have to approve a specific plan and conduct further environmental analysis for future development of these areas. The Project is consistent with the City's General Plan and the TOP, and would not induce growth beyond that which has already been approved for development by the City under the TOP.

SECTION VII

Resolution Regarding Alternatives

The City Council hereby declares that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. Section 15126.6 of the State CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly achieve most of its basic objectives, but would avoid or substantially lessen any of the significant effects identified in the EIR analysis. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, an EIR must consider a reasonable range of alternatives that are potentially feasible; an EIR is not required to consider alternatives that are infeasible. In addition, an EIR should evaluate the comparative merits of the alternatives. Therefore, this section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the objectives of the Project, as required by CEQA.

OBJECTIVES

The Project Applicant has identified the following objectives for the Colony Commerce Center Specific Plan Project intended to ensure quality in the development of this industrial project:

- To create a high-quality industrial development that attracts an array of industrial businesses and provides employment opportunities to area residents.
- To provide industrial uses within the Project boundaries that are compatible with surrounding uses.
- To develop a flexible plan that meets the needs of an ever-changing business market, while assuring compliance with high development standards.
- To provide a plan for roadways, infrastructure, and utilities to support on-site land uses as the Project evolves.
- To promote opportunities for water efficiency in the Project architecture and Project landscaping to promote water conservation.

ALTERNATIVES

Key provisions of the State CEQA Guidelines relating to the alternatives analysis (Section 15126.6 et seq.) are summarized below:

- The discussion of alternatives shall focus on alternatives to the Project or its location that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives, or would be more costly.
- The “No Project” alternative shall be evaluated along with its impact. The “No Project” analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved.
- The range of alternatives required in an EIR is governed by a “rule of reason”; therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no-project alternative and a range of reasonable alternatives to the Project if those reasonable alternatives would attain most of the Project objectives while substantially lessening the potentially significant Project impacts. (Draft EIR, at p. 8-2.) The range of alternatives discussed in an EIR is governed by a “rule of reason,” which the State CEQA Guidelines Section 15126.6(f)(3) defines as:

. . . set[ting] forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives (as described in the State CEQA Guidelines Section 15126.6(f)(1)) are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the Project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, and whose implementation is remote or speculative. (Draft EIR, at p. V-1.)

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

ALTERNATIVES ANALYSIS

The goal for evaluating any alternatives is to identify ways to avoid or lessen the significant environmental effects resulting from implementation of the proposed Project, while attaining most of the Project objectives. The City has included the following four alternatives for consideration:

- No Project/No Build Alternative
- Reduced Density Alternative
- Agricultural Retention Alternative

Alternatives Not Selected for Analysis

Alternative Site: The Colony Commerce Specific Plan site is proposed for development of industrial uses consistent with the TOP. Development of the proposed Project on another site would not be feasible for three main reasons.

First, the land use designation that has been established for the Colony Commerce Specific Plan is consistent with a unified industrial development pattern planned in the southwest portion of Ontario Ranch. Surrounding properties, both within the NMC and

adjacent jurisdictions, are designated in General Plans and/or pending Specific Plans as industrial or business park. Development of the Colony Commerce Center Specific Plan on the Project site is necessary to complete the contiguous and unified urban development pattern in the area, and provide the necessary level of industrial facilities envisioned for the site in the TOP.

Second, the Project Applicant is already in possession of a portion of the Project site, the investment in which precludes the purchase of another site of comparable size and physical characteristics on which the proposed uses could be constructed. Given the existing and future development pattern in the Project area (and the proposed Project's contribution to that pattern) and the Project Applicant's ownership of a substantial portion of the property, development of the proposed uses on another site was determined infeasible.

Third, consideration of an alternative site would not avoid or substantially lessen any of the significant effects of the proposed Project. The proposed Project is anticipated to result in significant unavoidable adverse impacts related to:

- **Agriculture.** The NMC Final EIR identified the conversion of agricultural land within the NMC as a significant and unavoidable impact and adopted a Statement of Overriding Considerations.
- **Air Quality.** The Project would result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard.
- **Transportation and Traffic.** Impacts to some study area intersections are considered significant and unavoidable. The Project would contribute traffic to these or other deficient facilities regardless of its location within the NMC and TOP study area.

As other land in the NMC in the Specific Plan vicinity is similarly used for agricultural purposes and includes agricultural soils, the loss of prime farmland would still occur with an alternative site. The City of Ontario is not aware of any similarly sized parcel that is not already zoned for industrial use by others and that would have the ability to substantially reduce one or more significant effects of the Project. Given the industrial nature of the Project, it is also unlikely a similarly sized project at an alternative location elsewhere within the SoCAB would alleviate the project-level or cumulative air quality impacts associated with the Project. Therefore, analysis of an alternative site for the 2.95 million square feet of industrial space identified in the TOP for this site is neither meaningful nor necessary, because the significant impacts resulting from the Project would not be avoided or substantially lessened.

DESCRIPTION OF ALTERNATIVES

Alternative 1 – No Project/No Build Alternative

In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which the Project does not proceed. Section 15126.6(e)(3)(B) of the Guidelines states

that, “In certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.” Accordingly, Alternative 1 – No Project/No Build provides a comparison between the environmental impacts of the proposed Project in contrast to the environmental impacts that could result from not approving, or denying, the proposed Project. Because the City Planning Commission and/or City Council has discretionary authority over a proposed project and could choose to deny it, the environmental impacts of that action must be disclosed. As a result of this potential decision, the Project site could remain in its current state and condition for an undetermined period of time and not be the subject of any further development proposals. Evaluation of this alternative will determine if any significant impacts identified with the proposed Project would be eliminated or if any less than significant impacts would be further reduced.

Alternative 2 – Reduced Density Alternative

Alternative 2 – Reduced Intensity is intended to evaluate the potential for reduced environmental impacts associated with an approximate 20 percent reduction in the building area of industrial use proposed on the site. The Project allows up to 2,591,146 square feet of industrial building space (0.55 FAR) on 123 acres, consistent with the TOP. Under this alternative, the industrial land use designation on the site would remain, but the building square footage would be reduced by approximately 590,230 square feet, resulting, for example, in the elimination of one of the two industrial warehouse buildings planned for PA-2.

The reduction in industrial building area would allow a proportional reduction in the amount of surface parking area. This alternative assumes that access to the site would be similar to the Project, with access from driveways on Carpenter and Remington Avenues.

Alternative 3 – Agricultural Retention Alternative

Alternative 3 – Agricultural Retention develops PA-2 (approximately 65 acres), the site of the former dairy, for industrial use and retains PA-1 (approximately 57 acres) in agricultural use. Thus, approximately 47 percent of the Specific Plan area would be retained in agricultural use. The City’s Agricultural Overlay Zoning District, contained in Section 9-1.2700 of the Ontario Municipal Code, allows existing agricultural uses within the NMC to continue on an interim basis until development is proposed and includes dairies as a conditionally permitted use among the many agricultural land uses.

EVALUATION OF ALTERNATIVES

Alternative 1 – No Project/No Build Alternative

Of the alternatives analyzed in the EIR, Alternative 1 – No Project/No Build is considered the overall environmentally superior alternative as it would reduce all the significant impacts occurring under the Project to no impact or levels that are less than significant, including with respect to agricultural resources, air quality, and traffic and transportation. However, this alternative would create an inconsistency with the TOP because it would not serve to implement the TOP for the Specific Plan area. Also, this

alternative would not meet any of the identified objectives established for the proposed Project.

The City finds that the No Project/No Build Alternative is infeasible because it fails to meet any of the Project objectives, and rejects it on that basis.

Alternative 2 – Reduced Density Alternative

A number of the environmental impacts associated with the proposed Project are lessened with the Reduced Density Alternative. The less than significant impacts related to aesthetics, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, public services, and utilities would remain similar. However, the less than significant impacts related to geology and soils, noise, police services, and recreation would be marginally lessened.

With a reduction in building area and parking, the possibility of retaining some remnant portion of the site in agricultural use may remain. However, it is unlikely any such parcel would remain a viable agricultural unit surrounded by other development, and with any significant development of the site the loss of Prime Farmland would remain significant, adverse, and unavoidable.

Impacts on transportation and air quality would ultimately be reduced upon implementation of Alternative 2, as the overall emissions and traffic produced by this alternative would be reduced by roughly 20 percent. However, even with the reduction in development square footage and the implementation of mitigation measures, air quality would still be significantly impacted (NOx emission from operational activities). Further, although this alternative would reduce vehicular trips consistent with square footage, it is still anticipated that significant impacts will occur at study area intersections. Thus, as indicated in Section 4.14, Transportation and Traffic, implementation of mitigation measures TRANS-1 through TRANS-19 would be required. Despite incorporation of these measures, however, cumulative impacts to study area intersections would be considered significant and unavoidable. The alternative would contribute traffic to deficient facilities along with other cumulative development projects, resulting in a cumulatively considerable impact. Consequently, Alternative 2 would be required to provide mitigation measures similar to those for the Project and would ultimately have significant and unavoidable impacts for cumulative intersections. Therefore, these impacts would remain significant and unavoidable under this alternative.

Alternative 2 fails to meet several of the Project objectives to the same degree as the proposed Project. In particular, the further reduction in density represents a reduction in the overall industrial development that would use the Specific Plan site's prime location near Chino Airport. As such, Alternative 2 fails to fully meet the Project objectives to provide industrial uses within the Project boundaries that are compatible with surrounding uses. Finally, Alternative 2 would not avoid the significant and unavoidable agricultural resources, air quality, and traffic and transportation impacts of the Project. For the foregoing reasons, the City rejects the Reduced Density Alternative in favor of the Project.

Alternative 3 – Agricultural Retention Alternative

With the Agricultural Retention Alternative, the Project's less than significant impacts related to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, population and housing, public services, and utilities and services systems would remain less than significant and would be similar. The less than significant impacts related to greenhouse gases and noise would, while lesser than the Project's impacts, remain less than significant. The Project's significant and unavoidable impacts to agricultural resources would be reduced to a less than significant level. However, the Project's significant and unavoidable air quality and traffic impacts, while lesser under Alternative 3, would remain significant and unavoidable, even with the implementation of mitigation measures.

The City finds that the Agricultural Retention Alternative is infeasible because it would fail to meet several of the Project objectives to the degree that would occur under the proposed Project. In particular, the further reduction in density would result in a lesser number of employment opportunities to serve existing and future residents of the area, and not take full advantage of the Specific Plan area's advantageous location near Chino Airport. Also, the Agricultural Retention Alternative would create an inconsistency with the TOP, which designates the entirety of the Project site for eventual conversion to industrial uses. This would create an incompatibility between both the Specific Plan's industrial development and planned development within the TOP area. The alternative would also not fully develop the Specific Plan area with a flexible development plan that meets the needs of an ever-changing business market. Thus, Alternative 3 would meet this objective, along with others, to a lesser extent than the proposed Project. For the foregoing reasons, the City rejects this alternative in favor of the Project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

Draft EIR 6-2 provides a comparison of the alternatives to the Project objectives. A description and evaluation of the potential impacts associated with each alternative are provided in the preceding Findings narrative. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project is addressed herein.

Of the alternatives analyzed in the EIR, the No Project/No Build Alternative is considered the overall environmentally superior alternative as it would reduce several of the impacts occurring under the proposed Project to no impact or levels that are less than significant. However, as indicated previously, that alternative would not meet any of the identified objectives established for the proposed Project.

In accordance with the CEQA Guidelines requirement to identify an environmentally superior alternative from the remaining alternatives, a comparative evaluation of the

remaining alternatives indicates that Alternative 2—the Reduced Density Alternative would be the environmentally superior alternative. As compared to the proposed Project, this alternative would reduce significant transportation/traffic and air quality impacts, though not to less than significant levels. However, Alternative 2 fails to meet the Project objectives to provide industrial uses within the Project boundaries that are compatible with surrounding uses. In particular, the reduction in density represents a reduction in the overall industrial development that would use the Specific Plan site’s prime location near Chino Airport. As such, the environmentally superior alternative is not feasible because it does not meet sufficiently the Project objectives to adopt it.

SECTION VIII

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15093 and 15043, the City has balanced the economic, legal, social, technological, and other benefits of the proposed Project, including the provision of employment opportunities for highly trained workers, against the following unavoidable adverse impacts associated with the proposed Project identified in Section III, above, and has adopted all feasible mitigation measures with respect to the specific impacts described in Section III in the environmental impact areas of Agricultural Resources, Air Quality, and Transportation and Traffic. The City also has examined alternatives to the proposed Project, none of which meet the Project objectives nor environmentally superior to the proposed Project.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the proposed Project, has determined that the unavoidable adverse environmental impacts identified above and the findings for which are set forth in Section III, above, may be considered “acceptable” due to the following specific considerations that outweigh the unavoidable, adverse environmental impacts of the proposed Project. Each of the separate benefits of the proposed Project, as stated herein and as supported by substantial evidence in the record, is determined to be, unto itself and independent of the other Project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact. Project benefits include:

1. The Project proposes development that implements the goals and land use designations contained within The Ontario Plan (TOP), as the City’s General Plan. Implementing the General Plan is a legal and social prerogative of the City.
2. The Project would provide for high-quality industrial uses within the City and the TOP area, and would increase employment opportunities for City and area residents.
3. The Project would remediate existing site conditions, which consist of historic agricultural and dairy-related uses that contributed to limited site contamination.

4. The land use plan provides for a range of industrial uses and opportunities to accommodate a changing industrial business environment. The planned industrial area will include wholesale and distribution, light manufacturing, and businesses with high-value, time-sensitive merchandise that could benefit from proximity to an airport.
5. The Project will implement greenhouse gas (GHG) reduction measures specified in the Draft EIR and will comply with the City's adopted Climate Action Plan, which strives to achieve GHG reductions City-wide that comply with the State's reduction requirements.
6. The Project would construct improvements and infrastructure consistent with the TOP and the City's various master plans for roadways and sewers, among others.
7. The Project will pay Development Impact Fees to the City prior to the issuance of building permits for each building.
8. The Project will be responsible for the construction of area-wide infrastructure construction within the New Model Colony, including water, sewer and storm drains as set forth in the Colony Commerce Center West Specific Plan.
9. The Project will ensure the availability and utilization of recycled water for all construction-related water uses including prior to, and during, any grading of the Property. The Project will also utilize recycled water for landscape irrigation needs.
10. The Project will pay a Public Services Funding Fee in the amount of Fifty-Six Cents (\$.56) per square foot for each non-residential building.
11. The Project will contribute to the funding of the Phase 2 Water Improvements needed to serve regional development by the payment of Three Million Five Hundred Thousand dollars (\$3,500,000.00) which exceeds the Project's obligation for regional water service and will benefit other properties within the Ontario Ranch area.

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of less than significant, except for unavoidable significant impacts as discussed in Section III of these Findings. The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project. The City Council further finds that except for the Project, all other alternatives set forth in the Final EIR are infeasible because they would prohibit the realization of Project objectives and/or of specific economic, social, and other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

For the foregoing reasons, the City Council hereby declares that the benefits provided to the public through approval and implementation of the Specific Plan outweigh any significant adverse environmental impacts of the Project. The City Council finds that each of the Project benefits outweighs the adverse environmental effects identified in the EIR, and therefore finds those impacts to be acceptable. The

substantial evidence demonstrating the benefits of the Project are set forth in these findings, and in the documents in the record of proceedings.

EXHIBIT "B"

MITIGATION MONITORING REPORTING PROGRAM

Table 1: Colony Commerce Center Specific Plan Project Mitigation Monitoring and Reporting Program

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
Air Quality	Operational NO _x emissions in year 2017 and 2025 are anticipated to exceed the South Coast Air Quality Management District regional threshold, resulting in a significant impact. Since operational NO _x emissions in 2017 and 2025 would exceed the thresholds of significance, the project would also result in a cumulatively considerable net increase of criteria pollutants.	AQ-1. The project shall comply with California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles," and California Code of Regulations Title 13, Division 3, Chapter 10, Article 1, Section 2485, "Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling."	During operation of the project	Developer, contractor, and City Building Official			
Air Quality	Operational NO _x emissions in year 2017 and 2025 are anticipated to exceed the South Coast Air Quality Management District regional threshold, resulting in a significant impact. Since operational NO _x emissions in 2017 and 2025 would exceed the thresholds of significance, the project would also result in a cumulatively considerable net increase of criteria pollutants.	AQ-2. The project shall place signs at truck access gates, loading docks and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than three minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and the CARB to report violations.	During operation of the project	Developer, contractor and City Building Official			
Biological Resources	Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	BIO-1. DSFLF Prior to any ground-disturbing activities associated with development of the Specific Plan on PA-1, a habitat assessment for Delhi Sands Flower-loving Fly (DSFLF) shall be conducted by a biologist experienced with this species. If no suitable habitat is present, additional assessments, focused surveys, or mitigation shall not be required. If suitable habitat is present, focused surveys shall be conducted for DSFLF pursuant to current U.S. Fish and Wildlife Service (USFWS) protocols by a biologist with a USFWS recovery permit under Section 10(a)(1)(A) of the federal Endangered Species Act (FESA). If the surveys are negative, no further assessments, focused surveys, or mitigation shall be required. If the surveys are positive, measures shall be implemented to mitigate impacts to DSFLF. These shall include the following, subject to authorization from USFWS either through Section 7 of the FESA (if there is a federal action) or under Section 10(A)(1)(B) of the FESA (in the absence of a federal action): (i) If occupied DSFLF habitat is present on PA-1 and all or a portion of the habitat can be avoided, measures shall be implemented to avoid direct and indirect impacts to the habitat both during and following construction under direction of a qualified biologist, including but not limited to measures such as: limiting removal of any DSFLF habitat to outside the adult flight season which occurs between July 1 and September 20, fencing and signage of any avoided habitat area(s) pre- and post- construction, a Worker	Prior to issuance of Grading Permit	Developer, Consulting Biologist, City of Ontario Planning Director and CFWS designated contact			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		<p>Environmental Awareness Program prior to construction, biological monitoring during construction, dust control adjacent to any avoided areas during construction, shielded night lighting adjacent to any avoided areas both during and post- construction, and/or any other measures deemed appropriate by the qualified biologist.</p> <p>(ii) Permanent unavoidable impacts to occupied DSFLF habitat shall be compensated off-site through the purchase of mitigation credits at a USFWS-approved mitigation bank such as the Colton Dunes Conservation Bank established by Vulcan Materials, Incorporated. Mitigation shall be purchased at a minimum 3:1 ratio (if credits are purchased at the Colton Dunes Conservation Bank, the minimum mitigation unit available is one credit, which equals one acre. As such, the acreage of required mitigation shall be rounded up to the next whole number, e.g., 0.5 acre shall be rounded to 1 acre). If an off-site mitigation bank is not available, land supporting suitable DSFLF habitat may be purchased. The proposed mitigation shall be outlined in a Biological Assessment report (under Section 7 of the FESA) or a Habitat Conservation Plan (under Section 10(A)(1)(B) of the FESA) for review and approval by USFWS.</p>					
Biological Resources	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<p>BIO-2. Jurisdictional Features If improvements to the box structure in Cucamonga Creek are required by the City as part of the development of PA-1, the project Applicant shall obtain regulatory permits from the USACE, RWQCB, and CDFW prior to the issuance of any grading permit for temporary impacts in the areas designated as jurisdictional features. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:</p> <p>(i) Restore the temporarily disturbed jurisdictional areas in the Cucamonga Creek flood control channel to pre-project conditions following completion of storm drain outlet improvements (i.e., return to “pre-project contours”).</p>	Prior to issuance of Grading Permit	Developer, Contractor, Consulting Biologist, and City of Ontario Planning Director			
Biological Resources	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<p>BIO-3. Prior to construction of the water line extension, temporary fencing would be erected under the supervision of a qualified biologist along the northern limit of the off-site work area, at or within the limits of the dirt road. The purpose of the fencing shall be to protect the ditch located outside of the work area and immediately north of the dirt road. The fencing would be comprised of orange silt fencing, or similar material, to prevent sediment from entering the ditch and to delineate clearly the limit of work. Other Best Management Practices (BMPs), such as sand bags or weed-free straw bales, would also be installed if deemed appropriate by the project engineer to avoid any discharge of sediment into the ditch and/or erosion; any additional BMPs would be installed at or within the limits of the dirt road and under the supervision of a qualified biologist. All construction personnel would be educated prior to commencement of construction regarding the purpose of the fence and any BMPs, and the importance of staying within the identified work area. The fencing and BMPs would be maintained in their original condition by construction personnel for the entire duration of</p>	Prior to issuance of Grading Permit	Developer, Contractor, Consulting Biologist, and City of Ontario Planning Director			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		construction activities, and any damages would be repaired immediately. Once installation of the water line is complete and the dirt road has been restored to pre-project conditions, the fencing and BMPs would be removed.					
Biological Resources	The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.	<p>BIO-4. Prior to the issuance of any grading permit that would remove potentially suitable nesting habitat for raptors or songbirds, the project Applicant shall demonstrate to the satisfaction of the City of Ontario that either of the following have been or will be accomplished.</p> <p>(i) Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.</p> <p>(ii) Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biological monitor to minimize impacts.</p>	Prior to issuance of Grading Permit	Developer, Contractor, Consulting Biologist, and City of Ontario Planning Director			
Cultural Resources	Cause a substantial adverse change in the significance of an historical or archaeological resource pursuant to § 15064.5	<p>CUL-1. Cultural resources monitoring is required on the project site and off-site areas once project-related excavations reach 4 feet below current grade during all project-related earthmoving in the Specific Plan. The monitoring must be headed by a City-approved Project Archaeologist, who may choose to use qualified field representatives (monitor) during earthmoving. The Project Archaeologist must create a Mitigation Monitoring Plan (MMP) prior to a City-approved pre-grade meeting. The MMP must contain a description of archaeological monitoring requirements (including who can decide if monitoring is not necessary due to disturbance or a lack of potential for resources), communication protocols on the project site and with the lead agency, protocols for the treatment of unanticipated discoveries, and a description of how and where historical and/or prehistoric artifacts will be curated if found during archaeological monitoring.</p> <p>CUL-2. If, during the implementation of CUL-1, any historic-period or prehistoric cultural resources are inadvertently discovered by the Project Archaeologist or designated archaeological monitor(s), the find(s) must be blocked off from further construction-related disturbance by at least 50 feet, and the Project Archaeologist must then determine whether the find is a historical resource as defined under Section 15064.5(a)(3) of the CEQA Guidelines. If the find(s) is not found to be a historical resource, it must be recorded onto DPR 523 forms and project-related excavation may continue. If the find(s)</p>	<p>Prior to Grading</p> <p>During Grading</p>	Developer, Consulting Archaeologist, and City Planning Director			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		is/are determined to be a historical resource, appropriate measures associated with impacts to such resources could include avoidance; capping; incorporation of the site in greenspace, parks or open space; or data recovery excavation of the find(s). No further grading shall occur in the area of the discovery until the lead agency approves the measures to protect or appropriately mitigate the significant resource. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the lead agency where they would be afforded long-term preservation to allow future scientific study. In the event that any humans remains or related resources are discovered during ground disturbing activities, such resources would be handled in compliance with provisions of California Health and Safety Code §7050.5 and Public Resources Code §5097 et seq. and in coordinate with the County coroner. Compliance with these laws would ensure that potential impacts to human remains, if unearthed, would be less than significant. Further analysis of this issue in the required EIR is not necessary.					
Cultural Resources	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5	CUL-3 Once project-related excavations reach 15 feet in any one location in the Specific Plan, the City of Ontario shall require that a qualified Paleontologist be brought to the area(s) that have been cut at that depth and inspect the cut(s) to determine if the potential for impacts to fossil resources has risen from “low” to “moderate.” If the potential for impacts has indeed risen to “moderate,” then the City shall require that a qualified Paleontological Inspector monitor all cuts until all deep excavations are completed. Mitigation for impacts to any vertebrate finds shall follow all professional standards, as described in the Society of Vertebrate Paleontology’s <i>Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources</i> (2010), and any finds shall be offered to a museum the City names.	During Grading	Developer, contractor and Consulting Archaeologist			
Geology and Soils	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking. iii) Seismic-related ground failure, including liquefaction. iv) Landslides.	GEO-1 Prior to issuance of grading permits for PA-1, a detailed structural engineering report with geotechnical calculations shall be submitted with engineered grading plans to further evaluate seismic and soil conditions, and provide site-specific recommendations to mitigate potential hazards, in accordance with the criteria and seismic design parameters of the CBC and the City. The report shall be prepared and signed/stamped by a Registered Civil Engineer specializing in geotechnical engineering and a Certified Engineering Geologist. The recommendations contained in the report shall be implemented by the developer. Geotechnical rough grading plan review reports shall be prepared in accordance with the City of Ontario Grading Ordinance.	Prior to issuance of Grading Permit	Developer and City of Ontario Building Official			
Geology and Soils	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	GEO-2 Prior to construction of PA-1, the geology, soils, and groundwater-related features for the proposed project will be evaluated by a geotechnical engineering and hydraulics staff or a licensed Geotechnical Engineer or Civil Engineer. The Engineer will	Prior to construction of PA-1				

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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	<p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42.</p> <p>ii) Strong seismic ground shaking.</p> <p>iii) Seismic-related ground failure, including liquefaction.</p> <p>iv) Landslides.</p>	provide design recommendations based on subsurface conditions encountered in field explorations conducted in the project area.					
Hazards and Hazardous Materials	<p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p> <p>Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>	HAZ-1. The presence or absence of contamination associated with the on-site collection pond on PA-2 can only be determined through subsurface investigation. Prior to issuance of a grading permit, the project Applicant shall have conducted an environmental subsurface investigation at this location by a qualified environmental consulting/testing firm in order to determine the presence or absence of surface water, sediment, soil and/or groundwater contamination. If contamination is encountered at a level above health risk thresholds, the appropriate environmental agency (RWQCB, DTSC, SCAQMD) shall be notified. Any contamination identified as a result of such testing/sampling shall be investigated, and removed or remediated to the satisfaction of the City.	Prior to issuance of Grading Permit	Developer, Contractor and City of Ontario Building Official			
Hazards and Hazardous Materials	<p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p> <p>Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>	HAZ-2. Prior to issuance of a grading permit, the project Applicant shall hire a qualified environmental consultant to remediate in place or excavate and dispose of contaminated soils in accordance with applicable regulatory requirements. Soil remediation and/or export of hazardous materials must be performed in accordance with the agency (RWQCB, DTSC, SCAQMD) requirements. A Soil Management Plan shall be prepared to ensure the appropriate reporting, oversight, and protocols used during construction to protect the health and safety of workers and future residents. The Plan establishes the methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered and prior to grading for the soil stockpile. If during grading activities additional contamination is discovered, grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures in accordance with the Soil Management Plan are implemented so as to render the area suitable for grading activities to resume.	Prior to issuance of Grading Permit	Developer and City of Ontario Building Official			
Hazards and Hazardous Materials	<p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p> <p>Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of</p>	HAZ-3. Prior to demolition and/or renovation activities, all fluorescent light ballasts within building structures and on-site pole-mounted transformers shall be inspected for PCBs. Any PCB-containing fluorescent light ballasts and/or transformers shall be disposed of in accordance with applicable regulatory requirements.	Prior to issuance of Demolition Permit	Developer and City of Ontario Building Official			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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Hazards and Hazardous Materials	<p>hazardous materials into the environment</p> <p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p> <p>Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>	<p>HAZ-4. During removal of on-site gasoline and diesel USTs, governmental agencies that may have applicable permit requirements must notified. This includes, but is not limited to, the following: Local Fire Agency, Local Building Department, and Air Quality Management District. California HSC Section 25404 delegates authority for implementing and enforcing statewide underground storage tank requirements to the local Certified Unified Program Agency (CUPA). In San Bernardino County, the San Bernardino County Fire Department Hazardous Materials Division is the CUPA. The CUPA has outlined tank removal procedures that include permit application for removal, fees, scheduling and inspection. It must be demonstrated to the satisfaction of this CUPA whether an unauthorized release has occurred. Demonstration is based on the analytical results of soil samples obtained during closure activities. Soil samples below and in the immediate vicinity of the UST and associated piping, and are collected, analyzed, and a report of findings is prepared documenting sample collection, analysis, and results. Soil stockpiled from the excavation shall be sampled and analyzed for the constituents of concern Excavated soil must not be used as backfill unless it can be demonstrated that soil is not contaminated. Samples are analyzed for all common contents of USTs. The project Applicant shall submit the results of the soil survey to the City of Ontario (City) Building Department.</p>	Prior to issuance of Demolition and Grading Permits	Developer and City of Ontario Building Official			
Hazards and Hazardous Materials	<p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p> <p>Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>	<p>HAZ-5. Prior to issuance of demolition permits, the project Applicant shall submit verification to the City Building Department that an asbestos survey has been conducted at all existing buildings located on the project site. If asbestos is found, the project Applicant shall follow all procedural requirements and regulations of South Coast Air Quality Management District Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity; asbestos removal in accordance with prescribed procedures; placement of collected asbestos in leak-tight containers or wrapping; and proper disposal.</p>	Prior to issuance of Demolition Permits	Developer and City of Ontario Building Official			
Hazards and Hazardous Materials	<p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p> <p>Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>	<p>HAZ-6. Prior to issuance of demolition permits, the project Applicant shall submit verification to the City Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the project Applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.</p>	Prior to issuance of Demolition Permits	Developer and City of Ontario Building Official			
Hazards and Hazardous Materials	<p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p>	<p>HAZ-7. Prior to issuance of grading or building permits for Planning Area 1 (PA-1), the project Applicant shall hire a qualified environmental consultant to perform a Phase I Environmental Site Assessment (ESA) for properties within PA-1 not previously accessible for investigation. The results shall be provided to the City</p>	Prior to issuance of Demolition and Grading Permits	Developer and City of Ontario Building Official			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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	Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	of Ontario. The project Applicant shall demonstrate to the satisfaction of the City that all applicable recommendations in the Phase I ESA are adhered to and implemented to address any potential hazards in these portions of the project area.					
Hazards and Hazardous Materials	<p>Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p> <p>Create a hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment</p>	HAZ-8. The project Applicant shall conduct methane gas soil surveys for PA-1 and PA-2 and implement all applicable recommendations for grading activities contained in such reports to the satisfaction of the City Building Department. This shall include a post-construction soil gas investigation and installation of methane gas mitigation systems where post-grading methane levels exceed 5,000 ppm (0.5 percent), should any such levels occur.	Prior to issuance of Demolition and Grading Permits and during and after construction	Developer and City of Ontario Building Official			
Hazards and Hazardous Materials	Be located within an airport land use plan and result in a safety hazard for people residing or working in the project area.	<p>HAZ-9. As directed by the City of Ontario Planning Department, Airport Planning Division, the following would be required:</p> <ul style="list-style-type: none"> • Prior to project approval of PA-1 and PA-2, the Project Applicant shall demonstrate to the satisfaction of the City Planning Department, Airport Planning Division that sufficient open land is being provided on site. • Obtain FAA approval for building/structure height limitations exceeding 50 feet in height within the Zone 4 and 2. • Obtain FAA approval for any object/temporary structure such as construction crane equipment that exceed 50 feet in height within the Zone 4 and 2. • Obtain FAA approval for building/structure height limitations exceeding 70 feet in height within Zone 6. • Obtain FAA approval for any object/temporary structure such as construction crane equipment that exceed 70 feet in height within the Zone 6. • The development of PA-2 must comply with the project conditions outlined in the Airport Land Use Compatibility Planning Consistency Determination Report, dated April 6, 2016. <p>Urban land use category shall be utilized to calculate the people per acre intensity requirements for Zones 4, 2 and 6.</p>	Prior to issuance of Demolition and Grading Permits	Developer and City of Ontario Building Official			
Hydrology and Water Quality	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Substantially alter the existing drainage pattern of the site or area.</p> <p>Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p>	HWQ-1. Additional project drainage studies shall be prepared and submitted for approval by the City Engineer when future development plans are available for Specific Plan Phase 2 (PA-1). Such studies will need to identify any increase in developed condition peak flows, measures to manage any incremental increase in storm flows (e.g. detention/retention basins, other stormwater BMPs), and the timing of additional Master Plan improvements needed to serve Specific Plan buildout.	Prior to issuance of Grading and Demolition Permits for PA-1	Developer and City of Ontario Engineer			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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	<p>Result in potential stormwater runoff impacts from construction activities.</p> <p>Result in potential stormwater runoff impacts from post-construction activities.</p>						
Hydrology and Water Quality	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Substantially alter the existing drainage pattern of the site or area.</p> <p>Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p> <p>Result in potential stormwater runoff impacts from construction activities.</p> <p>Result in potential stormwater runoff impacts from post-construction activities.</p>	<p>HWQ-2. Local storm drain facilities shall be sized to convey the 10- and/or 100-year storm event per a final drainage plan reviewed and approved by the City Engineer.</p>	<p>Prior to issuance of Grading Permits</p>	<p>Developer and City of Ontario Engineer</p>			
Hydrology and Water Quality	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Substantially alter the existing drainage pattern of the site or area.</p> <p>Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p> <p>Result in potential stormwater runoff impacts from construction activities.</p> <p>Result in potential stormwater runoff impacts from post-construction activities.</p>	<p>HWQ-3. The project Applicant shall obtain approval from the City of Ontario for the storm drain connection from the on-site collection system to NMC Master Plan storm drain facilities.</p>	<p>Prior to issuance of Grading Permits</p>	<p>Developer and City of Ontario Engineer</p>			
Hydrology and Water Quality	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Substantially alter the existing drainage pattern of the site or area.</p> <p>Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p>	<p>HWQ-4. The project Applicants for future development projects greater than 1 acre in size shall apply online for a Construction General Permit on the California State Water Resources Board's website and shall submit a certification for filing a Notice of Intent and the issuance of a Waste Discharger Identification Number, to the City of Ontario, prior to Grading Permit issuance.</p>	<p>Prior to issuance of Grading Permits</p>	<p>Developer and City of Ontario Engineer</p>			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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	<p>runoff.</p> <p>Result in potential stormwater runoff impacts from construction activities.</p> <p>Result in potential stormwater runoff impacts from post-construction activities.</p>						
Hydrology and Water Quality	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Substantially alter the existing drainage pattern of the site or area.</p> <p>Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p> <p>Result in potential stormwater runoff impacts from construction activities.</p> <p>Result in potential stormwater runoff impacts from post-construction activities.</p>	<p>HWQ-5. The project Applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) per requirements of the Construction General National Pollutant Discharge Elimination System (NPDES) Permit and shall upload the document to the State website as well as maintain a copy at the constructions site.</p>	Prior to issuance of Grading Permits and during grading	Developer and City of Ontario Engineer			
Hydrology and Water Quality	<p>Violate any water quality standards or waste discharge requirements.</p> <p>Substantially alter the existing drainage pattern of the site or area.</p> <p>Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p> <p>Result in potential stormwater runoff impacts from construction activities.</p> <p>Result in potential stormwater runoff impacts from post-construction activities.</p>	<p>HWQ-6. Project-related construction activities shall implement all stormwater quality BMPs, as required by the project's SWPPP, which may include, but are not limited to, any of the following: Employee and Subcontractor Training -- Have a training session for employees and subcontractors to understand the need for implementation and usage of BMPs; installation of all required erosion and sediment control BMPs; proper track out controls; daily sweeping of public roads adjacent to the project; appropriate dust control; and storm drain inlet protection.</p>	During construction	Developer and City of Ontario Engineer			
Hydrology and Water Quality	<p>Substantially degrade water quality.</p> <p>Result in potential stormwater runoff impacts from post-construction activities.</p>	<p>HWQ-7. The project Applicant shall prepare a final WQMP for approval by the City Engineer addressing post-construction water quality BMPs.</p>	After construction	Developer and City of Ontario Building Official			
Noise	<p>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.</p>	<p>NOI-1. The proposed project contractors shall ensure project-attributed temporary construction noise during the Site Preparation phase of construction activity received at noise-sensitive receiver (NSR) NMS-2 does not exceed a fifteen-minute Leq of 67 dBA,</p>	During construction	Developer and City of Ontario Building Official			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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		<p>which is 2 dBA less than the predicted construction noise level. To yield this required 2 dBA noise reduction and thus comply with this noise level limit, the contractors must implement noise control and/or sound abatement means that could include one or more of the following options:</p> <ul style="list-style-type: none"> • Administrative noise controls – schedule construction activity, when it would occur at its closest distance to NMS-2, during periods of time when the owner/occupant of the impacted land use is scheduled to be not present. • Engineering noise controls – to the extent practical, locate stationary and/or continuous major noise producers (e.g., air compressors, generators) as far as possible from the potentially impacted residential receiver. In other words, gain more naturally occurring noise attenuation via increasing distance between source and receiver. For example, if the approximate distance between these stationary sources and NMS-2 were 250 feet instead of 200 feet as shown in Table 4.11-7, the noise from these sources would be reduced by the needed 2 dBA. • Equipment noise controls –a number of practices can be employed as follows: <ul style="list-style-type: none"> • Ensure that all engine-driven vehicles and stationary equipment feature factory-approved exhaust silencers/mufflers that are in proper working order. • Do not let operating vehicles or equipment idle for long periods of time. Reducing the time that a vehicle or piece of equipment operates by half enables a 3 dBA reduction of that noise source. • As certain equipment may have a “louder” side or facing (e.g., an air intake that produces the most noise), position the equipment on-site so that said louder facings are directed away from the noise-sensitive receiver. Utilizing source acoustical directivity in this manner can, under the right conditions, yield at least 3 dBA of noise reduction with respect to a receiver location. • Sound abatement – install a temporary noise barrier, such as the types shown in Exhibit 4.11-5. A properly designed and implemented noise barrier that can provide linear path occlusion between the receiver and the sound source(s) of concern should be able to reliably yield at least 3 to 5 dBA of noise reduction. If needed, and because installation of an effective temporary noise barrier involves features such as 					

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		<p>its height, extent, material and location with respect to both the noise-producing sources of interest and the intended benefited receiver, a proposed temporary barrier layout and specification—including consideration of non-interference with respect to grading activity, road improvements, utility installation, site safety, etc.—would be submitted as part of the construction activity permitting process.</p> <p>To demonstrate that NOI-1 has been implemented, the project contractors shall conduct noise level monitoring at NMS-2 during one representative sample daytime work shift within the Site Preparation phase of project construction progress and submit a summary report of the collected data to the City showing that 67 dBA Leq attributed to the project construction activity was not exceeded during any consecutive chronological 15-minute duration interval, starting with the work shift commencement (e.g., 7:00 a.m.).</p>					
Noise and Vibration	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	<p>NOI-2. Complete review of building details at the appropriate stage of design development by a qualified acoustical consultant, and submit his/her findings and recommendations to the City of Ontario that the proposed project buildings would feature adequate exterior-to-interior noise reducing components with respect to the predicted exterior noise levels of this study for 2025. Based on the 2025 exterior noise level estimates, such components of a building shell assembly (exterior wall, glazing, door, etc.) should, in aggregate, be designed to demonstrate an expected minimum sound transmission class rating of 35, which is performance typically expected from commercial glazing systems featuring 1-inch laminated insulating glass.</p>	Prior to issuance of Building Permits	Developer and City of Ontario Building Official			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-1. Euclid Avenue/Merrill Avenue – The following improvement to this future intersection within the City of Chino will reduce the project’s impact:</p> <ul style="list-style-type: none"> • Add additional southbound left turn lane • Add exclusive westbound left and right turn lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City’s jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-	<p>TRANS-2. Grove Avenue/Merrill Avenue – The following improvement to this future intersection, which shares a common City of Ontario/City of Chino boundary, will reduce the project’s impact to a less than significant level:</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			

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	motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<ul style="list-style-type: none"> Install traffic signal Add exclusive eastbound left turn lane Add additional southbound left turn lane <p>The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.</p>					
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-3. Carpenter Avenue/Merrill Avenue – The following improvement to this future intersection, which shares a common City of Ontario/City of Chino boundary, will reduce the project's impact to a less than significant level:</p> <ul style="list-style-type: none"> Install traffic signal Add exclusive eastbound left turn lane Add exclusive westbound left turn lane <p>The City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-4. Hellman Avenue/Merrill Avenue (Future) – The following improvement to this future intersection within the City of Ontario will reduce the project's impact to a less than significant level:</p> <ul style="list-style-type: none"> Install traffic signal <p>The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-5. Archibald Avenue/SR-60 WB Ramps – The following improvements to this intersection within the Caltrans jurisdiction will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact:</p> <ul style="list-style-type: none"> Add additional northbound left turn lane Add southbound free right turn lane Add westbound free right turn lane Add additional westbound left turn lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
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		Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.					
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-6. Archibald Avenue/SR-60 EB Ramps – The following improvements to this intersection within the Caltrans jurisdiction will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact:</p> <ul style="list-style-type: none"> • Add northbound free right turn lane • Add additional southbound left turn lane • Add eastbound free right turn lane • Add additional eastbound left turn lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-7. Archibald Avenue/E. Riverside Drive – The following improvements to this intersection within the City of Ontario will to reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact to a less than significant level:</p> <ul style="list-style-type: none"> • Add northbound left and right turn lane • Add southbound left and right turn lane <p>The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-8. Archibald Avenue/E. Chino Avenue – The following improvements to this intersection within the City of Ontario will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact to a less than significant level:</p> <ul style="list-style-type: none"> • Add additional northbound left turn lane • Add southbound left turn lane <p>The Project's fair share contribution will be collected and administered by the City of Ontario, which will be responsible for</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.					
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-9. Archibald Avenue/Ontario Ranch Road – The following improvements to this intersection within the City of Ontario will reduce the project’s proportionate increase in delay to pre-project levels or better, thus reducing the project’s impact to a less than significant level:</p> <ul style="list-style-type: none"> • Add northbound left, through, and free right turn lane • Add southbound left turn and through lane • Add two eastbound through lane • Add two westbound through lane <p>The Project’s fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-10. Archibald Avenue/Merrill Avenue – The following improvements to this intersection within the City of Ontario will reduce the project’s impact to a less than significant level:</p> <ul style="list-style-type: none"> • Add exclusive southbound right turn lane • Add additional southbound through lane • Add additional northbound left turn lane • Add additional northbound through lane <p>The Project’s fair share contribution will be collected and administered by the City of Ontario, which will be responsible for implementation of proposed mitigation within City limits. Due to the potential fair share contributions from other cumulative projects, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-11. Archibald Avenue/Limonite Avenue – The following improvements to this intersection within the City of Eastvale will reduce the project’s proportionate increase in delay to pre-project levels or better, thus reducing the project’s impact:</p> <ul style="list-style-type: none"> • Add two northbound through lanes • Add additional northbound right turn lane • Add additional southbound through lane • Add additional westbound right and left turn lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.					
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-12. Harrison Avenue/Limonite Avenue – The following improvements to this intersection that within the City of Eastvale will reduce the project's impact:</p> <ul style="list-style-type: none"> • Add additional westbound through lane • Add additional westbound left turn lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-13. Scholar Way/Limonite Avenue – The following improvements to this intersection within the City of Eastvale will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact:</p> <ul style="list-style-type: none"> • Add additional eastbound through lane • Add additional westbound through lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-14. Hamner Avenue/Ontario Ranch Road – The following improvements to this intersection within the City of Eastvale will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact:</p> <ul style="list-style-type: none"> • Add additional northbound left and through lane • Add additional southbound left turn lane • Add two southbound through lane • Add additional eastbound and westbound left turn lane • Add two eastbound and westbound through lane with one shared-through right turn lane 	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
		<p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>					
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-15. Hamner Avenue/Limonite Avenue – The following improvement to this intersection within the City of Eastvale will reduce the project's impact:</p> <ul style="list-style-type: none"> • Add additional westbound through lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-16. Eastvale Gateway/Limonite Avenue – The following improvement to this intersection within the City of Eastvale will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact:</p> <ul style="list-style-type: none"> • Add additional eastbound left turn lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and	<p>TRANS-17. I-15 SB Ramps/Limonite Avenue – The following improvements to this intersection within the Caltrans jurisdiction will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact:</p> <ul style="list-style-type: none"> • Add additional southbound left turn lane • Add additional eastbound through lane • Convert eastbound exclusive right turn lane to free right • Add additional westbound through lane 	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			

Impact Category	Impact/Issue	Mitigation Measures	Implementation Timing	Responsible Party	Verification of Compliance		
					Signature	Date	Remarks
	mass transit.	The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.					
Transportation and Traffic	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<p>TRANS-18. I-15 NB Ramps/Limonite Avenue – The following improvements to this intersection within the Caltrans jurisdiction will reduce the project's proportionate increase in delay to pre-project levels or better, thus reducing the project's impact:</p> <ul style="list-style-type: none"> • Add additional northbound right turn lane • Add additional eastbound through lane • Add additional westbound through lane <p>The City will require the Applicant to put money in escrow in order to cover the costs of these improvements; after a suitable time, if either or both of these other jurisdictions refuse to proceed with the improvements, the money should be returned to the Applicant. Additionally, the City will coordinate the timing and implementation of fair share contributions collected for locations outside of the City's jurisdiction, which may involve other sources of fair share contribution funding from other cumulative projects. Based on these factors, specific construction dates cannot be ascertained at this time.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			
Transportation and Traffic	Contribute to the cumulatively considerable impacts of areawide traffic growth on the circulation system, including intersections, roadway segments, and freeway interchanges.	<p>TRANS-19. Prior to the issuance of building permits, the project Applicant shall participate in the City's DIF program by paying the project's fair share amount for the improvements identified above. The City will ensure that the improvements identified in mitigation measures TRANS-1 through TRANS-18 will be constructed pursuant to the fee program at that point in time necessary to avoid identified significant impacts. In cases where mitigation (inside and outside of the City's jurisdiction) cannot be implemented in the near term, the impacts may remain significant and unavoidable until such time that adequate funding is collected from fair share fees and other funding sources. Based on these circumstances, which are beyond the project's control, the City may not preclude the development of the project upon demonstrated payment of the corresponding fair share fees attributed to the project.</p>	Prior to issuance of Building Permits	Developer and City of Ontario City Engineer			

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN (FILE NO. PSP15-001), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR 123.17 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,951,146 SQUARE FEET OF INDUSTRIAL DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY MERRILL AVENUE TO THE NORTH, REMINGTON AVENUE TO THE SOUTH, CARPENTER AVENUE TO THE WEST AND THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 0218-292-05, 0218-292-09, 0218-292-10, 0218-311-11, 0218-292-12, 0218-292-13, 0218-292-14, 0218-261-24.

WHEREAS, CAP ROCK PARTNERS ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP15-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 123.17 acres of land, bounded by Merrill Avenue to the north, Remington Avenue to the south, Carpenter Avenue to the west and the Cucamonga Creek Flood Control Channel to the east, within the SP (AG) land use designation, and is presently improved with agriculture and farm related uses; and

WHEREAS, the property to the north of the Project site is within the SP (AG) zoning district and is developed with agriculture and dairy land uses. The property to the east is within the SP (AG) zoning district and is developed with the agriculture and vacant land. The property to the south is within the agriculture and light industrial zoning district located within the City of Chino and is developed with agriculture and industrial land uses. The property to the west is within the industrial zoning district located within the City of Chino and is developed with industrial land uses and contains vacant land; and

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

WHEREAS, the Colony Commerce Center West Specific Plan consists of 123.17 acres of land, which includes the potential development of up to 2,951,146 square feet of industrial development; and

WHEREAS, the land use intensity of the Colony Commerce Center West Specific Plan anticipated in the two planning areas is consistent with The Ontario Plan (TOP). The

maximum Floor Area Ratio (FAR) permitted in each Planning Area conforms to the maximum 0.55 FAR permitted in the Policy Plan (General Plan) Land Use Plan for industrial development. Planning Area 1, located along the northern portion of the Specific Plan area, is 57.58 acres in size and can potentially be developed with 1,379,501 square feet of industrial development. Planning Area 2, located along the southern portion of the Specific Plan, is 65.60 acres in size and can potentially be developed with 1,571,645 square feet of industrial development; and

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

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

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

WHEREAS, an Environmental Impact Report (EIR) (SCH#2015061023) has been prepared in accord with the California Environmental Quality (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Colony Commerce Center West); and

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

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

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

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

WHEREAS, on August 22, 2017, the Planning Commission of the City of Ontario conducted a duly noticed public hearing to consider the Project and concluded said hearing on that date; and

WHEREAS, as the first action on the Project on August 22, 2017, the Planning Commission adopted a resolution recommending the City Council certify the EIR (SCH# 2015061023) and approve the Mitigation Monitoring and Reporting Program prepared pursuant to CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

WHEREAS, on August 22, 2017, after considering all public testimony on the application, the Planning Commission voted 6 to 0 to issue its Resolution No. PC17-055 recommending the City Council approval of the Application; and

WHEREAS, on September 19, 2017, the City Council of the City of Ontario conducted a duly noticed public 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 approving body for the Project, the City Council has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for the project and supporting documentation. Based upon the facts and information contained in the EIR (SCH# 2015061023) and supporting documentation, the City Council finds as follows:

(1) The Colony Commerce Center West Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Colony Commerce Center West Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Colony Commerce Center West Specific Plan EIR reflects the independent judgment of the City Council; and

SECTION 2: *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted

Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the Planning Commission 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). The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. As a result, the Planning Commission, 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 3: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 and 2, above, the City Council hereby concludes as follows:

(1) The 123.17-acre Colony Commerce Center West Specific Plan is suitable for industrial development, uses permitted in the proposed district in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed Colony Commerce Center West Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

(3) During the Colony Commerce Center West Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section 65351; and

(4) The proposed project is consistent with the adopted Housing Element. The Project site is not one of the properties (areas) listed in the Available Land Inventory in the Housing Element; and

(5) An Environmental Impact Report (EIR) (SCH#2015061023) has been prepared in accord with the California Environmental Quality (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Colony Commerce Center West).

SECTION 4: **City Council Action.** Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Application.

SECTION 5: **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 6: **Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7: **Severability.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8: **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 9: **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 _____ 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held September 19, 2017 and adopted at the regular meeting held _____, 2017 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)

ATTACHMENT A:

**File No. PSP15-00 (Colony Commerce Center West
Specific Plan)**

(Specific Plan to follow this page)

Attachment "A"

File No. PSP15-001

Department Conditions of Approval

(to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department
Land Development Division
Conditions of Approval

Meeting Date: August 22, 2017

File No: PSP15-001

Related Files: N/A

Project Description: A Specific Plan (Colony Commerce Center West) request (File No. PSP15-001) to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 123.17 acres of land, which includes the potential development of 2,951,146 square feet of industrial development. The project site is bounded by Merrill Avenue to the north, Remington Avenue to the south, Carpenter Avenue to the west and the Cucamonga Creek Flood Control Channel to the east; **submitted by Cap Rock-Partners**. (APN(s): 0218-292-05, 0218-292-09, 0218-292-10, 0218-311-11, 0218-292-12, 0218-292-13, 0218-292-14, 0218-261-24).

Prepared By: Luis E. Batres, Senior Planner
Phone: 909.395.2431 (direct)
Email: Lbatres@ontarioca.gov

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

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

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

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

- (a) Fifteen copies of the final Specific Plan document;
- (b) One complete, unbound copy of the final Specific Plan document;
- (c) One CD containing a complete Microsoft Word copy of the final Specific Plan document, including all required revisions;
- (d) Five CDs, each containing a complete PDF copy of the final Specific Plan document, including all required revisions; and
- (e) One CD containing a complete electronic website version of the final Specific Plan document, including all required revisions.

2.2 Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

2.3 Additional Fees.

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

Attachment “B”

**File No. PSP15-001
Colony Commerce Center West
Specific Plan
(to follow this page)**



Colony Commerce Center West Specific Plan

Draft | March 2017

COLONY COMMERCE CENTER WEST SPECIFIC PLAN

**City of Ontario
303 East 'B' Street
Ontario, California 91764**



**CapRock Partners
2050 Main Street, Suite #240
Irvine, California 92614**

March 2017

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COLONY COMMERCE CENTER WEST SPECIFIC PLAN

CONSULTANT TEAM:

KTGY Group

Planning

17911 Von Karman Ave, Suite 200
Irvine, CA 92614

Caldwell Land Solutions

Development Consultants

2300 Dupont Drive, Suite 312
Irvine, CA 92612

David Evans & Associates

Civil Engineers

17882 17th Street, Suite 200
Tustin, CA 92780

Douglas Franz Architects

Architect

4001 Westerly Place, Suite 108
Newport Beach, CA 92660

SPLA

Landscape Architects

PO Box 2157
Lake Arrowhead, CA 92352

Manatt, Phelps & Phillips

Land Use Attorney

695 Town Center Drive, 14th Floor
Costa Mesa, CA 92626

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1

EXECUTIVE SUMMARY

1.1 Summary

The Colony Commerce Center West Specific Plan includes approximately 123.17 gross acres located in the southern portion of the City, near to the San Bernardino/Riverside County boundary. The master plan for project will provide for development of industrial buildings offering a variety of uses.

The project site is generally located north of Remington Avenue, south of Merrill Avenue, east of Carpenter Avenue and west of the Cucamonga Creek flood control channel in the City of Ontario, San Bernardino County, California.

The site is also located within Ontario Ranch area which comprises a portion of the former San Bernardino County Agricultural Preserve annexed by the City in 1999. The recently incorporated City of Eastvale (October 2010) is located southeast of Ontario in the County of Riverside, while the City of Chino is located to the west in San Bernardino County.

The relationship of the project site to the surrounding region is depicted in Exhibit 1.1, Regional Context Map. Exhibit 1.2, Vicinity Map, shows the relationship of the site to adjacent land uses. Exhibit 1.3 depicts the development plan for the site.

The City of Ontario Sphere of Influence area, commonly referred to as the “Ag Preserve” was the last significant underdeveloped area in the San Bernardino Valley. In 1993, the San Bernardino Board of Supervisors voted to consider dissolving the Ag Preserve status,

thus paving the way for the transition of agricultural uses to other locations and the ultimate development of the area within an urban setting.

In 1998, the City of Ontario prepared and adopted the Sphere of Influence General Plan Amendment, an amendment to the General Plan of the City of Ontario. Planning for the 8,069 acre Ontario Ranch area is the single most important development issue facing the City of Ontario today. The General Plan for the Ontario Ranch intends to provide the long term vision to create a high quality environment where residents can live, work, and play with a sense of individual neighborhoods rather than engulfed in the Ontario Ranch.

The Sphere of Influence annexation, dedicated as Ontario Ranch was annexed by the City of Ontario on November 30, 1999. The Colony Commerce Center West Specific Plan area is situated within the boundaries of the Ontario Ranch area.

On January 26th, 2010, the City of Ontario adopted The Ontario Plan (TOP) which serves as the City’s new business plan and includes a long term Vision and a principle based Policy Plan (General Plan). The city’s Policy Plan, which acts as the City’s General Plan, designates (Policy Plan Exhibit LU-1-Land Use Plan) the project site for development of industrial uses at a maximum 0.55 floor area ratio (FAR) as illustrated in Exhibit 2.2 Policy Plan (General Plan) Land Use Plan.

1.2 Governing Documents

Development of Colony Commerce Center West will be governed by the following:

- » The City of Ontario General Plan (January 1998), as amended, which establishes policies governing land use, circulation, housing, conservation and open space, noise, safety, and public facilities within the Colony Commerce Center West Specific Plan area.
- » The Colony Commerce Center West Specific Plan which includes a Land Use Plan, Infrastructure Plan, Design Guidelines, and Development Regulations. Where the Colony Commerce Center West Specific Plan is silent, the City of Ontario Development Code shall govern.
- » The Airport Land Use Compatibility Plan for Ontario International Airport Land Use Planning Handbook published by Caltrans Division of Aeronautics.
- » A development agreement to include methods for financing, acquisition, and construction of infrastructure.

1.3 Specific Plan Components

The Colony Commerce Center West Specific Plan is organized into the following sections in addition to Section 1, Executive Summary.

1.3.1 (Section 2) Introduction

The Introduction serves to acquaint the reader with:

- » Community vision and objectives,
- » The project setting,
- » A general description of the project proposal,
- » The goals and policies of the Colony Commerce Center West Specific Plan,

- » The entitlements to accompany the Colony Commerce Center West Specific Plan; and
- » The relationship of the Colony Commerce Center West Specific Plan to the City of Ontario General Plan, and the City of Ontario Development Code.

1.3.2 (Section 3) Existing Conditions

The physical setting for Colony Commerce Center West is described in this section outlining the existing physical conditions on and around the Specific Plan area.

1.3.3 (Section 4) Land Use Plan

The Land Use Section describes industrial planning areas and allocations of industrial building sizes per planning area.

1.3.4 (Section 5) Infrastructure and Public Services

This section provides information on circulation improvements, planned backbone water, sewer, and storm drain systems, the grading concept for the development of the project, and a discussion of public utilities and services to serve the Specific Plan.

1.3.5 (Section 6) Development Regulations

Development Regulations established in this section will govern the permitted uses and the standards regulating the development of various industrial uses within the Colony Commerce Center West Specific Plan area. The relationship of the Colony Commerce Center West Specific Plan development regulations to the City of Ontario Development Code is also provided. The policies and procedures for the City's review and approval of specific development proposals within Colony Commerce Center West are presented in this section as well as the methods and procedures for interpreting and amending the Colony Commerce Center West Specific Plan as necessary.

1.3.6 (Section 7)

Implementation and Administration

The policies and procedures for the City’s review and approval of specific development proposals, within Colony Commerce Center West, are presented in this section. This section provides the methods and procedures for interpreting and amending the Colony Commerce Center West Specific Plan as necessary. A summary of project financing and project maintenance responsibilities for new development within the Specific Plan area is provided in this section.

1.3.7 (Section 8)

Design Guidelines

The Colony Commerce Center West Design Guidelines are intended to direct the site planning, landscaping, and architectural quality of the development. Streetscapes, entries, edge treatments, walls and fencing, lighting, signage, and architectural design are some of the features to be addressed in the Design Guidelines.

1.3.8 (Section 9)

General Plan Consistency

This section includes the City of Ontario General Plan consistency matrix describing the relationship of the Colony Commerce Center West Specific Plan to each policy of the NMC General Plan.

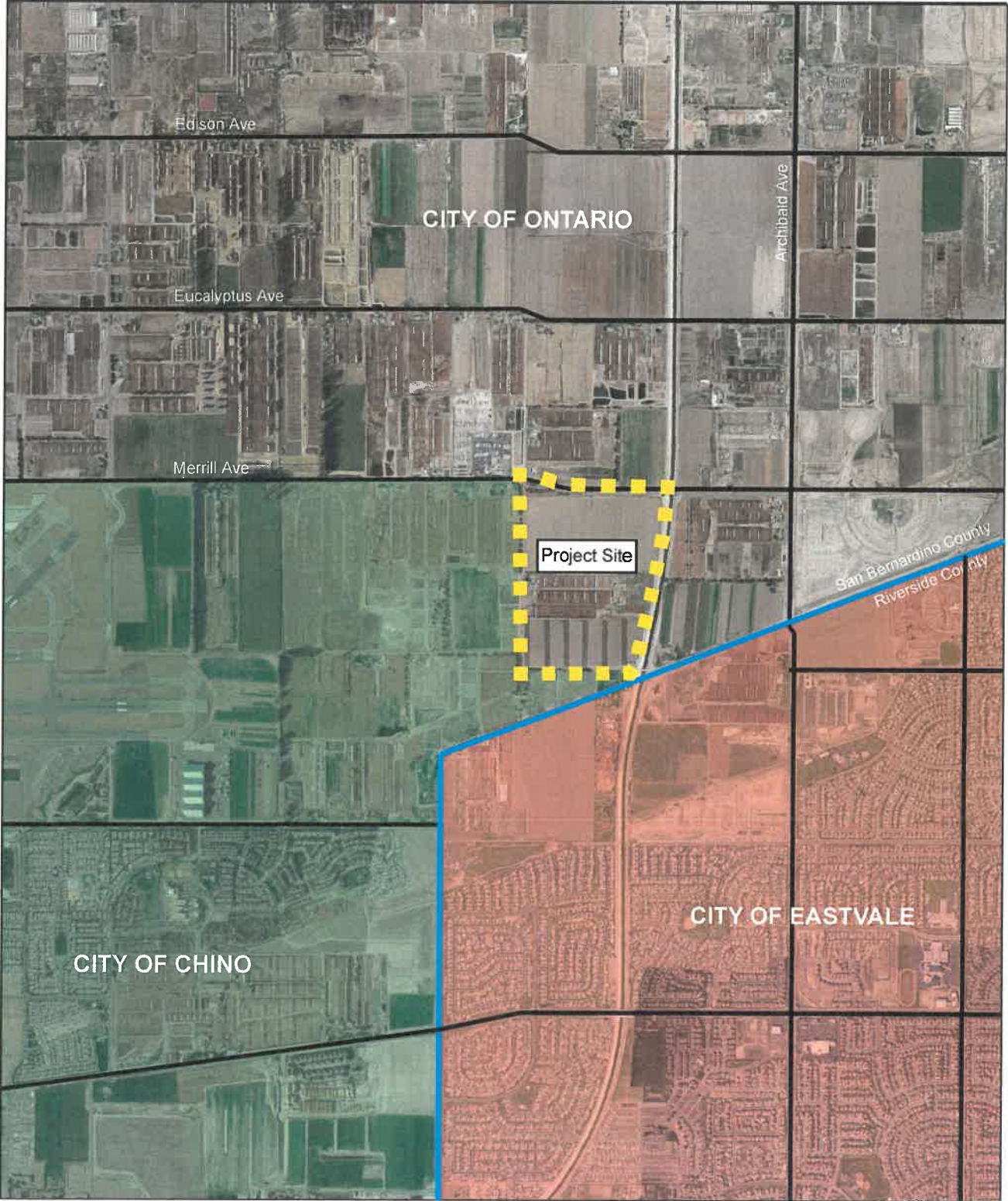
Exhibit 1.1, Regional Context Map



Source: Google Maps



Exhibit 1.2, Vicinity Map



Source: Google Maps

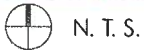
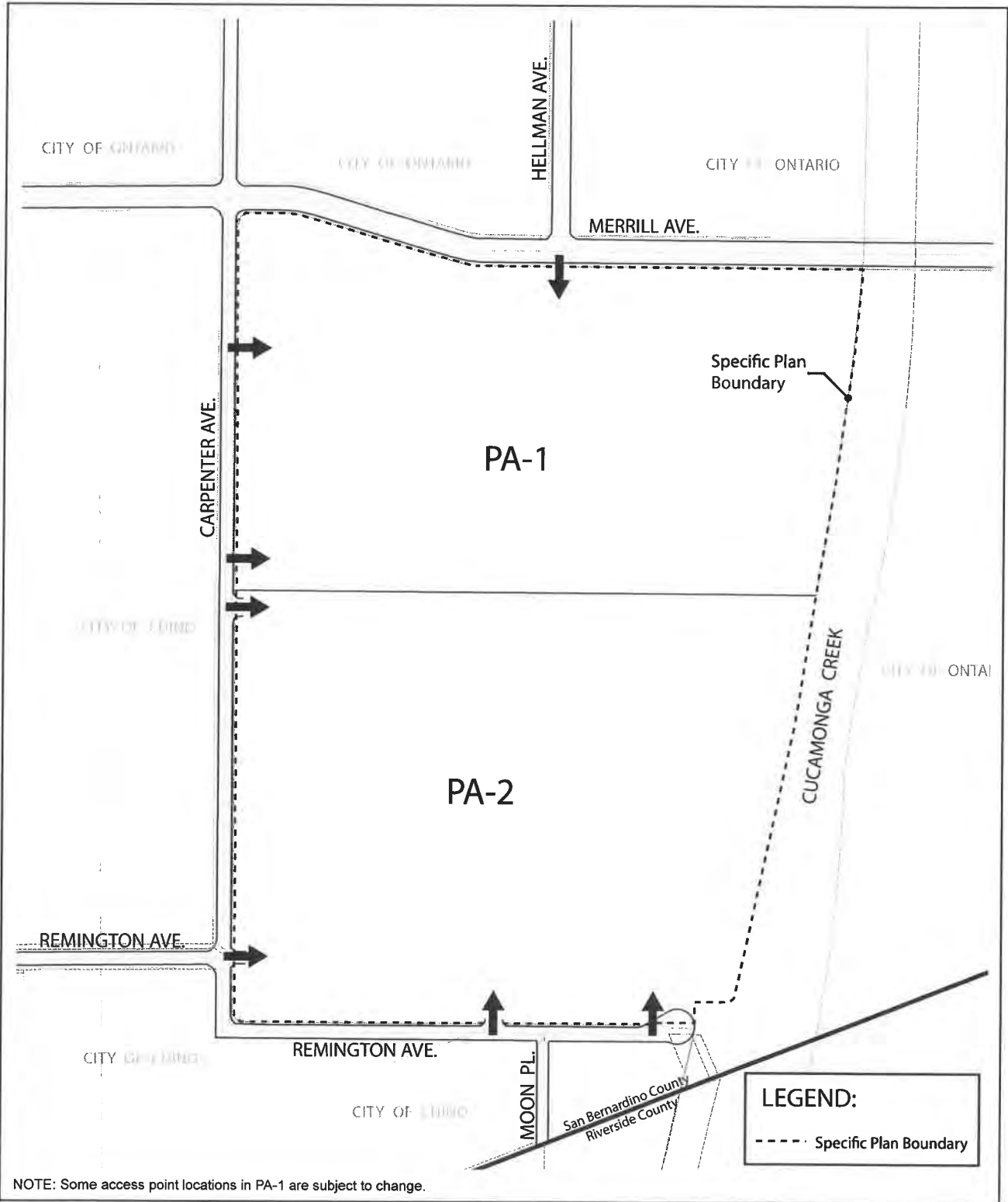


Exhibit 1.3, Specific Plan Area



Source: KTG Group



Table 1.1, Land Use Summary

Planning Area (PA)	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Industrial	57.58 ac	1,379,501 SF	0.55
PA-2	Industrial	65.60 ac	1,571,645 SF	0.55
Total		123.17 ac	2,951,146 SF	0.55

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2

INTRODUCTION

2.1 Specific Plan Purpose

The Ontario Plan (TOP) Policy Plan includes requirements for subsequent approval by the City of a Specific Plan and an Area Plan for development within the area of the City known as the Ontario Ranch.

Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans shall incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. The Area Plan shall provide additional policy-level guidance and is considered part of the Policy Plan.

The Area Plan for the Ontario Ranch will be initiated by the City of Ontario at a future time. However, until the Area Plan for the Ontario Ranch is adopted, the Policy Plan provides that new specific plans may proceed consistent with the Goals and Policies of the Policy Plan.

The Colony Commerce Center West Specific Plan serves to implement the City's Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure-requirements, and implementation requirements for development.

A comprehensive set of design guidelines and development regulations are included to guide and regulate site planning, landscape,

and architectural character within the community ensuring that excellence in community design is achieved during project development. The Colony Commerce Center West Specific Plan establishes the procedures and requirements to approve new development within the project site.

2.2 Authority

California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 et seq grants local planning agencies the authority to prepare Specific Plans for any area covered by a General Plan for the purpose of establishing systematic methods of implementation of the General Plan.

A Specific Plan is designed to address site specific issues such as existing on-site conditions relative to topography and existing environmental concerns, site design and layout, including setbacks and visual appearance, as well as circulation, utility provisions and infrastructure financing alternatives.

The California Government Code establishes the authority and procedures to adopt a specific plan; identifies the required contents of a specific plan; mandates consistency with the General Plan; and also mandates consistency of any future projects or zoning ordinance amendments with a specific plan. Section 9-1.200 of Title 9 of the City of Ontario's Municipal Code states the purpose and intent of specific plans.

The City's Municipal Code will act as a supplement for those areas and issues not covered by this Specific Plan regulations for administration review procedures, environmental review, and others.

2.3 State Requirements

Section 65451 of the Government Code mandates what a Specific Plan shall contain. A Specific Plan shall include a text and diagram or diagrams which specify all the following in detail:

- » The distribution, location, and text of the uses of land, including open space, within the area covered by the plan.
- » The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other facilities proposed to be located within the area covered by the plan and needed to support the land uses describe in the plan.
- » Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- » A program of implementation measures including regulations, programs, and financing measures necessary to carry out the Colony Commerce Center West West project.
- » The Specific Plan shall include a statement of its relationship to the General Plan.

2.4 Severability

If any section, subsection, sentence, clause, phrase, or portion of the Specific Plan, or any future amendment(s) or addition(s) hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Specific

Plan, or any future amendments or additions hereto. The City hereby declares that it would have adopted these requirements and each sentence, subsection, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

2.5 Project Objectives

The Colony Commerce Center West Specific Plan is designed to implement a series of project-specific objectives that have been carefully crafted to ensure the project develops with a quality industrial development. The project objectives have been refined throughout the planning and design process for the project. They are identified below:

- » To provide for the development of industrial facilities which utilize the site's prime location in proximity to Ontario Airport.
- » To create a high quality industrial development that attracts an array of industrial businesses and provides employment opportunities to area residents.
- » To provide industrial uses within the project boundaries which are compatible with surrounding uses.
- » To develop a flexible plan that meets the needs of an ever-changing business market, while assuring compliance with high development standards.
- » To provide a plan for roadways, infrastructure, and utilities to support on-site land uses as the project evolves.
- » Promote opportunities for water efficiency in the project architecture and project landscaping to promote water conservation.

2.6 Specific Plan Summary

The Colony Commerce Center West Specific Plan creates a master-plan comprised of industrial development. The project consists of two planning areas:

- » PA-1, Approximately 57.58 gross acres of industrial development on the north portion of the site allowing for a total development up to 1,379,501 SF at a Floor Area Ratio (FAR) of .55.
- » PA-2, Approximately 65.60 gross acres of industrial development on the south portion of the site allowing for a total development up to 1,571,645 SF at a .55 FAR.

Assessor's parcel numbers within the Colony Commerce Center West Specific Plan are:

- » 0218-261-24
- » 0218-292-05
- » 0218-311-11
- » 0218-292-09
- » 0218-292-13
- » 0218-292-10
- » 0218-292-14
- » 0218-292-12

Exhibit 2.1 shows the assessor's parcel numbers within the Specific Plan area.

2.7 Discretionary Actions and Approvals

2.7.1 The Ontario Plan

The Ontario Plan (TOP) establishes the direction and vision for the City of Ontario providing a single guidance system that will shape the Ontario community for the future. The Plan provides for policies to accommodate change over a 30 year period commencing in 2010, the beginning of the planning period. The Ontario Plan consists of a six part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council

Priorities, 5) Implementation, and 6) Tracking and Feedback.

2.7.2 Specific Plan

The Policy Plan requires the approval of a Specific Plan for development of the project site to ensure that sufficient land area is included to achieve unified districts and neighborhoods. The City of Ontario has zoned the project site as AG-Specific Plan as illustrated in Exhibit 2.3 Ontario Zoning Map.

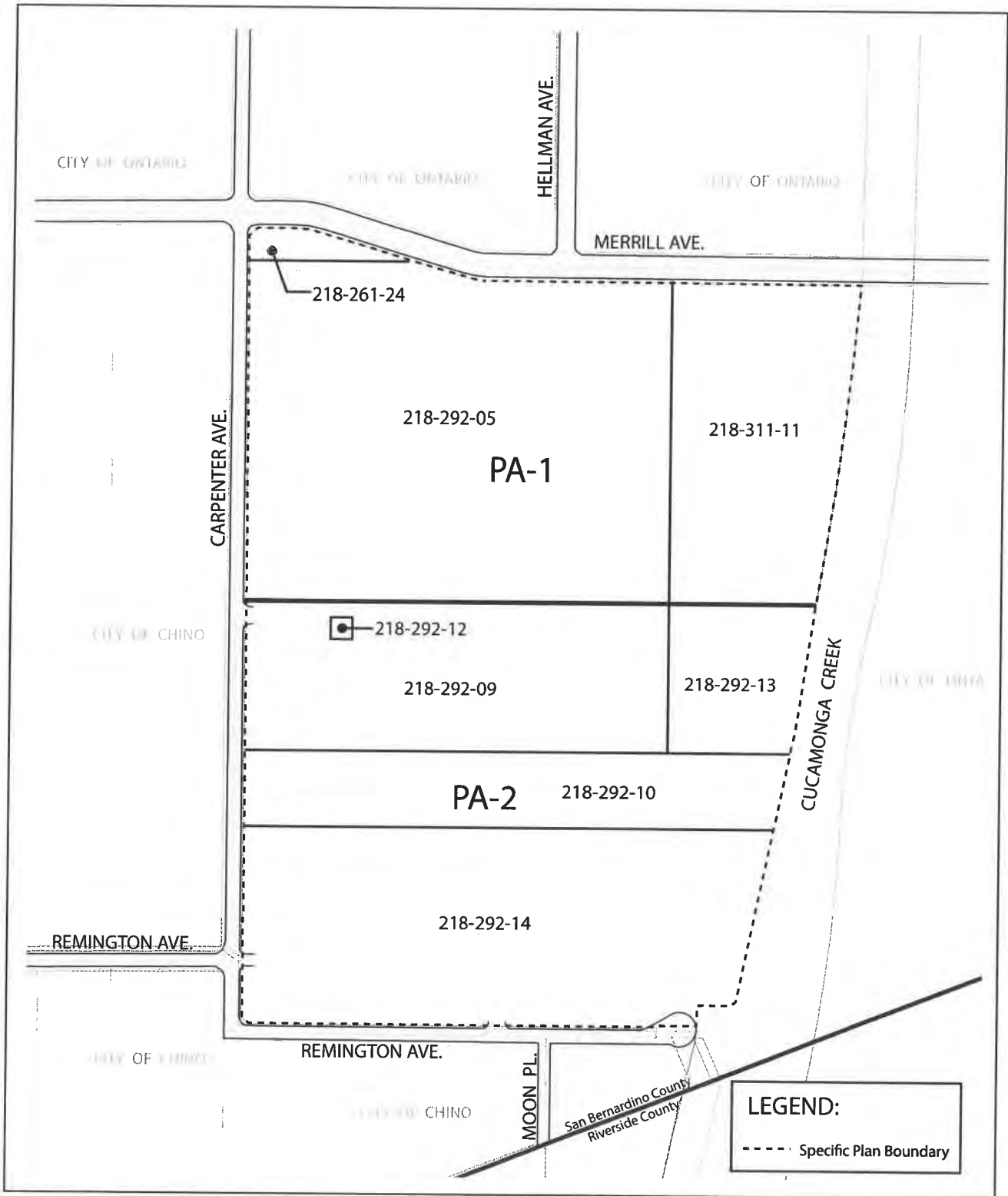
The zoning designation of AG-Specific Plan requires that a Specific Plan be approved to guide development of the project site and to implement the goals and policies of the Policy Plan. Pursuant to adoption by the City of Ontario of the Colony Commerce Center West Specific Plan by the ordinance, the Specific Plan shall take precedence over the City of Ontario Development Code. In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

2.7.3 Development Agreement

Unless developed in a coordinated manner and with adequate fiscal planning, development projects within the City are likely to present a challenge in their implementation because of the lack of existing public facilities including streets, sewerage, transportation, drinking water, schools, and utility facilities. California law establishes a mechanism for ensuring the adequate provision of such facilities while providing assurances to applicants that, upon project approval, applicants can proceed with their projects.

Approval of the Colony Commerce Center West Specific Plan is accompanied by an application for approval of a development agreement to encourage investment in and commitment to comprehensive planning as envisioned by the City, which seeks to take maximum efficient utilization of resources at the least economic cost to the public. A statutory development agreement, authorized pursuant to California Government Code Sections 65864 et seq., shall be required as part of the approval of the Colony Commerce Center West Specific Plan.

Exhibit 2.1, Assessor's Parcels



The development agreement shall include, but not be limited to, methods for financing acquisition and construction of infrastructure, acquisition and development of adequate levels of parkland and schools, as well as the provision of adequate housing opportunities for various segments of the community consistent with the City's regional housing needs assessments. The Colony Commerce Center West development agreement shall be fully approved before the issuance of the first building permits for the project.

2.7.4 Subdivision Maps

Tentative tract maps will be approved by the City of Ontario for the project indicating the approximate boundaries and dimensions of lots and streets and the proposed grading for the project site. Following approval by the City of tentative tract maps, final maps will be prepared for City approval. Following recordation, final maps become the legal documents defining parcels that can be developed.

2.7.5 Development Plan Review

All development proposals for individual Planning Areas within the Colony Commerce Center West Specific Plan shall be subject to Development Plan Review pursuant Division 4.02 Discretionary Permits and Action of the City's Development Code.

2.7.6 CEQA Compliance

A Project Level Environmental Impact Report (EIR) prepared by the City of Ontario for the Colony Commerce Center West Specific Plan in accordance with the California Environmental Quality Act (CEQA), analyzes impacts associated with the implementation of the Specific Plan and subdivision maps.

The EIR is prepared as a basis for the environmental review of all subsequent discretionary and ministerial actions within the Colony Commerce Center West Specific Plan.

2.8 Subsequent Actions and Approvals

Following adoption of the Colony Commerce Center West Specific Plan, subsequent actions and approvals will be required, which are identified below:

- » Approval of Subsequent Tentative Maps: Implementing Tentative Maps will be prepared and processed through the City of Ontario in accordance with the requirements of Title 9, Article 4, Tentative Maps, of the Ontario Municipal Code and in accordance with the Subdivision Map Act.
- » Approval of Grading and Improvement Plans: After approval of the Tentative Map, the City of Ontario will process the corresponding Grading and Improvement Plans (e.g., water plans, wastewater plans, drainage plans, grading plans, street improvement plans, final maps, etc.).

2.9 Airport Land Use Compatibility Planning Consistency

All development proposals of Specific Plan Amendments are required to be consistent with the Airport Land Uses Compatibility Plans of Chino Airport and Ontario International Airport.

2.10 General Plan and Zoning Designations

The Colony Commerce Center West Specific Plan area is designated as Industrial as shown on the City of Ontario General Plan Land Use Map (see Exhibit 2.2, Existing General Plan Land Use Designation). No changes in land use categories proposed.

The project site is currently zoned as Agriculture Specific Plan (see Exhibit 2.3, Existing Zoning Designation). Upon adoption of the Colony Commerce Center West Specific Plan, the zoning designation for the site will not need to change; it will remain as Specific Plan.

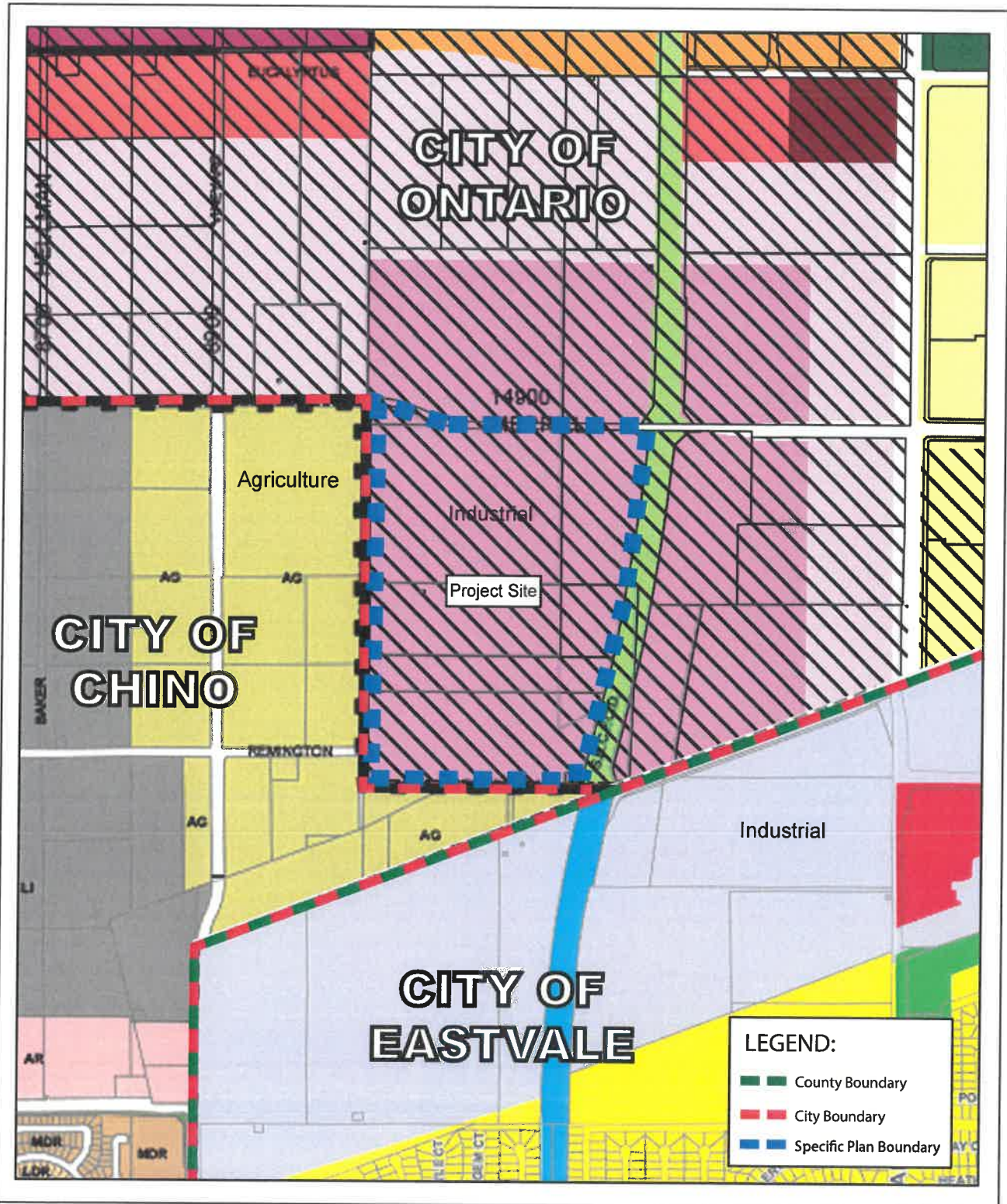
The City of Ontario Zoning Code states that specific plans are created to enable land to be planned and developed as coordinated, comprehensive projects providing for the systematic implementation of the Ontario General Plan. The Colony Commerce Center West Specific Plan will implement the Ontario General Plan as it relates to the Specific Plan area.

2.11 General Plan Consistency

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Policy plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan.

The Colony Commerce Center West Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan. The policy analysis listed in Appendix A1 describes the manner in which the Colony Commerce Center West Specific Plan complies with the Policy Plan policies applicable to the project.

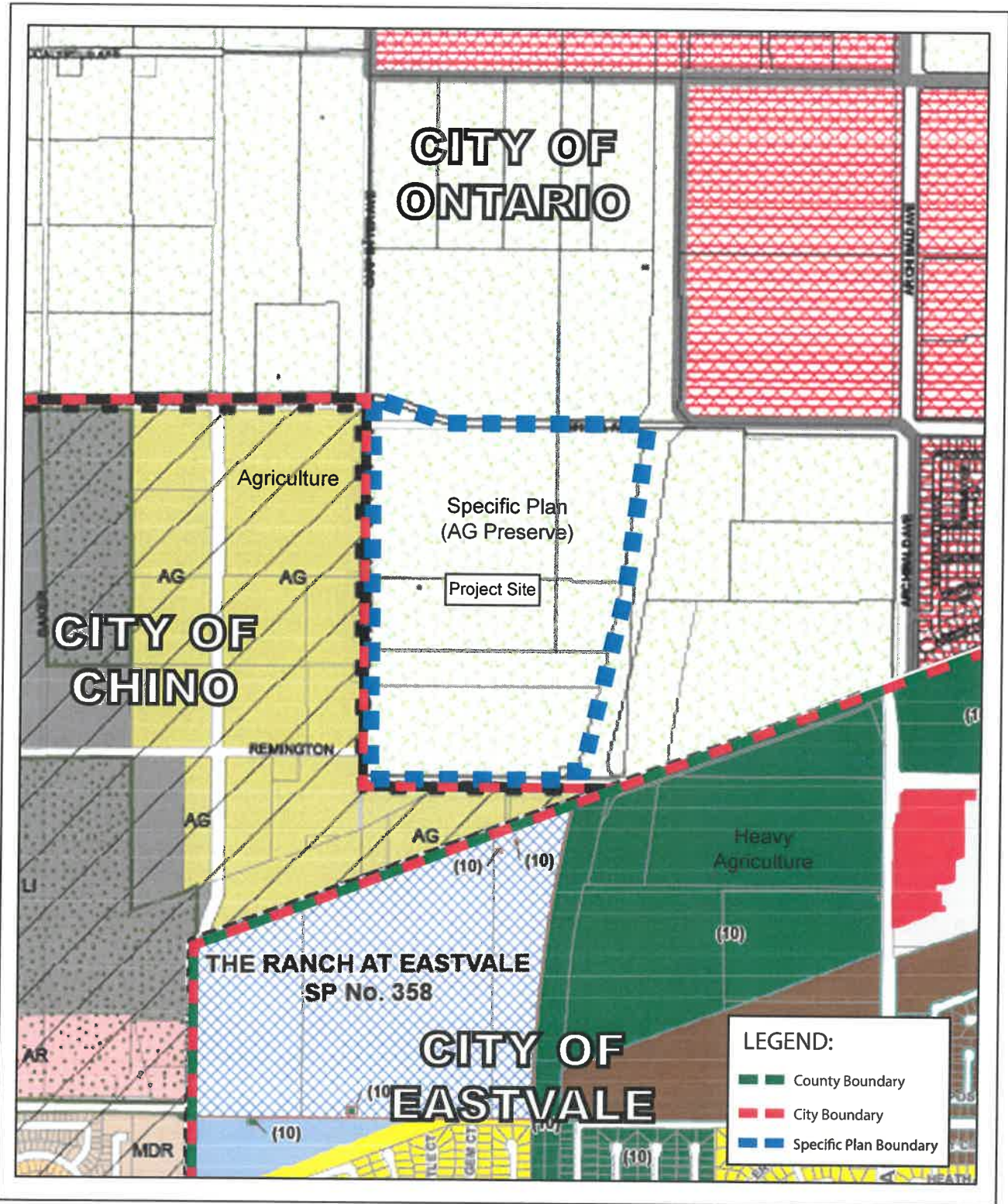
Exhibit 2.2, Existing General Plan Land Use Designation



Source: Exhibit LU-01 (Land Use Plan) 2010

N. T. S.

Exhibit 2.3, Existing Zoning Designation



Source: City of Ontario Zoning Map

N. T. S.

3

EXISTING CONDITIONS

3.1 Existing Land Use

The project site has historically been used for agricultural purposes, primarily for dairy and field crop farming. The project site is mostly undeveloped with existing agricultural operations scattered throughout the area. Rural residential housing, farm buildings, and other ancillary facilities occupy those areas not in active agricultural production. Exhibit 2.1, depicts the current aerial photography of the specific plan area.

3.2 Surrounding Land Uses

Current agriculture uses such as dairy and field crop farms are located directly adjacent to the Colony Commerce Center West Specific Plan area. In the City of Ontario General Plan, these areas are designated for Industrial and Business Park uses.

Directly south of the project, in the City of Chino, agricultural uses exist that are incorporated within an airport overlay. The Chino Airport Overlay also covers the Colony Commerce Center West Specific Plan area. See Exhibit 2.2, Surrounding Land Uses, for the various land uses that surround the Colony Commerce Center West Specific Plan Area.

3.3 Policy Plan and Zoning

The City's General Plan designates the project site for the following land use:

- » Industrial (0.55 FAR) - Approximately 123.17 gross acres of industrial uses on the site allowing for a total development up to 2.95 million square feet at a Floor Area Ratio (FAR) of 0.55.

The project site is zoned AG-Specific Plan. A specific plan is required by the City in order to comprehensively plan for development of industrial uses within the project site.

3.4 Airport Land Use Compatibility Plan (ALUCP) Consistency

The Project Site is located within the Airport Influence Areas of Chino Airport and Ontario International Airport (ONT). The EIR prepared for the Colony Commerce Center West Specific Plan identifies potential impacts from Chino Airport and ONT and includes criteria for addressing any potential impacts.

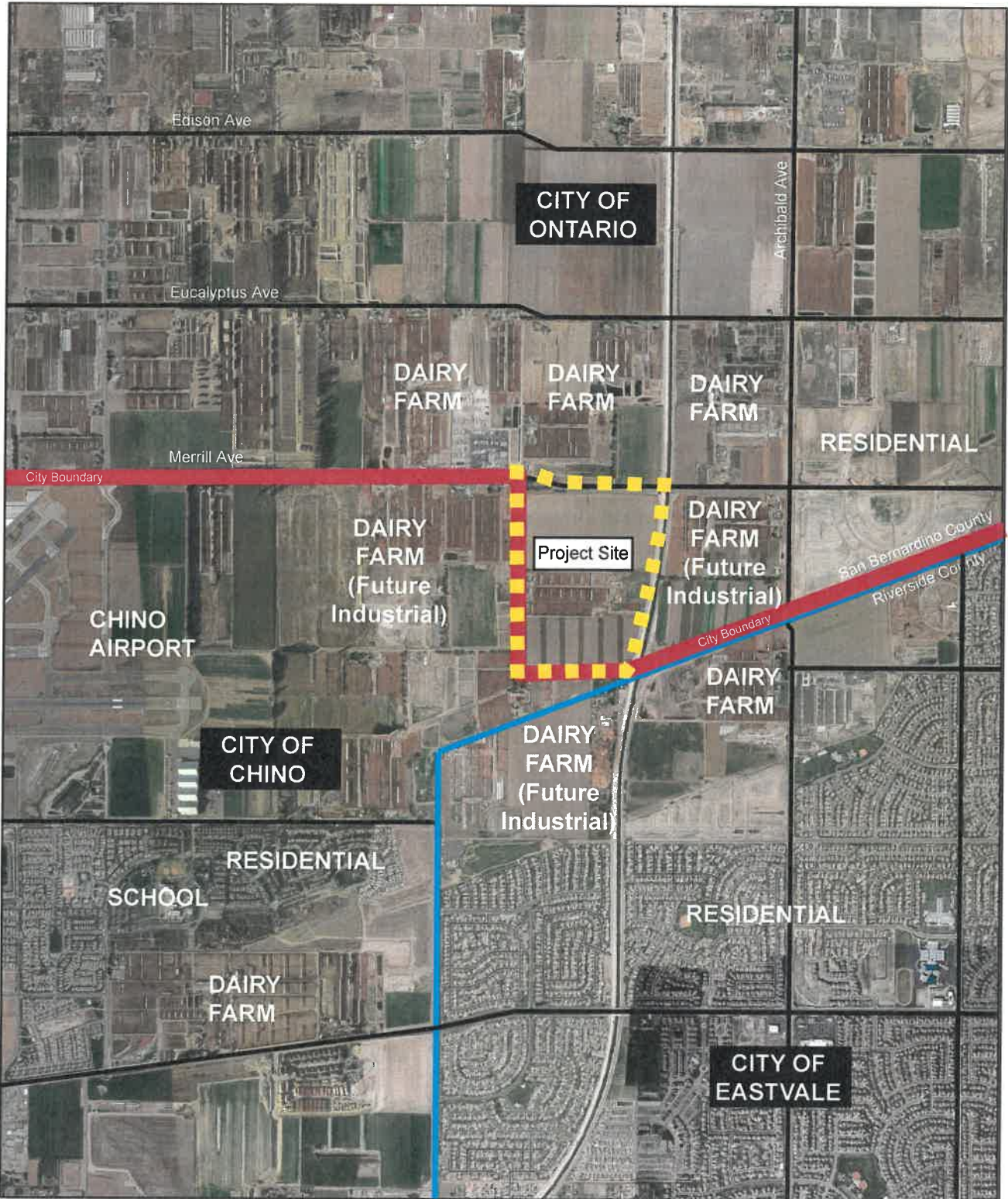
Exhibit 3.1, Aerial Photograph



Source: Google Maps

N. T. S.

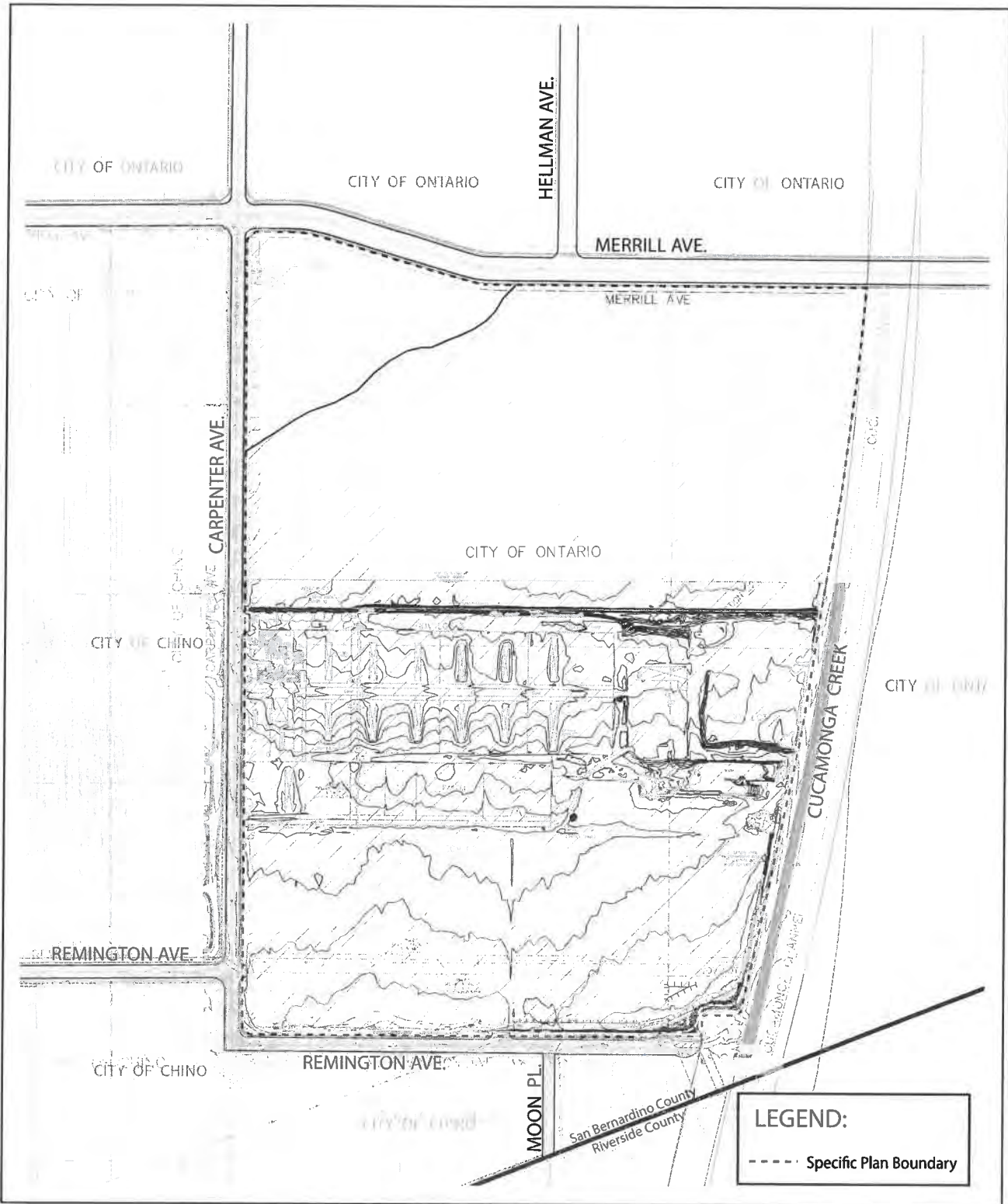
Exhibit 3.2, Surrounding Land Uses



Source: Google Maps

⊕ N. T. S.

Exhibit 3.3, Existing Site Topography



Source: David Evans & Associates

N. T. S.

3.5 Topography

The project site is relatively flat and gently falls to the south at an average gradient of approximately 1.0% to 2.0%. The existing topographic conditions for the Specific Plan area are illustrated on Exhibit 3.3, Existing Site Topography.

3.6 Hydrology

Since most of the project site has been in agricultural use, only a limited portion of the site is now covered with impervious surfaces. Normal rainfall to the area is able to percolate through on-site soils and does not result in high volumes of surface runoff, as is typically associated with urban use.

During periods of heavy rainfall, when ground surfaces are saturated, surface runoff is collected in the existing storm drains, culverts, and retention basins located within the project site.

The existing storm drain system throughout the project site is generally unimproved and consists primarily of open earthen swales along area roadways or curbed roadway surfaces. The EIR prepared for the Colony Commerce Center West Plan includes additional hydrology information for the project site.

3.7 Biology

The project site has been extensively used for agricultural operations including dairy and field crop uses. Those limited areas not in active agricultural production are occupied by rural residential housing or are vacant. The natural vegetation and the project site as a whole have been significantly altered through agricultural use, leaving little to no native vegetation. The EIR prepared for the Colony Commerce Center West Specific Plan

includes an evaluation of vegetation and biological resources.

3.8 Existing Circulation and Access

3.8.1 Regional Circulation

Interstate 15 (I-15) is located approximately 3.25 miles east of the project site. Access from the project site to the I-15 exists at Limonite Avenue within Riverside County. State Route 60 (SR-60) is located approximately 3.25 miles north of the project site.

Access to the project site from SR-60 exists from Archibald Avenue, which connects to Merrill Avenue abutting the project site on the north. State Route 83 (SR-83/Euclid Avenue) is located approximately 2.5 miles west of the project site. Access from the project site to SR-83 exists from Merrill Avenue which abuts the project site on the north.

3.8.2 Local Circulation

Local access to the project site is provided from Carpenter Avenue, Merrill Avenue, and Remington Avenue. Merrill Avenue abuts the project site on the north and provides two paved travel lanes. The General Plan designates Merrill Avenue as a 4-lane Collector Street. Carpenter Avenue abuts the project site on the west with two travel lanes. Remington Avenue abuts the project site on the south with two travel lanes.

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4

LAND USE PLAN

4.1 Introduction

The overall land use concept for the Colony Commerce Center West Specific Plan takes advantage of the site's proximity to airports and regional freeway access.

The land use concept provides for a range of industrial uses, while offering a variety of development and employment opportunities. The land use in this area also provides opportunities for a broad range of industries to accommodate an ever-changing business and industrial environment.

4.2 Land Use Plan

The circulation patterns, utility systems and overall design of the plan can meet these changes in demand. This is an important concept in a region that is experiencing rapid growth (see Exhibit 4.1, Land Use Plan).

The planned industrial area will include wholesale and distribution, light manufacturing and businesses with high-value, time-sensitive merchandise that would benefit from proximity to an airport.

The land use regulations for the Colony Commerce Center West Specific Plan will allow some flexibility in the location, mix and intensity of industrial uses so that as market demands change and as businesses expand or contract over time, the Specific Plan can respond and adapt to meet those needs. An illustrative site plan is shown on Exhibit 4.1, Land Use Plan.

The land use intensity anticipated in the two planning areas is shown on Table 4.1, Land

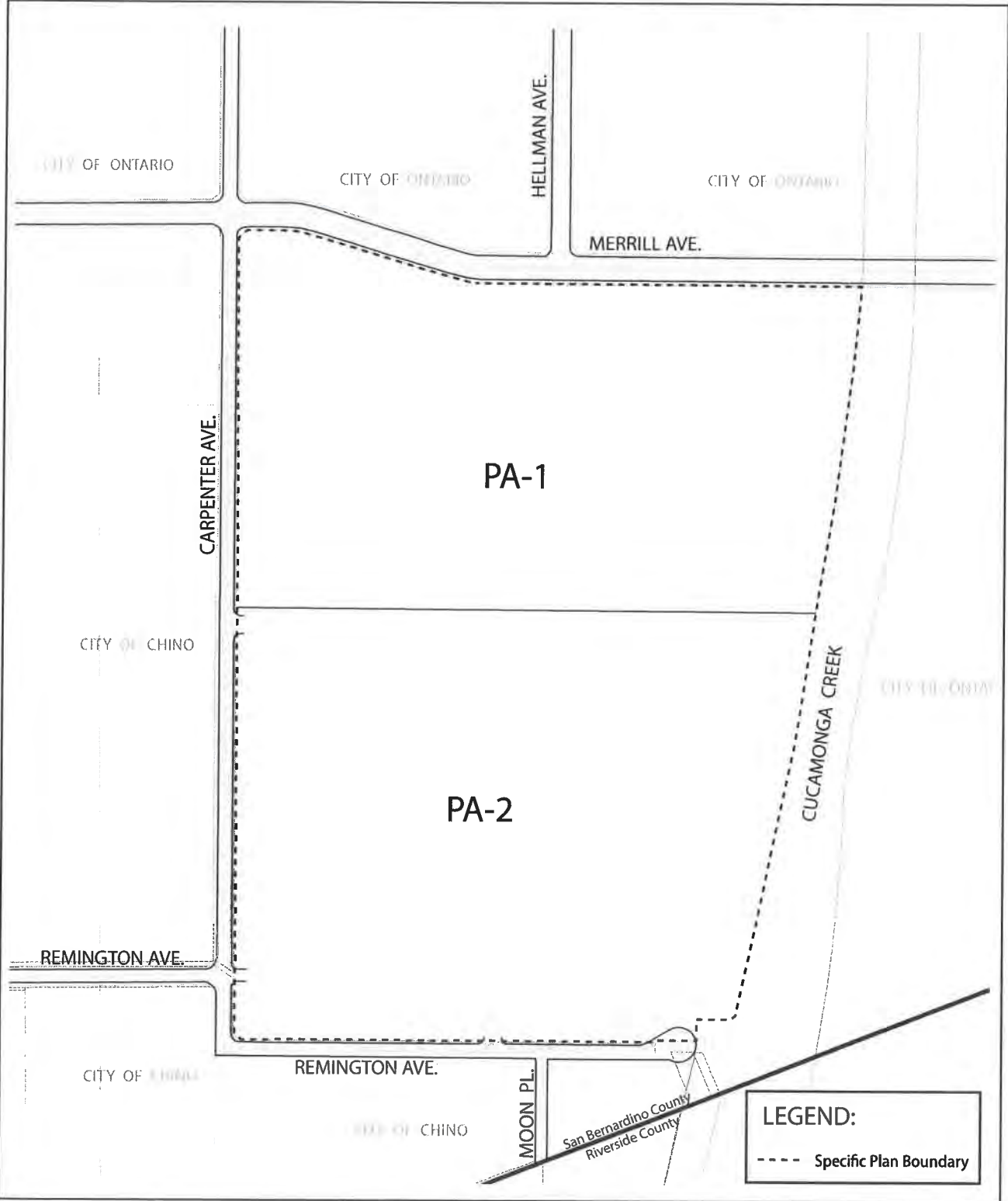
Use Summary. The maximum Floor Area Ratio (FAR) permitted in each Planning Area conforms to the maximum FAR permitted in the Ontario General Plan.

Table 4.1 identifies the anticipated build out of the Specific Plan area. Specific uses may be developed as identified as permitted in Table 6.3, Permitted Uses.

Table 4.1, Land Use Summary

Planning Area (PA)	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Industrial	57.58 ac	1,379,501 SF	0.55
PA-2	Industrial	65.60 ac	1,571,645 SF	0.55
Total		123.17 ac	2,951,146 SF	0.55

Exhibit 4.1, Land Use Plan



Source: Douglas Franz Architects



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5

CIRCULATION, INFRASTRUCTURE AND PUBLIC SERVICES

The infrastructure, utilities, and public services to be provided as part of the development of the Colony Commerce Center West Specific Plan are discussed in this section.

5.1 Circulation

The circulation plan for Colony Commerce Center reinforces the objective of moving vehicles, pedestrians, cyclists, and public transit safely and efficiently through and around the project. Exhibit 5.1, Circulation Plan establishes the hierarchy and general location of roadways within Colony Commerce Center West.

The minimum design speeds to be used for center line curve radii, super elevation, corner and approach site distances, vertical and horizontal alignment, and sight distances for the Master Plan of Streets will comply with City Standards below:

- » Merrill Avenue: 45 mph
- » Carpenter Avenue: 40 mph
- » Remington Avenue: 40 mph

5.1.1 Master Plan Roadways

The project site is bounded on the north by Merrill Avenue, a City of Ontario Collector Roadway as identified in Exhibit 5.2, Functional Roadway Classification Plan, providing access to and from the site.

Carpenter Avenue bounds the project site on the west; Remington Avenue bounds the project site on the south.

The Cucamonga Creek Channel, a non-vehicle open space area bounds the project site to the east.

A traffic study prepared as part of the project's EIR may identify the need for additional rights-of-way at critical intersections to accommodate lanes for left and right turn movements.

The developer shall be responsible for those improvements as determined by the City Engineer and pursuant to the mitigation measures identified in the EIR and/or Conditions of Approval established on the approved tentative maps for the project.

Phasing and construction of the improvements shall be implemented as required by the City Engineer and pursuant to the mitigation measures identified in the EIR and the conditions of approval adopted with the approval of tentative maps for the project. The locations and construction of bus turnouts may be required within the project to the satisfaction of the City of Ontario and Omnitrans.

5.1.2 Merrill Avenue

The Mobility Element of the Policy Plan (Figure M-2 Functional Roadway Classification Plan) designates Merrill Avenue as a 4-Lane Collector Street with a Class II bikeways and multipurpose trails. Merrill Avenue will provide east/west access to Colony Commerce Center West at the northern boundary of the project site. The proposed improvement to Merrill Avenue

are illustrated in Exhibit 5.3a, Merrill Avenue. Parking is prohibited along Merrill Avenue.

The southern half of the existing Merrill Avenue bridge crossing over Cucamonga Creek will be designed and constructed in accordance to the Ontario Master Plan of Streets and Highways.

5.1.3 Carpenter Avenue

Carpenter Avenue bounds the project site to the west and will provide north/south access to and from the Colony Commerce Center West Specific Plan area. Carpenter Avenue is designated as a 2-Lane Local Industrial Street. Exhibit 5.3b, Carpenter Avenue illustrates the ultimate improvements to Carpenter Avenue.

On-street parking is not allowed on Carpenter Avenue. Intersections and driveways shall be shown/ designed in accordance to the Ontario Master Plan of Streets and Highways and coordinated with the City of Chino if necessary.

5.1.4 Remington Avenue

Remington Avenue bounds the project site to the south and will provide east/ west access to and from the Colony Commerce Center West Specific Plan area. Remington Avenue is designated as a 2-Lane Local Industrial Street. Exhibit 5.3b, Remington Avenue illustrates the ultimate improvements to Remington Avenue by this project. No on-street parking shall be permitted on Remington Avenue.

Intersections and driveways shall be shown/ designed in accordance to the Ontario Master Plan of Streets and Highways and coordinated with the City of Chino if necessary.

5.1.5 Pedestrian Circulation

In addition to vehicular circulation, a pedestrian circulation system utilizing the sidewalks will be provided within the Colony Commerce Center West Specific Plan.

Sidewalks will be provided along all streets abutting the Specific Plan area, and will be a minimum of five (5') feet in width. Sidewalks shall be constructed of concrete as part of the adjacent roadway improvements.

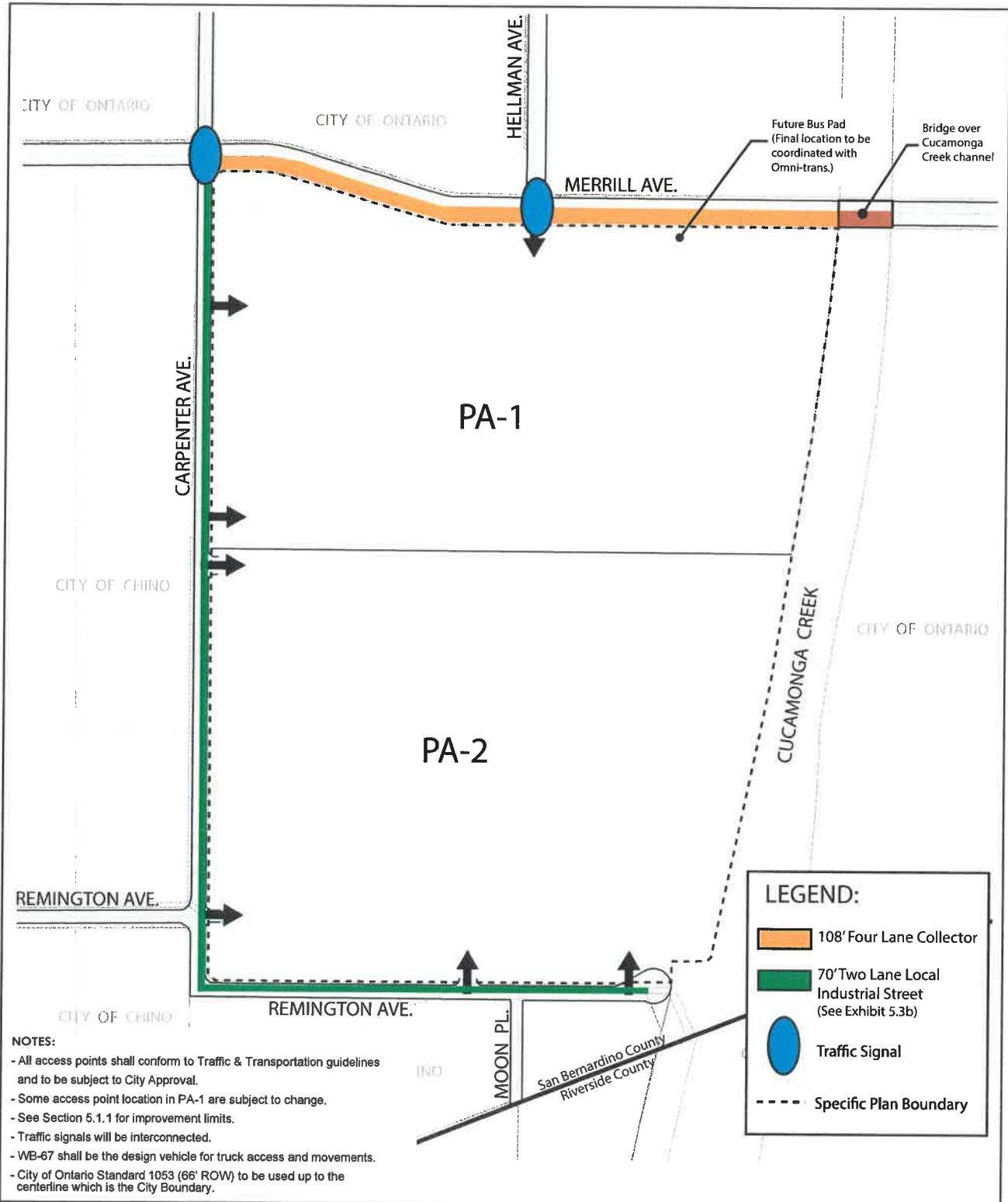
5.1.6 Bicycle Circulation

Bicycle trails are an integral element in creating accessibility and mobility within the Specific Plan. A Class I bikeway will be provided within the Cucamonga Creek Channel as illustrated in Exhibit 5.3c. The Specific Plan will construct trail connections to link the bikeway along Cucamonga Creek Channel with the on-street bicycle system.

The Mobility Element of the Policy Plan (Figure M-1 Mobility Element System) designates a Class II Bikeway & Multi-purpose Trail along Merrill Avenue. These bike paths will provide linkages to the City's master planned bike paths system. General timing and responsibility will be discussed in the Development Agreement.

Refer to Exhibit 5.4, Pedestrian and Bicycle Circulation Plan, for locations of these paths and trails. Refer to Exhibit 5.5, City of Ontario Trails & Bikeway Plan to see how the Specific Plan connects to the larger network.

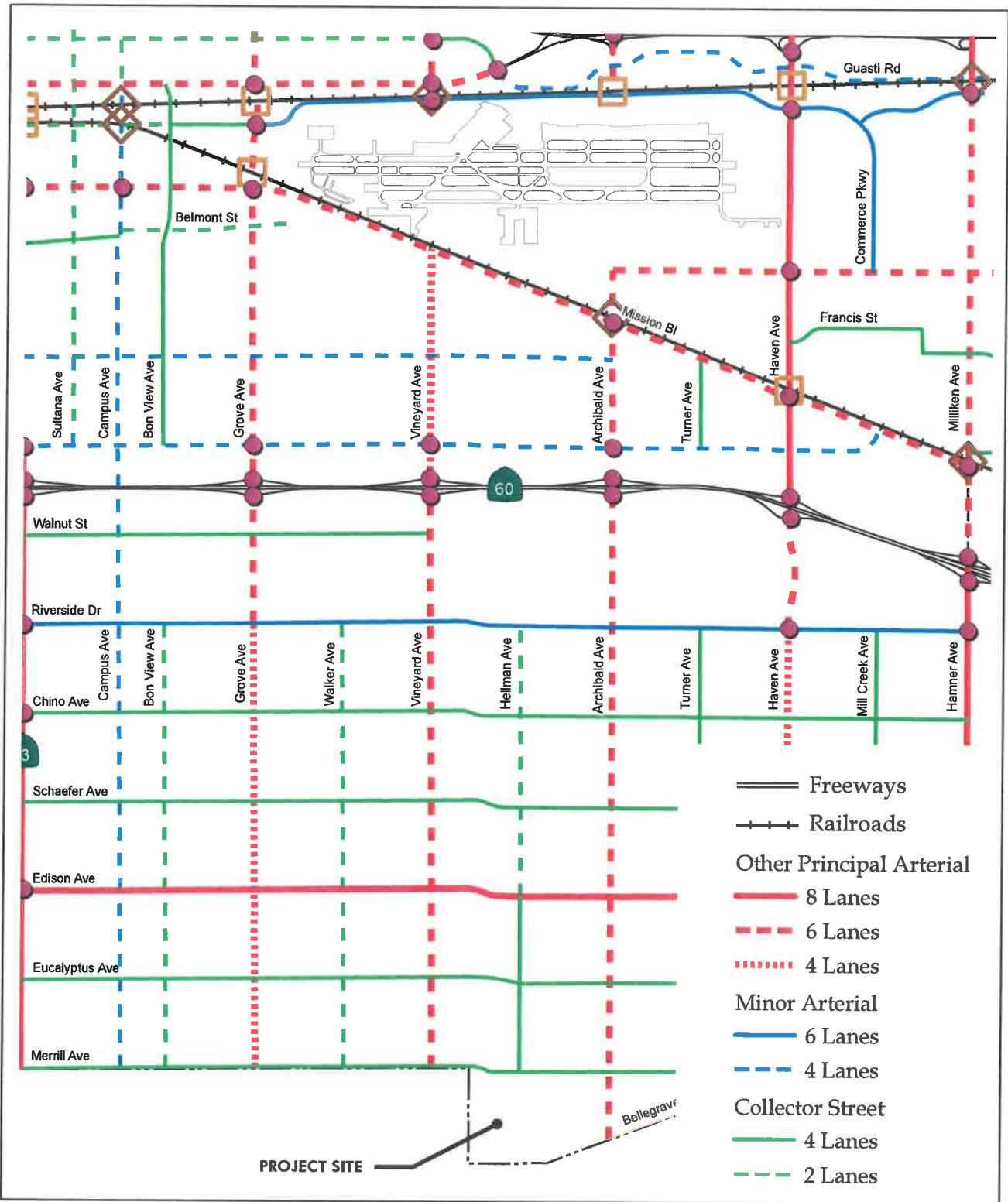
Exhibit 5.1, Circulation Plan



Source: KTG Group



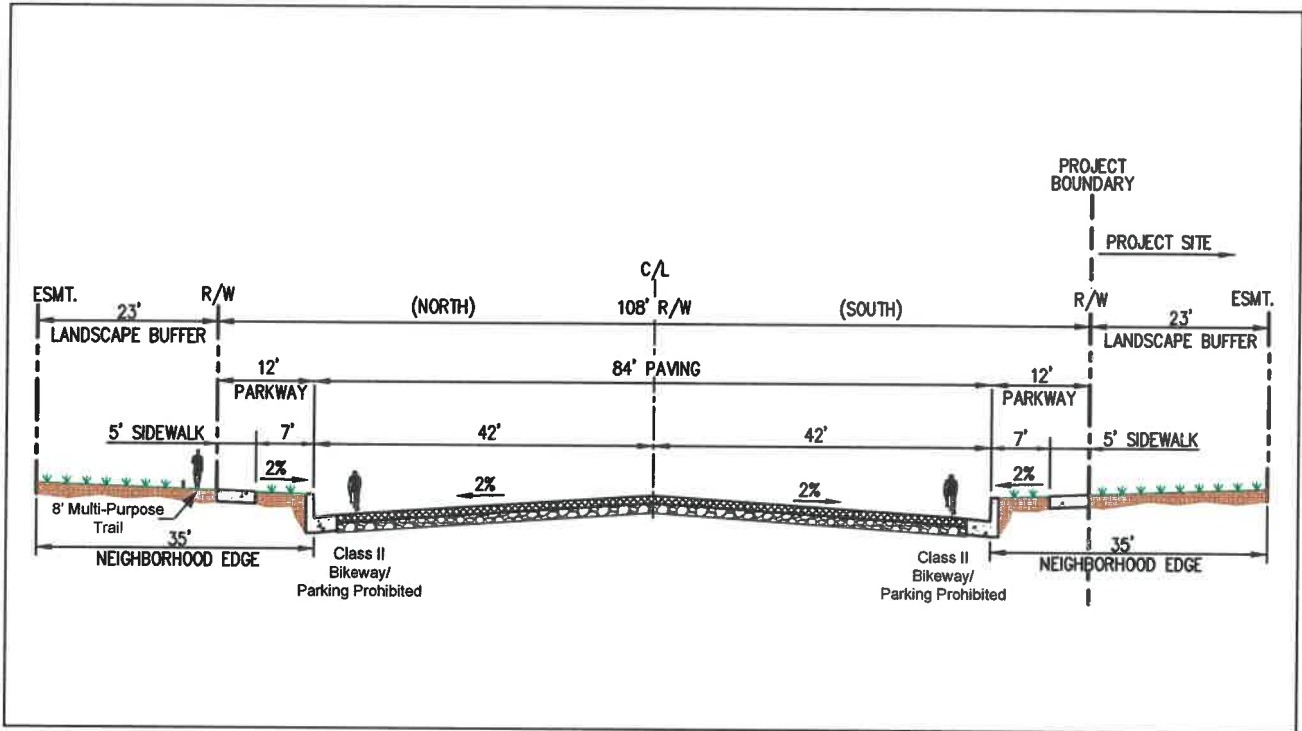
Exhibit 5.2, City of Ontario Roadway Classification Plan



Source: City of Ontario, Figure M-2 Functional Roadway Classification Plan, August 19, 2014
 NOTE: Reference the City's most current Master Plan for the latest designations.

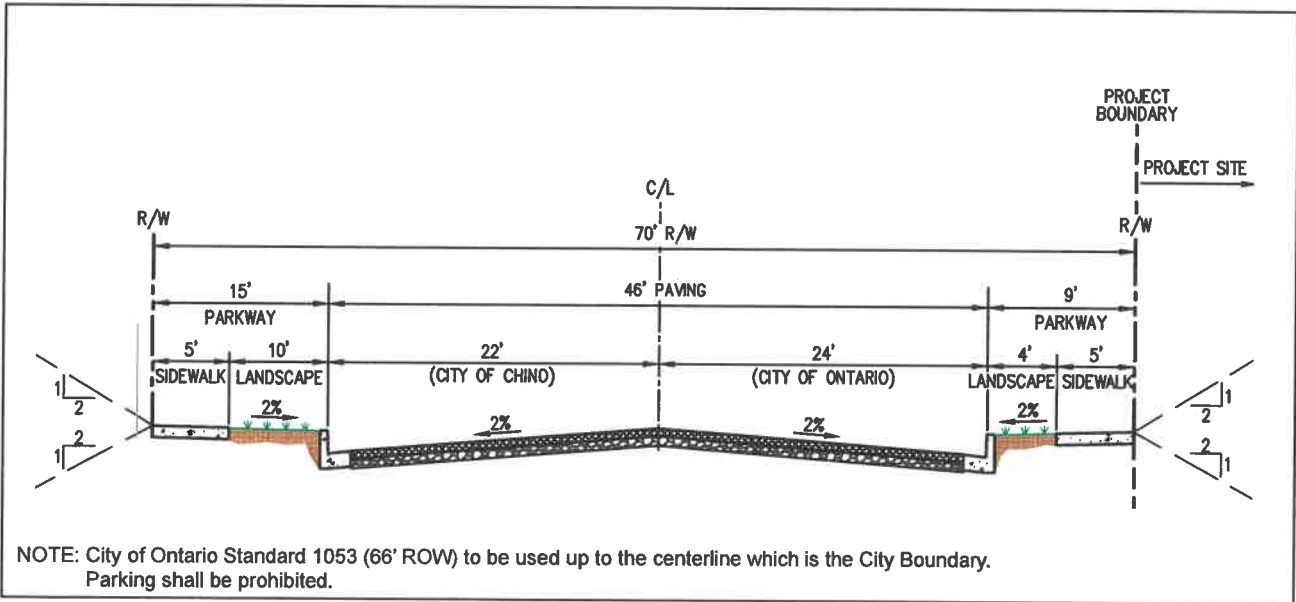


Exhibit 5.3a, Typical Street Cross Section - Merrill Avenue (108' ROW)



Source: David Evans & Associates

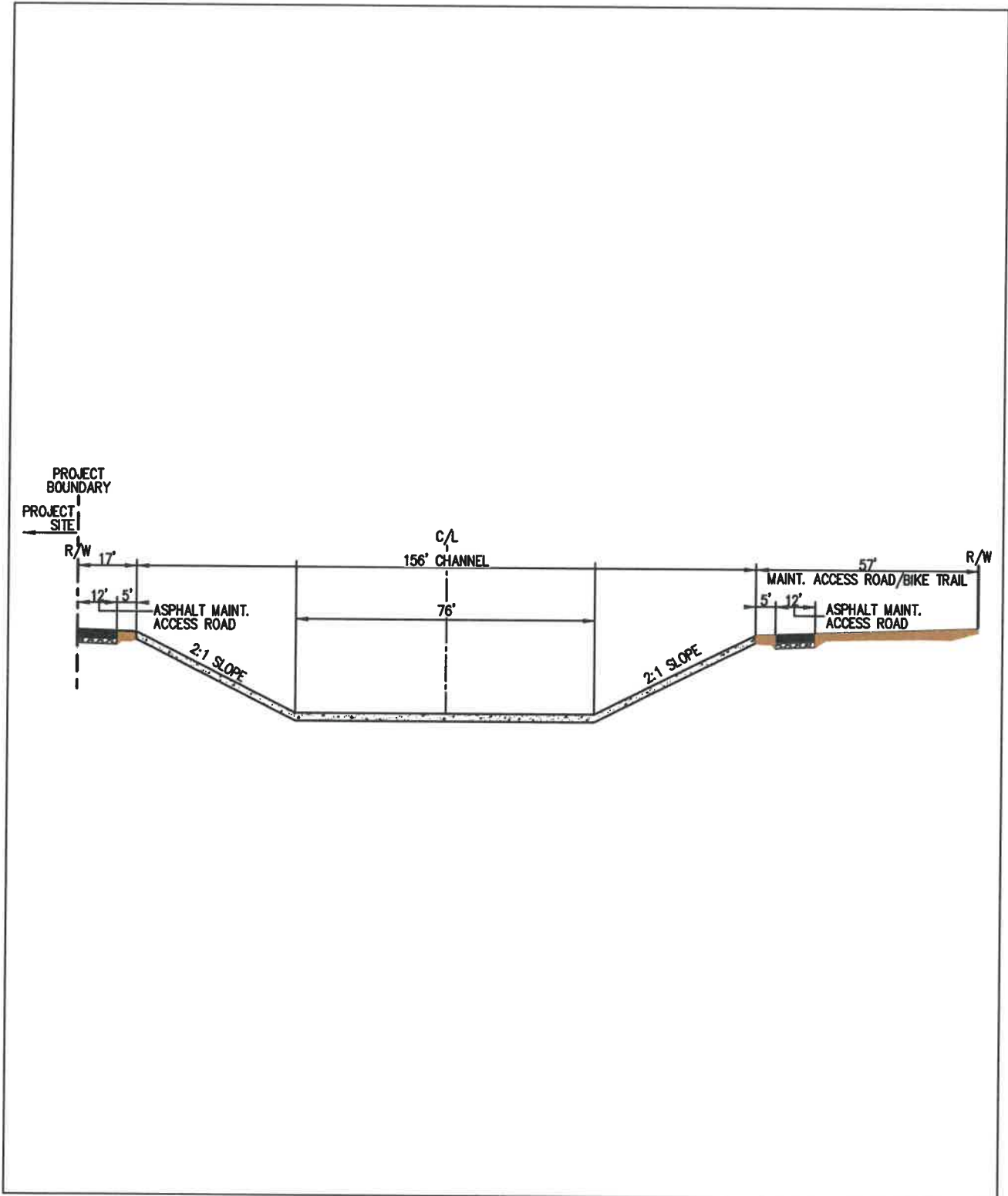
Exhibit 5.3b, Typical Street Cross Section - Carpenter Avenue & Remington Avenue (70' ROW)



NOTE: City of Ontario Standard 1053 (66' ROW) to be used up to the centerline which is the City Boundary. Parking shall be prohibited.

Source: David Evans & Associates

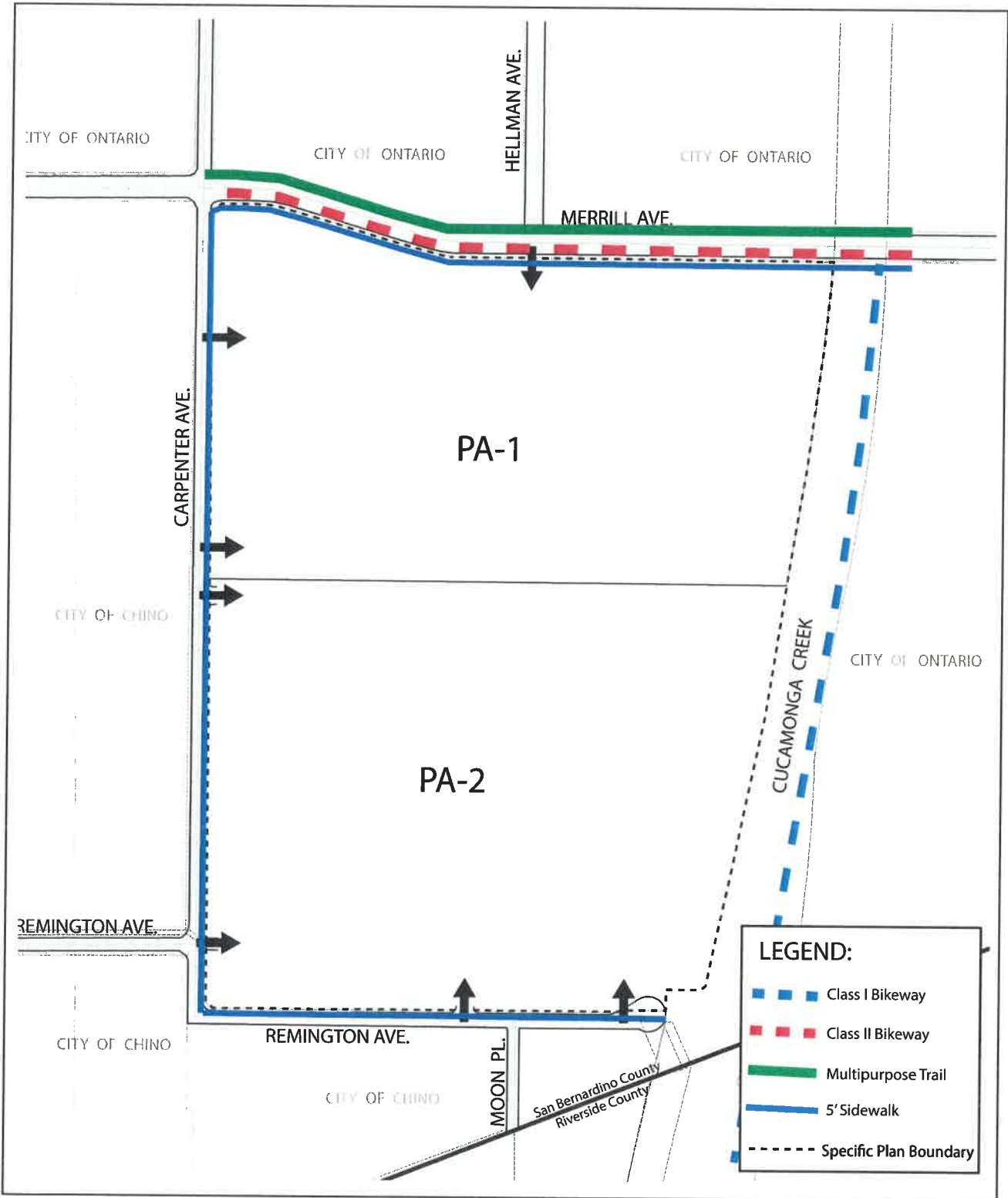
Exhibit 5.3c, Cucamonga Creek Channel



Source: David Evans & Associates

N. T. S.

Exhibit 5.4, Pedestrian and Bicycle Circulation



Source: KTG Group



Exhibit 5.5, City of Ontario Trails & Bikeway Plan



Figure M-3
Multipurpose Trails and
Bikeway Corridor Plan

Source: City of Ontario, Figure M-3 Multipurpose Trails and Bikeway Corridor Plan (Sept. 2016)
NOTE: Reference the City's most current Master Plan for the latest route.



5.2 Water Master Plan

Domestic water will be provided by the City of Ontario. The City's Water Master Plan identifies new water facilities to serve the Ontario Ranch area, which will need to be constructed prior to or concurrent with on-site water improvements.

All private agricultural wells located within each Tract shall be destroyed per Cal Department of Water Resources prior to the issuance of a certificate of occupancy for any construction activity. Well destruction requires a permit from County Health Department. A copy of such permit shall be provided to Engineering and OMUC prior to issuance of certificate of occupancy.

Note: Reference the City's most current Master Plan for sizing/alignment.

5.2.1 Master Planned Domestic Water System

The project site lies within the 925' Pressure Zone as depicted on Exhibit 5.6, City of Ontario Ultimate Water System. The ultimate improvements for domestic water will include a 12" Master Plan water main in Merrill Avenue, from Archibald Avenue to Carpenter Avenue, and a 12" water main in Carpenter Avenue, from Merrill Avenue to Remington Avenue. The water main continues east on Remington Avenue, crosses the Cucamonga Creek Channel and connects to the existing 12" water main in Archibald Avenue as depicted on Exhibit 5.7, Domestic Water System.

Within the project site, a network of 8" and 10" water lines will be installed for the private fire system. The on-site water system includes connections to the main in Carpenter Avenue or the main in Merrill Avenue. The proposed on-site water system sizing is subject to the recommendations of the City Building Department.

Existing Phase 1 water supply infrastructure for the 925' Zone has been recently constructed and are generally located within the eastern portion of Ontario Ranch. Water supply infrastructure (production, storage,

transmission) required for this Specific Plan will also need to incorporate the following:

- a) The future Phase 2 backbone water infrastructure for the 925' Zone generally consisting of transmission mains, wells, and reservoir as depicted in Exhibit 5.6.
- b) A minimum of two points of connection to the backbone transmission main(s) (Phase 1 and/or Phase 2) to provide for looped water service.

Note: Reference the City's most current Master Plan for sizing/alignment.

5.2.2 Master Planned Recycled Water System

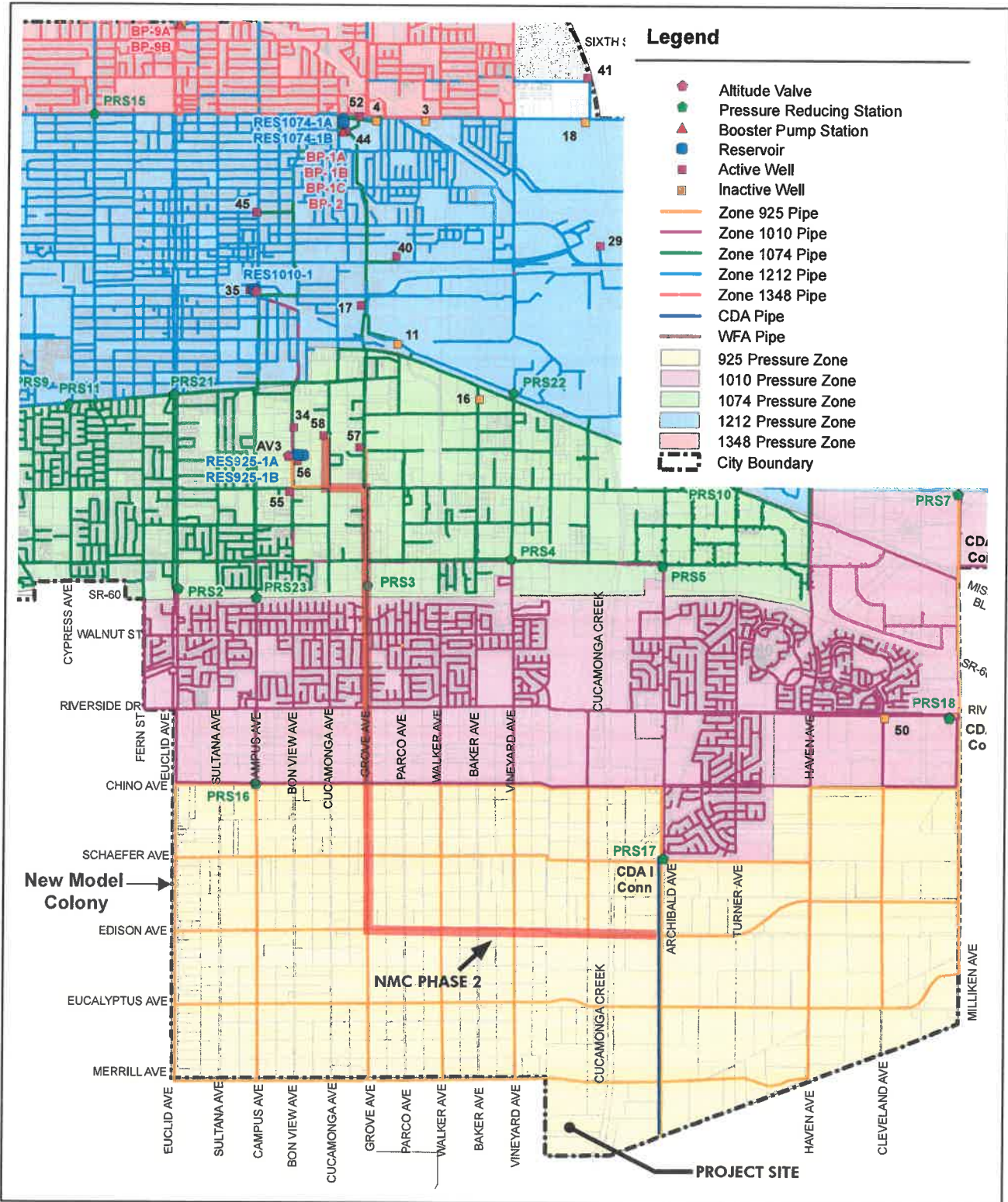
The City of Ontario will ultimately provide recycled water from IEUA's RP-1 and RP-1 outfall parallel located in Carpenter Avenue and via City of Ontario recycled water improvements as presented in the City's Recycled Water Master Plan (see Exhibit 5.8).

The 930' Pressure Zone recycled water system has an existing Inland Empire Utilities Agency (IEUA) 30" line in Carpenter Avenue that runs along the project frontage from Remington Avenue to Merrill Avenue. This project will construct a 12" City of Ontario line along Merrill Avenue from Carpenter Avenue to Archibald Avenue that will serve Colony Commerce Center West as illustrated on Exhibit 5.9, Recycled Water System.

The developer of Colony Commerce Center West will utilize the existing recycled water laterals that stub into both Planning Areas and enhance where required to serve the project. The Colony Commerce Center West Specific Plan shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to the irrigation of street landscaping, and common areas.

The developer shall prepare and secure approval of an Engineering Report from the City of Ontario and State Water Resources Control Board (SWRCB) prior to the use of recycled water. Sizing of the on-site system

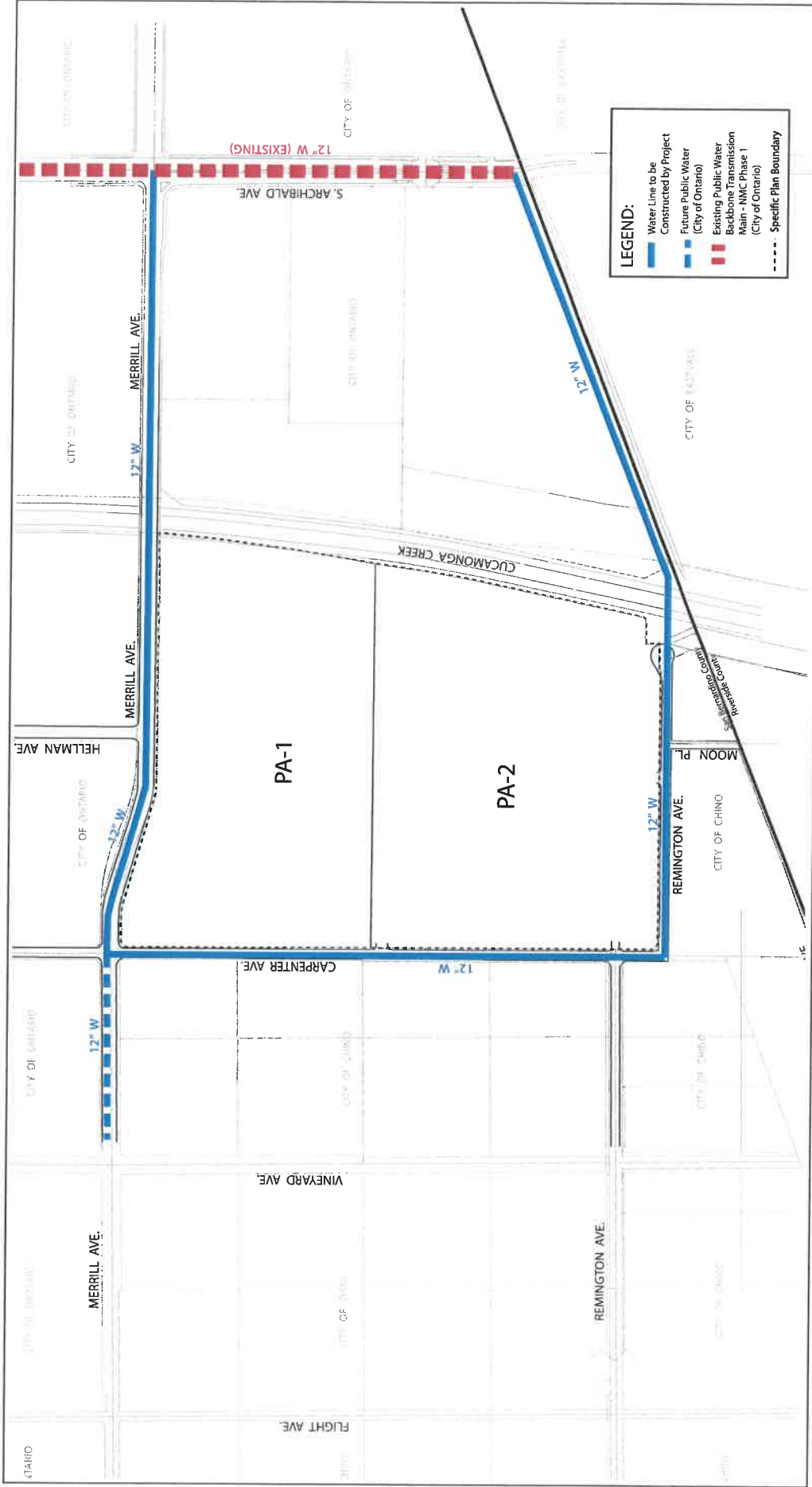
Exhibit 5.6, City of Ontario Ultimate Water System



Source: City of Ontario, Ultimate Water System (Figure 10-1) October 2011
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



Exhibit 5.7, Domestic Water System

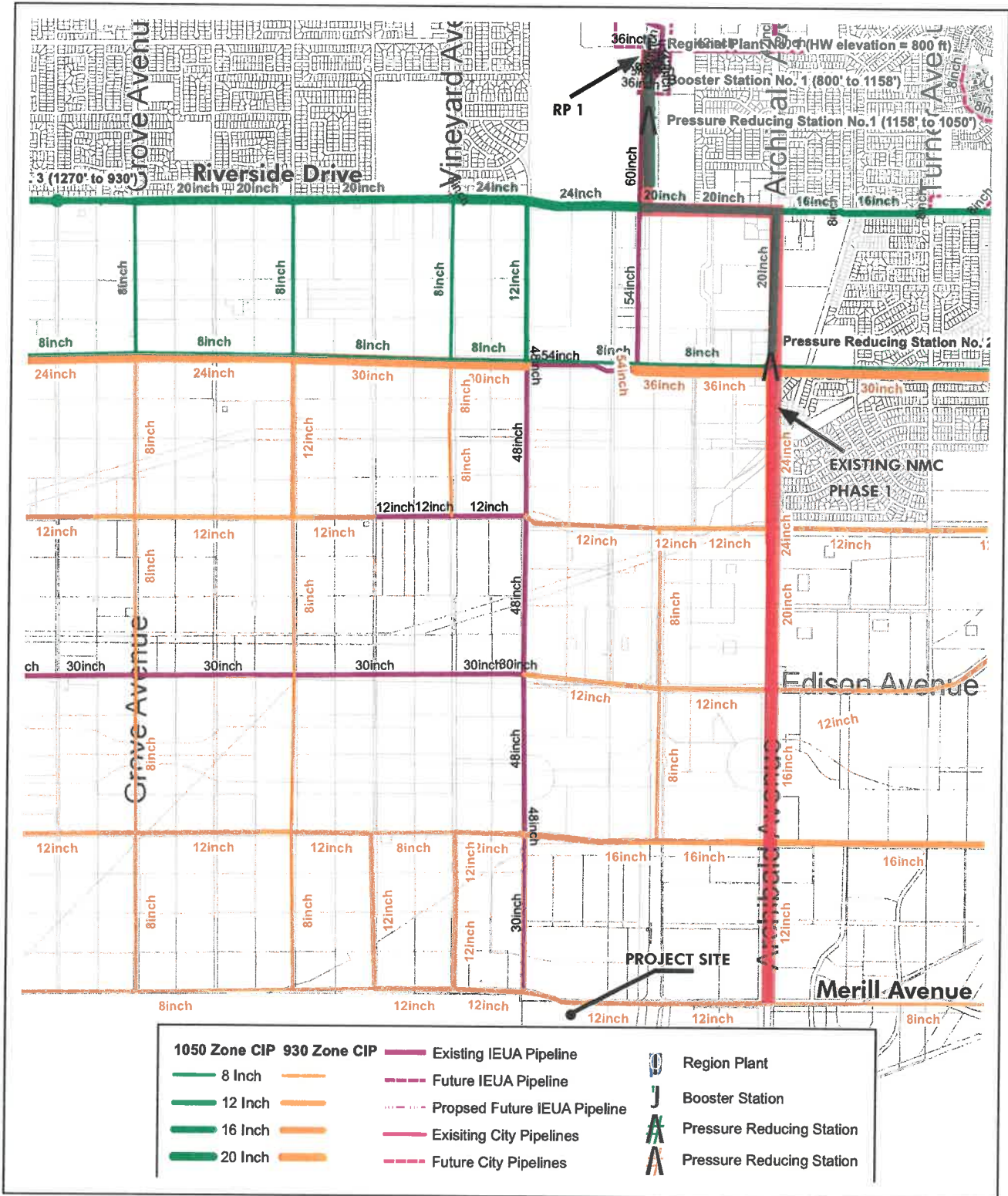


N.T.S.

Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

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Exhibit 5.8, (Partial) Ontario Ranch Recycled Water Master Plan

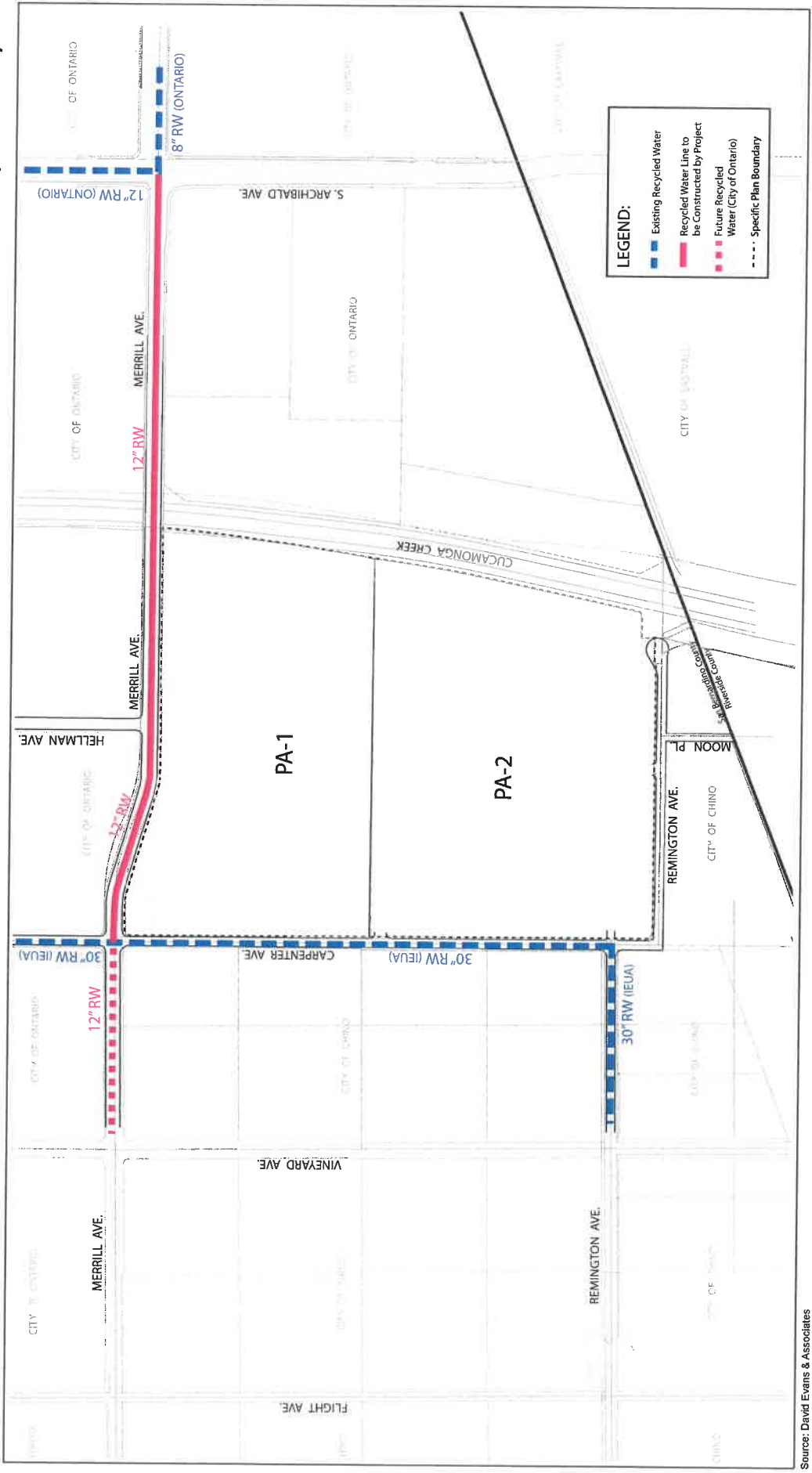


Source: City of Ontario, Recycled Water Master Plan, Figure 6-2 (October 2011)
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

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Exhibit 5.9, Recycled Water System



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

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is subject to the City approved hydraulic analysis and minimum requirements of the City. Interim connection to potable water is not allowed.

Note: Reference the City's most current Master Plan for sizing/alignment.

5.3 Sewer Master Plan

Sewer service for Colony Commerce Center West will be provided by the City of Ontario. The City of Ontario Master Plan of Sewer as depicted on Exhibit 5.10, proposes an 18" Sewer Trunk Line in Carpenter Avenue from the Eastern Trunk Sewer north to Merrill Avenue. The latest design of this master planned trunk sewer line, performed by MDS Consulting, requires the upsizing of this 18" line to a 24" line between the Eastern Trunk Sewer and Merrill Avenue.

The Colony Commerce Center West Specific Plan proposes a revised alignment for this 24" Sewer Trunk Line. The new alignment will run eastwardly in Remington Avenue from the southerly extension of Carpenter Avenue and southwardly on Moon Place where it will connect to the Eastern Trunk Sewer approximately 1,000 feet northeast of the original connection point. The reason for this proposed revision to the connection point (See Exhibit 5.11, Sewer Master Plan) is the lack of right-of-way or easement availability from the landowner south of Remington Avenue.

The revised alignment will allow the 24" Sewer Trunk Line to be constructed within Moon Place, which is a publicly dedicated street. It should be noted that this alternative alignment will require the City to amend its Sewer Master Plan.

The size and location of the on-site private sewer system required to service the buildings will be engineered during preparation of the final on-site construction documents, per Building Department requirements.

Note: Reference the City's most current Master Plan for sizing/alignment.

5.4 Drainage

The City of Ontario Storm Drain Master Plan identifies storm drain improvements to serve the project site. Completion of these Master Plan improvements will provide storm water drainage for the properties within this specific plan.

The runoff that leaves the site drains to the lower reach of Cucamonga Creek a tributary of the Santa Ana River at Prado Reservoir. The site is a part of the 74 square mile drainage area that is tributary to the Creek. The total drainage area is bounded by the San Gabriel Mountains on the north, San Antonio Creek drainage area on the west, Day Canyon drainage area on the east and Prado Reservoir on the south. The channel has an approximate gradient of 40 feet per mile and is designed to carry 45,000 cfs at the Confluence with the County Line Channel just downstream of the project site.

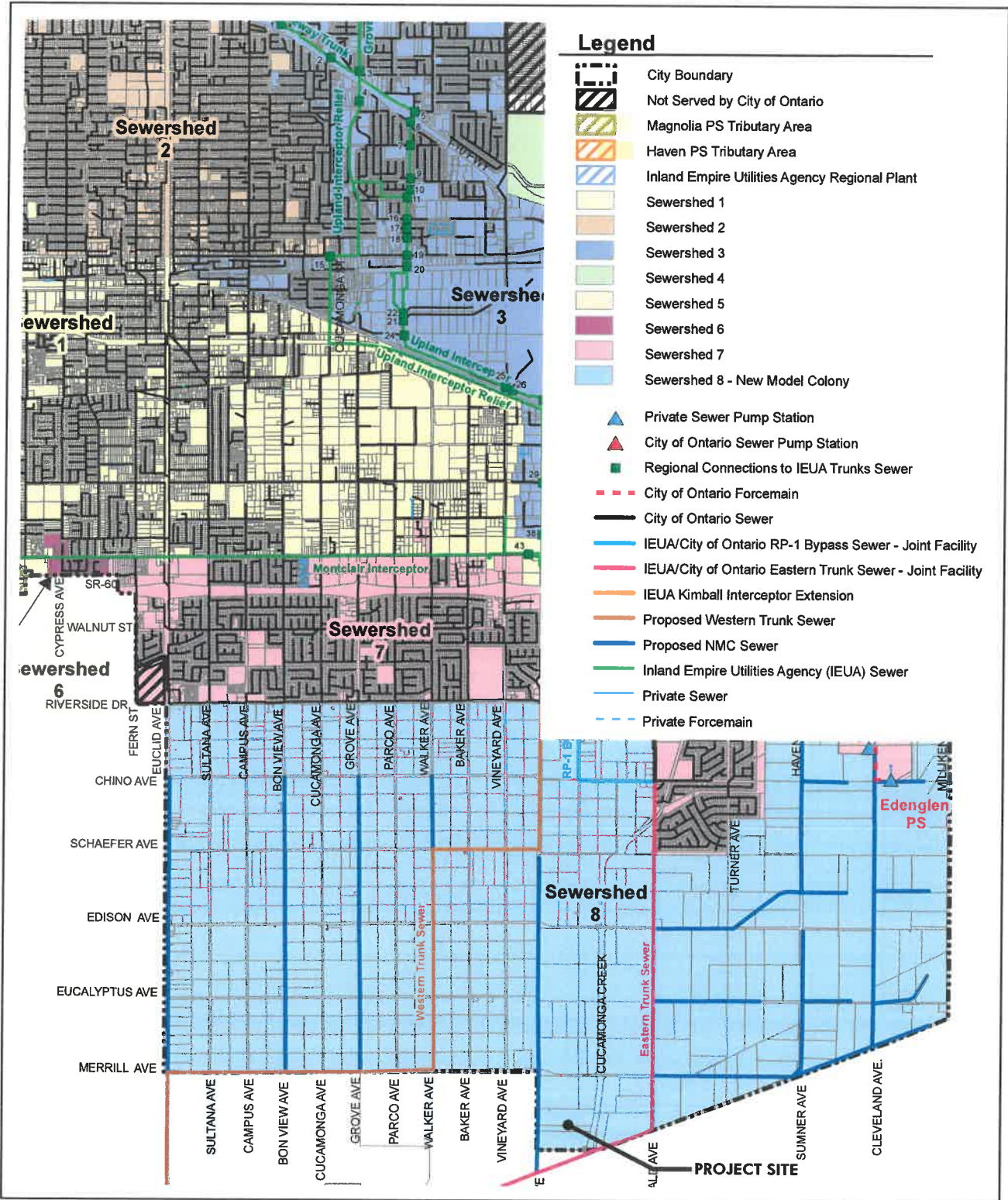
The existing Storm Drain Master Plan indicates the properties within this specific plan as tributary to the Walker Storm Drain System and calls out a double 10-foot by 10-foot box culvert (Double 10x10 Box) serving Area XII as depicted on the City of Ontario's Drainage Area Map, see Exhibit 5.12. That alignment depicts the 10x10 Box beginning northerly on Walker Avenue and continuing south past Merrill Avenue to Remington Avenue, then east along Remington Avenue, connecting into Cucamonga Creek.

The property owner south of Merrill Avenue and West of Carpenter Avenue, in City of Chino, does not need to connect to this Double 10x10 Box and does not want it constructed within their property.

Planning Areas 1 & 2 will drain to the existing 60" storm drain connection into Cucamonga Channel at Remington Avenue that will provide proper drainage capacity to serve the properties within this specific plan.

This specific plan proposes modifying the ultimate alignment of the Double 10x10 Box to turn east at Merrill Avenue and connect into the Cucamonga Channel at the intersection of Merrill Avenue. Due

Exhibit 5.10, City of Ontario Ultimate Sewer System



Source: City of Ontario, Ultimate Sewer System (Figure 6-1) October 2011
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

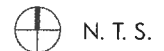
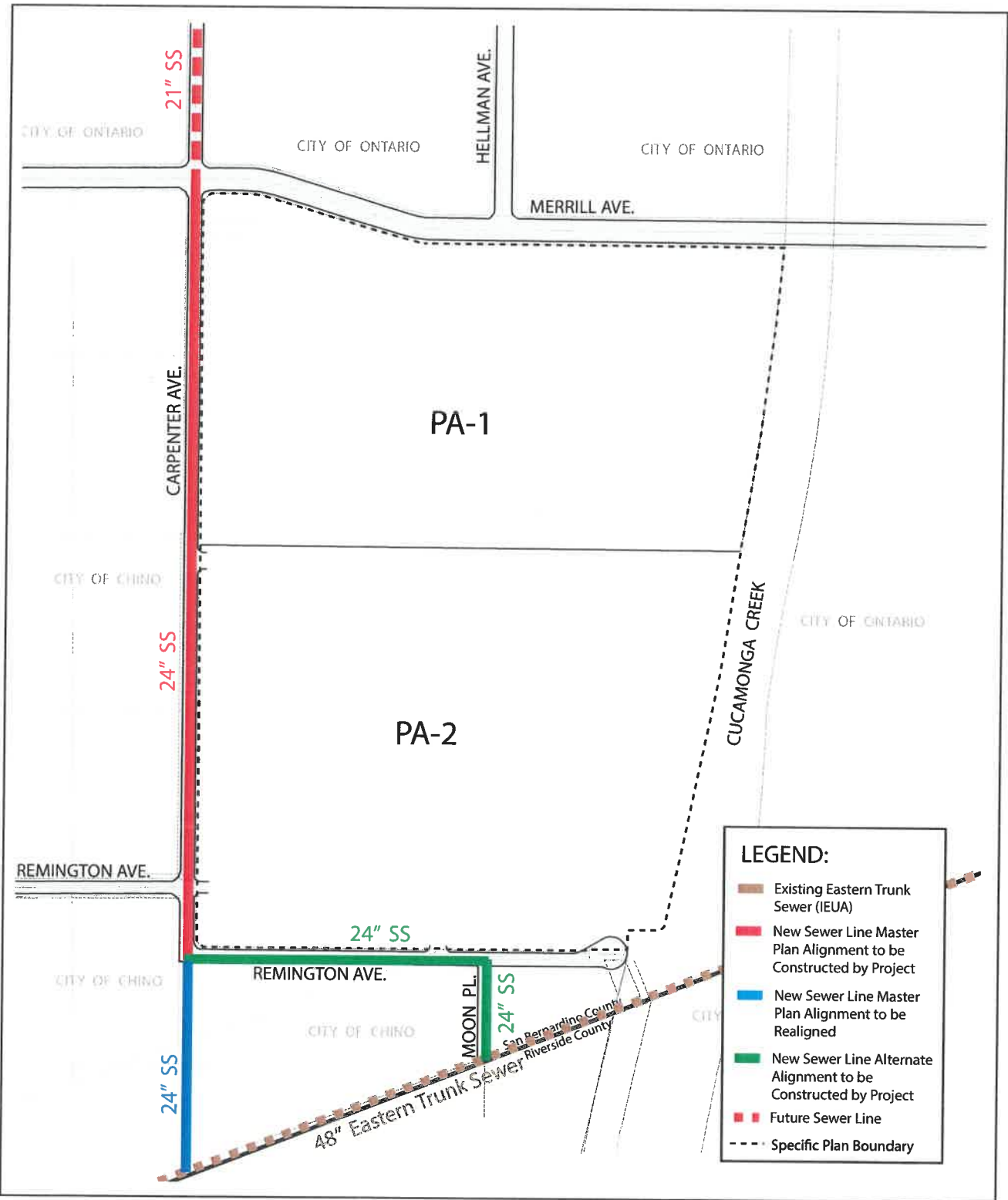


Exhibit 5.11, Sewer Master Plan



Source: David Evans & Associates

NOTE: Reference the City's most current Master Plan for sizing/alignment.

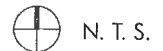
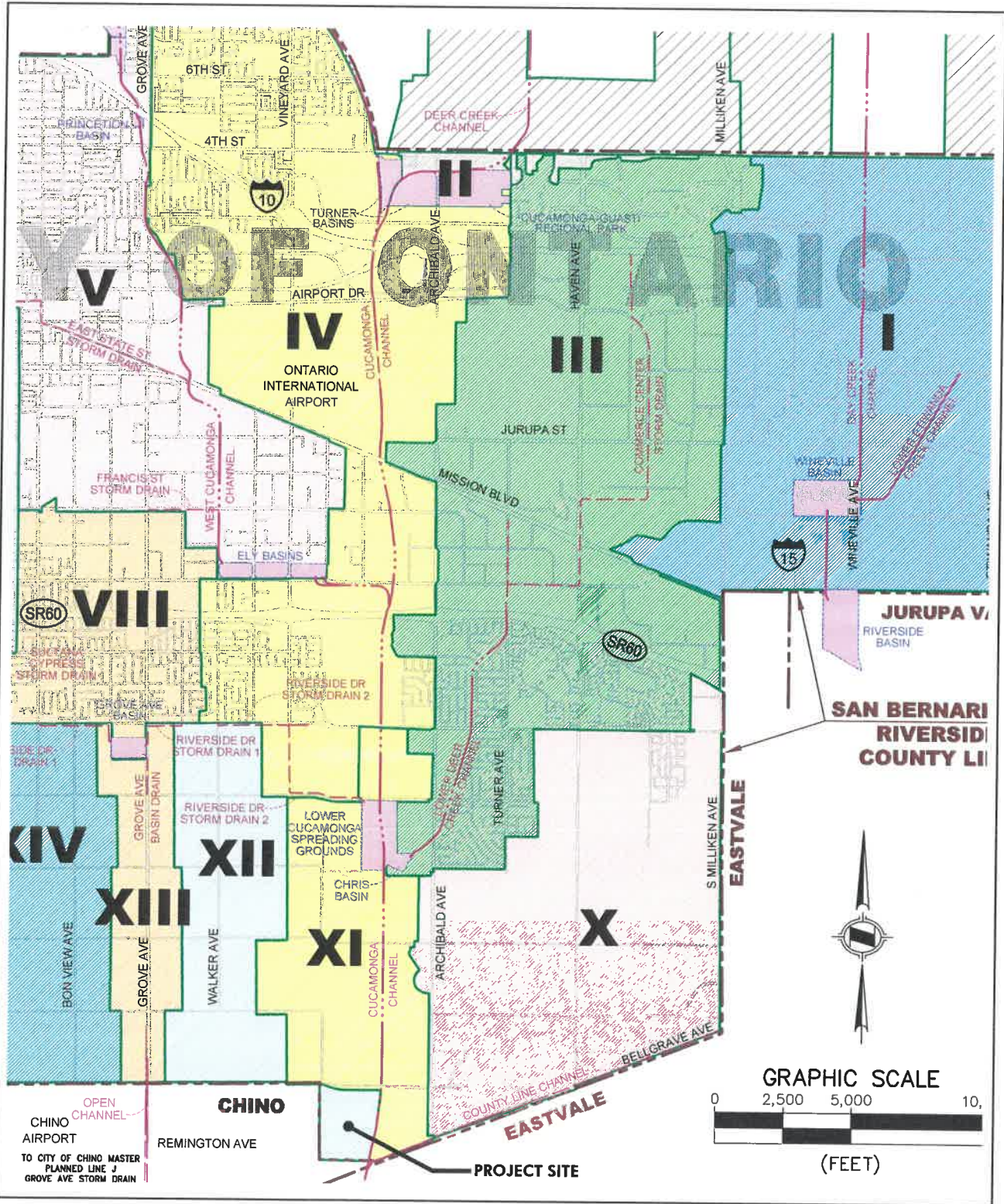
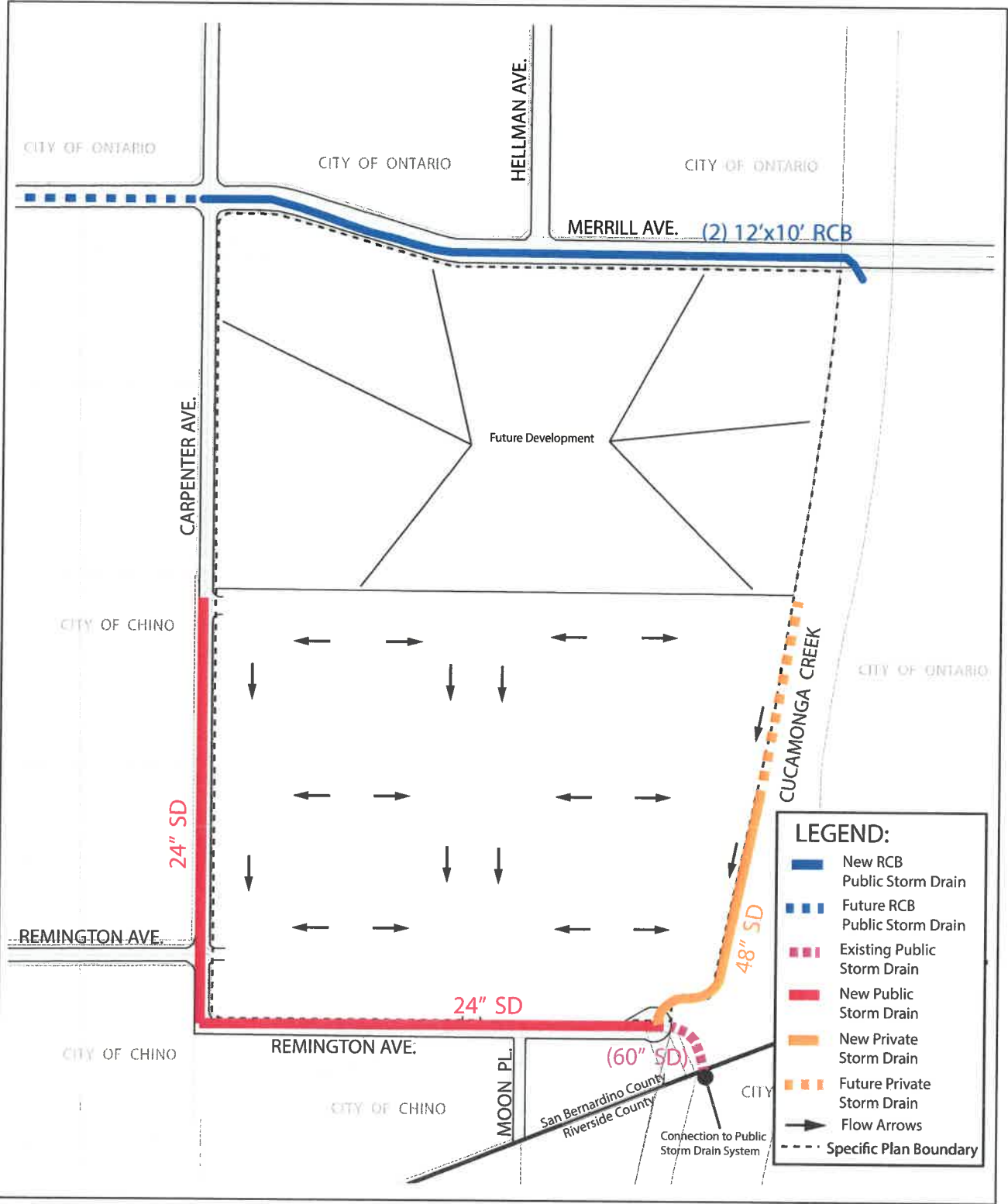


Exhibit 5.12, City of Ontario Drainage Area Map



Source: City of Ontario's Drainage Area Map (Exhibit 7), March 10, 2012
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

Exhibit 5.13, Drainage Plan / Hydrology



LEGEND:

- New RCB Public Storm Drain
- - - Future RCB Public Storm Drain
- - - Existing Public Storm Drain
- New Public Storm Drain
- New Private Storm Drain
- - - Future Private Storm Drain
- Flow Arrows
- - - Specific Plan Boundary

Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



to the new alignment and hydraulic grade line (HGL), the 10x10 box needs to be upsized to a 12x10. This alignment will reduce the total linear footage of the Double 12x10 Box , provide a straighter alignment & single point of connection, while providing the same storm water drainage capacity for the properties to the north and west that drain to it.

The proposed modification to the Master Plan of drainage for Colony Commerce Center West is illustrated in Exhibit 5.13 Drainage / Hydrology.

5.4.1 NPDES Compliance

The grading and drainage of the Specific Plan Area shall be designed to detain, filter, and treat surface runoff in a manner and combination which is practical, to comply with the requirements of the San Bernardino County NPDES Storm Water Program's current Water Quality Management Plan (WQMP) for new development projects.

The objective of the WQMP for the project is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants and changes in hydrology. These effects shall be minimized through the implementation of on-site and off-site Low Impact Development (LID) Site Design Best Management Practices (BMP's) that retain/infiltrate or biotreat 85th percentile storm event runoff from the project.

In addition, non structural and structural Source Control BMP's shall also be implemented and documented in the projects approved Water Quality Management Plan(s) to reduce pollutant generation and transport from the project site.

Participation in an alternative regional or watershed-based Treatment Control BMP , such as, the Mill Creek Wetlands Project, is regulated by the requirements of the San Bernardino County Stormwater SB County MS4 Permit and the Water Quality Management Plan Technical Guidance Document.

Prior to the issuance of grading or construction permits for any parcel map or area that disturbs 1 acre or more of land, within the Colony Commerce Center West Specific Plan area shall be required to obtain coverage, Erosion/Sediment Control Plans and Storm Water Pollution Prevention Plans (SWPPP) shall be prepared. The SWPPP shall be prepared to comply with California State Water Resources Control Board's (State Water Board) current "General Permit to Discharge Storm Water Associated with Construction Activity" and current "Area Wide Urban Storm Water Runoff (Regional NPDES) Permit."

The SWPPP shall identify and detail all appropriate Best Management Practices (BMP's) to be implemented or installed during construction of the project.

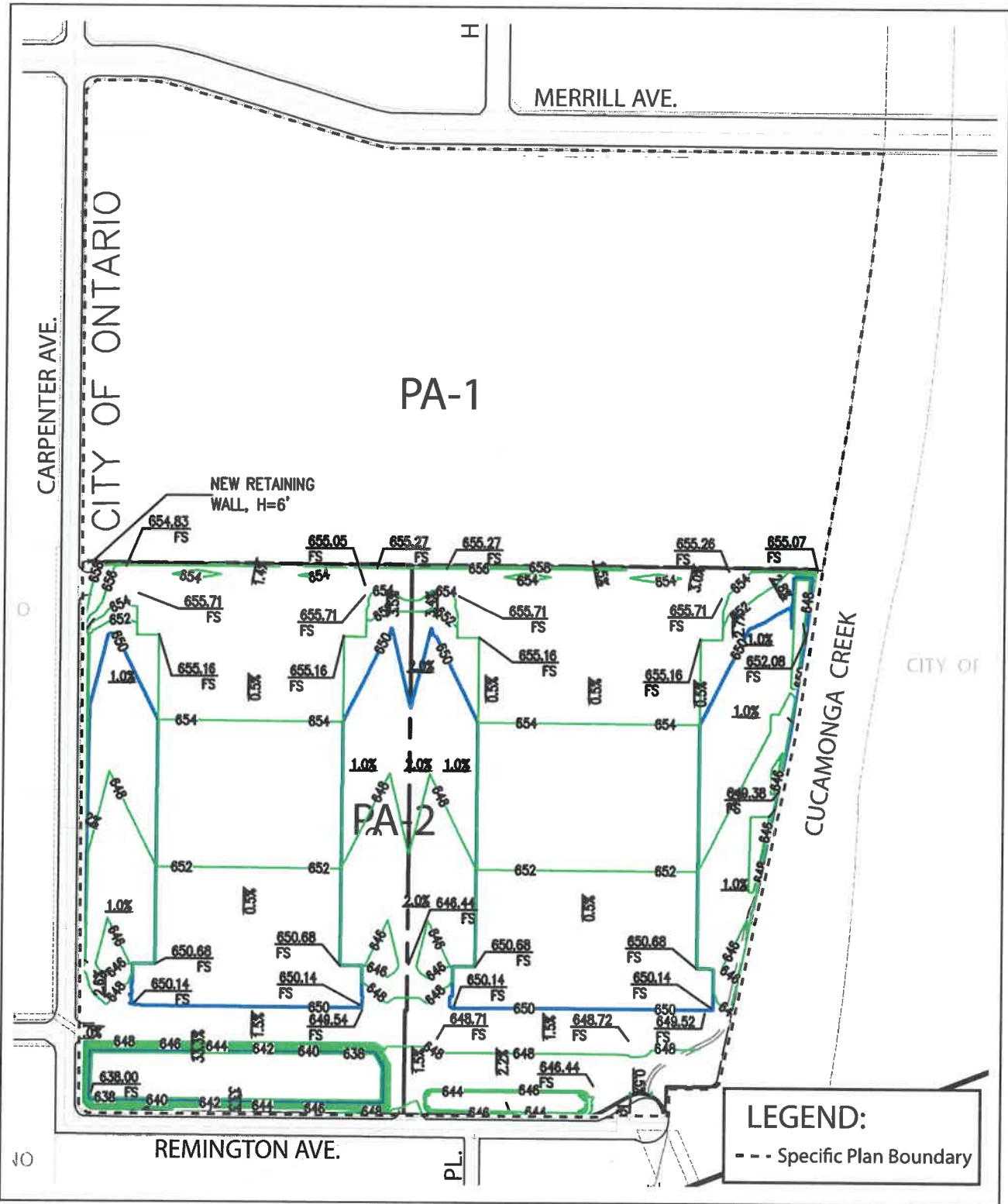
5.5 Grading Concept

The project site generally slopes to the south at approximately 1.0% to 2.0%. The grading activities for Colony Commerce Center West will generally consist of clearing and grubbing, demolition of existing structures, and moving surface soils to construct building pads and streets. Where slope conditions are present, the project lot line shall be located at the top of a slope.

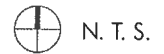
The Conceptual Grading Plan, as illustrated in Exhibit 5.14, Conceptual Grading Plan, provides a balance of cut/fills for the project. Grading plans for each tract within the project shall be reviewed and approved by the City of Ontario Building, Planning, and Engineering Departments prior to the issuance of grading permits. All grading plans and activities shall conform to the City's grading ordinance and dust and erosion control requirements.

All landscape areas, adjacent to streets, including medians, parkways and neighborhood edges, in the Specific Plan Area, shall be finish graded, at a minimum of 1 1/2" below top-of-curb or sidewalk finish surface, for conservation of irrigation water and increased retention of rainwater runoff.

Exhibit 5.14, Conceptual Grading Plan



Source: David Evans & Associates



Wherever practicable, landscaped areas within the project shall be graded as swales and designed to accept runoff water from impervious surfaces. Where necessary, a 5' wide level pad area shall be provided for utilities adjacent to slopes, at each side of detention basins or swales adjacent to paving for pedestrian safety and for screening shrubs.

5.6 Dry Utilities

Utility services provided to the site consist of natural gas, electricity, and communications systems. Utility lines will be installed underground in accordance with City of Ontario guidelines.

5.6.1 Communication Systems

The proposed backbone street fiber optics (conduits, hand holes, tracer wire, and fiber) will be placed underground within a duct and structure system to be installed by the Master Developer in a joint trench, as illustrated in Exhibit 5.15. In-tract fiber and conduit shall be installed by the Developers per the in-tract fiber optic design guidelines. Maintenance of the installed system will be the responsibility of the City/Special District. Development of the Project requires the installation by the Developers of all fiber optic infrastructure and peripheral equipment necessary to service the Project as a stand-alone development.

5.6.2 Natural Gas

The Gas Company will provide natural gas to the Specific Plan area. The Gas Company will install gas mains to the Specific Plan area as necessary.

5.6.3 Electricity

Southern California Edison Company (SCE) currently provides electrical service in the area. All new lines and all existing lines within the Specific Plan area shall be installed according to City of Ontario requirements.

There are existing power poles that run along the west side of Carpenter Avenue from Merrill Avenue in the north to west extension of Remington Avenue in the

south. From the west extension of Remington Avenue, the power poles diagonally cross Carpenter Avenue and run south until the east extension of Remington Avenue. From there the power poles run east along the north side of Remington Avenue and cross the Cucamonga Creek bridge. The existing overhead lines along the project frontage will be relocated underground per the City's Municipal Code.

5.7 Public Facilities and Services

Public services and facilities play an essential role in providing support services to create viable, sustainable, healthy and cohesive communities.

5.7.1 Police

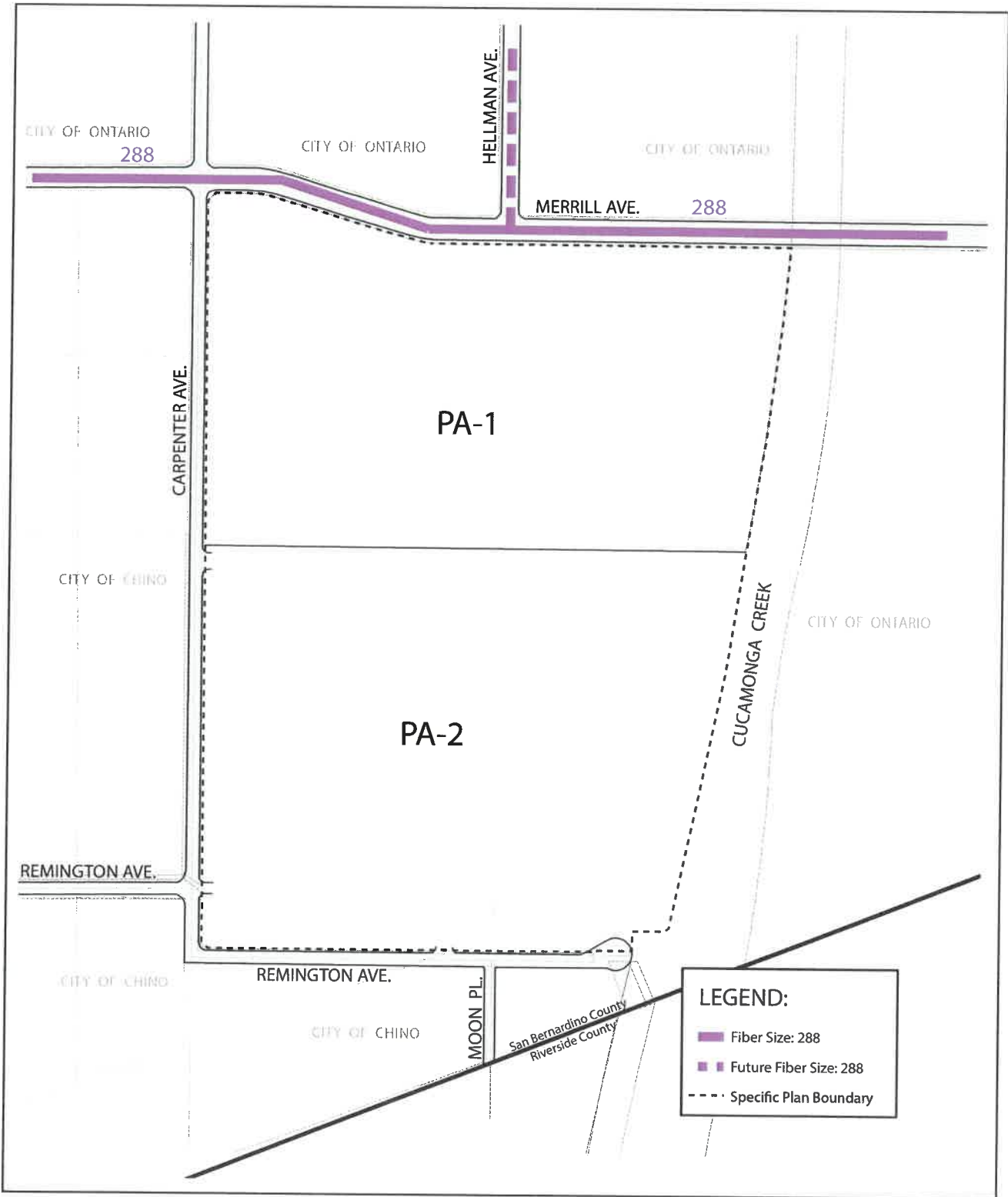
The Ontario Police Department will provide law enforcement to the Colony Commerce Center West area. The Ontario Police Department's mission statement is as follows: "The mission of the Ontario Police Department is to protect life and property, solve neighborhood problems, and enhance the quality of life in our community. We do this by providing superior police services while fostering successful community partnerships."

5.7.2 Fire

The Ontario Fire Department will provide fire protection, paramedic, and emergency response services to the Specific Plan Area. The closest operational fire station is Station 6 located at 2931 E. Philadelphia Avenue. The Ontario Fire Department currently has eight stations, which are comprised of eight 4-man paramedic engine companies and two 4-man truck companies.

The City is in the process of developing 13 square miles in the Ontario Ranch where the Ontario Fire Department will shortly begin construction of Fire Station Number Nine located at 2661 E. Park Vista Drive.

Exhibit 5.15, Fiber Optic Master Plan



Source: City of Ontario, Figure 7 (Fiber Size and Footages)

NOTE: Reference the City's most current Master Plan for sizing/alignment.



5.7.3 Solid Waste Disposal

The Ontario Municipal Utilities Company is committed to providing reliable, timely, safe, and affordable refuse collection services to the residents and businesses in the city limits. Solid waste requirements shall follow the approved “Solid Waste Department Refuse and Recycling Planning Manual.”

5.8 Infrastructure Phasing Plan

The primary intent of the phasing of the project is to ensure that complete and adequate public facilities and services are in place and available to the Specific Plan area as needed.

The phasing program for Colony Commerce Center West will be executed to provide the services and infrastructure required for each of the development planning areas. The phasing set forth in this Specific Plan shall be conditioned on the approval of tentative tract maps. It should be noted that the ultimate pace and phasing of the development is dependent on a number of internal and external factors and is subject to change. See Exhibit 5.16, Conceptual Phasing Plan.

Not all planned development within a given phase may be completed prior to the initiation of the next phase. In cases where development within a new phase is to begin prior to the completion of a phase in progress, all infrastructure improvements shall be funded and designed for the phase in progress before any new phase may begin.

5.8.1 Planning Areas and Streets

The project will be developed in three or more phases. These phases may occur sequentially or concurrently with one another. Build out of the project is undetermined at this time.

Public streets within and abutting the Specific Plan area shall be improved in accordance with approved development agreement. Traffic Impact Analysis may recommend additional improvements, including those

potentially outside the limits of the Specific Plan Area, prior to or concurrent with specific development milestones.

5.8.2 Water, Sewer and Recycled Water

Water and sewer services will be provided for each of the planning areas.

Domestic Water: Phases 1A and 1B require the construction of the 12” Master Plan water line in Merrill Avenue from Archibald Avenue to Carpenter Avenue, in Carpenter Avenue from Merrill Avenue to Remington Avenue, and eastward in Remington Avenue to Archibald Avenue. Due to the location of Phase 1A and 1B, the 12” water line will also be able to serve Phase 2.

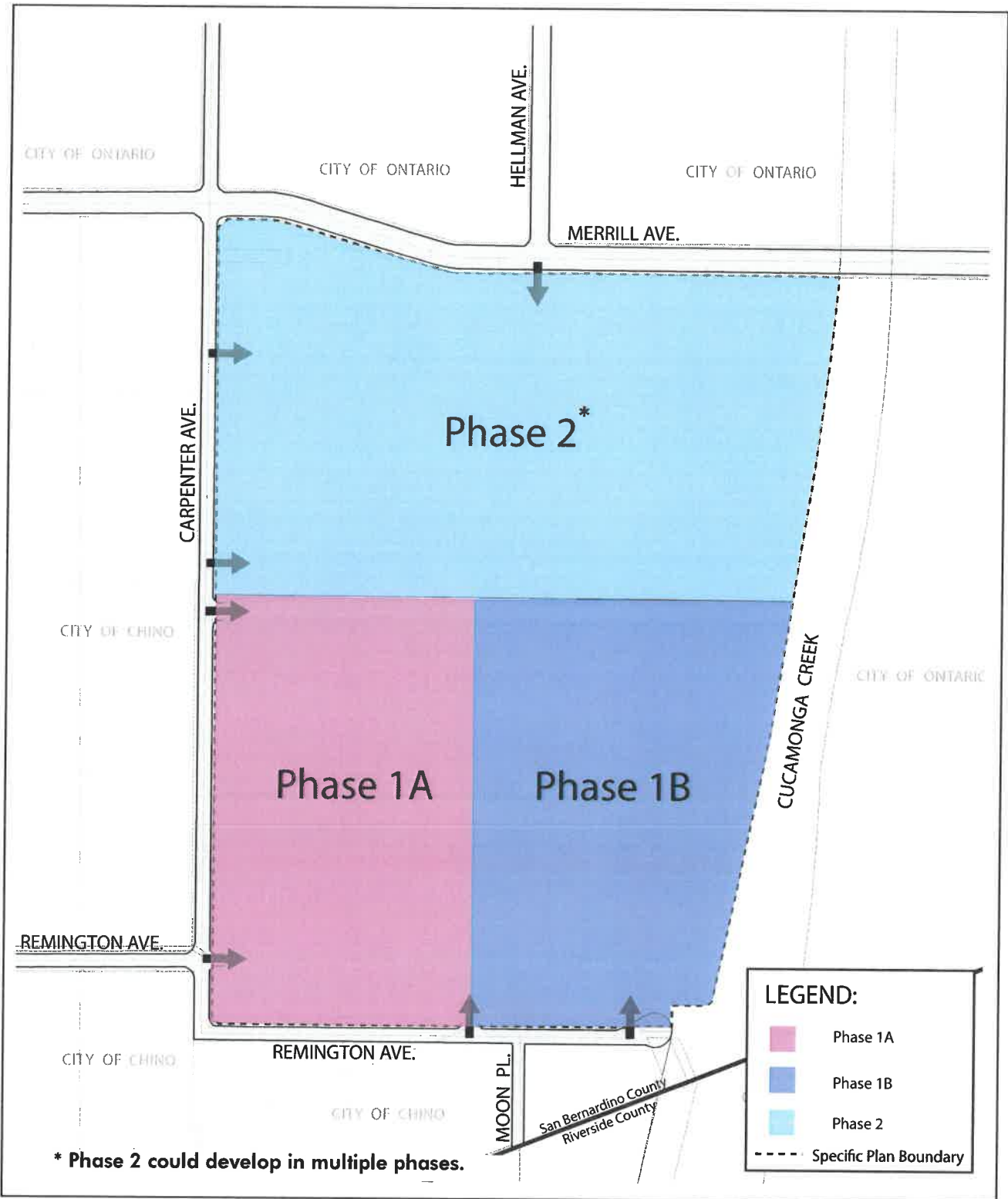
Recycled Water: The developer of Colony Commerce Center West will utilize the existing recycled water laterals that stub into both Planning Areas and enhance where required to serve the project. This project will also construct a 12” City of Ontario line along Merrill Avenue from Carpenter Avenue to Archibald Avenue. The recycled water improvements will not be phased and connection to the system is required prior to occupancy.

Sewer: The City of Ontario Master Plan of Sewer proposes an 18” Sewer Trunk Line in Carpenter Avenue from the Eastern Trunk Sewer north to Merrill Avenue. The latest design of this master planned trunk sewer line, performed by MDS Consulting, requires the upsizing of this 18” line to a 24” line between the Eastern Trunk Sewer and Merrill Avenue.

To provide sewer for all phases of development, this project proposes a realignment of this 24” line. The new alignment will run eastwardly in Remington Avenue from the southerly extension of Carpenter Avenue and southwardly on Moon Place where it will connect to the Eastern Trunk Sewer approximately 1,000 feet northeast of the original connection point.

5.8.3 Drainage

Exhibit 5.16, Conceptual Phasing Plan



Source: KTG Group



Phase 1a & 1b improvements include the construction of a 60" storm drain line from the NWC of Phase 1a & 1b in Carpenter Avenue, down Carpenter Avenue to Remington Avenue (East), where it heads east and ties into the existing 60" storm drain outlet at Cucamonga Channel.

It should be noted that the ultimate phasing of the development is dependent on a number of internal and external factors. Not all planned development within a given phase may be completed prior to the initiation of the next phase.

5.9 Infrastructure Plan and Phasing Adjustments

The Board of Zoning Adjustment shall have the authority to hear and decide applications for modifications to the infrastructure phasing plans. The Board shall be required to make the following findings:

- » That modification is consistent with the General Plan;
- » That the proposed changes will not adversely affect the implementation of the Specific Plan;
- » That it will not be detrimental to the public health, safety, and general welfare; and
- » That the proposed modification will not delay the construction of the master plan improvements necessary to serve the development.

6

DEVELOPMENT REGULATIONS

6.1 Introduction

The provisions contained herein shall regulate design and development within the Colony Commerce Center West Specific Plan. The regulations contained herein establish the minimum standards and requirements for development.

6.2 Definition of Terms

The meaning and construction of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code Article 2, “Definitions,” unless otherwise specifically provided for herein.

The definition of architectural and design terms shall be the same as those provided in the City of Ontario Glossary of Design Terms which follows the City of Ontario Development Code, as amended through June 2003.

6.3 Applicability

The development regulations contained herein provide specific land use development standards for the project. Regulations address industrial development and provide for general landscaping regulations. Application of the following regulations is intended to encourage the most appropriate use of the land, ensure the highest quality of development, and protect the public health, safety, and general welfare.

Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario

Development Code, the provisions of the Colony Commerce Center West Specific Plan shall take precedence. Where the Colony Commerce Center West Specific Plan is silent, City codes shall apply. These regulations shall reinforce specific site planning, architectural design, and landscape design guidelines contained in Chapter 7, “Design Guidelines” of the Colony Commerce Center West Specific Plan.

All architectural and landscape improvements shall be consistent with the Design Guidelines contained in Chapter 7, of the Colony Commerce Center West Specific Plan, “Design Guidelines.” All architectural and landscape plans shall be submitted to the City of Ontario for approval.

6.4 Administration

The Colony Commerce Center West Specific Plan is adopted by ordinance and serves to implement the Policy Plan Land Use Plan (Policy Plan Exhibit LU-01) as well as the zoning for the Specific Plan Area. The Colony Commerce Center West Specific Plan addresses general provisions, permitted uses, development standards, and design guidelines.

The Colony Commerce Center West Specific Plan Development Regulations address general provisions, permitted uses, and development standards for the community. The Specific Plan has been prepared in conformance with the Goals and Policies of the Policy Plan as outlined Chapter 3 “Plan Conformance”.

6.5 General Site Development Criteria

The following general site development criteria shall apply to all development projects within Colony Commerce Center West.

- » Gross Acres – Except as otherwise indicated, gross acres for all development areas are measured to the center line of streets.
- » Grading – Development within the project site shall utilize grading techniques as approved by the City of Ontario. Grading concepts shall respond to the design guidelines included in the Colony Commerce Center West Specific Plan.
- » Building Modification – Building additions and/or alterations permitted by the Colony Commerce Center West Specific Plan shall match the architectural style of the primary unit and shall be constructed of the same materials, details, and colors as the primary unit.
- » Utilities – All new and existing public utility distribution lines of 34.5 kV or less shall be subsurface throughout the project.
- » Technology – All businesses shall accommodate modern telecommunications as defined by the Fiber Optic Master Plan and in accordance with the City of Ontario Structured Wiring Standards (Ontario Municipal Code, Title 8, Chapter 16).
- » Solid Waste/Recycling – Development within the project shall comply with City of Ontario requirements for the provision and placement of solid waste and recycling receptacles.
- » Traffic – All traffic-controlled signs, whether on public or private property, shall conform to the California MUTCD.

6.6 Industrial Development Standards

This section includes the development of industrial uses. The development standards for industrial uses establish the minimum criteria for the development of land use types on individual lots within the Planning Areas specified within the Colony Commerce Center West Specific Plan. Specific standards for the industrial land uses are described on Table 6.1. Refer to the Colony Commerce Center West Specific Plan EIR and ONT ALUCP for additional development criteria and policies that may affect but not be limited to the restriction of allowable land uses, the allowable Floor Area Ratio (FAR), overall site design, building heights and so on.

6.7 Permitted Uses

Table 6.2 establishes the uses which are permitted within the two planning areas of Colony Commerce Center West Specific Plan. The following symbols used in the table represent the following:

P	Permitted Use
C	Conditional Use Permit required
A	Ancillary Use (allowed in conjunction with another permitted use)

Accessory uses will be reviewed concurrently with each land use proposal.

Table 6.1, Development Standards

SITE REQUIREMENTS	
Minimum Site Area:	1 Acre (43,560 SF)
Floor Area Ratio:	0.55 (Max. Allowed)
Minimum Landscape Coverage:	10%
BUILDING REQUIREMENTS	
Minimum Building Setbacks: (1,2)	
• From Merrill Avenue	23'
• From Carpenter Avenue	10'
• From Remington Avenue	10'
• Interior\Rear Property Lines	10'
• From Cucamonga Creek Channel	10'
Parking & Drive Aisle Setbacks:	
• From Merrill Avenue	23'
• From Carpenter Avenue	10'
• From Remington Avenue	10'
• From Cucamonga Creek Channel	5'
• Interior\Rear Property Lines	5'
• Adjacent to Building Office Elements	10'
• Adjacent to Solid Building Wall	5'
• Private Street and/or Drive Aisle to Building	5'
Maximum Building Height:	
• Main Structure	55'
• Architectural Projections and Focal Elements Such As Towers, Cupolas, and other Appurtenances. (3)	65'
Walls, Fences, and Hedges	Please see Ontario Development Code.

(1) - All setback areas shall be landscaped.

(2) - All setbacks are measured to habitable area not architectural appurtenance or projection. An architectural projection is defined as an element that articulates the building elevation such as eaves, window and door popout surrounds, bay windows, pot shelves, chimneys, enhanced window sills, shutter details, window trim, balconies, pedestrian colonnades and other similar elements. Such elements may project a maximum of 3 feet into required setback areas.

(3) - Architectural element only not to be used for signage, subject to Planning Director approval.

(4) - General Note, refer to the Colony Commerce Center West Specific Plan EIR and ONT ALUCP for additional development criteria and policies that may affect building heights, allowable FAR, and allowable land uses.

Table 6.2, Permitted Uses

Land Use Types	Industrial Area
AGRICULTURAL USES	
Commercial Growing Establishment - Activities typically include, but not are not limited to the commercial growing of produce by row, field, tree, and crop production. Also included is agricultural research.	P
Wholesale and Retail Plant Nurseries - Activities typically include, but are not limited to, sales of indoor and outdoor plants, including, but not limited to, trees, shrubs, groundcovers, and grass sod, as well as seeds, pots and potting supplies, and growing supplies.	P
RESIDENTIAL USES	
Caretaker's Unit - Area devoted to use not to exceed 1,000 square feet.	A/C
COMMERCIAL USES	
Alcohol Beverage Sales - Activities typically include the sale, subject to required license for the sale of alcoholic beverages.	C
Auto Repair (Minor) - Activities include, but are not limited to automotive and light truck repair; retail sales of goods and services for automobiles and light trucks; and the cleaning and washing of automobiles and light trucks. Uses typically include, but are not limited to, repair of brakes, tires, electrical, etc. and car washes.	P
Auto Repair (Major) - In addition to the types of repair operations included as part of Automobile and Light Truck Repair - Major, activities typically include, but are not limited to, automotive body work, painting, and installation of major accessories; automobile customizing; engine and transmission repair/rebuild and towing facilities.	C
Car Wash - Full service activities typically include the washing and polishing of automobiles. Uses typically include automobile laundries; car washes, excluding self-service washes.	A
COMMUNICATION USES	
Radio and Television Broadcasting Studios. Activities typically include, but are not limited to, broadcasting and other information relay services accomplished primarily through the use of electronic and telephonic mechanisms. Uses typically include, but are not limited to, television and radio studios.	P
EATING AND DRINKING PLACES & FOOD SERVICES	
Eating Establishments - Activities typically include, but are not limited to, the retail sale from the premises of food or beverages prepared for on-premises consumption. Uses typically include, but are not limited to:	
<ul style="list-style-type: none"> • Full-service restaurants, serving ready-to-eat food and beverages for on-site consumption. 	P
<ul style="list-style-type: none"> • Fast-food restaurants, serving ready-to-eat food and beverages for on-site or off-site consumption, without drive-through facilities. 	P

Land Use Types	Industrial Area
MANUFACTURING	
<p>Light Manufacturing - Activities typically include, but are not limited to, the mechanical or chemical transformation of raw or semi-finished materials or substances into new products, including manufacture of products, assembly of component parts (including required packaging for retail sale), and treatment and fabrication operation. Light manufacturing activities do not produce odors, noise, vibration, or particulates which would adversely affect uses within the same structure or on the same site. Activities include the following:</p>	
<ul style="list-style-type: none"> • Apparel Manufacturing 	P
<ul style="list-style-type: none"> • Computer and Home Electronic Manufacturing 	P
<ul style="list-style-type: none"> • Bakery (Industrial) 	P
<ul style="list-style-type: none"> • Electrical Components 	P
<ul style="list-style-type: none"> • Furniture and Related Products Manufacturing 	P
<ul style="list-style-type: none"> • Home Appliance and Equipment Manufacturing 	P
<ul style="list-style-type: none"> • Instrument Manufacturing (Navigational, Measuring, etc.) 	P
<ul style="list-style-type: none"> • Leather Product Manufacturing (excluding tanning and finishing) 	P
MACHINERY MANUFACTURING	
<p>Machinery Manufacturing - Activities typically include, but are not limited to, the mechanical or chemical transformation of raw or semi-finished materials or substances into new products, including manufacture of products; assembly of component parts (including required packaging for retail sale); blending of materials such as lubricating oils, plastics, and resins; and treatment and fabrication operations. Examples of activities include the following:</p>	
<ul style="list-style-type: none"> • Miscellaneous Manufacturing (jewelry, office supplies, sporting goods, toys, etc.) 	P
<ul style="list-style-type: none"> • Printing and Related Activities 	P
WAREHOUSE/STORAGE & TRANSPORTATION	
<p>Warehouse/Distribution Facility - Activities typically include, but are not limited to, warehousing, storage, freight handling, shipping, trucking services; storage</p>	P
OTHER	
<p>Trailers for the use of construction</p>	P
<p>Any use deemed similar by the Planning Director</p>	P

General Note, refer to the Colony Commerce Center West Specific Plan EIR and OMT ALUCP for additional development criteria and policies that may affect building heights, allowable FAR, and allowable land uses.

6.8 Signage

All signage within the boundaries of the Colony Commerce Center West Specific Plan shall conform to the Article 31, *Signs*, of Chapter 1 of the City’s Development Code.

6.9 Lighting

The design of lighting fixtures shall be approved by the City as part of the City’s Development Plan Review.

6.10 Required Number of Parking and Loading Spaces

Off-street parking facilities are to be provided for each use on Table 6.3 Parking and Loading Requirements in this Specific Plan.

Table 6.3, Parking and Loading Requirements

REQUIREMENTS	
Manufacturing:	
<ul style="list-style-type: none"> Manufacturing (assumes 10% max. GFA for office) 	1.85 space per 1,000 SF of GFA; plus 1 tractor trailer space per 4 dock high doors
Warehousing/Storage & Transportation Services:	
<ul style="list-style-type: none"> Warehouse / Distribution Facility (assumes 10% max. GFA for office) 	1 space per 1,000 SF of GFA for the first 20,000 SF; 1 space per 2,000 SF of GFA for that portion over 20,001 SF; plus 1 tractor-trailer space per 4 dock-high doors
General Industrial:	
<ul style="list-style-type: none"> Speculative buildings (assumes 10% max. GFA for office) 	1.85 space per 1,000 SF of GFA for the first 50,000 SF; 1 space per 1,000 SF of GFA for that portion between 50,001 SF and 100,000 SF; 0.5 space per 1,000 SF of GFA for that portion over 100,000 SF; plus 1 tractor-trailer space per 4 dock-high doors
Office:	
Office Area	1 space per 250 SF of GFA

7

DESIGN GUIDELINES

7.1 Purpose and Intent

The following Design Guidelines have been developed to ensure a quality, cohesive design structure for the Colony Commerce Center West development. Objectives of these design guidelines are:

- » To provide the City with the necessary assurances that the Specific Plan area will develop in accordance with the design quality and character proposed herein;
- » To serve as design criteria for developers, builders, engineers, architects, landscape architects and other professionals in preparing plans for construction; and

- » To lend guidance to City staff, Planning Commission and City Council in the review and evaluation of future development projects in the Specific Plan area.

Certain key design elements will contribute significantly to the visual order and consistency of the entire Specific Plan area and provide a quality development. The fundamental elements of these common features; site planning, architecture, landscape, and architecture design details are established by these Design Guidelines.

The design guidelines are intended to be flexible and illustrative in nature, with the capability of responding to unanticipated conditions, changes in buyer preferences, the market and design trends.



Photo 7.1 - Example of Industrial building with corner office area

Creativity and innovation, as well as consistent, and quality, are encouraged in the implementation of these guidelines.

7.2 Industrial Theme and Character

These Design Guidelines will ensure that the Specific Plan community is an environment that reflects the vision embodied in the following concepts:

- » Develop a quality, cohesive design concept and identity for the Colony Commerce Center West area.
- » Establish development standards that ensure lasting value for the industrial developments.
- » The architectural image of the Specific Plan will be perceived primarily from the public realm. Therefore, building massing, scale and roof forms, as the primary design components, require articulation in their architectural expression as they relate to the public realm.

- » A theme wall/entry monument may be installed at the major project entries at the discretion of the builder or project developer.

7.3 Site Design

The following concepts are intended to facilitate design quality and compatibility between industrial uses within the Colony Commerce Center West Specific Plan.

- » Site design should facilitate the intended functions of developed and open space areas, and provide for appropriate interactions between buildings and activity areas, good movement, vehicular access and parking, and pedestrian and bicycle travel.
- » Buildings should be oriented to define the streetscene and provide for an aesthetically pleasing streetscape.
- » Major vehicular and pedestrian entries to the site from the public street system should be readily visible. Major entries to planning areas, other than



Photo 7.2 - Example of Industrial building



Photo 7.3 - Example of Industrial building

truck entries should be marked by accent pavement with accent trees and other landscape features.

- » Typical ground-mounted equipment (such as transformers and heating units) should be screened by landscaping where they would otherwise be within public view.
- » Where long, linear walls or fences are needed, a combination of wall/fence with dense landscaping is encouraged.
- » The mass of new structures, as visible from public views, should be softened by landscaping or lessened by small-scale elements such as windows, panels, entrances, and other detail features to avoid monotony in design.
- » Parking spaces adjacent to planters shall have a 12" wide curb for ease in stepping out from vehicles.
- » Provide parking lot trees in planter islands at the ratio of one tree for every 10 parking spaces.

7.4 Parking/Loading Facilities

The following concepts are intended to facilitate design quality and compatibility between industrial uses within the Colony Commerce Center West Specific Plan.

- » Site entries shall compliment the architectural development by utilizing enhanced pavement treatment in vehicular areas, accent trees, and color planting. Enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.
- » No required parking or loading facilities shall be located in any required landscape setback.
- » All outdoor refuse collection areas shall be decorative and should be visually screened.
- » All loading areas shall be screened from public view by buildings or by eight foot high wall (minimum). A line of sight study will determine the final height of the wall. Landscaping should be incorporated to visually soften the appearance of walls.

- » Driveways and parking areas should be separated from adjacent sidewalks or landscaped areas by a curb not less than six inches high.
- » Development shall provide trees within the vehicular use areas at a ratio of one tree for every 10 parking stalls. The trees shall consist of 24” and 36” box sized trees. See Section 7.7.1 for percentages of tree sizes.

7.5 Walls and Fences

- » Walls at loading areas shall be at least six feet in height, or as approved by the City in response to screening loading activities from off-site views from the adjacent public right-of-way.
- » Chain link fencing shall be permitted for use in interior truck courts, in non-public viewing areas. Chain link fencing may not be used along public views.
- » Walls fronting on streets may be constructed of concrete tilt up or masonry materials such as split face or slump stone.

- » Tubular Steel fencing shall be permitted along the Cucamonga Creek Channel if areas are not required to be screened from public views.

7.6 Site Lighting

The following section addresses illumination of on-site areas for purposes of safety, security, and nighttime ambience, including lighting for parking areas, pedestrian walkways, graphics and signage, architectural and landscape features, shipping and loading areas, and any additional exterior areas.

Streetlights shall conform, both in type and location, to the Standards of the City of Ontario at the time of installation.

- » A comprehensive lighting plan shall be prepared and approved in conjunction with the site plans submitted for approval to the DAB. In addition, all plans shall be reviewed and approved by the Ontario Police Department.



Photo 7.4 - Example of typical screen wall with landscaping

- » Exterior lighting should be located and designed to minimize direct glare beyond the parking lot.
- » The design of lighting fixtures shall be consistent throughout individual planning areas, and shall be compatible with the architectural style of the building within each development.
- » Lighting sources shall be shielded, or diffused in order to avoid glare to pedestrians and motorists. Lighting fixtures should be selected and located to confine the area of illumination to within the site boundaries.
- » Architectural lighting of building facades is encouraged to enhance and emphasize the buildings identity.

7.7 Landscape

This section describes the minimum landscape requirements that shall be followed in the design of all public and private improvements within the Specific Plan. Landscaping shall promote the aesthetic character

and value of the Colony Commerce Center West Specific Plan area.

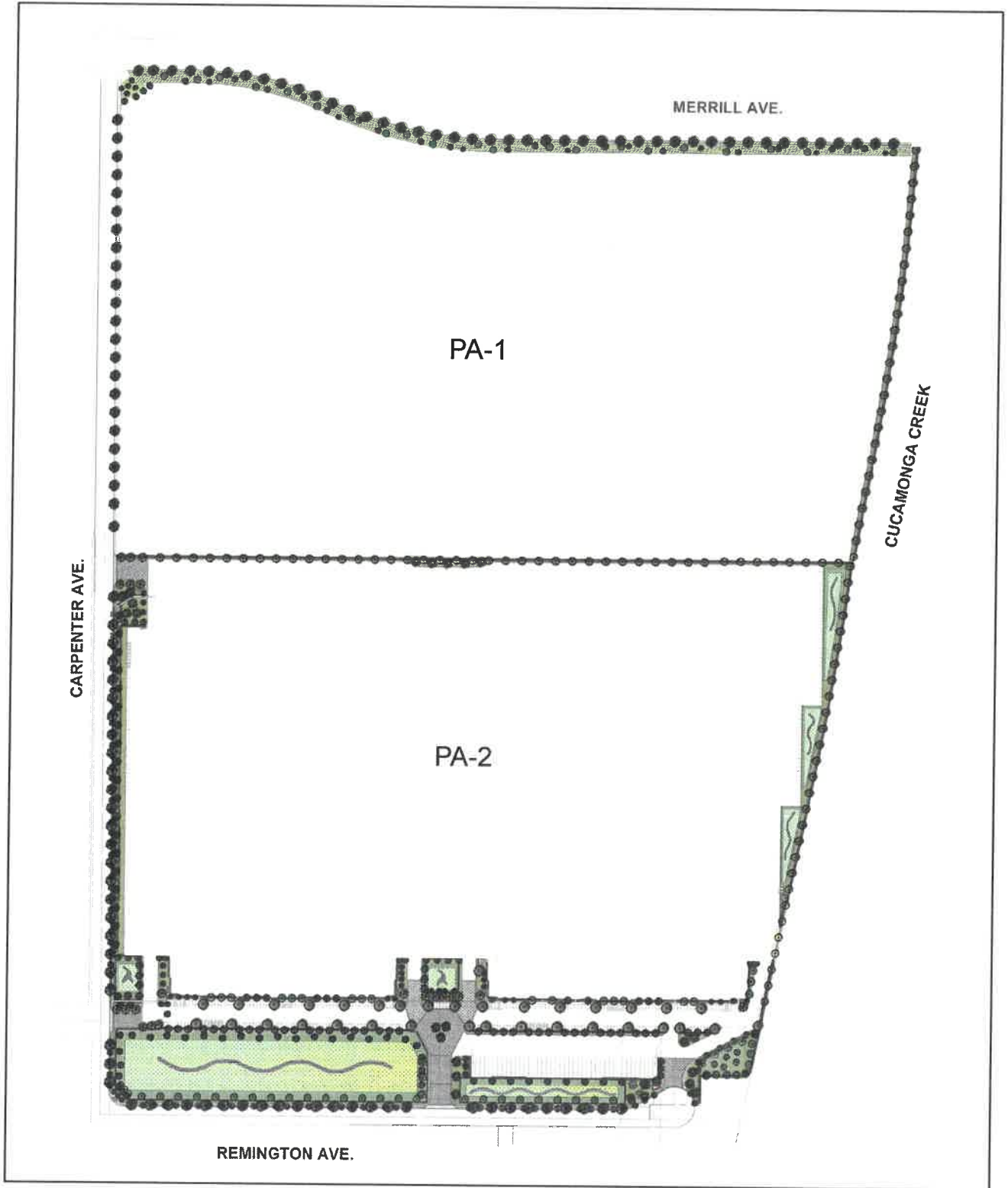
7.7.1 General Provisions

- » The landscape design shall meet the requirements of the City of Ontario Landscape Development Standards.
- » The landscape design shall incorporate a mix of container size trees and shall comply with the following minimum percentages: 5% of trees shall be 48" box size. 10% shall be 36" box size. 30% of trees shall be 24" box size.
- » The use of drought tolerant plants is strongly encouraged.
- » Plants shall be grouped into designated 'hydrozones' with similar irrigation requirements.
- » All detention basins shall receive container plants and a hydroseed application of low water using plants that can also tolerate seasonal water inundation.



Photo 7.5 - Example of Industrial lighting at office entry

Exhibit 7.1, Conceptual Landscape Master Plan



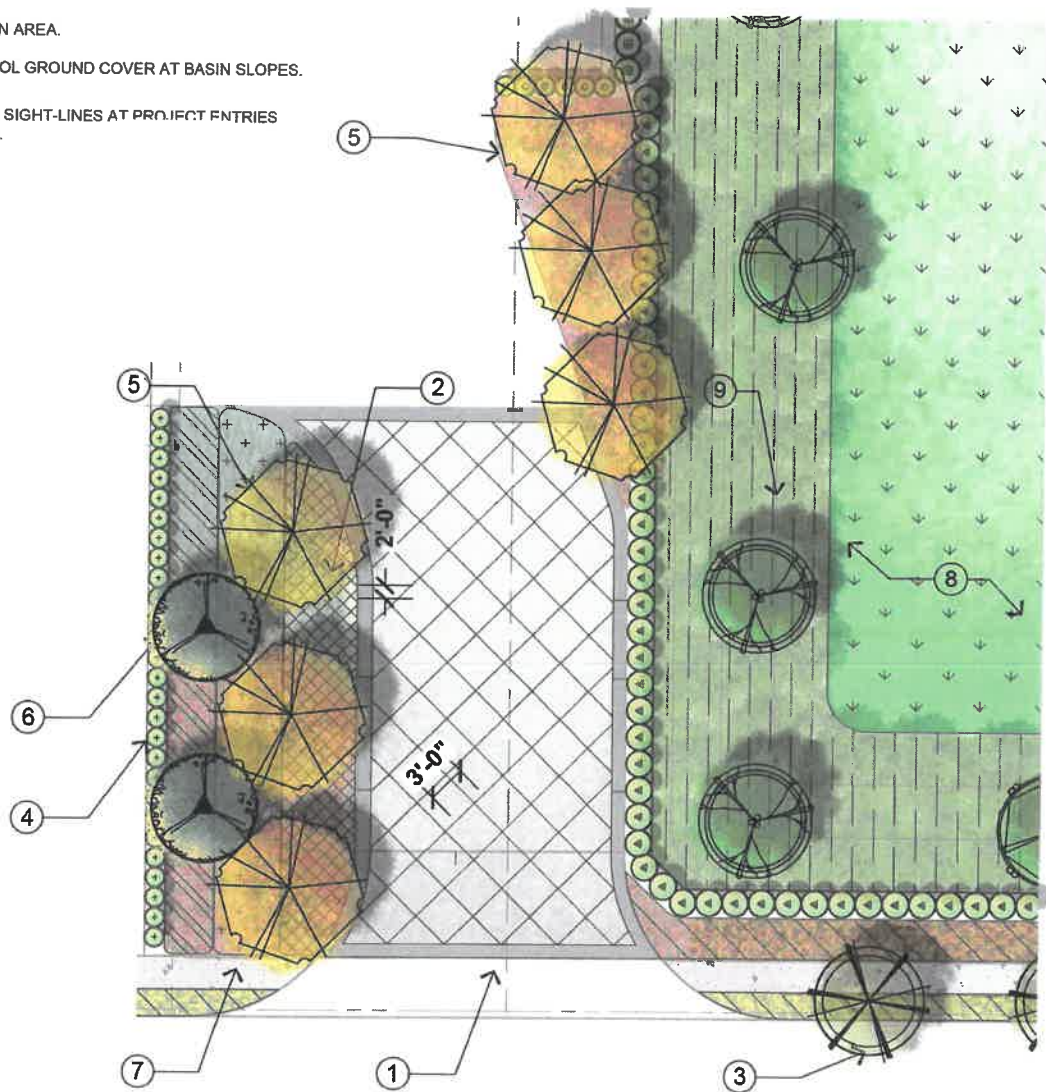
Source: Scott Peterson Landscape Architect

N. T. S.

Exhibit 7.2, Example Project Entry Drives

- ① ENHANCED VEHICULAR PAVING AT PROJECT ENTRY DRIVES CONSISTING OF 24" WD. PERIMETER BAND (NATURAL GRAY COLOR) WITH COLORED CONC. INFIELD (36" SQ. GRID PATTERN AT 45° ANGLE).
- ② LOW WATER USE LANDSCAPE AREA ADJACENT TO DRIVEWAY ENTRIES. TIER/LAYER DROUGHT TOLERANT GROUND COVER AND SHRUB MATERIAL.
- ③ NEW STREET TREE.
- ④ PROPOSED DROUGHT TOLERANT SHRUBS.
- ⑤ LARGE FLOWERING ACCENT TREES AT PROJECT ENTRIES.
- ⑥ EVERGREEN BACKDROP TREES.
- ⑦ TYP. CONC. SIDEWALK.
- ⑧ DETENTION BASIN AREA.
- ⑨ EROSION CONTROL GROUND COVER AT BASIN SLOPES.

NOTE: ALL REQUIRED SIGHT-LINES AT PROJECT ENTRIES SHALL BE OBSERVED.



Source: Scott Peterson Landscape Architect

- » Rock riprap material shall be installed where stormwater drain lines connect to infiltration areas or wherever paved area drainage surface flows directly into depressed landscape areas, via curb cuts or other surface conveyances.
- » Trees and landscape design for Master Planned streets such as Merrill Avenue shall meet the requirements of the Ontario Ranch Streetscape Master Plan.
- » All utility equipment such as backflow units, electrical transformers, fire detector checks, and fire check valves shall be screened with evergreen shrubs and should be painted a dark green color.
- » Compacted decomposed granite (DG) material may be incorporated at accent areas such as project entry drives and other focal areas, but limited to a max of 5% of the landscape area. Large accent boulders may be incorporated into DG areas.
- » Low water type of plants including California natives and succulents that thrive in the area's micro-climate shall be incorporated.
- » Project entry drives and corner intersection areas shall receive an "intensified" landscape treatment consisting of, but not limited to colorful ground cover and shrubs, and flowering accent trees.
- » Parking stalls facing public streets shall include a 36" high hedge adjacent to parking area.
- » Landscape shall be irrigated with automatic irrigation systems.
- » Irrigation systems shall incorporate smart weather-based or moisture sensor irrigation controller(s) for water conservation.
- » Design of low flow drip irrigation systems, where appropriate.
- » Irrigation backflow units shall be specified in a theft proof lockable protective steel cage enclosures.



Photo 7.6 - Example of various landscape treatments

- » Irrigation controllers shall be in a theft proof enclosure or inside the buildings electrical room.

7.7.2 Landscape Standards

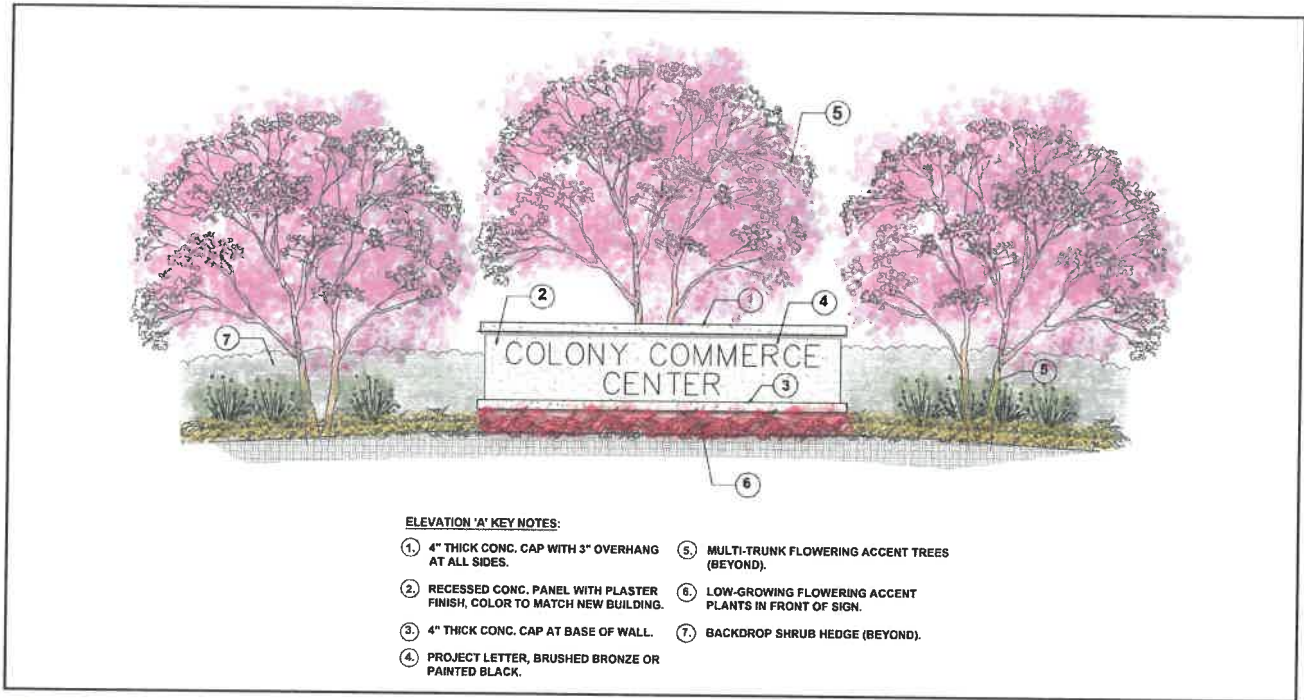
- » All landscape areas shall have a minimum inside dimension of 5' feet wide.
- » All 2:1 slopes and greater shall be installed with permanent rolled erosion control product (RECP netting), typical.
- » A layer of mulch top dressing within all landscaped areas shall be provided to retain soil moisture and mitigate soil erosion. Compacted decomposed granite material is an acceptable alternative if Southern California native plants (Coastal Sage Scrub or Chaparral plant communities) are used to a maximum of 5% of the landscape area. Planting plans shall show plant spacing no greater than the maximum mature width.

- » All slopes 3:1 or greater shall be stabilized with spreading erosion control ground cover.
- » Foundation shrubs shall be incorporated at base of building to minimize scale of building (min. 5 gal. size at 36" max. spacing).
- » Project entry drives shall incorporate enhanced vehicular paving, which may consist of colored concrete with a stamped pattern or scoreline grid pattern at 45 degree angle or similar.
- » A 24" clearance from back of parking lot curb to parking lot screen hedge shall be provided for car bumper overhang. Mulch over weed abatement filter fabric shall be provided within this area.
- » Chain link fencing shall be permitted for use in interior truck courts, in non-public viewing areas.
- » Provide durable perimeter screening trees for shade and windbreaks.



Photo 7.7 - Example of fully landscaped drainage area

Exhibit 7.3, Example Project Entry Monument



Source: Scott Peterson Landscape Architect

- » Provide 36" high strappy leaf shrubs to screen utilities such as backflow devices. Use taller evergreen shrubs to screen the sides of transformer units and include maximum 12" high groundcovers in areas to access utilities.
- » Landscape shall define and accent entries, pedestrian walkways and architectural features. Landscape shall be attractive and appropriate to define and complement the space and use.
- » Entry monuments shall be designed in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- » The Landscaping Plan shall comply with City Standard drawings and Traffic and Transportation Guidelines for sight-distance.

- » All proposed entry gates shall be reviewed by the Traffic and Transportation Division, and permitted only if approved.

7.7.3 Plant Palette

The Plant Palette on Table 7.1, was selected to complement and enhance the thematic setting for the Ontario community, appropriateness to climatic and soil conditions, ease of maintenance and water conservation.

Table 7.1, Plant Palette

Use	Botanical Name	Common Name
Parking Lot Trees	<i>Koelreuteria Bipinnata</i>	Chinese Flame Tree
	<i>Koelreuteria Paniculata</i>	Golden Rain Tree
	<i>Magnolia Grandiflora</i>	Southern Magnolia
	<i>Pistachia Chinensis</i>	Chinese Pistache
	<i>Platanus Acerifolia</i>	London Plane Tree
	<i>Platanus Racemosa</i>	California Sycamore
	<i>Podocarpus Gracilior</i>	Fern Pine
	<i>Quercus Agrifolia</i>	Coast Live Oak
	<i>Quercus Ilex</i>	Holly Oak
	<i>Quercus Engelmannii</i>	Mesa Oak
	<i>Tipuana Tipu</i>	Tipu Tree
	<i>Tristania Conferta</i>	Brisbane Box
	<i>Ulmus Parvifolia</i>	Evergreen Elm
Street Trees (min. 24" box size)	<i>Quercus Agrifolia</i>	Coast Live Oak
	<i>Quercus Ilex</i>	Holly Oak
Evergreen Screen Trees	<i>Eucalyptus species</i>	Eucalyptus
	<i>Pinus Eldarica</i>	Mondell Pine
	<i>Quercus Agrifolia</i>	Coast Live Oak
	<i>Quercus Ilex</i>	Holly Oak
	<i>Tristania Conferta</i>	Brisbane Box
Trees Adjacent to Buildings	<i>Callistemon Viminalis</i>	Weeping Bottlebrush
	<i>Cercis Occidentalis</i>	Western Redbud
	<i>Cupressus Sempervirens</i>	Italian Cypress
	<i>Geijera Parviflora</i>	Australian Willow
	<i>Koelreuteria Bipinnata</i>	Chinese Flame Tree
	<i>Koelreuteria Paniculata</i>	Golden Rain Tree
	<i>Lagerstroemia Indica</i>	Crape Myrtle
	<i>Laurus Nobilis</i>	Sweet Bay Tree
	<i>Melaleuca Quinquinervia</i>	Cajeput tree
	<i>Olea Europaea 'Swan Hill'</i>	Small Fruitless Olive

Use	Botanical Name	Common Name
	<i>Pinus Canariensis</i>	Canary Island Pine
	<i>Pinus Eldarica</i>	Mondell Pine
	<i>Podocarpus Gracilior</i>	Fern Pine
	<i>Podocarpus Macrophyllus</i>	Yew Pine
	<i>Tristania Conferta</i>	Brisbane Box
Tall Shrubs	<i>Callistemon Viminalis 'Little John'</i>	Dwarf Bottle Brush
	<i>Cistus Spp.</i>	Rockrose
	<i>Dodonaea Viscosa</i>	Hopseed Bush
	<i>Heteromeles Arbutifolia</i>	Toyon
	<i>Juniperus Chinensis x Pfitzeriana</i>	Pfitzer Juniper
	<i>Lantana Camara</i>	Bush Lantana
	<i>Leptospermum Laevigatum</i>	Australian Tea Tree
	<i>Leucophyllum Candidum</i>	Violet Silverleaf
	<i>Leucophyllum Frutescens</i>	Texas Ranger
	<i>Leucophyllum Laevigatum</i>	Chihahuan Rain Sage
	<i>Leucophyllum Pruinosum</i>	Sierra Bouquet
	<i>Ligustrum Texanum</i>	Texas Privet
	<i>Pittosporum Tobira Variegata</i>	Mock Orange
	<i>Prunus Caroliniana 'Compacta'</i>	Dwarf Cherry Laurel
	<i>Rhamnus Californica</i>	Coffeeberry
	<i>Raphiolepis Springtime</i>	Indian Hawthorn
	<i>Raphiolepis 'Pink Lady'</i>	Indian hawthorn
	<i>Rosa Sp. 'Iceberg Rose'</i>	White Rose
	<i>Rosmarinus O. 'Tuscan Blue'</i>	Bush Rosemary
	<i>Salvia Clevelandii</i>	Chaparral Sage
<i>Salvia Greggii,</i>	Autumn Sage	
<i>Tecoma Stans</i>	Yellow Trumpet Flower	
<i>Viburnum Japonicum</i>	Viburum	
<i>Westingia Fruticosa</i>	Coast Rosemary	
<i>Xylosma Congestum</i>	Shiny Leaf Xylosma	
Low Shrubs / Groundcover	<i>Acacia Redolens 'Prostrata'</i>	Prostrate Acacia
	<i>Baccharis x 'Centennial'</i>	Prostrate Desert Broom
	<i>Baccharis Pilularis 'Twin Peaks'</i>	Dwarf Coyote Bush

Use	Botanical Name	Common Name
	<i>Carex Divulsa</i>	Berkley Sedge
	<i>Carex Pansa</i>	California Meadow Sedge
	<i>Carex Praegracilis</i>	Clustered Field Sedge
	<i>Carissa 'Green Carpet'</i>	Prostrate Natal Plum
	<i>Ceanothus Griseus Horizontalis</i>	Caramel Creeper
	<i>Cotoneaster Horizontalis</i>	Rock Contoneaster
	<i>Dalea Gregii</i>	Trailing Indigo Bush
	<i>Dietes Bicolor</i>	Fortnight Lily
	<i>Juniper Horizontalis 'Varieties'</i>	Trailing Juniper Varieties
	<i>Lantana Montevidensis</i>	Trailing Lantana
	<i>Leymus Arenarius</i>	Lyme Grass
	<i>Lomandra Longifolia</i>	Nyalla
	<i>Lonicera Japonica</i>	Hall's Honeysuckle
	<i>Mahonia Repens</i>	Creeping Mahonia
	<i>Muhlenbergia Capllaris</i>	Pink Muhly
	<i>Muhlenbergia Rigens</i>	Deer Grass
	<i>Myoporum Pacificum</i>	Creeping Myoporum
	<i>Pittosporum Tobira 'Wheeler's Dwarf'</i>	Wheeler's Dwarf Pittosporum
	<i>Rosmarinus Officinalis</i>	Rosemary
	<i>Rosa Floribunda 'Carpet Rose'</i>	Carpet Rose
	<i>Salvia Apiana</i>	White Sage
	<i>Salvia Mellifera</i>	Black Sage
	<i>Senecio Mandraliscae</i>	Senecio
	<i>Trachelospermum Jasminioides</i>	Star Jasmine
	<i>Yucca Aloifolia</i>	Spanish Bayonet
	<i>Yucca Baccata</i>	Banana Yucca
	<i>Yucca Elata</i>	Soaptree Yucca
	<i>Yucca Gloriosa</i>	Spanish Dagger
	<i>Yucca Rigida</i>	Blue Yucca
	<i>Yucca Whipplei</i>	Our Lord's Candle
Palm Trees	<i>Phoenix Canariensis</i>	Canary Island Palm
	<i>Phoenix Dactylifera,</i>	Senegal Date Palm
	<i>Washingtonia Filifera</i>	California Fan Palm

7.8 Perimeter Streetscape Design

Streetscape design guidelines establish a hierarchy for the landscape development along the surrounding roadways, as well as establish a framework for consistency of design. Three roadways surround the project site as follows:

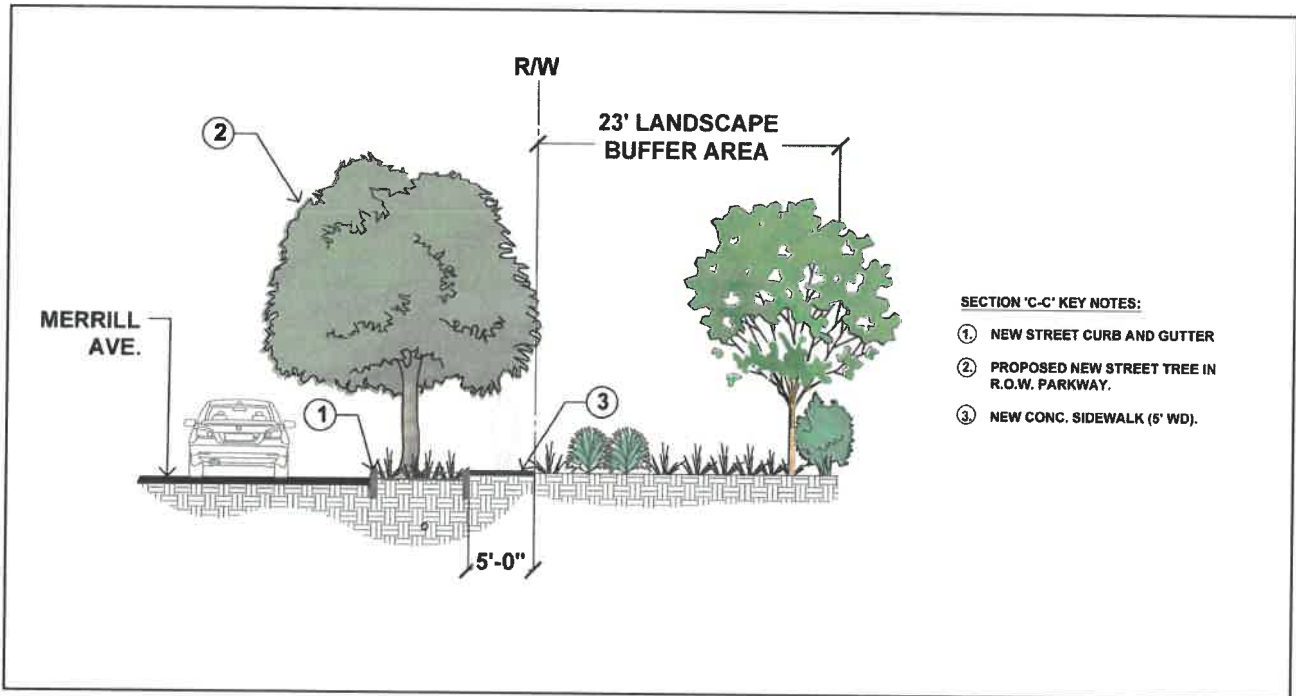
- » Merrill Avenue to the North
- » Remington Avenue to the South
- » Carpenter Avenue to the West

Merrill Avenue, Carpenter Avenue, and Remington Avenue shall be designed with Low Impact Development Site Design BMP's to retain/infiltrate or biotreat 85th percentile storm event runoff from newly-widened

portions of these streets, per the requirements of the current San Bernardino County Water Quality Management Plan.

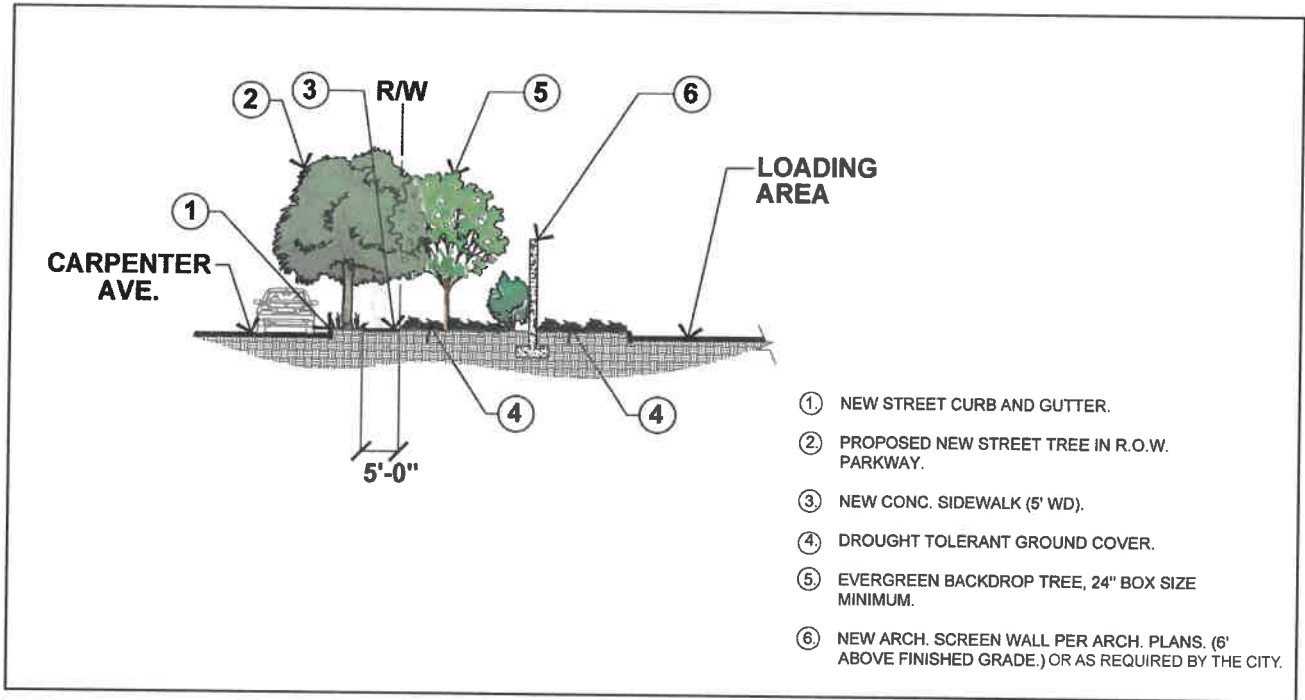
Landscape development surrounding this project will help to set the character, while maintaining consistency with the City of Ontario's pedestrian pathway system as illustrated in the "Trails and Open Space System" section of the Ontario Ranch Streetscape Master Plan. Streetscape sections described below are located on Exhibit 7.4a, 7.4b, and 7.4c, "Typical Landscape Cross Sections."

Exhibit 7.4a, Typical Landscape Cross Section - Merrill Avenue



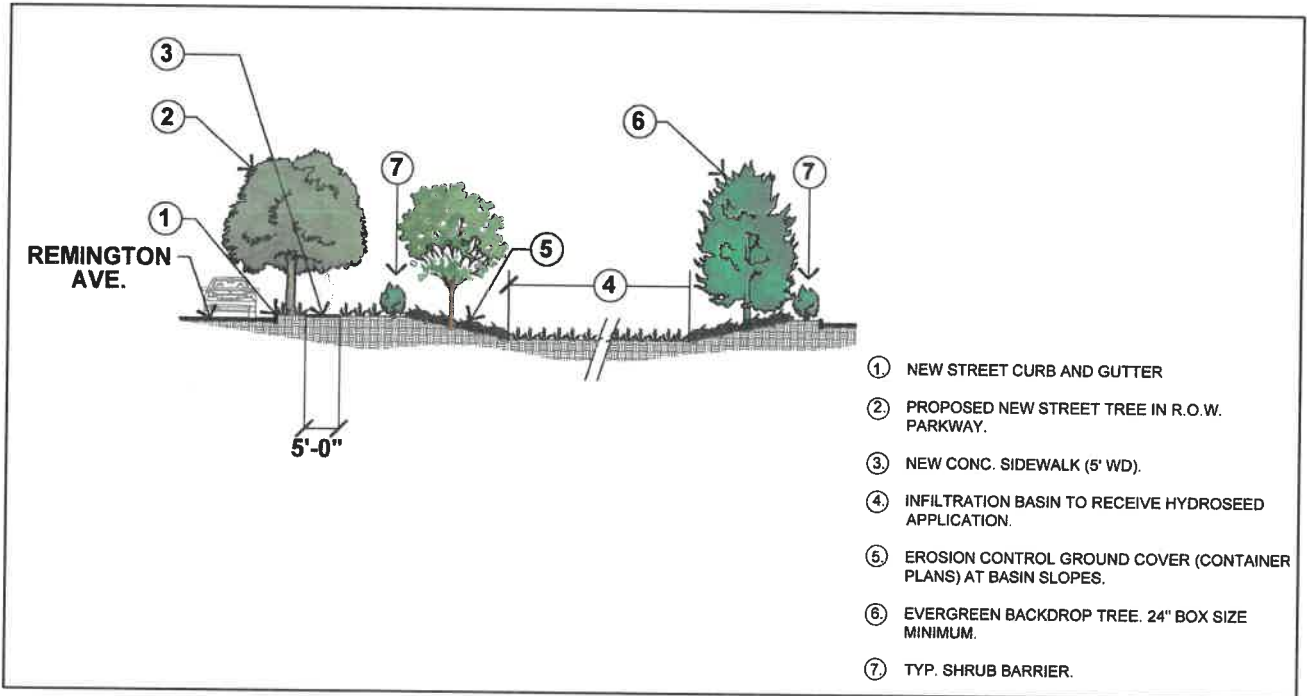
Source: Scott Peterson Landscape Architect

Exhibit 7.4b, Typical Landscape Cross Section - Carpenter Avenue



Source: Scott Peterson Landscape Architect

Exhibit 7.4c, Typical Landscape Cross Section - Remington Avenue



Source: Scott Peterson Landscape Architect

7.9 Sustainable Design Strategies

Sustainable practices can lessen the environmental impacts of development in many ways through the use of certain design techniques. These techniques can include reduced pervious surfaces, improved water detention and conservation, preservation of habitat areas, water-efficient irrigation, and improved pedestrian and bicycle amenities which reduce reliance on smog-generating vehicles. This Specific Plan encourages the implementation of sustainable design strategies referenced below and in Appendix B1, with the goal to reduce Greenhouse Gas Emissions.

7.9.1 Site Planning

- » Incorporate “green” practices in developing buildings and infrastructure.
- » Wherever possible, design and grade the project to direct 2-year storm event runoff from building roofs and paved areas, into swaled landscape areas for capture and retention/infiltration. In particular, open space, parks, landscaped setback areas and trails are to be used for this purpose. Include deciduous trees to shade paved areas and building walls on south and west.
- » Stabilize slopes to limit erosion as part of the Stormwater Management Plan and erosion control plan.

7.9.2 Energy Efficiency

Where feasible and appropriate, the following energy conservation strategies are encouraged:

- » Passive design strategies can dramatically affect building energy performance. These measures include building shape and orientation, passive solar design, and the use of natural lighting.
- » Develop strategies to provide natural lighting to reduce reliance on artificial lighting.

- » Install high-efficiency lighting systems with advanced lighting controls.
- » Use a properly sized and energy-efficient heat/cooling system in conjunction with a thermally efficient building shell.
- » Promote the use of light colored roofing with a high solar reflectance in order to reduce the heat island effect from roofs.
- » Include deciduous trees to shade paved areas and building walls on the south and west sides.

7.9.3 Materials Efficiency

- » Sustainable construction materials and products are encouraged to have characteristics such as reused and recycled content, zero or low off gassing of harmful air emissions, zero or low toxicity, sustainably harvested materials, high recyclability, durability, longevity, and local production. Such products promote resource conservation and efficiency. Using recycled-content products also helps develop markets for recycled materials that are being diverted from California’s landfills, as mandated by the Integrated Waste Management Act.
- » Encourage the use of low VOC paints and wallpapers.
- » Encourage the use of low VOC Green Label carpet.
- » Encourage the use of dimensional planning and other material efficiency strategies. These strategies reduce the amount of building materials needed and cut construction costs. Consider designing rooms on four foot multiples to conform to standard-sized wallboard and plywood sheets.
- » Consider using recycle base, crushed concrete base, recycle content asphalt, shredded tires in base and asphalt in roads, parking areas and drive aisles, if feasible and economically viable.

- » Design with adequate space to facilitate recycling collection and to incorporate a solid waste management program that prevents waste generation.
- » Encourage the use of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project.
- » Encourage the use of rapidly renewable building materials and products (made from plants that are typically harvested within a ten-year cycle or shorter). Examples of materials that could achieve this goal include, but are not limited to, bamboo, wool, cotton insulation, agrifiber, linoleum, wheatboard, strawboard and cork.

7.9.4 Water Efficiency

- » Strive to minimize wastewater by using ultra low-flush toilets, low-flow shower heads and other water conserving fixtures.
- » Encourage the use of recirculating systems for centralized hot water distribution.
- » Smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions for all landscaped areas are required.
- » Drip irrigation, bubblers, micro-irrigation or other low precipitation irrigation or water conserving technology shall supply water for irrigation.
- » Encourage the use of recycled water to irrigate landscape areas throughout the project. The non-potable irrigation system shall be designed to meet all applicable standards of the California Regional Water Quality Control Board, California Department of Health, San Bernardino County Health Department, City of Ontario Department of Water and Power, and Ontario Municipal Code.

7.9.5 Occupant Health and Safety

- » Choose construction materials and interior finish products with zero or low emissions to improve indoor air quality as feasible.
- » Provide adequate ventilation and a high-efficiency, in-duct filtration system. Heating and cooling systems that ensure adequate ventilation and proper filtration can have a dramatic and positive impact on indoor air quality.
- » Provide effective drainage from the roof and surrounding landscape.
- » Encourage building systems to control humidity.
- » Provide one outdoor employee break area per building with shade structure or shade trees on the west and south sides as feasible.

7.9.6 Landscape Design

- » Use low or medium water use and native plant materials where appropriate. Minimize turf areas in order to promote water conservation. Limit the use of turf to areas which experience high functional use and are needed to accommodate outdoor activities. Only use warm-season turf varieties which are suited to the climate.
- » Provide plant materials that are well suited to the solar orientation and shading of buildings.
- » Group plants according to water use, slope aspect and sun/shade requirements. Irrigate each hydrozone on a separate valve using high-efficiency irrigation techniques.
- » Use organic wood or shredded bark mulch and soil amendments to retain soil moisture.
- » Incorporate native vegetation into the plant palette for Colony Commerce Center West.

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8

IMPLEMENTATION

The Colony Commerce Center West Specific Plan serves to implement the City's Policy Plan policies applicable to the project site and provide for orderly development of the project site. Tentative tract maps and parcel maps, once approved, shall establish the legal lots, public dedications, and easements within for the project.

8.1 Methods and Interpretation

Development within the Colony Commerce Center West Specific Plan shall be implemented through the City approval of tentative and final tract maps and parcel maps and through the Development Plan Review process as established in the City of Ontario Development Code.

The implementation process described herein provides the mechanisms for review and approval of development projects within the Colony Commerce Center West.

8.2 Applicability

All development proposals within the project shall be subject to the implementation procedures established herein. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence.

In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

8.3 Interpretation

Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City of Ontario Planning Director, or his/her designee, in a manner consistent with the goals, policies, purpose and intent established in this Specific Plan.

8.4 Implementation of Design Guidelines

Adoption of the Specific Plan by the City includes adoption of the design guidelines contained herein, which shall be the design criteria by which development within the project shall be reviewed during Development Plan Review. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects as part of Development Plan Review.

8.5 Development Review Process

8.5.1 Subdivision Maps

Approval of tentative subdivision maps may occur concurrently with the adoption of the Specific Plan. All tentative and final subdivision maps shall be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consistent with the applicable provisions of the Land Use, Infrastructure, Design Guidelines, and Development Regulations adopted as part of this Specific Plan.

8.5.2 Development Plan

All development projects within the confines of the Colony Commerce Center West Specific Plan shall be subject to the Development Plan Review process as established in Article 8 of the City's Development Code. Pursuant to these provisions, Development Plan Review constitutes a design review of project architecture, site plans, and landscape plans.

Adoption of the Specific Plan by the City includes adoption of the design guidelines contained within the Specific Plan which provide direction for the design of development projects within Colony Commerce Center West. Where the Specific Plan development regulations and design guidelines are silent, the applicable development regulations and design guidelines contained within the City's Development Code shall apply.

The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects by the City.

8.5.3 Development Agreement

Approval of statutory Development Agreements, per individual property owner, authorized pursuant to California Government Code Sections 65864 et seq., is required as part of the approval of the Specific Plan and prior to approval of the first Final Map.

The Development Agreements shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure. The Colony Commerce Center West Development Agreement shall be fully executed prior to the issuance of the first building permits for the project.

8.6 Specific Plan Modifications and Amendments

8.6.1 Minor Modifications

The following constitute minor modifications to the Specific Plan, and do not require a Specific Plan Amendment and are subject to review and approval by

the Planning Director. The Planning Director shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

- » Change in utility and/or public service provider.
- » Collector roadway alignment when the change results in a center line shift of less than 250 feet.
- » An increase of up to ten percent (10%) in square footage of floor area subject to approval of the Planning Director and agreement of the property owner, provided the total square footage of floor area number for the entire Specific Plan area does not exceed that established by this Specific Plan.
- » Adjustment of a Planning Area boundary or acreage designated for a Planning Area provided the total acreage of the affected planning area does not increase by more than ten percent (10%).
- » Minor changes to landscape materials, wall materials, wall alignment, entry design, and streetscape design which are consistent with the conceptual design set forth in the design guidelines contained within the Specific Plan.
- » Minor changes to the design guidelines, which are intended to be conceptual in nature, and are intended to be flexible in implementation.
- » Minor changes of up to ten percent (10%) of any quantifiable development standard or design guideline subject to approval of the Planning Director.
- » Other modifications of a similar nature to those listed above, which are deemed minor by the Planning Director, which are in keeping with the purpose and intent of the approved Specific Plan and which are in conformance with the Policy Plan.

8.6.2 Specific Plan Amendments

Amendments to the Specific Plan may be requested by the applicant or the City pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments.

In the event that the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) is/are responsible for preparing the necessary CEQA documentation.

8.7 Variances

Variances and Administrative Exceptions to the development regulations contained in the Specific Plan with respect to landscaping, screening, site area, site dimensions, yards and projects into yards, heights of structures, distances between buildings, open space and off-street parking and loading shall be reviewed pursuant to Article 10, “Variances and Administrative Exceptions” of the City of Ontario Development Code.

8.8 Conditional Use Permits

Uses specified as conditionally permitted uses within Table 6.3 of Chapter 6, “Development Regulations,” of the Specific Plan shall be reviewed and approved by the City pursuant to the requirements of Article 9, “Conditional Use Permits” of the Ontario Development Code.

8.9 Compliance with Mitigation Monitoring Plan

Certification of an Environmental Impact Report (EIR) shall be required prior to approval of the Specific Plan. Development within the project site shall comply with all approved mitigation measures as described in the Mitigation Monitoring Program included as part of the EIR.

8.10 Project Phasing

Phasing of development within the Specific Plan shall meet the following objectives:

- » Orderly build-out of the project based upon market and economic conditions.
- » Provision of adequate infrastructure and public facilities as determined and deemed necessary by the City concurrent with development of each phase.
- » Protection of public health, safety and welfare.

8.11 Infrastructure Phasing

Backbone infrastructure within the Colony Commerce Center West shall be installed by the project developer in accordance with this Specific Plan and the approved project Development Agreement or approved by the City.

Grading and installation of infrastructure to serve the Colony Commerce Center West is anticipated to be completed in two phases – Planning Area 2 (Phase 1) and Planning Area 1 (Phase 2). These phases may be developed as subphases (e.g., Phases 1A and 1B) and may occur either sequentially or concurrently with one another.

8.12 Appeals

Appeals from any determination of the City Planning Director, Zoning Administrator or the Planning Commission, may be made by the applicant or any other aggrieved party by filing an application on forms provided by the City of Ontario and accompanied by the appropriate filing fee within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of Article 5, “Appeals” of the City of Ontario Development Code.

8.13 Project Financing

The financing of construction, operation, and maintenance of public improvements and facilities (the “facilities”), and public services shall include funding through a combination of financing mechanisms. Final determination as to the facilities to be constructed and as to maintenance responsibilities, whether publicly or privately maintained, shall be made prior to recordation of final maps.

In order to implement the project, financing options including, but not limited to, the following shall be considered:

8.13.1 Facilities and Services

- » Private capital investment for the construction of facilities.
- » Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services.

8.13.2 Operation and Maintenance

- » By individual private property owner.
- » By private Property Owners Association.
- » By Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district. City Council approval is a prerequisite for the implementation of any and all special district-financing mechanisms. The use of the Mello-Roos Community Facilities District Act of 1982 (the “Act”) to finance public facilities and services shall be at the City’s sole discretion. Moreover, the use of the Act shall be consistent with the City’s adopted goals and policies concerning the use of the Act.

8.14 Maintenance Plan

The public and private improvements constructed within the Colony Commerce Center West shall be maintained through a combination of public and private entities as described below and in Table 8.1, “Maintenance Responsibilities.”

8.14.1 Public Maintenance

- » All Master Plan streets, and sidewalks serving the industrial Planning Areas shall be dedicated as public streets to the City of Ontario.
- » Landscape improvements within the public right-of-way of Master Plan streets and public street lights within the Colony Commerce Center West shall be maintained through a landscape and lighting district or other community financed district established by the City.
- » All on-site water, sewer, and storm drains within the public streets or easements dedicated to the City shall be constructed by the developer and, upon acceptance, shall be maintained by the City.
- » Off-site infrastructure improvements such as water, sewer and storm drain facilities shall be maintained by the City. Permanent on-site water quality basins, trenches, swales and biotreatment filters required by San Bernardino County MS4 Permit and Water Quality Management Plan and constructed within Colony Commerce Center West shall be maintained by the Property Owner’s Association in accordance with Table 8.1.

8.14.2 Property Owners Association

A Property Owners Association (POA) shall be established for the maintenance of common area landscape improvements and private roadways within areas of Colony Commerce Center West. Improvements to be maintained by the POA include:

- » Designated private drives, alleys, and adjacent landscaping.
- » Designated private streets and landscaping. During the course of maintenance of public utilities within public streets, private streets, private drive aisles, or alleys, the City will restore the streets to City standards for trench backfill, pavement repair, and hardscape or landscape, as applicable and to the original quality. Restoration of any enhancements above and beyond City standards, including but not limited to architectural paving, hardscape and landscape enhancements shall be the responsibility of the POA or other entity maintaining those enhancements.
- » Courts, parkways and landscaping within the industrial areas.
- » Parkways of Interior Local Streets including sidewalks, landscaping and street lights.
- » Maintenance of interior local street landscaping and associated architectural monument elements required to restore these areas to their condition as originally installed.
- » Internal slopes fronting streets and slope areas.
- » All internal open spaces, and common areas.
- » NPDES facilities within private streets and/or common areas.

Table 8.1 Maintenance Responsibilities

	City and/ or CFD	Private Owners Association	Utility Entity
Street Lights and Traffic Signals	•		
Master plan roadways (Merrill Avenue)	•		
Interior (collector) public streets - curb-to-curb (primary entry streets, secondary entry streets)	•		
Interior public streets - Behind the curb improvements (sidewalk, parkway, and monument Signs)(3)		•	
Parkways and neighborhood edges of master plan roadways		•	
Off-site and on-site public water, sewer, and storm drain improvements (excluding laterals)(1)	•		
Community Trail (Cucamonga Creek)	•		
Front yard and all on-site landscaping and irrigation		•	
Private interior yard walls		•	
Project theme wall or fence (outside face for graffiti removal and paint)		•	
Interior project graffiti removal		•	
Neighborhood edge on all non-master plan roadways(3)		•	
Parkways of all interior project streets (including landscaping, medians, and sidewalks)(2)(3)		•	
Monument signs within tract entry		•	
Electricity and natural gas			•
Communications systems			•
Police and Fire	•		
Fiber optic conduit (in streets)	•		
Fiber optic conduit (in-tract streets)	•		
NPDES facilities on private property		•	

(1) Only those facilities in public roads or easements

(2) Only those facilities on private property

(3) Outside public right-of-way

A1

APPENDIX GENERAL PLAN CONSISTENCY

A1.1 General Plan Consistency

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Policy plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan.

The Colony Commerce Center West Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan. The policy analysis listed in this Appendix describes the manner in which the Colony Commerce Center West Specific Plan complies with the Policy Plan policies applicable to the project.

Land Use (LU) Element

Goal LU1:

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

Policy LU1-1: Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

Policy LU1-2: Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.

Policy LU1-3: Adequate Capacity. We require adequate infrastructure and services for all development.

Policy LU1-4: Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.

Policy LU1-5: Jobs-Housing Balance. We coordinate land use, infrastructure, and transportation planning and analysis with regional, county and other local agencies to further regional and subregional goals for jobs-housing balance.

Policy LU1-6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

Consistent. *The Colony Commerce Center West site location falls within planned infrastructure improvements designated by the City of Ontario.*

Consistent. *The Colony Commerce Center West design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. The landscape concept for Colony Commerce Center West incorporates a plant palette of drought tolerant materials and includes requirements that the development implement planting and irrigation systems designed to conserve water.*

Consistent. *The Colony Commerce Center West Specific Plan establishes an infrastructure and public facilities plan to ensure that adequate roadways and public utilities including sewer, water, and drainage facilities, along with other public facilities, are provided to serve the project.*

Not Applicable.

Consistent. *The industrial uses planned for on the Colony Commerce Center West will have the ability to generate jobs for City of Ontario residents.*

Consistent. *The industrial uses planned for on the Colony Commerce Center West will have the ability to generate jobs for City of Ontario residents.*

Plan Policy

Specific Plan Consistency

Policy LU1-7: Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.

Not Applicable.

Goal LU2:

Compatibility between a wide range of uses.

Policy LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.

Consistent. Many of the adjacent properties to the Colony Commerce Center West have transitioned to more industrial uses.

Policy LU2-2: Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.

Not Applicable.

Policy LU2-3: Hazardous Uses. We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.

Consistent. The project will comply with all local and state requirements for using, storing, producing, or transporting toxic substances, air emissions, other pollutants, or hazardous materials.

Policy LU2-4: Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.

Not Applicable.

Policy LU2-5: Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.

Consistent. Many of the adjacent properties to the Colony Commerce Center West have transitioned to more industrial uses.

Policy LU2-6: Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

Consistent. Streets within and adjacent to the Specific Plan area will be landscaped in an aesthetically pleasing manner with 4-7 foot wide landscaped parkways on each side of the street. Decorative project monuments will be constructed at key project entries providing project identification and establishing a sense of arrival.

Policy LU2-7: Inter-jurisdictional Coordination. We maintain an ongoing liaison with IEUA, LAWA, Caltrans, Public Utilities Commission, the railroads and other agencies to help minimize impacts and improve the operations and aesthetics of their facilities.

Not Applicable.

Policy LU2-8: Transitional Areas. We require development in transitional areas to protect the quality of life of current residents.

Not Applicable.

Plan Policy	Specific Plan Consistency
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Policy LU2-9: Methane Gas Sites. We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.

Consistent. If necessary, the project will comply with appropriate mitigation measures identified in the project EIR for soil remediation and proper venting to address the potential existence of methane gases within the project.

Goal LU3:
Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.

Policy LU3-1: Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.

Consistent. This Specific Plan includes development standards that allow for flexibility to achieve the City's vision.

Policy LU3-2: Design Incentives. We offer design incentives to help projects achieve the Vision.

Not Applicable.

Policy LU3-3: 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.

Not Applicable.

Goal LU4:
Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.

Policy LU4-1: Commitment to Vision. We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.

Not Applicable.

Policy LU4-2: Interim Development. We allow development in growth areas that is not immediately reflective of our ultimate Vision provided it can be modified or replaced when circumstances are right. We will not allow development that impedes, precludes or compromises our ability to achieve our Vision.

Not Applicable.

Policy LU4-3: Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

Consistent. Approval of the Colony Commerce Center West Specific Plan is accompanied by an application for approval of a development agreement. The development agreement shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure.

Plan Policy	Specific Plan Consistency
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Goal LU5:
 Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

<p>Policy LU5-1: Coordination with Airport Authorities. We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update and maintenance of airport-related plans.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-2: Airport Planning Consistency. We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations and/or adopted master plans and land use compatibility plans for the ONT and Chino Airport.</p>	<p><i>Consistent. The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce CenterWest Specific Plan Section 3.4.</i></p>
<p>Policy LU5-3: Airport Impacts. We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-4: ONT Growth Forecast. We support and promote an ONT that accomodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-5: Airport Compatibility Planning for ONT. We create and maintain the Airport Land Use Compatibility Plan for ONT.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-6: Alternative Process. We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-7: ALUCP Consistency and Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.</p>	<p><i>Consistent. The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce CenterWest Specific Plan Section 3.4.</i></p>

Plan Policy

Specific Plan Consistency

Policy LU5-8: Chino Airport. We will support the creation and implementation of the Airport Land Use Compatibility Plan for Chino Airport.

Consistent. The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce Center West Specific Plan Section 3.4.

Community Design (CD) Element

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

Policy CD1-1: 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.

Not Applicable.

Policy CD1-2: Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

Consistent. The Specific Plan includes design guidelines to guide the physical character of all future industrial development and all project related features, including the overall landscape treatment within the project.

Policy CD1-3: Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

Not Applicable.

Policy CD1-4: Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.

Not Applicable.

Policy CD1-5: View Corridors. We require all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City’s visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees.

Consistent. The Specific Plan includes improvements to Carpenter Avenue which is a north-south street and will be designed in accordance to the Master Plan of Streets and Highways.

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

Plan Policy

Specific Plan Consistency

Policy CD2-1: 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;
- » A true industrial style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- » Exterior building materials that are visually interesting, high quality, durable, and appropriate for the industrial style.

Consistent. The Specific Plan includes design guidelines to guide the construction of the project so that it is implemented in a comprehensive manner.

Policy CD2-2: 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:

- » a pattern of smaller, walkable blocks that promote access, activity and safety;
- » variable setbacks and parcel sizes to accommodate a diversity of housing types;
- » traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- » floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- » landscaped parkways, with sidewalks separated from the curb.

Not Applicable.

Policy CD2-3: Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.

Not Applicable.

Policy CD2-4: Mixed Use, Urban Office and Transit Serving Areas. We require mixed use, urban office and transit serving areas to be designed and developed as pedestrian oriented “villages” that promote a vibrant, comfortable and functional environment.

Not Applicable.

Plan Policy

Policy CD2-5: Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

Policy CD2-6: Connectivity. We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent “islands” through the following means (Link to Mobility):

- » local street patterns that provide access between subdivisions and within neighborhoods and discourage through traffic;
- » a local street system that is logical and understandable for the user. A grid system is preferred to avoid circuitous and confusing travel paths between internal neighborhood areas and adjacent arterials; and
- » neighborhoods, centers, public schools, and parks that are linked by pedestrian greenways/open space networks. These may also be used to establish clear boundaries between distinct neighborhoods and/or centers.

Specific Plan Consistency

Consistent. The Specific Plan is designed with comprehensive street improvements to accommodate the safe and efficient movement of automobiles as well as bicycle and pedestrian mobility and connectivity along the property frontage. The Colony Commerce CenterWest project will construct the half-width of the appropriate frontage roads as identified in this Specific Plan and the project Development Agreement.

Not Applicable.

Plan Policy

Policy CD2-7: Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

Policy CD2-8: Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

Policy CD2-9: Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

Specific Plan Consistency

Consistent. Sustainable Community/Smart Growth principles are incorporated into the Colony Commerce Center West Land Use Plan. The sustainable goals for the project as stated in the Specific Plan include the following:

- » 1. Encourage walking and other non-vehicular modes of travel.
- » 2. Provide pedestrian connectivity through the project perimeter.
- » 3. Provide shaded outdoor areas for employee break areas.
- » 4. Encourage the use of architectural elements designed to reduce interior heat gain.
- » 5. Encourage the use of recycled, recyclable, and environmentally friendly building materials.
- » 6. Require the use of low energy glass and low water plumbing features.
- » 7. Encourage the use of drought tolerant landscaping and water efficient irrigation methods.

The Colony Commerce Center West design guidelines encourages all new construction to utilize design features, fixtures, and heating and cooling controls to conserve energy and water. The landscape concept for Colony Commerce Center West incorporates a plant palette of drought tolerant materials and requirements that the development implement planting and irrigation systems designed to conserve water.

Not Applicable.

Consistent. The landscape concept for Colony Commerce Center West incorporates the use of durable landscaping materials, a drought tolerant plant palette, and a planting and irrigation system designed to conserve water. Open space areas will include shaded areas, bicycle racks, and other amenity features to encourage pedestrian and other non-vehicular activities. All materials utilized in private and public common areas will be durable landscaping materials.

Plan Policy

Specific Plan Consistency

Policy CD2-10: Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

Not Applicable.

Policy CD2-11: Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

Consistent. Landscaping will be provided at entries within the Colony Commerce Center West. At key entries, a monumentation program may be utilized to help identify the project, as well as convey a sense of arrival and a welcoming feel for both vehicular and pedestrian traffic. These monuments and entries will be designed with durable, lasting materials approved by the City of Ontario.

Policy CD2-12: Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

Consistent. The Specific Plan requires the developer of Colony Commerce Center West to obtain approval by the City of a Sign Program to address project monumentation, building identification and wayfinding/signage within the project.

Policy CD2-13: Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

Not Applicable.

Policy CD2-14: Availability of Information. We provide easy access to information for developers, builders and the public about design quality, construction quality, and sustainable building practices.

Not Applicable.

Policy CD2-15: Leverage Professional and Trade Organizations. We support excellence in design and construction quality through collaboration with trade and professional organizations that provide expertise, resources and programs for developers, builders and the public.

Not Applicable.

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

Plan Policy	Specific Plan Consistency
<p>Policy CD3-1: Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD3-2: Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD3-3: Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD3-4: Ground Floor Usage of Commercial Buildings. We create lively pedestrian streetscapes by requiring the location of uses, such as shopping, galleries, restaurants, etc., on ground floors adjacent to sidewalks.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD3-5: Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.</p>	<p><i>Consistent. The Specific Plan requires that the design and materials used for all road surfaces and sidewalks within the project be subject to approval by the Engineering Department.</i></p>

Goal CD4:

Historic buildings, streets, landscapes and neighborhoods, as well as the story of Ontario's people, businesses, and social and community organizations, that have been preserved and serve as a focal point for civic pride and identity.

<p>Policy CD4-1: Cultural Resource Management. We update and maintain an inventory of historic sites and buildings, professional collections, artifacts, manuscripts, photographs, documents, maps and other archives.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-2: Collaboration with Property Owners and Developers. We educate and collaborate with property owners and developers to implement strategies and best practices that preserve the character of our historic buildings, streetscapes and unique neighborhoods.</p>	<p><i>Not Applicable.</i></p>

Plan Policy

Specific Plan Consistency

Policy CD4-3: Collaboration with Outside Agencies. We pursue opportunities to team with other agencies, local organizations and non-profits in order to preserve and promote Ontario’s heritage.

Not Applicable.

Policy CD4-4: Incentives. We use the Mills Act and other federal, state, regional and local programs to assist property owners with the preservation of select properties and structures.

Not Applicable.

Policy CD4-5: Adaptive Reuse. We actively promote and support the adaptive reuse of historic sites and buildings to preserve and maintain their viability.

Not Applicable.

Policy CD4-6: Promotion of Public Involvement in Preservation. We engage in programs to publicize and promote the City’s and the public’s involvement in preservation efforts.

Not Applicable.

Policy CD4-7: Public Outreach. We provide opportunities for our residents to research and learn about the history of Ontario through the Planning Department, Museum of History and Art, Ontario and the Robert E. Ellingwood Model Colony History Room.

Not Applicable.

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

Policy CD5-1: Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the public, private, and utility entities responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, traffic signals, infrastructure, and utilities within the project.

Policy CD5-2: Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the responsible entities for continual maintenance of roadways, sidewalks, traffic signals, off site and on site public water, sewer, and storm drain infrastructure facilities.

Plan Policy	Specific Plan Consistency
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Policy CD5-3: Improvements to Property & Infrastructure. We provide programs to improve property and infrastructure.

Not Applicable.

Policy CD5-4: Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.

Not Applicable.

Mobility (M) Element

Goal M1:

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

Policy M1-1: Roadway Design and Maintenance. We require our roadways to:

- » Comply with federal, state and local design and safety standards.
- » Meet the needs of multiple transportation modes and users.
- » Handle the capacity envisioned in the Functional Roadway Classification Plan.
- » Maintain a peak hour Level of Service (LOS) E or better at all intersections.
- » Be compatible with the streetscape and surrounding land uses.
- » Be maintained in accordance with best practices and our Right-of-Way Management Plan.

Consistent. The Specific Plan requires consistency with the requirements of the City's Functional Roadway Classification Plan and the Ontario Ranch Streetscape Master Plan. The roadway system is designed to maintain a peak hour Level of Service (LOS) E or better at all intersections as discussed in the project EIR. Site design, source control for the project are required to be submitted by the developer for approval by the City prior to issuance of permits for the project.

Policy M1-2: Mitigation of Impacts. We require development to mitigate its traffic impacts.

Consistent. All mitigation measures, standard conditions, and project design features identified in the project EIR to mitigate traffic impacts of the project will be implemented by the project prior to any occupancy.

Policy M1-3: Roadway Improvements. We work with Caltrans, SANBAG and others to identify, fund and implement needed improvements to roadways identified in the Functional Roadway Classification Plan.

Not Applicable.

Policy M1-4: Adjacent Jurisdictions. We work with neighboring jurisdictions to meet our level of service standards at the City limits.

Not Applicable.

Goal M2:

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

Policy M2-1: Bikeway Plan. We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.

Consistent. The Specific Plan includes a plan for providing connectivity to the multipurpose trail along the Cucamonga Creek Channel. From these connection points, pedestrians will have access to the larger City of Ontario system of trails and bikeways.

Policy M2-2: Bicycle System. We provide off-street multipurpose trails and Class II bikeways as our primary paths of travel and use the Class III for connectivity in constrained circumstances.

Consistent. The Specific Plan includes a plan for providing connectivity to the multipurpose trail along the Cucamonga Creek Channel. From these connection points, pedestrians will have access to the larger City of Ontario system of trails and bikeways.

Policy M2-3: Pedestrian Walkways. We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.

Consistent. The Specific Plan includes a plan for construction of an off-street pedestrian circulation system comprised of an interconnected, paved sidewalk system within all roadway rights-of-ways, separated from vehicular travel lanes by a landscaped parkway.

Policy M2-4: Network Opportunities. We explore opportunities to expand the pedestrian and bicycle networks. This includes consideration of utility easements, levees, drainage corridors, road right-of-ways, medians and other potential options.

Consistent. The Specific Plan includes a plan for construction of an off-street pedestrian circulation system comprised of an interconnected, paved sidewalk system within all roadway rights-of-ways, separated from vehicular travel lanes by a landscaped parkway.

Goal M3:

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

Policy M3-1: Transit Partners. We maintain a proactive working partnership with transit providers to ensure that adequate public transit service is available.

Not Applicable.

Policy M3-2: Transit Facilities at New Development. We require new development to provide transit facilities, such as bus shelters, transit bays and turnouts, as necessary.

Not Applicable.

Policy M3-3: Transit-Oriented Development. We may provide additional development-related incentives to those inherent in the Land Use Plan for projects that promote transit use.

Not Applicable.

Policy M3-4: Bus Rapid Transit (BRT) Corridors. We work with regional transit agencies to implement BRT service to target destinations and along corridors, as shown in the Transit Plan.

Not Applicable.

Plan Policy	Specific Plan Consistency
<p>Policy M3-5: Light Rail. We support extension of the Metro Rail Gold Line to Ontario, and will work to secure station locations adjacent to the Meredith site and at the proposed multimodal transit center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-6: Metrolink Expansion. We advocate expansion of Metrolink service to include the Downtown and the multimodal transit center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-7: High Speed Rail. We encourage the development of high-speed rail systems that would enhance regional mobility in Southern California and serve the City of Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-8: Feeder Systems. We work with regional transit agencies to secure convenient feeder service from the Metrolink station and the proposed multimodal transit center to employment centers in Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-9: Ontario Airport Metro Center Circulator. We will explore development of a convenient mobility system, including but not limited to shuttle service, people mover, and shared car system, for the Ontario Airport Metro Center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-10: Multimodal Transit Center. We intend to ensure the development of a multimodal transit center near LAONT airport to serve as a transit hub for local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center circulator and other future transit modes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-11: Transit and Community Facilities. We require the future development of community-wide serving facilities to be sited in transit-ready areas that can be served and made accessible by public transit. Conversely, we plan (and coordinate with other transit agencies to plan) future transit routes to serve existing community facilities.</p>	<p><i>Not Applicable.</i></p>

Goal M4:

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

<p>Policy M4-1: Truck Routes. We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown in the Truck Routes Plan.</p>	<p><i>Not Applicable.</i></p>
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Plan Policy	Specific Plan Consistency
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Policy M4-2: Regional Participation. We work with regional and subregional transportation agencies to plan and implement goods movement strategies, including those that improve mobility, deliver goods efficiently and minimize negative environmental impacts *Not Applicable.*

Policy M4-3: Railroad Grade Separations. We eliminate at-grade rail crossings identified on the Functional Roadway Classification Plan. *Not Applicable.*

Policy M4-4: Environmental Considerations. We support efforts to reduce/eliminate the negative environmental impacts of goods movement. *Not Applicable.*

Policy M4-5: Air Cargo. We support and promote a LAONT airport that accommodates 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated. *Not Applicable.*

Goal M5:
A proactive leadership role to help identify and facilitate implementation of strategies that address regional transportation challenges.

Policy M5-1: Regional Leadership. We maintain a leadership role to help identify and implement potential solutions to long-term regional transportation problems. *Not Applicable.*

Policy M5-2: Land Use Compatibility with Regional Transportation Facilities. We work with LAWA, railroads, Caltrans, SANBAG, and other transportation agencies to minimize impacts. *Not Applicable.*

Environmental Resources (ER) Element

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

Policy ER-1: Local Water Supply. We increase local water supplies to reduce our dependence on imported water. *Not Applicable.*

Policy ER-2: Matching Supply to Use. We match water supply and quality to the appropriate use. *Not Applicable.*

Plan Policy

Specific Plan Consistency

Policy ER1-3: Conservation. We require conservation strategies that reduce water usage.

Consistent. The Specific Plan requires all public and common area landscaping within the project to utilize plant materials listed on the approved Specific Plan Landscape Plant Matrix which is comprised of drought tolerant and California-friendly plant materials. The Specific Plan requires that irrigation systems for both public and private landscaped areas be designed to be as water-efficient as possible and includes the following minimum requirements.

- » *All irrigation systems shall have automatic controllers designed to properly water plant materials given the site's soil conditions, and irrigation systems for all public landscapes shall have automatic rain shut-off devices.*
- » *Drip bubblers or low volume irrigation is required in areas less than 8' wide.*
- » *Spray systems shall have low volume matched precipitation heads.*
- » *All CFD areas are to be controlled with central control irrigation systems, and all trees are to be irrigated utilizing a pop up stream bubbler system on a separate valve. All CFD areas shall be designed to City Standard Specifications.*

Policy ER1-4: Supply-Demand Balance. We require that available water supply and demands be balanced.

Not Applicable.

Consistent. The Specific Plan requires that the developer obtain approval of a StormWater Pollution Prevention Plan (SWPPP) prior to issuance of grading or construction permits. The SWPPP will be prepared to comply with California State Water Resources Control Board's current "General Permit to Discharge StormWater Associated With Construction Activity" and current "Area Wide Urban Storm Water Runoff (Regional NPDES) Permit." The SWPPP will identify and detail all appropriate Best Management Practices (BMP's) to be implemented or installed during construction of the project.

Policy ER1-5: Groundwater Management. We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.

In addition to the preparation of a SWPPP for construction-related activities, and as part of the approval of any grading plans for the project, the developer is required to submit a Water Quality Management Plan (WQMP) on the regional model form provided by the City. The WQMP shall identify and detail all Site Design BMP's, Source Control BMP's and Treatment Control BMP's to be implemented or installed as part of the project in order to reduce storm water pollutants and site runoff.

Plan Policy

Policy ER1-6: Urban Run-off Quantity. We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration and ultimately reduce discharge volumes to traditional storm drain systems.

Policy ER1-7: Urban Run-off Quality. We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.

Policy ER1-8: Wastewater Management. We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.

Specific Plan Consistency

Consistent. The Specific Plan requires that grading and drainage for the project be designed to detain, filter, and treat surface runoff in a manner which is practical in order to comply with the most recent requirements of the San Bernardino County NPDES Storm Water Program's Quality Management (WQMP) for significant new development projects. Site design for the project is required to incorporate features which will minimize the use of impervious surfaces and maximize on-site infiltration, Source Control Best Management Practices (BMP's) and either on-site Structural Treatment Control BMP's or participation in regional or watershed-based Treatment Control BMP's.

Consistent. The Specific Plan requires that the project comply with the most recent requirements of the San Bernardino County NPDES Storm Water Program's Quality Management (WQMP) for significant new development projects. A final WQMP is required to be submitted by the developer for approval by the City prior to the issuance of any grading and construction permits for the project.

Consistent. The Specific Plan requires the construction of a wastewater system consistent with City requirements and also requires that the project obtain approval of a WQMP for the project prior to the issuance of any grading or construction permit.

Goal ER2:

A cost effective, integrated waste management system that meets or exceeds state and federal recycling and waste diversion mandates.

Policy ER2-1: Waste Diversion. We shall meet or exceed AB 939 requirements.

Policy ER2-2: Hazardous and Electronic Wastes. We prohibit the disposal of hazardous and electronic waste into the municipal waste stream pursuant to state law.

Policy ER2-3: Purchase Products Made from Recycled Materials. We purchase recycled-content products where it is cost effective.

Consistent. The Specific Plan shall comply with all state and federal regulations for waste diversion.

Consistent. The Specific Plan shall comply with all state and federal regulations for waste diversion.

Not Applicable.

Goal ER3:

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

Policy ER3-1: Conservation Strategy. We require conservation as the first strategy to be employed to meet applicable energy-saving standards.

Policy ER3-2: Green Development– Communities. We require the use of best practices identified in green community rating systems to guide the planning and development of all new communities.

Policy ER3-3: Building and Site Design. We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.

Policy ER3-4: Green Development– Public Buildings. We require all new and substantially renovated City buildings in excess of 10,000 square feet achieve a LEED Silver Certification standard, as determined by the U.S. Green Building Council.

Policy ER3-5: Fuel Efficient and Alternative Energy Vehicles and Equipment. We purchase and use vehicles and equipment that are fuel efficient and meet or surpass state emissions requirements and/or use renewable sources of energy.

Consistent. The Specific Plan requires all public and common area landscaping within the project to utilize plant materials listed on the approved Specific Plan Landscape Plant Matrix which is comprised of drought tolerant and California Friendly plant materials. The Specific Plan requires that irrigation systems for both public and private landscaped areas be designed to be as water-efficient as possible. The Specific Plan requires the construction of separate water mains for the use of recycled water in public and common areas of the project. All new construction will utilize fixtures, and heating and cooling controls to conserve water and energy.

Consistent. The Colony Commerce Center West design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. The landscape concept for Colony Commerce Center West incorporates a plant palette of drought tolerant materials and requirements that the development implement planting and irrigation systems designed to conserve water.

Consistent. The Colony Commerce Center West design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water.

Not Applicable.

Not Applicable.

Plan Policy	Specific Plan Consistency
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Policy ER3-6: Generation- Renewable Sources. We promote the use of renewable energy sources to serve public and private sector development.

Not Applicable.

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

Policy ER4-1: Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance.

Consistent. The industrial uses planned for on the Colony Commerce Center West will have the ability to generate jobs for City of Ontario residents.

Policy ER4-2: Sensitive Land Uses. We prohibit the future siting of sensitive land uses, within the distances defined by the California Air Resources Board for specific source categories, without sufficient mitigation.

Not Applicable.

Policy ER4-3: Greenhouse Gases (GHG) Emissions Reductions. We will reduce GHG emissions in accordance with regional, state and federal regulations.

Not Applicable.

Policy ER4-4: Indoor Air Quality. We will comply with State Green Building Codes relative to indoor air quality.

Consistent. All development within the Specific Plan will be required to comply with the State Green Building Code as implemented by the City.

Policy ER4-5: Transportation. We promote mass transit and non-motorized mobility options (e.g. walking, biking) to reduce air pollutant emissions.

Not Applicable.

Policy ER4-6: Particulate Matter. We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.

Not Applicable.

Policy ER4-7: Other Agency Collaboration. We collaborate with other agencies within the South Coast Air Basin to improve regional air quality at the emission source.

Not Applicable.

Policy ER4-8: Tree Planting. We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality.

Not Applicable.

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

Policy ER5-1: Habitat Conservation Areas. We support the protection of biological resources through the establishment, restoration and conservation of high quality habitat areas.

Not Applicable.

Plan Policy

Specific Plan Consistency

Policy ER5-2: Entitlement and Permitting Process. We comply with state and federal regulations regarding protected species.

Consistent. The project will comply with all mitigation measures identified in the project EIR with regard to biological resources.

Policy ER5-3: Right to Farm. We support the right of existing farms to continue their operations within the Ontario Ranch.

Consistent. The Specific Plan supports the right of existing farms to continue their operations within the Ontario Ranch.

Policy ER5-4: Transition of Farms. We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.

Consistent. The Specific Plan supports the right of existing farms to continue their operations in addition to transitioning their properties to other uses within the Ontario Ranch.

Policy ER5-5: Mining Operations. We prohibit future mining operations where the resource extraction activities are incompatible with existing or proposed adjacent land uses.

Not Applicable.

Safety (S) Element

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

Policy S1-1: Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Consistent. All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.

Policy S1-2: Entitlement and Permitting Process. We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

Consistent. All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.

Policy S1-3: Continual Update of Technical Information. We maintain up-to-date California Geological Survey seismic hazard maps.

Not Applicable.

Policy S1-4: Seismically Vulnerable Structures. We conform to state law regarding unreinforced masonry structures.

Not Applicable.

Goal S2:

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

Policy S2-1: Entitlement and Permitting Process. We follow State guidelines and building code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.

Consistent. All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.

Policy S2-2: Flood Insurance. We will limit development in flood plains and participate in the National Flood Insurance Program.

Not Applicable.

Policy S2-3: Facilities that Use Hazardous Materials. We comply with state and federal law and do not permit facilities using, storing, or otherwise involved with substantial quantities of onsite hazardous materials to be located in the 100 year flood zone unless all standards of elevation, flood proofing and storage have been implemented to the satisfaction of the Building Department.

Consistent. All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.

Policy S2-4: Prohibited Land Uses. We prohibit the development of new essential and critical facilities in the 100-year floodplain.

Not Applicable.

Policy S2-5: Storm Drain System. We maintain and improve the storm drain system to minimize flooding.

Consistent. The project shall improve the storm drain system as planned by the City of Ontario.

Policy S2-6: Use of Flood Control Facilities. We encourage joint use of flood control facilities as open space or other types of recreational facilities.

Not Applicable.

Goal S3:

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

Policy S3-1: Prevention Services. We proactively mitigate or reduce the negative effects of fire, hazardous materials release, and structural collapse by implementing the adopted Fire Code.

Consistent. All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.

Plan Policy	Specific Plan Consistency
<p>Policy S3-2: Community Outreach. We provide education to local schools and community groups to promote personal and public safety.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-3: Fire and Emergency Medical Services. We maintain sufficient fire stations, equipment and staffing to respond effectively to emergencies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-4: Special Team Services. We maintain effective special rescue services.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-5: Emergency Communication Services. We maintain a 9-1-1 emergency communication and dispatch center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-6: Interagency Cooperation. In order to back up and supplement our capabilities to respond to emergencies, we participate in the California Fire Rescue and Mutual Aid Plan.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-7: Water Supply and System Redundancy. We monitor our water system to manage firefighting water supplies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-8: Fire Prevention through Environmental Design. We require new development to incorporate fire prevention consideration in the design of streetscapes, sites, open spaces and buildings.</p>	<p><i>Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Fire Department which may require the development to incorporate fire prevention design elements in streetscapes, sites, open spaces and buildings.</i></p>
<p>Policy S3-9: Resource Allocation. We analyze fire data to evaluate the effectiveness of our fire prevention and reduction strategies and allocate resources accordingly.</p>	<p><i>Not Applicable.</i></p>

Goal S4:

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

Policy S4-1: Noise Mitigation. We utilize the City's Noise Ordinance, building codes and subdivision and development codes to mitigate noise impacts.

Consistent. The Specific Plan shall comply with the City's Noise Ordinance and building codes in order to mitigate noise impacts.

Plan Policy	Specific Plan Consistency
<p>Policy S4-2: Coordination with Transportation Authorities. We collaborate with airport owners, FAA, Caltrans, SANBAG, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, and updates to transportation-related plans to minimize noise impacts and provide appropriate mitigation measures.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-3: Airport Noise Mitigation. We aggressively pursue funding and utilize programs to reduce effects of aircraft noise in impacted areas of our community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-4: Truck Traffic. We manage truck traffic to minimize noise impacts on sensitive land uses.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-5: Roadway Design. We design streets and highways to minimize noise impacts.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S5: Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.</p>	
<p>Policy S5-1: Backup Power in Critical Facilities. We require backup power be maintained in critical facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S5-2: Dust Control Measures. We require the implementation of Best Management Practices for dust control at all excavation and grading projects.</p>	<p><i>Consistent. Construction within the Specific Plan will comply with a City approved construction management plan and all mitigation measures identified in the project EIR with regard to dust control.</i></p>
<p>Policy S5-3: Grading in High Winds. We prohibit excavation and grading during strong wind conditions, as defined by the Building Code.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S6: Reduced potential for hazardous materials exposure and contamination.</p>	
<p>Policy S6-1: Disclosure and Notification. We enforce disclosure laws that require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use or transport.</p>	<p><i>Not Applicable.</i></p>

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Policy S6-2: Response to Hazardous Materials Releases. We respond to hazardous materials incidents and coordinate these services with other jurisdictions.

Not Applicable.

Policy S6-3: Safer Alternatives. We minimize our use of hazardous materials by choosing non-toxic alternatives that do not pose a threat to the environment.

Not Applicable.

Policy S6-4: Safe Storage and Maintenance Practices. We require that the users of hazardous materials be adequately prepared to prevent and mitigate hazardous materials releases.

Not Applicable.

Policy S6-5: Location of Hazardous Material Facilities. We regulate facilities that will be involved in the production, use, storage or disposal of hazardous materials, pursuant to federal, state, county, and local regulations, so that impacts to the environment and sensitive land uses are mitigated.

Not Applicable.

Policy S6-6: Location of Sensitive Land Uses. We prohibit new sensitive land uses from locating within airport Safety Zones and near existing sites that use, store, or generate large quantities of hazardous materials.

Not Applicable.

Policy S6-7: Household Hazardous Waste. We support the proper disposal of household hazardous substances.

Not Applicable.

Policy S6-8: Mitigation and Remediation of Groundwater Contamination. We actively participate in local and regional efforts directed at both mitigating environmental exposure to contaminated groundwater and taking action to clean up contaminated groundwater once exposure occurs.

Consistent. The project will comply with all mitigation measures identified as part of the project EIR for groundwater remediation and if necessary, proper action to clean up contaminated groundwater within the project.

Policy S6-9: Remediation of Methane. We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.

Consistent. The project will comply with all mitigation measures identified as part of the project EIR for soil remediation and if necessary, proper venting to address the potential existence of methane gases within the project.

Goal S7:

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

Policy S7-1: Police Unit Response. We respond to calls for service in a timely manner.

Not Applicable.

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Policy S7-2: Community Oriented Problem Solving (C.O.P.S.). We support and maintain the mission of COPS to identify and resolve community problems.

Not Applicable.

Policy S7-3: Prevention Services. We provide crime prevention programs targeted to youth, parents, seniors, businesses, and neighborhoods.

Not Applicable.

Policy S7-4: Crime Prevention through Environmental Design (CPTED). We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.

Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Police Department which may require the development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.

Policy S7-5: Interdepartmental Coordination. We utilize all City departments to help reduce crime and promote public safety.

Not Applicable.

Policy S7-6: Partnerships. We partner with other local, state and federal law enforcement agencies and private security providers to enhance law enforcement service to Ontario.

Not Applicable.

Policy S7-7: Resource Allocation. We analyze crime data to evaluate the effectiveness of crime prevention and reduction strategies and allocate resources accordingly.

Not Applicable.

Goal S8:
Disaster resilient, prepared community through effective emergency/disaster preparedness, response, mitigation and recovery.

Policy S8-1: State and Federal Mandates. We maintain emergency management programs that meet the requirements of the State of California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS).

Not Applicable.

Policy S8-2: Emergency Management Plans. We maintain, update and adopt the Emergency Operations Plan (EOP) and the Hazard Mitigation Plan (HMP).

Not Applicable.

Policy S8-3: Emergency/Disaster Training Exercises. We conduct training and exercises to prepare for and evaluate emergency/disaster response and recovery procedures.

Not Applicable.

Plan Policy	Specific Plan Consistency
<p>Policy S8-4: Interagency Collaboration. We partner with public and private organizations, such as participation in the California Master Mutual Aid Agreement, in order to enhance and compliment our planning and response capabilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-5: Interdepartmental Coordination. We utilize all City departments to help support emergency/disaster preparedness, response, mitigation and recovery.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-6: Community Outreach. We provide education to the community to promote personal, family and community emergency preparedness.</p>	<p><i>Not Applicable.</i></p>

Community Economics (CE) Element

Goal CE1:

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

<p>Policy CE1-1: Jobs-Housing Balance. We pursue improvement to the Inland Empire’s balance between jobs and housing by promoting job growth that reduces the regional economy’s reliance on out-commuting.</p>	<p><i>Consistent. The industrial uses planned for on the Colony Commerce Center West will have the ability to generate jobs for City of Ontario residents.</i></p>
<p>Policy CE1-2: Jobs and Workforce Skills. We use our economic development resources to: 1) attract jobs suited for the skills and education of current and future City residents; 2) work with regional partners to provide opportunities for the labor force to improve its skills and education; and 3) attract businesses that increase Ontario’s stake and participation in growing sectors of the regional and global economy.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-3: Regional Approach to Workforce Development. We work with our partners to provide workforce training and development services throughout the region recognizing that Ontario employers rely on workers living outside of the City.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CE1-4: Business Retention and Expansion. We continuously improve two-way communication with the Ontario business community and emphasize customer service to existing businesses as part of our competitive advantage.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-5: Business Attraction. We proactively attract new and expanding businesses to Ontario in order to increase the City’s share of growing sectors of the regional and global economy.</p>	<p><i>Consistent. The Colony Commerce Center West allows for the development of regionally serving employment centers accommodating a variety of jobs that can meet short- and long-term market demands. The project is also consistent with regional planning goals such as SCAG’s Goods Movement Corridor with consideration to strategies that facilitate goods movement through the area.</i></p>
<p>Policy CE1-6: 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-7: Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-8: Regional Attraction. We encourage the development and programming of regional, cultural, and entertainment destinations in Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-9: Regional Leadership. We provide leadership for public, quasi-public, and private-sector partners that help Ontario and its residents and businesses realize our goals and achieve our Vision.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-10: Life-Long Education. We work with our partners who provide life-long learning to ensure that our residents and workforce have access to education at all stages of life.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-11: Socioeconomic Trends. We continuously monitor, plan for, and respond to changing socioeconomic trends.</p>	<p><i>Not Applicable.</i></p>

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Policy CE1-12: Circulation. We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.

Not Applicable.

Policy CE1-13: Safety and Security. We invest in public safety and communicate our successes because the perception and reality of safety and security are necessary prerequisites for private investment and economic growth.

Not Applicable.

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

Policy CE2-1: Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

Consistent. The Specific Plan includes design guidelines that will encourage a quality development that adds value to the surrounding area.

Policy CE2-2: Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City’s Subdivision Ordinance and Development Plan Review process which provides for review by the City’s Planning Department which may require the development to demonstrate how the project will create appropriately unique, functional and sustainable places.

Policy CE2-3: Interim Development. We require interim development that does not reflect the long-term Vision, be limited in scale of development so that the investment can be sufficiently amortized to make Vision-compatible redevelopment financially feasible.

Not Applicable.

Policy CE2-4: Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

Not Applicable.

Policy CE2-5: Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the private responsibilities for maintenance of private roadways, parkways, trails, common areas, parks, yards, walls, and monuments within the project.

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Policy CE2-6: Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.

Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the responsible public entities, including special districts, for maintenance of roadways, sidewalks, traffic signals, off site and on site public water, sewer, and storm drain infrastructure facilities.

Housing (H) Element

Goal H1:

Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.

Policy H1-1: Housing Rehabilitation. We support the rehabilitation, maintenance, and improvement of single-family, multiple-family, and mobile homes through code compliance, removal of blight where necessary, and provision of rehabilitation assistance where feasible.

Not Applicable.

Policy H1-2: Neighborhood Conditions. We direct efforts to improve the long-term sustainability of neighborhoods through comprehensive planning, provision of neighborhood amenities, rehabilitation and maintenance of housing, and community building efforts.

Not Applicable.

Policy H1-3: Community Amenities. We shall provide adequate public services, infrastructure, open space, parking and traffic management, pedestrian, bicycle and equestrian routes and public safety for neighborhoods consistent with City master plans and neighborhood plans.

Not Applicable.

Policy H1-4: Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario's past that are considered to be local historical or cultural resources.

Not Applicable.

Policy H1-5: Neighborhood Identity. We strengthen neighborhood identity through creating parks and recreational outlets, sponsoring neighborhood events and encouraging resident participation in the planning and improvement of their neighborhoods.

Not Applicable.

Goal H2:

Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

Plan Policy	Specific Plan Consistency
<p>Policy H2-1: 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.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-2: Historic Downtown. We foster a vibrant historic downtown through facilitating a wide range of housing types and affordability levels for households of all ages, housing preferences, and income levels.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-3: Ontario Airport Metro Center. We foster a vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-4: Ontario Ranch. We support a premier lifestyle community in the Ontario Ranch distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-5: Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-6: Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.</p>	<p><i>Not Applicable.</i></p>
<p>Goal H3:</p>	
<p>A City regulatory environment that balances the need for creativity and excellence in residential design, flexibility and predictability in the project approval process, and the provision of an adequate supply and prices of housing.</p>	
<p>Policy H3-1: Incentives. We maintain incentive programs that can be offered to projects that provide benefits to the community such as exceptional design quality, economic advantages, environmental sustainability, or other benefits that would otherwise be unrealized.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H3-2: Flexible Standards. We allow flexibility in the application of residential and mixed-use development standards in order to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would otherwise be unrealized.</p>	<p><i>Not Applicable.</i></p>

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Policy H3-3: 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.

Not Applicable.

Policy H3-4: Financial Incentives. We consider financial incentives to facilitate and encourage the production, rehabilitation or improvement of housing, or provision of services where such activity furthers housing and community-wide goals.

Not Applicable.

Goal H4:
Increased opportunities for low and moderate income households and families to afford and maintain quality ownership and rental housing opportunities, including move-up opportunities.

Policy H4-1: Preservation of Affordable Apartments. We strive to facilitate the preservation of the affordability of publicly assisted apartments for lower income households through financial assistance, technical assistance, rehabilitation, and collaborative partnerships.

Not Applicable.

Policy H4-2: Homeownership Opportunities. We increase and expand homeownership rates for lower and moderate income households by offering financial assistance, low-interest loans and educational resources, and by working in collaboration with partnerships.

Not Applicable.

Policy H4-3: Rental Assistance. We support the provision of rental assistance for individuals and families earning extremely low, very low, and low income with funding from the state and federal government.

Not Applicable.

Policy H4-4: Mixed-income Housing. We encourage the integration of affordable housing in the Ontario Ranch, Ontario Airport Metro Center Area, and existing neighborhoods.

Not Applicable.

Policy H4-5: Collaborative Partnerships. We support collaborative partnerships of nonprofit organizations, affordable housing developers, major employers, and for-profit developers to produce affordable housing.

Not Applicable.

Policy H4-6: Fair Housing. We further fair housing by prohibiting discrimination in the housing market and providing education, support, and enforcement services to address discriminatory practices.

Not Applicable.

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Goal H5:

A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.

<p>Policy H5-1: Senior Housing. We support the development of accessible and affordable senior housing and provide financial assistance for seniors to maintain and improve their homes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-2: Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-3: Disabled People. We increase the supply of permanent, affordable and accessible housing for people with disabilities, and provide assistance to allow them to maintain and improve their homes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-4: Homeless People. We partner with non-profit partners to provide emergency shelters, transitional housing, permanent supportive housing, and supportive services for people who are homeless.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-5: Supportive Services. We financially support organizations, as feasible, that provide support services that meet the needs of those with special needs and further the greatest level of independence.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H5-6: Partnerships. We collaborate with non-profit organizations, private developers, employers, government agencies and other interested parties to develop affordable housing and provide support services.</p>	<p><i>Not Applicable.</i></p>

Parks & Rec (PR) Element

Goal PR1:

A system of safe and accessible parks that meets the needs of the community.

<p>Policy PR1-1: Access to Parks. We strive to provide a park and/or recreational facility within walking distance (¼ mile) of every residence.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-2: Adjacency to Schools. We examine locating parks adjacent to school sites to promote joint-use opportunities.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy PR1-3: Funding. We shall seek outside, one-time sources of funding for capital improvements and reserve ongoing City funds primarily for operations and maintenance.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-4: Joint-use Opportunities. In areas where there is a need but no City recreational facility, we explore joint-use opportunities. (e.g., school sites).</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-5: Acreage Standard. We strive to provide 5 acres of parkland (public and private) per 1,000 residents.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-6: Private Parks. We expect development to provide a minimum of 2 acres of developed private park space per 1,000 residents.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-7: Special Needs/Universal Design. We attempt to provide recreational opportunities at parks for people of all ages and abilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-8: Renovation. We examine renovating existing facilities prior to building replacement facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-9: Phased Development. We require parks be built in new communities before a significant proportion of residents move in.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-10: Master Plans for Individual Park Facilities. We require an individual park master plan for parks in excess of 10 acres.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-11: Environmental Function of Parks. We require new parks to meet environmental management objectives.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-12: Trails. We promote connections between parks and local trails including those managed by other public agencies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-13: Equestrian Trails. We require the design, construction and maintenance of equestrian trails in Rural Residential designated areas.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-14: Multi-family Residential Developments. We require that new multi-family residential developments of five or more units provide recreational facilities or open space, in addition to paying adopted impact fees.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR1-15: Trail Connectivity. We strengthen and improve equestrian, bike and multipurpose trail connections within the City and work to improve trail connections into adjacent jurisdictions.</p>	<p><i>Not Applicable.</i></p>

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Policy PR1-16: Equestrian Master Plan. We use Homer Briggs Park as the primary focal point for the development of a Master Plan of Equestrian Trails in the Rural Residential area.

Not Applicable.

Goal PR2:
A range of recreational programs provided by public, private and non-profit organizations that meet the needs of the community's varied interests, age groups and abilities.

Policy PR2-1: Participation. We program park facilities to maximize utilization and participation, while considering park size, location and population served.

Not Applicable.

Policy PR2-2: Needs Assessment. We track the needs and priorities for recreational programming and look for ways to meet demand.

Not Applicable.

Policy PR2-3: Community Involvement. We involve the local community in planning programs for neighborhood and community park facilities.

Not Applicable.

Policy PR2-4: Access to Programs. We provide a range of program opportunities for residents of all income levels.

Not Applicable.

Policy PR2-5: Partnerships. We partner with local and regional agencies, non-profit organizations and the private sector to provide a comprehensive range of recreational programs.

Not Applicable.

Policy PR2-6: Crime Deterrents. We promote and participate in recreational programming as part of our crime prevention effort.

Not Applicable.

Social Resources (SR) Element

Goal SR1:
A community where residents have access to information, services and goods that improve their health and well being

Policy SR1-1: Partnering for Healthcare. We work with healthcare providers, and local, regional, state and federal agencies to attract and retain a diversity of affordable, quality healthcare and facilities for the entire community.

Not Applicable.

Policy SR1-2: Nutrition Choices. We support the promotion of healthy nutritional food choices in the community.

Not Applicable.

Policy SR1-3: Health Education. We promote health education, including disease prevention, mental health, nutrition and physical fitness.

Not Applicable.

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<p>Policy SR1-4: Physical Activity. We encourage activities and community design that improve the physical fitness of our community members.</p>	<p><i>Not Applicable.</i></p>
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Goal SR2:

A range of educational and training opportunities for residents and workers of all ages and abilities that improves their life choices and provides a skilled workforce for our businesses.

<p>Policy SR2-1: Educational Partners. We partner with educational institutions throughout the region in order to expand the range and quality of educational offerings available to the community.</p>	<p><i>Not Applicable.</i></p>
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<p>Policy SR2-2: Workforce Training. We will work with industrial organizations, businesses and educational institutions to create opportunities for workforce training.</p>	<p><i>Not Applicable.</i></p>
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<p>Policy SR2-3: Joint Use of Facilities. We partner with public and private educational institutions to jointly use facilities for both City and educational purposes.</p>	<p><i>Not Applicable.</i></p>
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<p>Policy SR2-4: Access to Schools. We work with local and regional partners to improve the safety in and around schools and to improve access for citizens of all ages and abilities to schools and community services, such as after school and other programs.</p>	<p><i>Not Applicable.</i></p>
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<p>Policy SR2-5: School Facilities. We plan and coordinate with school districts for designing and locating school facilities to meet the City's goals, such as for health, walkability, and safety and to minimize impacts to existing neighborhoods.</p>	<p><i>Not Applicable.</i></p>
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Goal SR3:

A range of community and leisure programs and activities provided by public, private and non-profit organizations that meet the needs of the community's varied interests, age groups and abilities.

<p>Policy SR3-1: Partnerships. We partner with local and regional agencies, non-profit organizations and the private sector to provide a comprehensive range of community activities and events to citizens.</p>	<p><i>Not Applicable.</i></p>
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<p>Policy SR3-2: Needs Assessment. We track the needs and priorities for community services and look for ways to meet demands and avoid duplication of offerings.</p>	<p><i>Not Applicable.</i></p>
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<p>Policy SR3-3: Program Outreach. We promote information about leisure activities, classes, special events and other services and activities to our community.</p>	<p><i>Not Applicable.</i></p>
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<p>Policy SR3-4: Community Events. We plan and actively participate in regularly scheduled community events and seasonal or yearly citywide events.</p>	<p><i>Not Applicable.</i></p>
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Policy SR3-5: Community Activities as Crime Deterrents. We promote and participate in community activities as part of our crime prevention efforts.

Not Applicable.

Goal SR4:
City libraries that connect community members of all ages and abilities to a broad range of programs, communication and informational resources.

Policy SR4-1: Community Needs. We identify and monitor community needs for library services, technologies and facilities, and tailor them to effectively meet those needs.

Not Applicable.

Policy SR4-2: Interagency Coordination. We leverage relationships with outside agencies, educational institutions and neighboring jurisdictions to share library resources to the benefit of Ontario residents.

Not Applicable.

Policy SR4-3: Library Outreach. We outreach to the community to increase the patronage of the library.

Not Applicable.

Policy SR4-4: Coordination with Other Community Services. We coordinate library programs with other recreational and community programs and facilities.

Not Applicable.

Policy SR4-5: Focal Points of the Community. We design and program Ontario’s libraries as focal points for community engagement, including public outreach and community events.

Not Applicable.

Policy SR4-6: Robert E. Ellingwood Model Colony History Room. We work with the Museum of History and Art, Ontario in order to collect, preserve and display artifacts and images from Ontario’s heritage and connect the City’s past to the present through the History Room.

Not Applicable.

Goal SR5:
Local heritage, entertainment and cultural experiences that enrich the lives of Ontario’s residents, workers, and visitors and serve to attract residents and businesses to the City.

Policy SR5-1: Provision of Entertainment and Culture. We support a range of entertainment and cultural experiences such as public art, exhibitions and performances.

Not Applicable.

Policy SR5-2: Local Heritage Education. We partner with educational providers to promote culture and heritage.

Not Applicable.

Policy SR5-3: Public Art. We encourage public art in buildings, parks, open spaces and other public and private spaces.

Not Applicable.

Plan Policy	Specific Plan Consistency
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Policy SR5-4: Private-Public Sector Events. We partner with private and nonprofit sectors to provide and promote participation in cultural activities including fairs, festivals and other events geared to neighborhoods, the City as a whole and the region.

Not Applicable.

Policy SR5-5: Promotion of Ontario Artists and Musicians. We promote awareness of entertainment and culture produced in Ontario.

Not Applicable.

APPENDIX GREENHOUSE GAS EMISSIONS

B1.1 CEQA Thresholds and Screening Tables

The Ontario Climate Action Plan (CAP) includes reducing 39,769 Metric Tons of Carbon Dioxide Equivalents per year from new development by 2020 as compared to the 2020 unmitigated conditions. This requires new development to be 25% more efficient. Reductions related to transportation, water, solid waste, energy, and renewable energy sources all play a part in gaining this level of efficiency within new development.

The purpose of this Screening Table is to provide preliminary guidance for the Colony Commerce Center Specific Plan in measuring the reduction of greenhouse gas emissions. The actual design features, choices, and construction measures to be incorporated into the development projects will be presented during the Development Plan submittal process to the City.

The Screening Table assigns points for each option incorporated into a project as mitigation or a project design feature (collectively referred to as “feature”). The point values correspond to the minimum emissions reduction expected from each feature. The menu of features allows maximum flexibility and options for how development within the Colony Commerce Center Specific Plan can implement the GHG reduction measures.

The point levels are based upon improvements compared to 2008 emission levels of efficiency. Projects within the Specific

Plan that garner at least 100 points will be consistent with the reduction quantities anticipated in the City’s CAP.

As such, those projects that garner a total of 100 points or greater would not require quantification of project specific GHG emissions. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

CEQA THRESHOLDS AND SCREENING TABLES

Table 2: Screening Table for Implementation of GHG Reduction Measures for Commercial/Industrial Development

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS E3: Commercial/Industrial Energy Efficiency Development			
Building Envelope			
Insulation	2008 baseline (walls R-13; roof/attic R-30)	0 points	15
	Modestly Enhanced Insulation (walls R-13, roof/attic R-38))	15 points	
	Enhanced Insulation (rigid wall insulation R-13, roof/attic R-38)	18 points	
	Greatly Enhanced Insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	20 points	
Windows	2008 Baseline Windows (0.57 U-factor, 0.4 solar heat gain coefficient [SHGC])	0 points	8
	Modestly Enhanced Window Insulation (0.4 U-factor, 0.32 SHGC)	7 points	
	Enhanced Window Insulation (0.32 U-factor, 0.25 SHGC)	8 points	
	Greatly Enhanced Window Insulation (0.28 or less U-factor, 0.22 or less SHGC) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	12 points	
Cool Roof	Modest Cool Roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance)	12 points	12
	Enhanced Cool Roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance)	14 points	
	Greatly Enhanced Cool Roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance)	16 points	
Air Infiltration	Minimizing leaks in the building envelope is as important as the insulation properties of the building. Insulation does not work effectively if there is excess air leakage.		-
	Air barrier applied to exterior walls, caulking, and visual inspection such as the HERS Verified Quality Insulation Installation (QII or equivalent) Blower Door HERS Verified Envelope Leakage or equivalent <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	12 points 10 points	
Thermal Storage of Building	Thermal storage is a design characteristic that helps keep a constant temperature in the building. Common thermal storage devices include strategically placed water filled columns, water storage tanks, and thick masonry walls.		

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	Modest Thermal Mass (10% of floor or 10% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	4 points	
	Enhanced Thermal Mass (20% of floor or 20% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	6 points	-
	Enhanced Thermal Mass (80% of floor or 80% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	24 points	
Indoor Space Efficiencies			
Heating/ Cooling Distribution System	Minimum Duct Insulation (R-4.2 required)	0 points	14
	Modest Duct insulation (R-6)	8 points	
	Enhanced Duct Insulation (R-8)	10 points	
	Distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent)	14 points	
	<i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>		
Space Heating/ Cooling Equipment	2008 Minimum HVAC Efficiency (EER 13/60% AFUE or 7.7 HSPF)	0 points	-
	Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF)	7 points	
	High Efficiency HVAC (EER 15/72% AFUE or 8.5 HSPF)	8 points	
	Very High Efficiency HVAC (EER 16/80% AFUE or 9 HSPF)	12 points	
	<i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>		
Commercial Heat Recovery Systems	Heat recovery strategies employed with commercial laundry, cooking equipment, and other commercial heat sources for reuse in HVAC air intake or other appropriate heat recovery technology. Point values for these types of systems will be determined based upon design and engineering data documenting the energy savings.	TBD	-
Water Heaters	2008 Minimum Efficiency (0.57 Energy Factor)	0 points	-
	Improved Efficiency Water Heater (0.675 Energy Factor)	14 points	
	High Efficiency Water Heater (0.72 Energy Factor)	16 points	
	Very High Efficiency Water Heater (0.92 Energy Factor)	19 points	
	Solar Pre-heat System (0.2 Net Solar Fraction)	4 points	
	Enhanced Solar Pre-heat System (0.35 Net Solar Fraction)	8 points	
Daylighting	Daylighting is the ability of each room within the building to provide outside light during the day reducing the need for artificial lighting during daylight hours.		

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	All peripheral rooms within building have at least one window or skylight	1 points	7
	All rooms within building have daylight (through use of windows, solar tubes, skylights, etc.)	5 points	
	All rooms daylighted	7 points	
Artificial Lighting	2008 Minimum (required)	0 points	9
	Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40watt)	9 points	
	High Efficiency Lights (50% of in-unit fixtures are high efficacy)	12 points	
	Very High Efficiency Lights (100% of in-unit fixtures are high efficacy)	14 points	
Appliances	Energy Star Commercial Refrigerator (new)	4 points	8
	Energy Star Commercial Dish Washer (new)	4 points	
	Energy Star Commercial Cloths Washing	4 points	
Miscellaneous Commercial/Industrial Building Efficiencies			
Building Placement	North/South alignment of building or other building placement such that the orientation of the buildings optimizes conditions for natural heating, cooling, and lighting.	6 point	6
Shading	At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on June 21st.	6 Points	-
Other	This allows innovation by the applicant to provide design features that increases the energy efficiency of the project not provided in the table. Note that engineering data will be required documenting the energy efficiency of innovative designs and point values given based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.	TBD	-
Existing Commercial building Retrofits	The applicant may wish to provide energy efficiency retrofit projects to existing commercial buildings to further the point value of their project. Retrofitting existing commercial buildings within the City is a key reduction measure that is needed to reach the reduction goal. The potential for an applicant to take advantage of this program will be decided on a case by case basis and must have the approval of the Ontario Planning Department. The decision to allow applicants the ability to participate in this program will be evaluated based upon, but not limited to the following:	TBD	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	<p>Will the energy efficiency retrofit project benefit low income or disadvantaged communities?</p> <p>Does the energy efficiency retrofit project fit within the overall assumptions in the reduction measure associated with commercial building energy efficiency retrofits?</p> <p>Does the energy efficiency retrofit project provide co-benefits important to the City?</p> <p>Point value will be determined based upon engineering and design criteria of the energy efficiency retrofit project.</p>		
Reduction Measure PS E4: Commercial/Industrial Renewable Energy			
Photovoltaic	<p>Solar Photovoltaic panels installed on commercial buildings or in collective arrangements within a commercial development such that the total power provided augments:</p> <p>Solar Ready Roofs (sturdy roof and electric hookups)</p> <p>10 percent of the power needs of the project</p> <p>20 percent of the power needs of the project</p> <p>30 percent of the power needs of the project</p> <p>40 percent of the power needs of the project</p> <p>50 percent of the power needs of the project</p> <p>60 percent of the power needs of the project</p> <p>70 percent of the power needs of the project</p> <p>80 percent of the power needs of the project</p> <p>90 percent of the power needs of the project</p> <p>100 percent of the power needs of the project</p>	<p>2 points</p> <p>8 points</p> <p>14 points</p> <p>20 points</p> <p>26 points</p> <p>32 points</p> <p>38 points</p> <p>44 points</p> <p>50 points</p> <p>56 points</p> <p>60 points</p>	-
Wind turbines	<p>Some areas of the City lend themselves to wind turbine applications. Analysis of the areas capability to support wind turbines should be evaluated prior to choosing this feature.</p> <p>Wind turbines as part of the commercial development such that the total power provided augments:</p> <p>10 percent of the power needs of the project</p> <p>20 percent of the power needs of the project</p> <p>30 percent of the power needs of the project</p> <p>40 percent of the power needs of the project</p> <p>50 percent of the power needs of the project</p> <p>60 percent of the power needs of the project</p> <p>70 percent of the power needs of the project</p>	<p>8 points</p> <p>14 points</p> <p>20 points</p> <p>26 points</p> <p>32 points</p> <p>38 points</p> <p>44 points</p>	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	80 percent of the power needs of the project	50 points	
	90 percent of the power needs of the project	56 points	
	100 percent of the power needs of the project	60 points	
Off-site renewable energy project	The applicant may submit a proposal to supply an off-site renewable energy project such as renewable energy retrofits of existing commercial/industrial that will help implement reduction measures associated with existing buildings. These off-site renewable energy retrofit project proposals will be determined on a case by case basis accompanied by a detailed plan documenting the quantity of renewable energy the proposal will generate. Point values will be based upon the energy generated by the proposal.	TBD	-
Other Renewable Energy Generation	The applicant may have innovative designs or unique site circumstances (such as geothermal) that allow the project to generate electricity from renewable energy not provided in the table. The ability to supply other renewable energy and the point values allowed will be decided based upon engineering data documenting the ability to generate electricity.	TBD	-
Reduction Measure PS W2: Commercial/Industrial Water Conservation			
Irrigation and Landscaping			
Water Efficient Landscaping	Eliminate conventional turf from landscaping Only moderate water using plants Only low water using plants Only California Native landscape that requires no or only supplemental irrigation	0 points 3 points 4 points 8 points	4
Trees	Increase tree planting in parking areas 50% beyond City Code requirements	TBD	-
Water Efficient Irrigation systems	Low precipitation spray heads < .75"/hr or drip irrigation Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use)	1 point 5 points	1
Recycled Water	Recycled water connection (purple pipe) to irrigation system on site	5 points	5
Storm water Reuse Systems	Innovative on-site stormwater collection, filtration and reuse systems are being developed that provide supplemental irrigation water and provide vector control. These systems can greatly reduce the irrigation needs of a project. Point values for these types of systems will be determined based upon design and engineering data documenting the water savings.	TBD	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
Potable Water			
Showers	Water Efficient Showerheads (2.0 gpm)	3 points	-
Toilets	Water Efficient Toilets/Urinals (1.5gpm)	3 points	-
	Waterless Urinals (note that commercial buildings having both waterless urinals and high efficiency toilets will have a combined point value of 6 points)	4 points	
Faucets	Water Efficient faucets (1.28gpm)	3 points	-
Commercial Dishwashers	Water Efficient dishwashers (20% water savings)	4 points	4
Commercial Laundry Washers	Water Efficient laundry (15% water savings) High Efficiency laundry Equipment that captures and reuses rinse water (30% water savings)	3 points 6 points	-
Commercial Water Operations Program	Establish an operational program to reduce water loss from pools, water features, etc., by covering pools, adjusting fountain operational hours, and using water treatment to reduce draw down and replacement of water. Point values for these types of plans will be determined based upon design and engineering data documenting the water savings.	TBD	-
Reduction Measure PS T1: Land Use Based Trips and VMT Reduction			
Mixed Use	Mixes of land uses that complement one another in a way that reduces the need for vehicle trips can greatly reduce GHG emissions. The point value of mixed use projects will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	-
Local Retail Near Residential (Commercial only Projects)	Having residential developments within walking and biking distance of local retail helps to reduce vehicle trips and/or vehicle miles traveled. The point value of residential projects in close proximity to local retail will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	-
Reduction Measure PS T2: Bicycle Master Plan			
Bicycle Infrastructure	Ontario's Bicycle Master Plan is extensive and describes the construction on 11.5 miles of Class I bike paths and 23 miles of Class II and Class III bikeways to build upon the current 8 miles of bikeways.	TBD	-
	Provide bicycle paths within project boundaries.	TBD	
	Provide bicycle path linkages between project site and other land uses.	2 points	
	Provide bicycle path linkages between project site and transit.	5 points	

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS T3: Electric Vehicle Infrastructure			
Electric Vehicles	Provide public charging station for use by an electric vehicle. <i>(ten points for each charging station within the facility)</i>	10 points	10
Reduction Measure PS T4: Employee Based Trip &VMT Reduction Policy			
Compressed Work Week	Reduce the number of days per week that employees need to be on site will reduce the number of vehicle trips associated with commercial/industrial development. Compressed work week such that full time employees are on site: 5 days per week 4 days per week on site 3 days per week on site	TBD	-
Car/Vanpools	Car/vanpool program Car/vanpool program with preferred parking Car/vanpool with guaranteed ride home program Subsidized employee incentive car/vanpool program Combination of all the above	TBD	-
Employee Bicycle/ Pedestrian Programs	Complete sidewalk to residential within ½ mile Complete bike path to residential within 3 miles Bike lockers and secure racks Showers and changing facilities Subsidized employee walk/bike program (Note combine all applicable points for total value)	TBD	-
Shuttle/Transit Programs	Local transit within ¼ mile Light rail transit within ½ mile Shuttle service to light rail transit station Guaranteed ride home program Subsidized Transit passes Note combine all applicable points for total value	TBD	-
CRT	Employer based Commute Trip Reduction (CRT). CRTs apply to commercial, offices, or industrial projects that include a reduction of vehicle trip or VMT goal using a variety of employee commutes trip reduction methods. The point value will be determined based upon a TIA that demonstrates the trip/VMT reductions. Suggested point ranges: Incentive based CRT Programs (1-8 points) Mandatory CRT programs (5-20 points)	TBD	-
Other Trip Reductions	Other trip or VMT reduction measures not listed above with TIA and/or other traffic data supporting the trip and/or VMT for the project.	TBD	-
Total Points from Commercial/Industrial Project:			103

Colony Commerce Center West

Specific Plan

Draft | March 2017

CITY OF ONTARIO

Agenda Report
September 19, 2017

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA16-001) BETWEEN THE CITY OF ONTARIO AND CLDFI REMINGTON, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 19643 (FILE NO. PMTT16-001), LOCATED APPROXIMATELY 1,160 FEET SOUTH OF MERRILL AVENUE, NORTH OF REMINGTON AVENUE, EAST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL AND WEST OF CARPENTER AVENUE, WITHIN PLANNING AREA 2 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN (APNS: 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, AND 0218-292-14)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving a Development Agreement (File No. PDA16-001, on file with the Records Management Department) between the City of Ontario and CLDFI Remington, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19643 (File No. PMTT16-001).

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

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

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

FISCAL IMPACT: The proposed Development Agreement will provide funding from a community facilities district (CFD) for additional City services required to support the Colony Commerce Center West Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development.

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Rudy Zeledon
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 09/19/2017

Approved: _____

Continued to: _____

Denied: _____

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BACKGROUND: CLDFI Remington, LLC, and the City recognized that the financial commitment required for construction in Ontario Ranch is substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, CLDFI Remington, LLC, is entering into a Development Agreement with the City providing for the development of up to 1,289,292 square feet of industrial development. The Development Agreement provides funding for new City expenses created by the project, including operational costs related to the review, approval and administration of the CLDFI Remington, LLC, project, additional project related services, and infrastructure requirements.

The Development Agreement proposes to include 65.60 acres of land within Planning Area 2 of the Colony Commerce Center West Specific Plan as shown in Exhibit A (Colony Commerce Center West Specific Plan Map). The Agreement grants CLDFI Remington, LLC, a vested right to develop Tentative Parcel Map 19643 as long as the CLDFI Remington, LLC, complies with the terms and conditions of the Colony Commerce Center West Specific Plan and Environmental Impact Report.

The term of the Development Agreement is for ten years with a five year option. The main points of the agreement address funding for all new City expenses created by the project which includes; Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, fire, etc.); Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for reimbursement of public improvements and maintenance of public facilities.

In considering the application at their meeting of August 22, 2017, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, the City's Development Agreement policies, and other Development Agreements previously approved for Ontario Rancho developments and, with a 6 to 0 vote (Resolution No. PC17-058), recommended approval of the Development Agreement to the City Council.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, 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 (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were analyzed in the Colony Commerce Center West Specific Plan EIR (SCH# 2015061023). This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

EXHIBIT "A"
COLONY COMMERCE CENTER WEST SPECIFIC PLAN

Exhibit 4.1, Land Use Plan



Source: Douglas Franz Architects

N. T. S.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA16-001) BETWEEN THE CITY OF ONTARIO AND CLDFI REMINGTON, LLC TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 19643 (FILE NO. PMTT16-001) WITHIN PLANNING AREA 2 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN, LOCATED APPROXIMATELY 1,160 FEET SOUTH OF MERRILL AVENUE, NORTH OF REMINGTON AVENUE, EAST OF THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL AND WEST OF CARPENTER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF (APNS: 0218-292-09, 0218-292-10, 0218-292-12, 0218-292-13, AND 0218-292-14).

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

“The Legislature finds and declares that:

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

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

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

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

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

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms,

restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

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

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

WHEREAS, attached to this ordinance, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between CLDFI Remington, LLC, and the City of Ontario, File No. PDA16-001, concerning those 65.60 acres of land (Tentative Parcel Map 19643), located approximately 1,160 feet south of Merrill Avenue, north of Remington Avenue, east of the Cucamonga Creek Flood Control Channel and west of Carpenter Avenue, within Planning Area 2 of the Colony Commerce Center West Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Resolution, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on the 22nd day of August 2017, the Planning Commission of the City of Ontario conducted a hearing to consider the Agreement and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 6 to 0 to recommend approval (Resolution No. 17-058) of the Development Agreement to the City Council; and

WHEREAS, the environmental impacts of this project were analyzed in the Colony Commerce Center West Specific Plan (File No. PSP15-001) EIR (SCH# 2015061023). This application is consistent with the EIR and introduces no new significant environmental impacts. All mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on September 19, 2017, the City Council of the City of Ontario conducted a public hearing to consider the Agreement and concluded said hearing on that date; and

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

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

SECTION 1. Environmental Determination and Findings. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously adopted Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) and supporting documentation. Based upon the facts and information contained in the Rich-Haven Specific Plan EIR (SCH# 2015061023) and supporting documentation, the City Council finds as follows:

a. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) reflects the independent judgment of the City Council; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference.

SECTION 2. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the City Council finds that based upon the facts and information contained in the Application and supporting documentation, 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. *Airport Land Use Compatibility Plan (ALUCP) Consistency.* As the approving body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation, and finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the ONT ALUCP and the Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics for Chino Airport.

SECTION 4. *Concluding Facts and Reasons.* Based upon substantial evidence presented to the City Council during the above-referenced hearing on September 19, 2017, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The Development Agreement applies to 65.60 acres of land (Tentative Parcel Map 19643), located approximately 1,160 feet south of Merril Avenue, north of Remington Avenue, east of the Cucamonga Creek Flood Control Channel and west of Carpenter Avenue, within Planning Area 2 of the Colony Commerce Center West Specific Plan, and is presently vacant and previously used for dairy and agricultural uses; and

b. The property to the north of the Project Site is within Planning Area 1 of the Colony Commerce Center West Specific Plan, and is presently used for agricultural purposes. The property to the east is developed with the Cucamonga Creek

Flood Control Channel. The property to the south is within City of Eastvale and developed with residential uses. The property to the west is within the City of Chino and currently under construction with industrial buildings; and

c. The Development Agreement establishes parameters for the development of Tentative Parcel Map 19643 within Planning Area 2 of the Colony Commerce Center West Specific Plan for industrial development. The Development Agreement also grants CLDFI Remington, LLC, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Colony Commerce Center West Specific Plan.

d. The Development Agreement focuses on Tentative Parcel Map 19643, which proposes to subdivide 65.60 acres of land into 2 parcels, located approximately 1,160 feet south of Merrill Avenue, north of Remington Avenue, east of the Cucamonga Creek Flood Control Channel and west of Carpenter Avenue, within Planning Area 2 of the Colony Commerce Center West Specific Plan; and

e. The Development Agreement will provide for the development of up to 1,289,292 square feet of industrial uses as established for Planning Area 2 of the Colony Commerce Center West Specific Plan; and

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

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

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

i. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001). All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

SECTION 5. City Council Action. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the City Council hereby APPROVES the Development Agreement to the City Council subject to each and every condition set forth in the Colony Commerce Center West Specific Plan and EIR, incorporated 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 ____ day of _____ 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 Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held September 19, 2017 and adopted at the regular meeting held _____, 2017 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)

ATTACHMENT A:

Development Agreement

(Document to follow this page)

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

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

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

**DEVELOPMENT AGREEMENT
(FILE NO. PDA16-001)**

By and Between

City of Ontario, a California municipal corporation,

and

CLDFI Remington, LLC

a Delaware Limited Liability Company

_____, 2017

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. __

This Development Agreement (hereinafter "Agreement") is entered into effective as of the _____ day of _____, 2017 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and CLDFI Remington, LLC, a Delaware limited liability company (hereinafter "OWNER"):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code and Section 4.01.015 of the Ontario Development Code; and

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

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

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

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

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Colony Commerce West Specific Plan Environmental Impact Report (State Clearinghouse No. 2015061023 (the "FEIR"). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

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

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

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

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and

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

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

WHEREAS, Owner's Property is presently outside the boundaries defined in Exhibit A of the Construction Agreement between the CITY and NMC Builders and the Property covered by this Agreement is what is known as a "Phase 2 Water Property" as such, shall be required to provide funding for CITY's future construction of the "Phase 2 Water Improvements" which will result in the availability of additional Net MDD Water Availability required for the development.

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

COVENANTS

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

1. DEFINITIONS AND EXHIBITS.

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

1.1.1 "Agreement" means this Development Agreement.

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

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

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

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

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review.

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

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

under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

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

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

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

1.1.11 “Existing Land Use Regulations” means all Land Use Regulations in effect on the date of the first reading of the Ordinance adopting and approving this Agreement. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations that are in effect and a matter of public record on such date.

1.1.12 “General Plan” means the The Ontario Plan adopted on January 26, 2010.

1.1.13 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the Tentative Parcel Map conditions for Parcel Map No. 19643 and as further described in Exhibit “F-1a”, “F-1b”, “F-1c”, “F-2”, “F-3”, “F-4”, and “F-5” (the “Infrastructure Improvements Exhibits”).

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

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

- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

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

1.1.16 “Net MDD” means net maximum daily water demand

1.1.17 “NMC Builders” means the consortium of investors and developers responsible for the construction of infrastructure within the New Model Colony incorporated as NMC Builders, LLC.

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

1.1.19 “Phase 2 Water EDUs” means the number of equivalent dwelling units or non-residential square footage assigned to OWNER upon payment to City of the Phase 2 Water Participation Fee for the Project and evidenced by the issuance by CITY of a Certificate of Phase 2 Net MDD Availability in the form attached as Exhibit G.

1.1.20 “Phase 2 Water Improvements” means the future water infrastructure Improvements required for the issuance by CITY of the “Water Availability Equivalents” (WAE) for the Project.

1.1.21 “Phase 2 Water Participation Fee” means the fee paid to City upon City approval of the first Development Entitlement for the Project, to fund the Property’s respective share of the projected costs of the design and construction of the Phase 2 Water Improvements by City. The Phase 2 Water Participation Fee shall be the calculated amount of the Regional Water DIF for the Project based upon the number of units, and land use category for residential units or the number of square feet, and land use category for non-residential square footage of the Project.

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

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

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

1.1.25 “Amendment to the Construction Agreement” means the amendment to the Construction Agreement modifying the boundaries of the property in Exhibit A of such Construction Agreement to include the Property covered by this Agreement and to provide for the additional funds required for CITY’s future construction of the “Phase 2 Water Improvements” described in a modification to Exhibit C-3 of the Construction Agreement.

1.1.26 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Colony Commerce Specific Plan.”

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

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

1.1.29 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the approval of a Tract or Subdivision Map 19643 shall be based upon water demand factors and assumptions listed in the Construction Agreement.

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

Exhibit “A” — Legal Description of the Property.

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

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — (Not Used)

Exhibit “F” — Infrastructure Improvements Exhibits, F-1a, F-1b, F-1c, F-2, F-3, F-4, F-5

Exhibit “G” – Form of Certificate of Net MDD to be issued by CITY

Exhibit “H” – Form of Certificate of DIF Credit to be issued by CITY

Exhibit “I” - Form of Disclosure letter

2. GENERAL PROVISIONS.

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

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

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

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

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

2.4 Assignment.

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

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

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally

assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned.

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

(d) Notwithstanding the foregoing OWNER shall have the right to assign this Agreement to an Owner Affiliate subject to the notice requirements to CITY as described in Paragraph (b) of Section 2.4.1. above. The term Owner Affiliate shall mean any of the following:

- (1) any general or limited partnership in which OWNER is the managing general partner.
- (2) any limited liability company in which OWNER is the managing member.

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

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

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

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

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER (if any) to secure performance of its obligations hereunder which are to be performed upon portion of the Property sold, transferred or assigned .

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

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

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

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

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

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

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

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

2.4.6 Partial Assignment and Assumption. CITY and OWNER agree OWNER may partially assign obligations and rights under this Development Agreement, and all amendments hereto, to a purchaser, transferee or assignee of a lot, which has been subdivided subject to provisions of a partial assignment and assumption agreement in a form approved by CITY. Any such completed and executed Partial Assignment and Assumption of Development Agreement shall be submitted to CITY for approval pursuant to Section 2.4.1 of the Development Agreement. Within thirty (30) days following such submittal, CITY shall review, and if the above conditions are satisfied shall approve the partial assignment and release and notify the purchaser, transferee or assignee in writing thereof. No such release approved pursuant to this Subsection 2.4.6 shall cause, or otherwise affect, a release of OWNER from the duties and obligations under this Development Agreement that are retained by OWNER and excluded from the transfer or assignment.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable

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

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

- (a) Expiration of the stated term of this Agreement as set forth in Section 2.3.
- (b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.
- (c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.
- (d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within ten (10) business days.

2.7 Notices.

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

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

If to CITY:

Al C. Boling, City Manager
City of Ontario
303 East "B" Street
Ontario California, California 91764
with a copy to:

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

CDLFI Remington, LLC
c/o CapRock Partners
2050 Main Street, Suite 240
Irvine, CA 92614
Attn: Patrick Daniels
Email: pdaniels@caprock-partners.com
Phone: (949) 342-8000

with a copy to:

Manatt Phelps and Phillips LLP
695 Town Center Drive, 14th Floor
Costa Mesa, CA 92626
Attn: Roger A. Grable E
Email: rgrable@manatt.com
Phone: (714) 371-2537

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

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

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

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

3.3.1 Infrastructure Improvement Exhibit. Attached hereto as Exhibits "F-1a, F-1b, F-1c, F-2, F-3, F-4, and F-5" collectively are a description of the Infrastructure Improvements needed for the development of the Property ("the Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

3.4.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project

application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

(a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants of the Project and/or of the immediate community from a condition perilous to their health or safety;

(e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict but to which the OWNER consents.

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

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

monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

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

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

3.5.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property to the connection with the Cucamonga Creek Channel as described in Exhibit F.-3. OWNER shall be responsible for the construction of the necessary extension of storm drain facilities, as described in Exhibit F-3. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures on the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the storm drain Improvements described in Exhibit F-3. CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy prior to completion of the storm drain improvements.

3.5.2 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibits F.-1a, F-1b and F-1c. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures on the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property prior to Substantial Completion of the street Improvements as described in Exhibits F-1a, F-1b, and F-1c. For purposes of the foregoing, street improvements shall be deemed Substantially Complete even if the final lift of pavement has not been completed (i.e., Owner may install the final lift after completion of all other construction). CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to Substantial Completion of the street improvements. OWNER agrees that the street improvements shall be completed and subject to final

acceptance by CITY prior to the release any security for the construction of the street improvements.

3.5.2.1 CITY agrees that OWNER shall be required to construct four-way signalized intersection improvements at the intersection of Merrill and Carpenter Avenues as described in Exhibit F-1c. Such intersection is within both the City of Ontario and the City of Chino. If OWNER constructs such four-way intersection improvements and such improvements are constructed by OWNER at their ultimate locations to serve the full width of the master planned street improvements, OWNER shall be entitled to any reimbursements paid to, and received by, CITY from the City of Chino or from other benefitting properties within the City of Ontario, for the costs of the construction of the four-way signalized intersection of Merrill and Carpenter Avenues.

3.5.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water utility Improvements as described in Exhibit F-4 consisting generally of the construction of the extension of permanent master planned water utility Improvements from two (2) points of connection to serve the Property. OWNER and CITY agree that CITY may issue grading, building and other required permits for OWNER to initiate construction of structures on the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the water and recycled water improvements described in Exhibit F-4 and Exhibit F-5. City agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to completion of the water and recycled water improvements if there is available permanent water and recycled water service from a minimum of one point of connection and sufficient water is available for fire protection purposes for any buildings while under construction.

3.5.4 OWNER agrees that development of the Property shall require the construction of permanent master planned sewer Improvements as described in Exhibit F.-2. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures on the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the sewer improvements described in Exhibit F-2. CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to the completion of the sewer improvements described in Exhibit F-2.

3.6 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.6 is not intended by

the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.6.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement, Sections 3.8.1 and 3.8.2 shall control the acquisition of the necessary property interest(s) ("Non-Construction Agreement Offsite Property"). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property, and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.6.1. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

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

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

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

3.9 Specific Plan Charge. Pursuant to Government Code section 65456, the City Council may consider adopting a specific plan charge upon persons seeking CITY approvals that are required to be consistent with the Specific Plan. Any such charges shall, in the aggregate, defray, but not exceed, the estimated cost of preparation, adoption, and administration of the Specific Plan, including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.). As nearly as can be estimated, the charges shall be a prorated amount in accordance with the applicant's relative benefit derived from the Specific Plan. If such charges are adopted, the CITY shall use such charges to reimburse the applicant(s) who originally paid the cost of preparing the Specific Plan (in this case, the OWNER, who acquired the property from such applicant), including costs incurred pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) to the extent such applicant(s) paid more than its relative benefit from the Specific Plan. Such charges, if adopted, shall be imposed on persons seeking CITY approvals that are required to be consistent with the Specific Plan, to the extent such person(s) has/have not entered into a reimbursement agreement with, and satisfactory to, the person(s) originally responsible for the cost of preparing the Specific Plan, including costs incurred pursuant to CEQA.

4. PUBLIC BENEFITS.

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

conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

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

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other building (subject to the application/use of available fee deferrals or credits), except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the New Model Colony will be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all tentative parcel map conditions. Unless otherwise specified in the Parcel Map conditions, and subject to the provisions of Section 3.6, all other required Improvements for each Parcel Map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a final occupancy permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for Parcel Map No.19643.

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

4.3.3 Construction of DIF Program Infrastructure To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER may also be eligible to

receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER's construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

Public Services Funding Fee.

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

4.3.5 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Fifty-Six Cents (\$.56) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2017. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased

4.4 Net MDD/Water Availability Equivalents.

4.4.1 CITY issuance Water Availability Equivalents. Upon OWNER's payment to CITY of the amount of Three Million, Five Hundred, Thousand dollars (\$3,500,000.00) CITY shall issue a Certificate of Water Availability Equivalents in the form attached hereto as Exhibit G. Such Water Availability Equivalents Certificate shall be issued by CITY within five (5) business days of the receipt of such required payment. CITY and OWNER agree that the amount of Water Availability Equivalents issued to OWNER shall be based on the maximum projected need for Water Availability Equivalents required for the Property based upon water demand factors and assumptions listed in Exhibit C-2R of the Construction Agreement and Amendment to the Construction Agreement "Water Demand Equivalents by Land Use" for each land use category. Additionally, within five (5) business days of CITY's receipt of OWNER's payment as required under this Section 4.5.2, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the regional water DIF Category. The amount of the DIF Credit issued by CITY shall be three million, five hundred thousand dollars (\$3,500,000.00). The form of the Certificate of DIF Credit shall be as described in Exhibit H, attached hereto and incorporated herein. CITY and OWNER agree that the amount of DIF Credit to be issued by CITY to OWNER is expected to exceed OWNER's DIF obligation in the regional water DIF Category and any and all excess DIF Credit issued to OWNER shall be available to OWNER or OWNER's assignees for use as an offset against any DIF obligations in the regional water DIF

Category related to the development of other property within the Ontario Ranch area OWNER and CITY agree that OWNER's payment to CITY required by this Section 4.5.3 below represents OWNER's contribution to the funding required for the future construction of the Phase 2 Water Improvements and the availability of additional Net MDD Water Availability required for the development of the Property described in Exhibit A of this Agreement.

4.4.2 Assignment of Regional Water DIF Credits. OWNER shall have the right to transfer or assign the regional water DIF Credit issued by CITY under Section 4.5.3 as provided for herein, to any person, partnership, limited liability company, joint venture, firm or corporation. All sale, transfer or assignment of any DIF Credit shall be conditioned upon OWNER providing CITY with notice concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter. OWNER shall notify the City Manager, in writing, of such sale, transfer or assignment and shall provide the City with an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee has accepted the assignment and that such purchaser, transferee or assignee understands and agrees that such DIF credit shall only be used as an offset against any DIF obligations in the regional water DIF Category and that such DIF Credit shall only be used as an offset the payment of DIF required for the issuance of building permits by CITY within the modified Exhibit A area of the Construction Agreement between the CITY and NMC Builders.

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

4.6 Compliance with Public Benefits Requirements.

4.6.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.6, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability. Nothing herein shall waive Owner's right to assert a default (or failure to perform) by the City has excused Owner's performance under this Agreement.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). As further described in the Memorandum of Agreement between CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse

the OWNER for funds paid to NMC Builders for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement. Notwithstanding such reimbursements, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any Parcel Map, the property subject to such Parcel Map shall be included in a CFD to finance City services through annual special taxes that will initially be \$1,387.00 per Single Family Detached Dwelling Unit, \$1,202.00 per Multiple-Family Dwelling Unit, \$1,008.00 per Gated Apartment Community Dwelling Unit, and \$.27 per square foot for Non-Residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 5.2 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring

Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

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

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

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

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

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

6.1.6 Procedure Upon Findings.

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

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

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

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

- (a) The time and place of the hearing;

- (b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and
- (c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

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

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

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof. In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

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

- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

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

- (a) Money damages are unavailable against CITY as provided in Section 8.1 above.
- (b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

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

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

within such 60 day period and to diligently proceed to complete such actions and cure such default.

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

9. THIRD PARTY LITIGATION.

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

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

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

contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

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

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

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

10. MORTGAGEE PROTECTION.

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

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

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification

from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

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

(e) In the event of a default by Owner, any Mortgagee shall have the right to remedy, or cause to be remedied, such default within sixty (60) days following the later to occur of (i) the date of Mortgagee's receipt of the notice referred to in Section 10.1(b) above, or (ii) the expiration of the period provided herein for Owner to remedy or cure such default, and City shall accept such performance by or at the insistence of the Mortgagee as if the same had been timely made by Owner; provided, however, that (i) if such default is not capable of being cured within the timeframes set forth in this Section and Mortgagee commences to cure the default within such timeframes, then Mortgagee shall have such additional time as is required to cure the default so long as Mortgagee diligently prosecutes the cure to completion and (ii) if possession of the Property (or portion thereof) is required to effectuate such cure or remedy, the Mortgagee shall be deemed to have timely cured or remedied if it commences the proceedings necessary to obtain possession thereof within sixty (60) days after receipt of the copy of the notice, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy.

11. MISCELLANEOUS PROVISIONS.

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

faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

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

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

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

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

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

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

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

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

to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

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

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

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

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

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

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

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

OWNER is that of a government entity regulating the development of private property and the owner of such property.

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

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

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

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

the issuance of estoppel certificates requested by Owner under this Section 11.20 prior to CITY's issuance of such certificates.

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

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

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT**

“OWNER”

CLDFI Remington, LLC,
a Delaware limited liability company

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

“CITY”

CITY OF ONTARIO

By: _____
Al C. Boling
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

City Attorney

STATE OF CALIFORNIA

COUNTY OF _____)

On _____, 2017, before _____ me,
_____, Notary Public, personally appeared
_____, who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

THE LAND REFERRED TO IN THIS COMMITMENT IS SITUATED IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO.1

THAT PORTION OF THE SOUTH 112 OF SECTION 22, AND THOSE PORTIONS OF GOVERNMENT LOTS 3, 4, 5 AND 8, ALL IN THE SOUTH 112 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND FILED IN THE DISTRICT LAND OFFICE, SEPTEMBER 16, 1893, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 3, SECTION 22, WHICH IS 129.75 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE EAST 2069.11 FEET PARALLEL WITH THE SOUTH LINE OF SAID LOT 3, TO A POINT WHICH IS 663.29 FEET WEST OF THE EAST LINE OF THE NORTHWEST 114 OF THE SOUTHEAST 114 OF SAID SECTION 22; THENCE SOUTH 1449.75 FEET (RECORDED 1529.65 FEET IN BOOK 8, PAGE 71, RECORD OF SURVEY), TO THE SOUTH LINE OF SAID LOT 8, SECTION 22; THENCE WEST 2069.11 FEET ALONG THE SOUTH LINE OF SAID LOT 8 AND 4 TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 1449.75 FEET (RECORDED 1529.65 FEET IN BOOK 8, PAGE 71, RECORDS OF SURVEY), ALONG THE WEST LINE OF SAID LOTS 4 AND 3, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT BY THE DEED RECORDED OCTOBER 28, 1944 IN BOOK 1720, PAGE 136 OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THE INTEREST IN THE WEST 25 FEET OF SAID LAND AS CONVEYED TO THE COUNTY OF SAN BERNARDINO FOR HIGHWAY PURPOSES, BY DEED RECORDED IN BOOK 355, PAGE 287 OF DEEDS. ALSO EXCEPTING THEREFROM A 401100TH INTEREST IN AND TO WELL SITE, AS CONVEYED TO HENRY BEKENDAM AND HOPE BEKENDAM, HUSBAND AND WIFE, AS JOINT TENANTS, BY DEED RECORDED MARCH 4, 1963 IN BOOK 5863 PAGE 192 OFFICIAL RECORDS, DESCRIBED AS FOLLOWS: THE NORTH 20.00 FEET OF THE SOUTH 74.75 FEET OF THE EAST 20.00 FEET OF THE WEST 437.00 FEET OF GOVERNMENT LOT 3 SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO GOVERNMENT SURVEY.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT BY DEED RECORDED SEPTEMBER 12, 1977 IN BOOK 9260 PAGE 60 OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO SANTA ANA WATERSHED PROJECT AUTHORITY, A PUBLIC AGENCY BY DEED RECORDED JUNE 16, 1999, INSTRUMENT NO. 99-256762, OFFICIAL RECORDS.

PARCEL NO.2

A 401100 INTEREST IN AND TO WELL SINE DESCRIBED AS FOLLOWS:

THE NORTH 20.00 FEET OF THE SOUTH 74.75 FEET OF THE EAST 20.00 FEET OF THE WEST 437.00 FEET OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL, DATED AUGUST 30, 1873.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT OVER A STRIP OF LAND FOR THE CONVEYANCE OF WATER THROUGH AN EXISTING PIPE LINE WITH THE RIGHT TO ENTER UPON SAID STRIP OF LAND IN A PRUDENT AND CAREFUL MANNER WHEN NECESSARY TO REPLACE OR REPAIR SAID PIPE LINE AND ALSO FOR INGRESS TO AND EGRESS FROM THE ABOVE MENTIONED WELL SITE. SAID STRIP OF LAND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 427.00 FEET EAST OF AND 54.75 FEET; NORTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 4, SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO GOVERNMENT SURVEY; THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF SAID LOT 4 TO A POINT 635 FEET SOUTH OF THE NORTH LINE OF SAID LOT 4; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 4, 427.00 FEET TO THE WEST LINE OF SAID LOT 4.

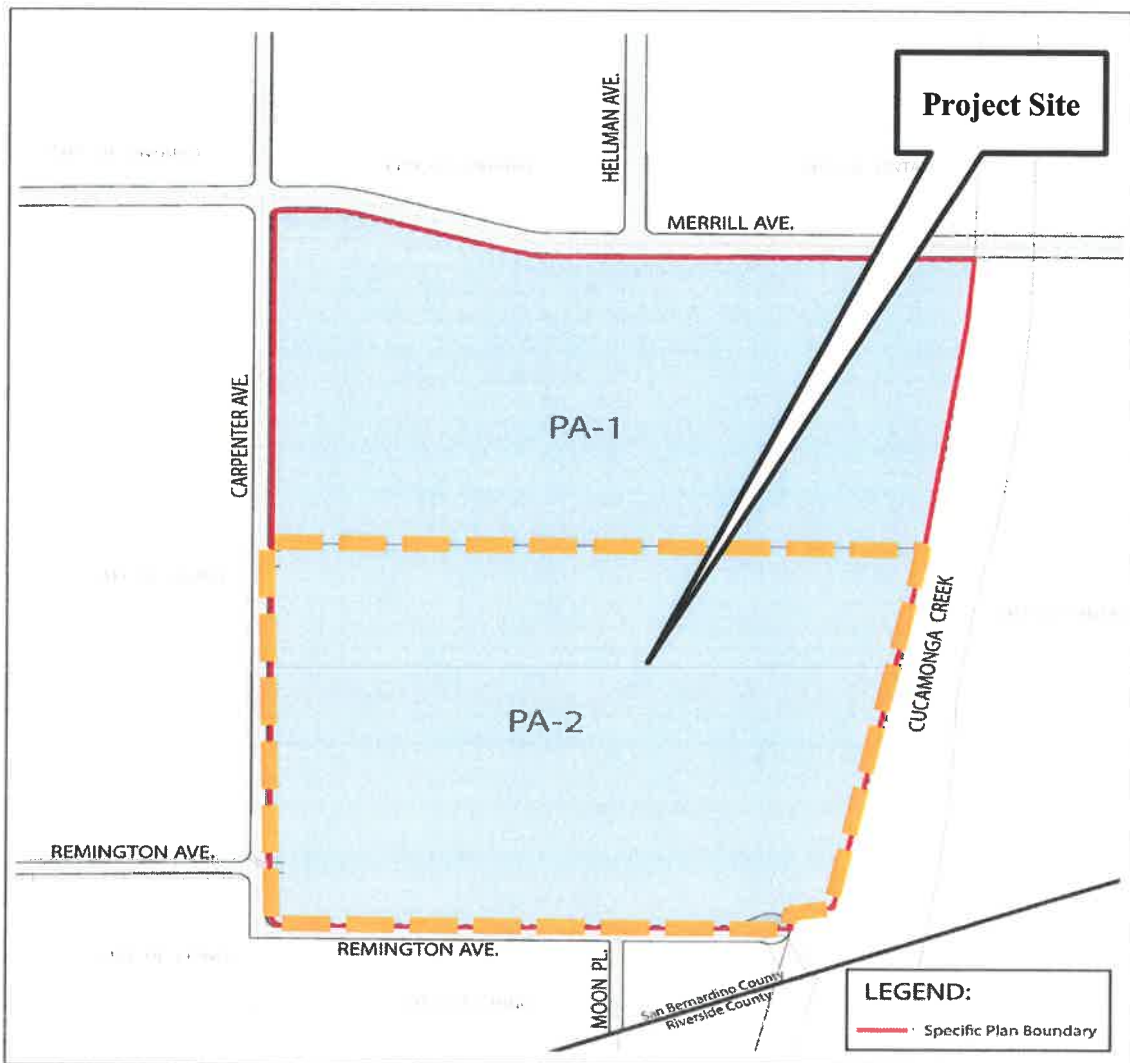
NOTE: THE AREA AND DISTANCES OF THE ABOVE DESCRIBED PROPERTY ARE COMPUTED TO THE CENTERS OF THE ADJOINING STREETS SHOWN ON SAID MAP.

APN(S): 0218-292-09-0-000, 0218-292-10-0-000,
0218-292-13-0-000, 0218-292-14-0-000 AND
0218-292-12-0-000

THE LAND SHOWN IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-626317-ONT1, DATED AUGUST 19, 2013.

EXHIBIT "B"
TO DEVELOPMENT AGREEMENT

Map showing Property and its location



Source: Douglas Franz Architects

N. T. S.

EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On August 22, 2017, the Planning Commission:

- a) Issued Resolution No. issued Resolution PC17-054 recommending City Council certification of the Colony Commerce Center West Specific Plan EIR.
- b) Issued Resolution PC17-055 recommending City Council approval of the Colony Commerce Center West Specific Plan (File No. PSP15-001).
- c) Issued Resolution No. PC17-058 recommending City Council approval of the Development Agreement (File No. PDA16-001).
- d) Issued Resolution No. PC17-056 approving Tentative Parcel Map 19643 (File No. PMTT16-001).
- e) Issued Resolution No. PC17-057 approving Development Plan (File No. PDEV16-002).

On September 19, 2017, the City Council:

- a) Issued Resolution 2017-XX to certifying the Colony Commerce Center West Specific Plan EIR (SCH #2015061023).
- b) Adopted Ordinance No. XXXX approving the Colony Commerce Center West Specific Plan EIR.

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

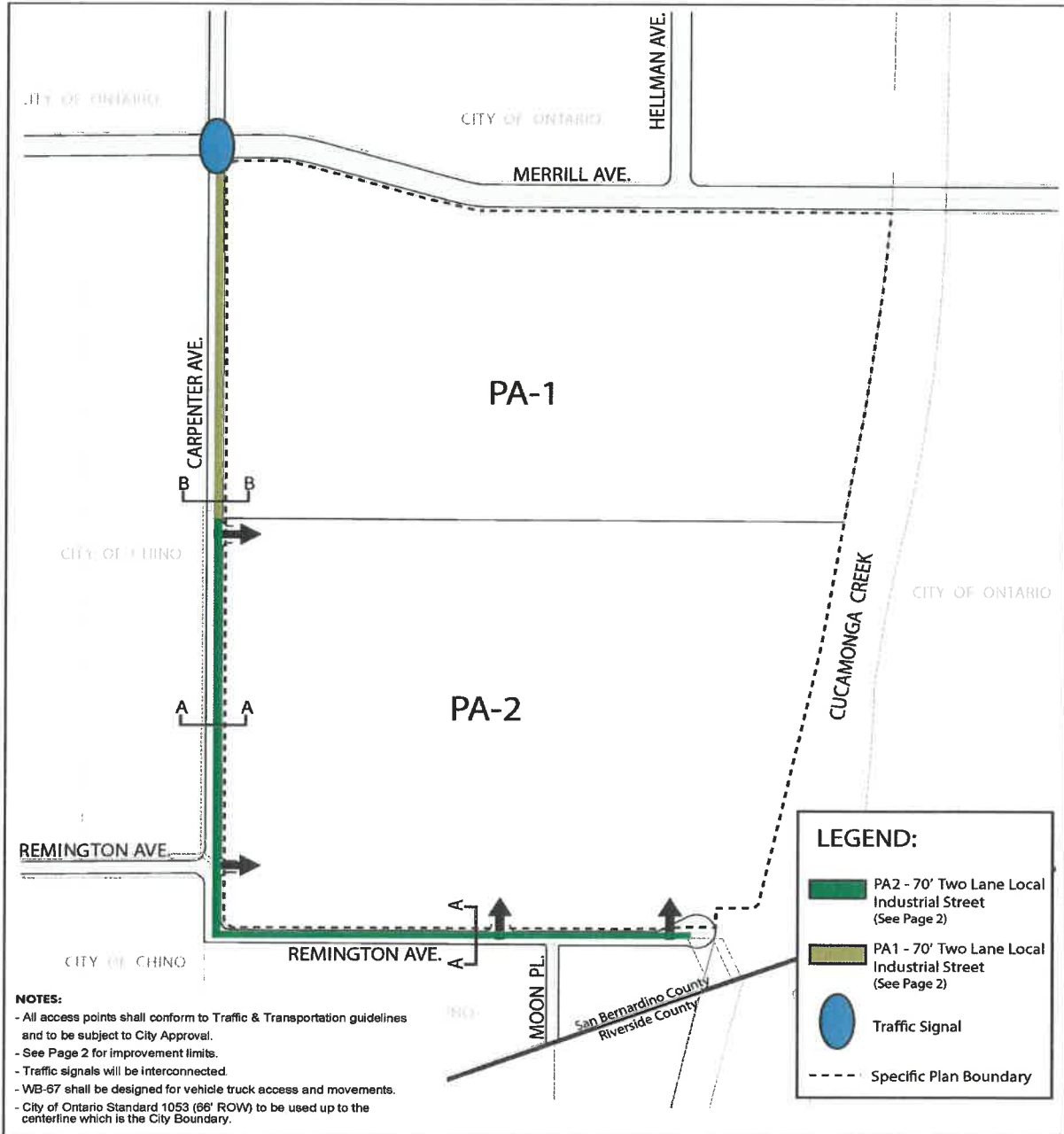
1. The Colony Commerce Center West Specific Plan (File No. PSP15-001) Environmental Impact Report, Resolution No. 2017-XX.
2. The Colony Commerce Center West Specific Plan (File No. PSP15-001), Ordinance No. XXXX.
3. Tentative Parcel Map 19643 (File No. PMTT16-001), Resolution No. PC17-056.
4. Development Plan (File No. PDEV16-002), Resolution No. PC17-057.
5. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code

EXHIBIT "F-1a"

Required Infrastructure Improvements

Parcel 19643
Street Improvements

Development Agreement
Exhibit F-1a



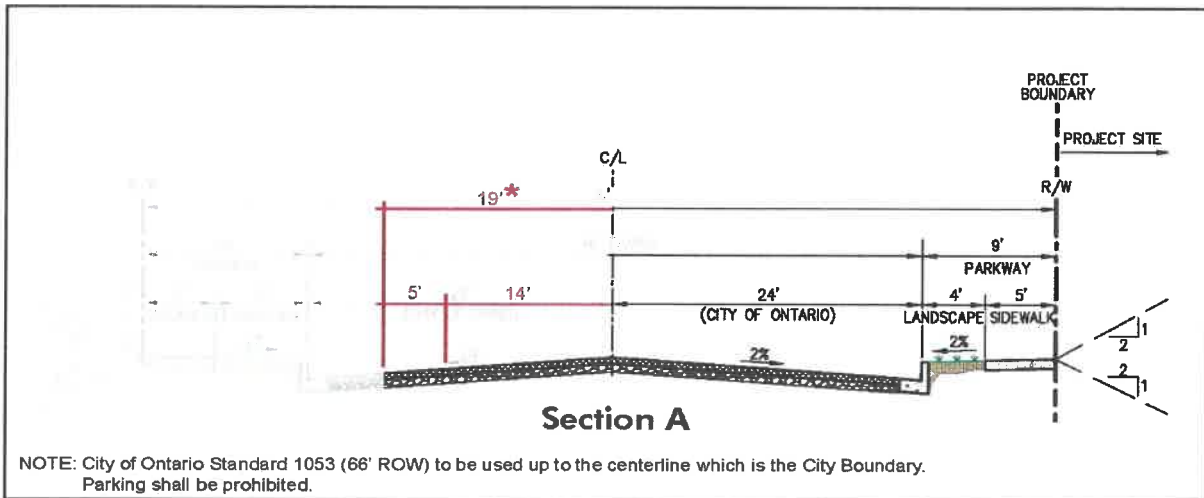
Source: KTG Group

N. T. S.

EXHIBIT "F-1b" Required Infrastructure Improvements

Parcel 19643 Street Improvements - Carpenter Avenue & Remington Avenue (70' ROW)

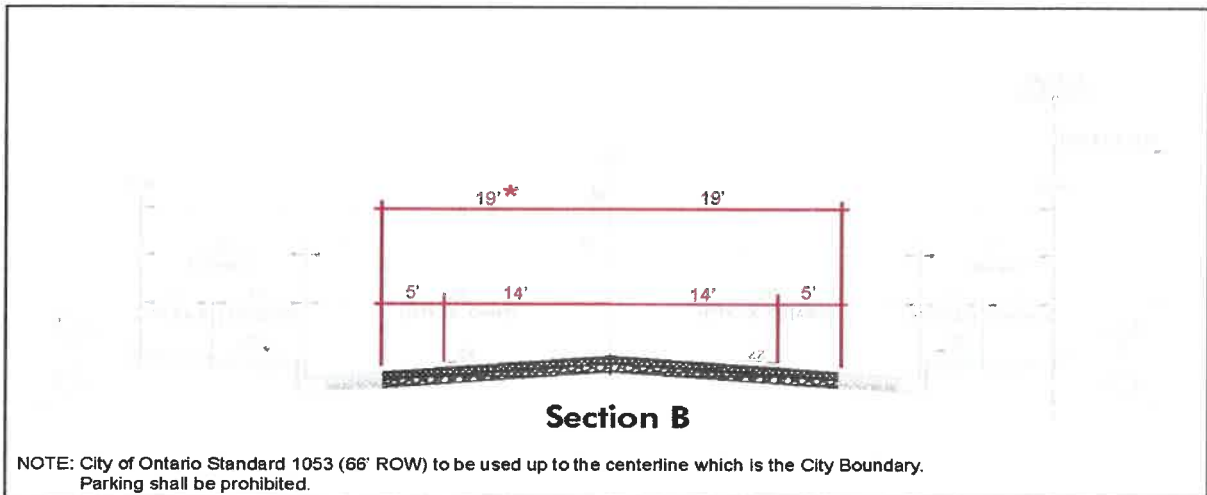
Development Agreement Exhibit F-1b



Source: David Evans & Associates

* Depending on development timing, project will construct 19' (14' Circulation Lane + 5' Shoulder) of ultimate paving beyond centerline.

Street Improvements - Carpenter Avenue (70' ROW)



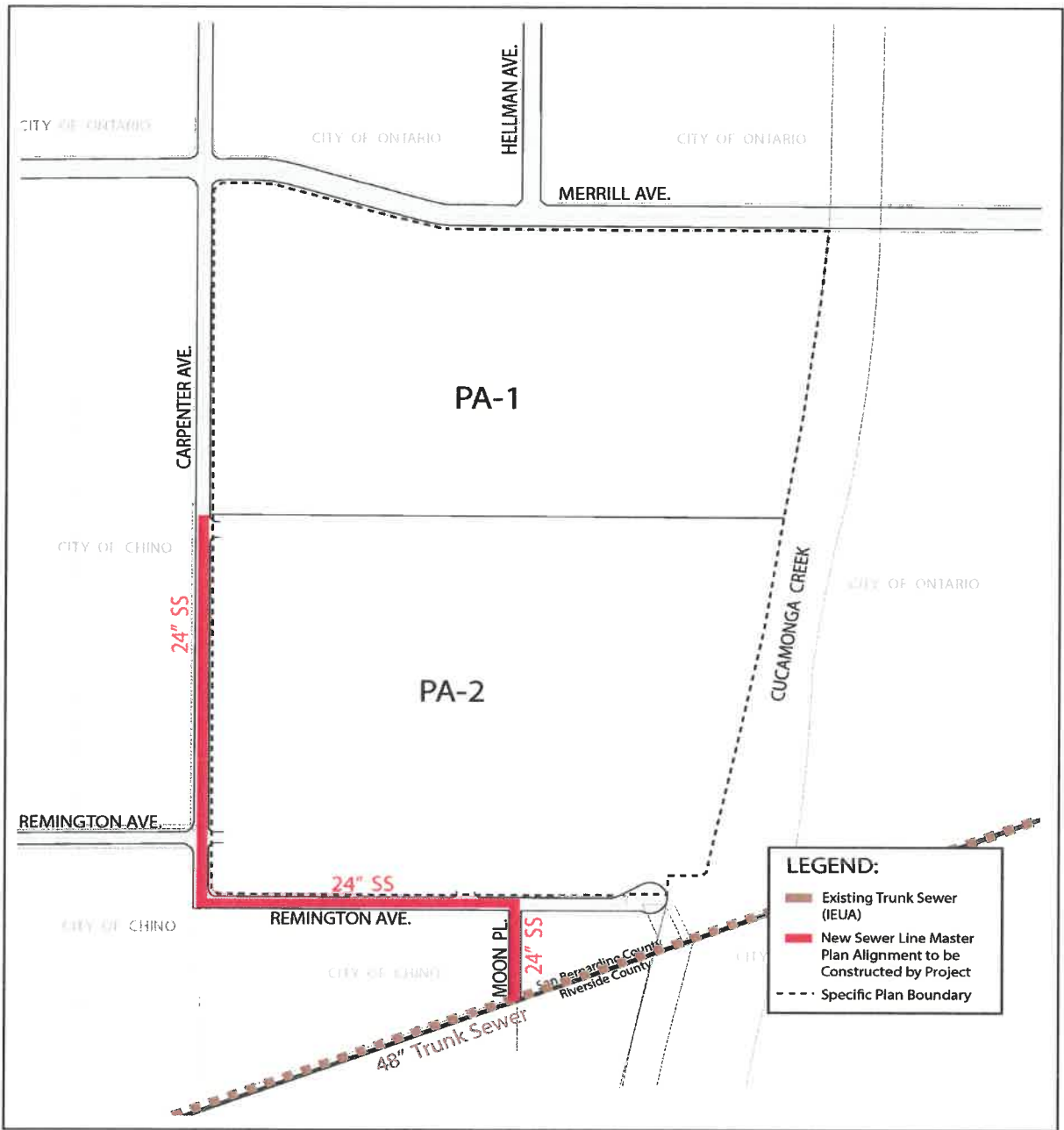
Source: David Evans & Associates

* Depending on development timing, project will construct 19' (14' Circulation Lane + 5' Shoulder) of ultimate paving beyond centerline.

EXHIBIT "F-2" Required Infrastructure Improvements

**Parcel 19643
Sewer Improvements**

**Development Agreement
Exhibit F-2**



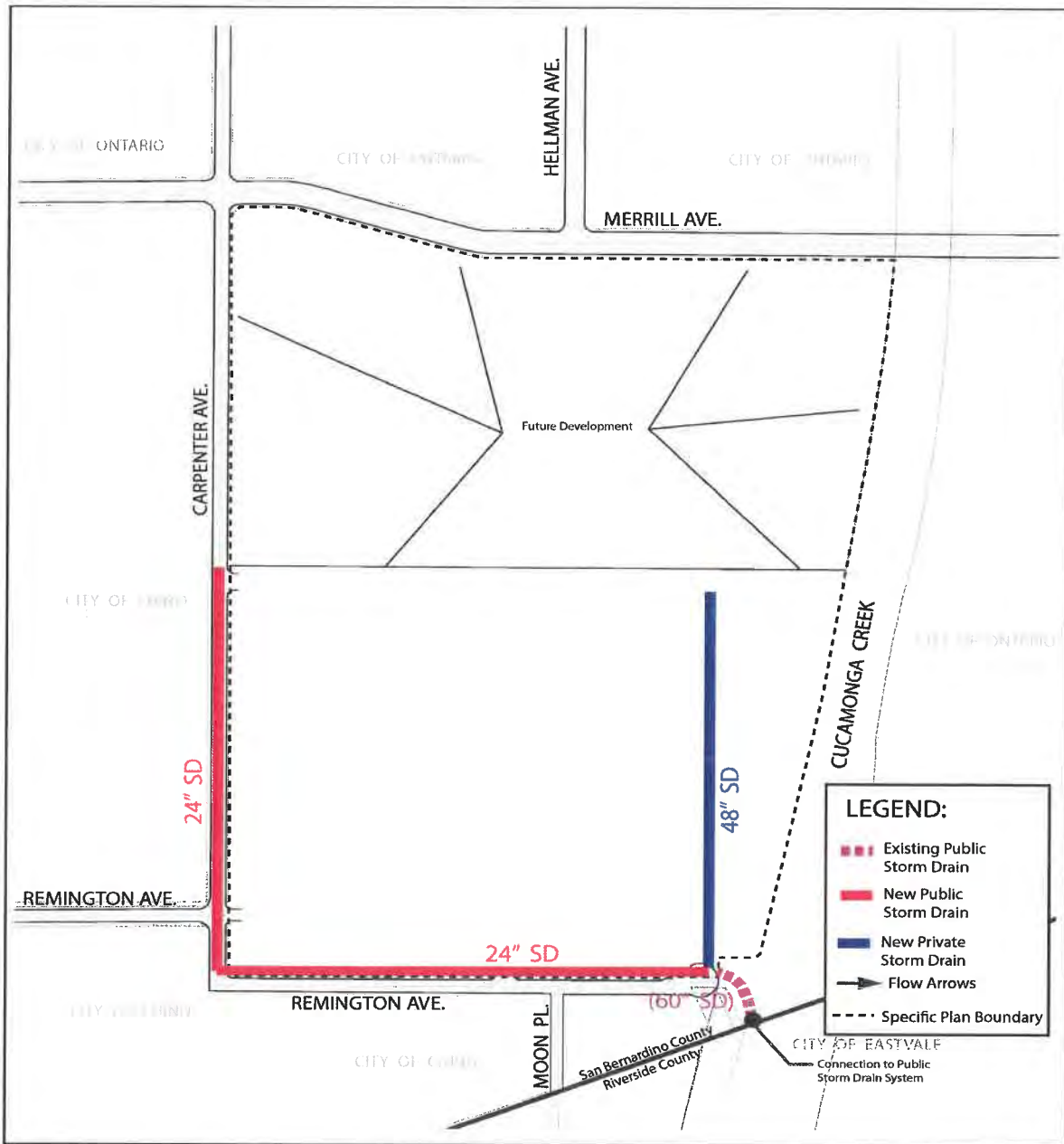
Source: David Evans & Associates

N. T. S.

EXHIBIT "F-3" Required Infrastructure Improvements

**Parcel 19643
Storm Drain Improvements**

**Development Agreement
Exhibit F-3**



Source: David Evans & Associates

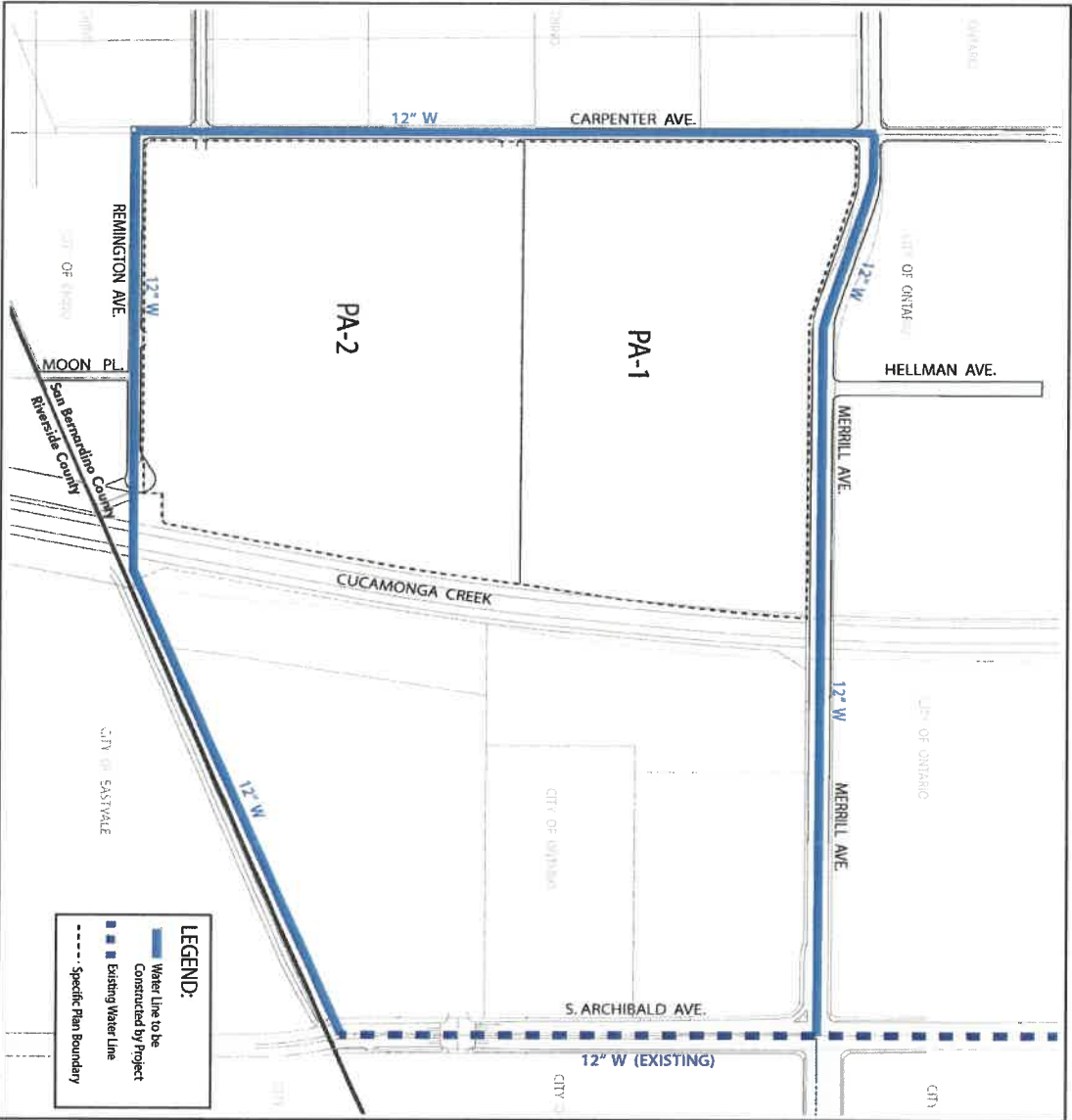
N. T. S.

EXHIBIT "F-4"

Required Infrastructure Improvements

Parcel 19643
Water Improvements

Development Agreement
Exhibit F-4



Source: David Evans & Associates



EXHIBIT "F-5"

Required Infrastructure Improvements

Parcel 19643
Reclaimed Water Improvements

Development Agreement
Exhibit F-5

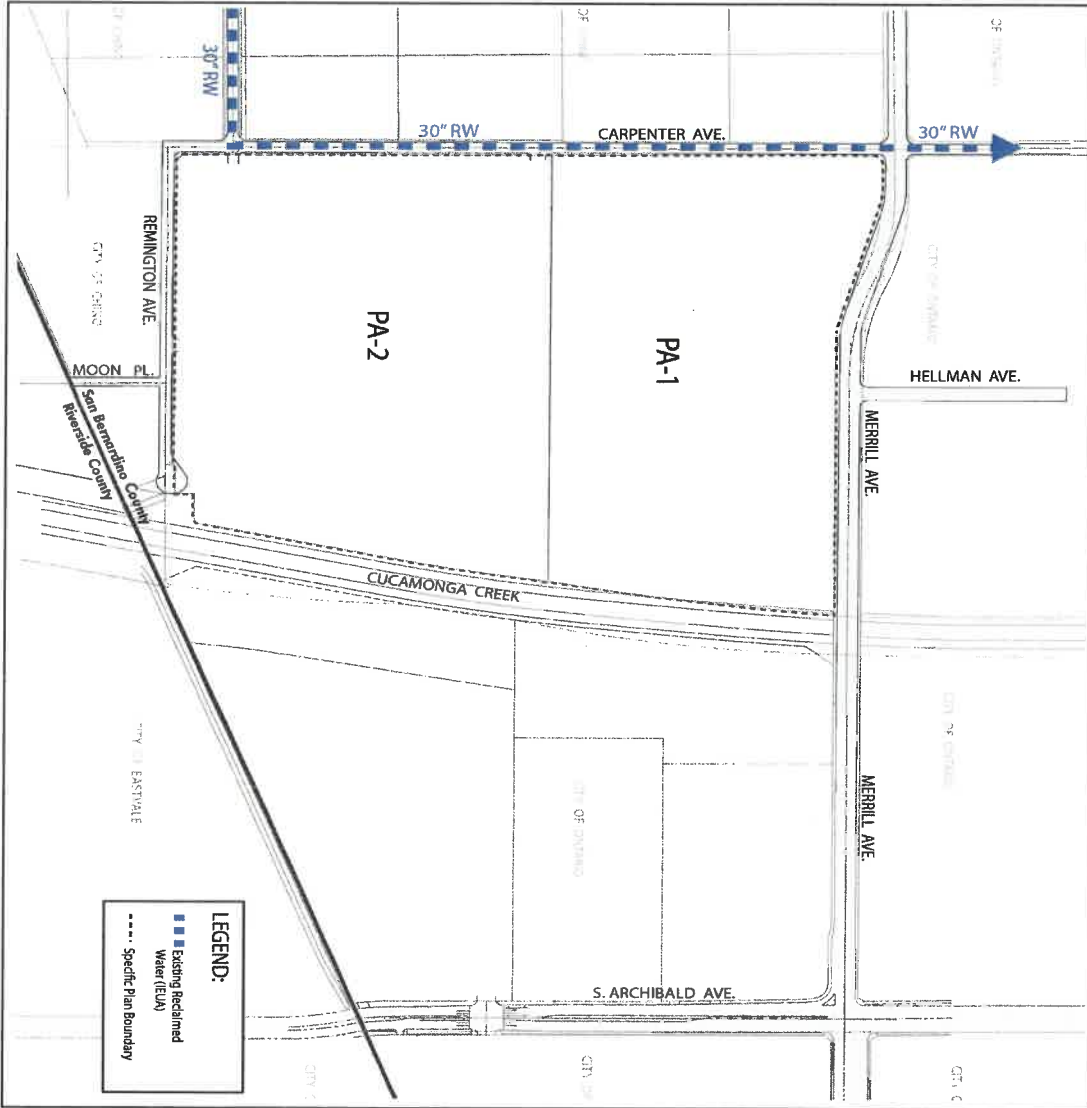


EXHIBIT "G"
TO DEVELOPMENT AGREEMENT

FORM OF CERTIFICATE OF NET MDD AVAILABILITY

Pursuant to Section ____ of this Agreement between the City of Ontario, a California municipal corporation, and CLDFI Remington, LLC, a Delaware limited liability company, hereinafter called "OWNER", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Agreement", the City of Ontario hereby certifies based on CITY receipt of payment of OWNER's share of the funding for the Phase 2 Water Improvements, that OWNER is entitled to the following Net MDD Water Availability.

Amount of Net MDD _____ gpm

Al C. Boling, City Manager

Dated: _____

Exhibit "H"

FORM OF CERTIFICATE OF REGIONAL OR LOCAL ADJACENT DIF CREDIT

Pursuant to Section 4.5.3 of this Agreement by and between the City of Ontario and CLDFI Remington, LLC, dated _____, 2016, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement", the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: \$ _____

Al C. Boling, City Manager

Dated: _____

Exhibit "I"

FORM OF PLUME DISCLOSURE LETTER

CITY OF



ONTARIO

ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

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

March 2017

AL C. BOLING
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHIGER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

**DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME**

Dear Property Owner/Developer/Applicant:

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

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

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

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

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

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