

**CITY OF ONTARIO  
CITY COUNCIL AND HOUSING AUTHORITY  
AGENDA  
APRIL 2, 2019**

**Paul S. Leon**  
Mayor

**Ruben Valencia**  
Mayor pro Tem

**Alan D. Wapner**  
Council Member

**Jim W. Bowman**  
Council Member

**Debra Dorst-Porada**  
Council Member



**Scott Ochoa**  
City Manager

**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 5:00 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*)**

**5:00 p.m.**

***ROLL CALL***

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

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

***CLOSED SESSION***

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

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

***PLEDGE OF ALLEGIANCE***

Council Member Wapner

***INVOCATION***

Pastor Heinrich Strydom, Ontario Seventh-Day Adventist

***REPORT ON CLOSED SESSION***

City Attorney

**PUBLIC COMMENTS**

**6:30 p.m.**

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

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

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

**CONSENT CALENDAR**

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

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

**1. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of March 5, 2019, approving same as on file in the Records Management Department.

**2. BILLS/PAYROLL**

**Bills** February 10, 2019 through February 23, 2019 and **Payroll** February 10, 2019 through February 23, 2019, when audited by the Finance Committee.

**3. FIFTH AMENDMENT TO LEASE AGREEMENT BETWEEN WELLS FARGO BANK N.A. AND THE ONTARIO HOUSING AUTHORITY**

That the Ontario Housing Authority Board approve a Fifth Amendment to the Lease Agreement (on file with the Records Management Department) between Wells Fargo Bank N.A. and the Ontario Housing Authority for the use of Authority-owned property located at 240 North Euclid Avenue and the relinquishment of certain parking spaces located on the northeast corner of Euclid Avenue and “C” Street.

**4. A RESOLUTION APPROVING THE 2019-2020 LIST OF PROJECTS FUNDED BY THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT**

That the City Council adopt a resolution approving the 2019-20 Project List for the Road Repair and Accountability Act – Senate Bill SB 1.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO APPROVE THE LIST OF PROJECTS TO BE FUNDED BY SB 1 THE ROAD REPAIR AND ACCOUNTABILITY ACT.

**5. A CONSTRUCTION CONTRACT FOR THE FIRE TRAINING FACILITY PROJECT/ROBERT CLAPPER CONSTRUCTION SERVICES, INC.**

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Robert Clapper Construction Services, Inc. of Rialto, California, for the Fire Training Facility Projects (PF1101) in the bid amount of \$8,282,610 plus a ten percent (10%) contingency of \$828,261 for a total authorized expenditure of \$9,110,871; 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.

**6. AN AGREEMENT FOR UTILIZATION OF HOSPITAL FACILITIES FOR CLINICAL EXPERIENCE OF FIRE DEPARTMENT EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS/SAN ANTONIO REGIONAL HOSPITAL**

That the City Council authorize the City Manager to execute an agreement (on file with the Records Management Department) with San Antonio Regional Hospital for the purpose of utilizing hospital facilities for clinical experience of Ontario Fire Department employees who are Emergency Medical Technicians or Paramedics.

**7. A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Brookfield Solstice 126 LLC, Brookfield Holiday 91 LLC, and BrookCal Ontario LLC, all Delaware limited liability companies, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) (the “CFD”) authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, May 7, 2019; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 40 (Emerald Park Facilities).

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES).

**8. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 48 (TEVELDE SERVICES)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 48 (Tevelde Services).

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. 48 (TEVELDE SERVICES).

**9. A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES**

That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Joan M. Borba and James Borba, Co-Trustees of the Joseph and Doleen Borba Administrative Trust (“Landowner”), to create a community facilities district (“CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, May 7, 2019.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

**10. AMENDMENT TO THE PURCHASE AGREEMENT FOR LIGHT AND MEDIUM VEHICLE PARTS/ADVANCED AUTO PARTS**

That the City Council authorize the City Manager to amend the existing purchase agreement to include additional light and medium vehicle parts up to the amount of \$60,000 to be purchased from Advanced Auto Parts, parent company of CarQuest, of Atlanta, Georgia, consistent with the terms and conditions of Purchase Order No. 43655 and Golden State/CARQUEST Cooperative Contract #2017000280. The total amended authorized amount will be \$150,000.

**11. AUTHORIZE THE PURCHASE OF FLEET VEHICLES/TRANSWEST TRUCK CENTER/NATIONAL AUTO FLEET GROUP/PB LOADER CORPORATION**

That the City Council take the following actions:

- (A) Award Bid No. 1096 and authorize the purchase and delivery of one Heavy Duty Gas-Powered Water Service Truck in the amount of \$153,000 for the Utilities Department from Transwest Truck Center of Fontana, California;
- (B) Authorize the cooperative purchase and delivery of two Ford pick-up trucks, one F250 and one F350, with Scelzi utility bodies in the amount of \$114,000 for the Parks and Maintenance Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF;

- (C) Authorize the cooperative purchase and delivery of one Ford F650 CNG Stake Bed Truck in the amount of \$132,000 for the Integrated Waste Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL; and
- (D) Authorize the cooperative purchase and delivery of one Ford F550 Dump Body in the amount of \$93,000 for the Parks and Maintenance Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

**12. A PROFESSIONAL SERVICE AGREEMENT FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN FOR PROPERTY LOCATED NORTH OF MERRILL AVENUE, SOUTH OF EUCALYPTUS AVENUE, EAST OF EUCLID AVENUE AND WEST OF THE UNIMPROVED RIGHT-OF-WAY OF SULTANA AVENUE/PLACEWORKS, INC.**

That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Placeworks, Inc., of Santa Ana, California, to prepare an Environmental Impact Report (EIR) for the Ontario Ranch Business Park Specific Plan in the amount of \$379,320, plus a 15% contingency of \$56,898, for a total authorized expenditure of \$436,218 and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

**13. AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-003) TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE, WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT (APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, AND 1048-472-21)**

That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-003, establishing development standards and guidelines to facilitate the development of a commercial center located at the northwest corner of Holt Boulevard and Grove Avenue.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-003, A PLANNED UNIT DEVELOPMENT TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE; WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, AND 1048-472-21.

**14. A PROFESSIONAL SERVICES AND EQUIPMENT PURCHASE AGREEMENT FOR THE ACQUISITION OF POLICE DEPARTMENT FRONTLINE PATROL EQUIPMENT/AXON ENTERPRISE, INC.**

That the City Council authorize the City Manager to execute a professional services and equipment purchase agreement with Axon Enterprise, Inc., of Scottsdale, Arizona, for the purchase of new and replacement equipment, including tasers and body-worn camera systems for frontline police personnel, including maintenance and data management services for a 5-year period, in the amount of \$3,722,106; and authorize a 10% project-wide contingency in the amount of \$372,211.

**15. A PROFESSIONAL DESIGN SERVICES AGREEMENT FOR WATER MAIN REPLACEMENTS (PROJECT UT1027)/SA ASSOCIATES**

That the City Council approve and authorize the City Manager to execute a Professional Design Services Agreement (on file with the Records Management Department) with SA Associates of Arcadia, California, for Water Main Replacement Project UT1027, in the amount of \$410,000, plus a 15% contingency of \$61,500 for a total amount of \$471,500.

**STAFF MATTERS**

City Manager Ochoa

**COUNCIL MATTERS**

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

**ADJOURNMENT**



**CITY OF ONTARIO  
CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**April 2, 2019**

**ROLL CALL:** Valencia \_\_, Wapner \_\_, Bowman \_\_, Dorst-Porada\_\_, Mayor / Chairman Leon \_\_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

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

- GC 54957, PUBLIC EMPLOYEE APPOINTMENT: City Attorney

No Reportable Action	Continue	Approved
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Disposition: \_\_\_\_\_

Reported by:

\_\_\_\_\_  
City Attorney / City Manager / Executive Director

# CITY OF ONTARIO

## Agenda Report

April 2, 2019

## SECTION: CONSENT CALENDAR

**SUBJECT: FIFTH AMENDMENT TO LEASE AGREEMENT BETWEEN WELLS FARGO BANK N.A. AND THE ONTARIO HOUSING AUTHORITY**

**RECOMMENDATION:** That the Ontario Housing Authority Board approve a Fifth Amendment to the Lease Agreement (on file with the Records Management Department) between Wells Fargo Bank N.A. and the Ontario Housing Authority for the use of Authority-owned property located at 240 North Euclid Avenue and the relinquishment of certain parking spaces located on the northeast corner of Euclid Avenue and "C" Street.

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

**FISCAL IMPACT:** No change is proposed to the current lease payment of \$12,100/per month. This Amendment calls for the construction of thirteen (13) diagonal parking spaces along "C" Street at an estimated cost of \$250,000 to be funded from the Capital Improvement Funds. If approved, appropriations adjustments in the amount of \$25,000 will be included in the next Quarterly Budget Report to City Council to cover the cost of construction.

**BACKGROUND:** In June 2006, the Ontario Housing Authority ("Authority") acquired the real property located at 240 North Euclid Avenue in an effort to facilitate the Town Center Development Project slated for the east side of Euclid Avenue between Holt Boulevard and "D" Street. Accompanied by the acquisition of the real estate was the assumption of the existing Wells Fargo Bank N.A. ("Wells Fargo") Lease Agreement and all subsequent amendments ("Lease").

On May 15, 2012, the Authority and Wells Fargo entered into the Fourth Amendment to the Lease related to the City's announcement of its desire to build the Ontario Town Square Community Plaza on a portion of the Wells Fargo premises, thus displacing the majority of Wells Fargo's on-site parking. To help mitigate the loss of Wells Fargo's on-site parking, the Authority agreed to construct forty-three (43)

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

Prepared by: Charity Hernandez  
Department: Economic Development

City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

3

parking spaces on the northeast corner of Euclid Avenue and “C” Street, exclusively for Wells Fargo employees and patrons.

In an effort to further foster development in downtown, and in specific connection with project-related discussions with Kendrew Development, LLC for a mixed-use project on the 300 block of North Euclid Avenue, Authority staff recognized the need to unencumber the real estate and initiated Wells Fargo’s relinquishment of all forty-three (43) of its exclusive parking spaces.

After working closely with Wells Fargo administrators, the Fifth Amendment to the Lease includes the following provisions: (i) provides for the temporary relocation of the forty-three (43) exclusive parking spaces to the Ovitt Family Community Library parking lot until construction of a mixed-use project at the northeast corner of Euclid Avenue and “C” Street is complete; (ii) provides for the creation of thirteen (13) diagonal parking spaces along “C” Street between Euclid and Lemon Avenue; and (iii) reduces the total number of exclusive parking spaces (during bank business hours only) within the future mixed-use project from forty-three (43) to eighteen (18).

The Fifth Amendment to the Lease will not modify the term of the Lease nor the monthly rental rate of \$12,100 collected by the Authority.

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION APPROVING THE 2019-2020 LIST OF PROJECTS FUNDED BY THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT**

**RECOMMENDATION:** That the City Council adopt a resolution approving the 2019-20 Project List for the Road Repair and Accountability Act – Senate Bill SB 1.

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

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

**FISCAL IMPACT:** This spending plan identifies the recommended uses for the City's Fiscal Year 2019-20 apportionment of Road Maintenance and Rehabilitation Account (RMRA) funds from SB 1, which is projected as \$2,939,388 for the upcoming fiscal year.

**BACKGROUND:** On April 28, 2017, the Governor signed Senate Bill SB 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act ("RMRA") of 2017. To address basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system, RMRA: increases per gallon fuel excise taxes; increases diesel fuel sales taxes and vehicle registration fees; and provides for inflationary adjustments to tax rates in future years.

Prior to receiving an apportionment of RMRA funds from the California State Controller in a fiscal year, the City must submit to the California Transportation Commission (CTC) an adopted list of projects to be funded with these funds by May 1 of each year. All projects proposed to receive the fiscal year funding must be adopted by resolution (public record of the action taken) by the City Council at a regular public meeting each fiscal year.

If approved, the projects for FY 2019-20 (a list is included as Exhibit A of the resolution) will be included in the City's Five Year Capital Improvement Program to be adopted by the City Council for the upcoming fiscal year's budget.

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

Prepared by: Bill Braun  
Department: Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2019

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO APPROVE THE LIST OF PROJECTS TO BE FUNDED BY SB 1 THE ROAD REPAIR AND ACCOUNTABILITY ACT.

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of all projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive and estimated \$2,939,388 in RMRA funding in Fiscal Year 2019-20 from SB 1; and

WHEREAS, this is the third year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone an extensive process to ensure input from City staff, citizen feedback, and heavy traffic patterns into our community's transportation priorities (the project list); and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate streets/roads, bridges, and add active transportation infrastructure throughout the City this year and many similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in a "good" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "excellent" condition; and

WHEREAS, without revenue from SB 1, the City would have otherwise been delaying projects throughout the community; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure, with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

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

1. That the foregoing recitals are true and correct.
2. That the attached list (Exhibit A) of proposed projects will be funded in-part or solely with fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of April 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 2019-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 2, 2019 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2019-     duly passed and adopted by the Ontario City Council at their regular meeting held April 2, 2019.

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

(SEAL)

**EXHIBIT A**

**Local Streets and Roads Program**

Agency Name	Agency Contact
Ontario	William Braun
LoCode: 5092	<a href="mailto:bbraun@ontarioca.gov">bbraun@ontarioca.gov</a>

FY
19/20

**Project Description:** Projects shown receiving an Asphalt Overlay will also have removal and replacement of failing pavement areas, replacement of damaged sidewalk and curb/gutter, placement of ADA access ramps, updated signage, and updated striping. All overlay projects listed will be paved utilizing Rubberized Asphalt which uses ground up discarded tires in its mix design. This rubberized asphalt mix is a high performing asphalt product at a competitive cost that extends the pavement life while providing an environmentally friendly recycled tire usage.

**Summary of Proposed Project List**

	Project Title	Project Type	Project Location	Begin Project	Complete Project	Estimated Min.	Useful Life Max.
<b>FY 18/19</b>	Archibald Avenue	Asphalt Overlay	SR 60 to Riverside Drive	4/29/2019	7/26/2019	15 years	25 years
	Concourse Street	Asphalt Overlay	Haven Avenue to Milliken Avenue	4/29/2019	7/26/2019	15 years	25 years
	TCC Mission Boulevard Imp.	Roadway Imp.	Benson Avenue to BonView Avenue	6/30/2019	12/31/2019	25 years	35 years
	Intersection Improvement	Traffic Signal	Grove Avenue & Francis Street	6/30/2019	12/31/2019	25 years	35 years
	Intersection Improvement	Traffic Signal	Vineyard Avenue & Sixth Street	6/30/2019	12/31/2019	25 years	35 years
<b>FY 19/20</b>	Philadelphia Street	Asphalt Overlay	Archibald Avenue to Haven Avenue	6/30/2019	12/31/2020	15 years	25 years
	Turner Avenue	Asphalt Overlay	Philadelphia Street to Mission Blvd.	6/30/2019	12/31/2020	15 years	25 years
	Intersection Improvement	Traffic Signal	McCleve Way & Merrill Avenue	6/30/2019	12/31/2020	25 years	35 years
	Intersection Improvement	Traffic Signal	Riverside Drive & Colonial Avenue	6/30/2019	12/31/2020	25 years	35 years
	ATP Cycle 4 (Design Costs)	Pedestrian Access	Various Locations TBD	6/30/2019	12/31/2020	25 years	35 years
<b>FY 20/21</b>	Maitland Street	Asphalt Overlay	Cypress Street to Euclid Avenue	6/30/2020	12/31/2021	15 years	25 years
	Archibald Avenue	Asphalt Overlay	Riverside Drive to Chino Avenue	6/30/2020	12/31/2021	15 years	25 years
	Archibald Avenue	Asphalt Overlay	Chino Avenue to Ontario Ranch Road	6/30/2020	12/31/2021	15 years	25 years
	H Street	Asphalt Overlay	Mountain Avenue to Euclid Avenue	6/30/2020	12/31/2021	15 years	25 years
	Inland Empire Boulevard	Asphalt Overlay	Haven Avenue to Milliken Avenue	6/30/2020	12/31/2021	15 years	25 years
	ATP Cycle 4 (Construction Match Costs)	Pedestrian Access	Various Locations TBD	6/30/2020	12/31/2021	25 years	35 years
<b>FY 21/22</b>	Archibald Avenue	Asphalt Overlay	I-10 to Inland Empire Boulevard	6/30/2021	12/31/2022	15 years	25 years
	Archibald Avenue	Asphalt Overlay	Ontario Ranch Road to Channel	6/30/2021	12/31/2022	15 years	25 years
	I Street	Asphalt Overlay	Benson Avenue to Euclid Avenue	6/30/2021	12/31/2022	15 years	25 years
	San Antonio Avenue	Asphalt Overlay	Sixth Street to Holt Blvd.	6/30/2021	12/31/2022	15 years	25 years
	Intersection Improvement	Traffic Signal	Various Locations TBD	6/30/2021	12/31/2022	25 years	35 years
<b>FY 22/23</b>	Haven Avenue	Asphalt Overlay	Jurupa Avenue to Riverside Drive	6/30/2022	12/31/2023	15 years	25 years
	Grove Avenue	Asphalt Overlay	Mission Blvd. to Fourth Street	6/30/2022	12/31/2023	15 years	25 years
	Intersection Improvement	Traffic Signal	Various Locations TBD	6/30/2022	12/31/2023	25 years	35 years
<b>FY 23/24</b>	Mountain Avenue	Asphalt Overlay	Mission Boulevard to SR60	6/30/2023	12/31/2024	15 years	25 years
	D street	Asphalt Overlay	Vine Street to Euclid Avenue	6/30/2023	12/31/2024	15 years	25 years
	Intersection Improvement	Traffic Signal	Various Locations TBD	6/30/2023	12/31/2024	25 years	35 years



# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A CONSTRUCTION CONTRACT FOR THE FIRE TRAINING FACILITY PROJECT**

**RECOMMENDATION:** That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to Robert Clapper Construction Services, Inc. of Rialto, California, for the Fire Training Facility Projects (PF1101) in the bid amount of \$8,282,610 plus a ten percent (10%) contingency of \$828,261 for a total authorized expenditure of \$9,110,871; 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.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Fiscal Year 2018-19 Adopted Budget includes appropriations for the construction of the Fire Training Facility Project in the amount of \$7,573,939 from the Capital Project Fund and \$708,671 from Old Model Colony Fire Impact Fees for a combined total amount of \$8,282,610. A 10% contingency is recommended due to possible unforeseen conditions that may arise during construction of the project.

**BACKGROUND:** The Ontario Fire Department condemned the previous fire training tower in 2011, razed the building in 2012, and completed a needs assessment in 2013. The design and engineering for this project was initially completed and submitted for initial plan review in 2014. The structures have been designed, value engineered, plans approved, and successfully bid. This project will allow Ontario firefighters to conduct live-fire training, hazardous materials training, explosive ordinance disposal training, and urban search and rescue training on-site in multiple different building configurations. The project includes a replica residential structure, commercial strip mall, warehouse, a six-story high-rise structure, and numerous training props. Additionally, the existing classrooms will be fully renovated to include updated technologies, remodel of the men's and women's restrooms to include ADA access, and replace the deteriorated asphalt with concrete paving. Since the original training tower was condemned, the Ontario Fire Department has had to utilize numerous offsite training locations for firefighting and

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

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

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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special teams training. This new state-of-the-art fire training facility will allow current and future personnel to receive both introductory and advanced training without having to utilize training facilities at neighboring fire departments thus improving both coverage and efficiency.

In January 2019, the City solicited bids for this project with three (3) bids received. The following is a summary of the bid results:

<b>COMPANY</b>	<b>LOCATION</b>	<b>TOTAL BID AMOUNT</b>
Robert Clapper Construction Services, Inc.	Rialto, CA	\$8,282,610
Saifco Construction Company	Westlake Village, CA	\$9,030,000
Act 1 Construction, Inc.	Norco, CA	\$9,881,324

Robert Clapper Construction Services, Inc. submitted the lowest responsive bid and has performed similar work in a satisfactory manner for the City of Ontario, Rancho Cucamonga Fire Protection District, and numerous other local and regional municipalities.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were reviewed and it was determined that project is Categorically Exempt pursuant to Section 15332 (Class 23 -In-Fill Development) of the California Environmental Quality Act (“CEQA”) Guidelines. A Notice of Exemption was filed with the San Bernardino County Clerk of the Board of Supervisor on August 19, 2014.

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AGREEMENT FOR UTILIZATION OF HOSPITAL FACILITIES FOR CLINICAL EXPERIENCE OF FIRE DEPARTMENT EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an agreement (on file with the Records Management Department) with San Antonio Regional Hospital for the purpose of utilizing hospital facilities for clinical experience of Ontario Fire Department employees who are Emergency Medical Technicians or Paramedics.

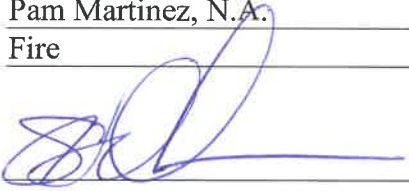
**COUNCIL GOALS:** Maintain the Current High Level of Public Safety

**FISCAL IMPACT:** The recommended agreement continues the existing clinical experience program between the City and San Antonio Regional Hospital for a three-year period, with the option to extend for an additional three-year period. There is no cost to the City to participate in this program.

**BACKGROUND:** The Ontario Fire Department is an Inland Counties Emergency Medical Agency (ICEMA)-approved Emergency Medical Technician (EMT) training facility. In order to meet the standards of an approved training facility, the Department must have a contracted facility where EMT students can gain their required clinical experience. This clinical experience is supervised by hospital staff where EMT students are evaluated on pre-selected program objectives.

San Antonio Regional Hospital will also provide a facility for Department paramedics to sharpen assessment and treatment skills. The utilization of certain skills are low-frequency events, but require competence and precision. The ability to provide training on actual patients with close supervision is vital to the Department's paramedic training program, as well as the State required Quality Improvement Plan.

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

Prepared by: Pam Martinez, N.A.  
Department: Fire  
City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

**RECOMMENDATION:** That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Brookfield Solstice 126 LLC, Brookfield Holiday 91 LLC, and BrookCal Ontario LLC, all Delaware limited liability companies, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) (the "CFD") authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, May 7, 2019; and
- (C) Adopt a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 40 (Emerald Park Facilities).

**COUNCIL GOALS: Operate in a Businesslike Manner**


**Focus Resources in Ontario's Commercial and Residential Neighborhoods**

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

**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** The use of Mello-Roos financing for facilities in the residential development of the proposed CFD for the Emerald Park project is estimated to generate approximately \$6.2 million,

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the intention to establish a community facilities district, authorizing the levy of special taxes, and to issue bonds.

In the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony (“First Amended and Restated Construction Agreement”) between the City and NMC Builders, LLC, the City agreed to cooperate with the members of NMC Builders, LLC in the formation of community facilities districts. BrookCal Ontario LLC, the master developer of the project, and a member of NMC Builders, and Brookfield Solstice 126 LLC, and Brookfield Holiday 91 LLC, all Delaware limited liability companies, have provided written petitions to the City requesting formation of a community facilities district for the Emerald Park project in Ontario Ranch. The Emerald Park project addresses the development of approximately 24 gross acres located generally east of Archibald Avenue, south of La Avenida Drive, and north of Ontario Ranch Road. At build out, the development is projected to include 265 units, comprised of 48 detached and 217 attached units.

Included, as part of the resolution of intention for the proposed district, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 40 (Emerald Park Facilities). The terms of the Rate Method of Apportionment of Special Tax are consistent with the City Council’s adopted Mello-Roos Local Goals and Policies in all aspects, except that the percentage of assessed value of the total annual tax obligation, plus the Homeowners Association (HOA) fee, exceeds the adopted policy thresholds, in aggregate, by .14% for the detached units, and by .28% for the attached units. However, as has been previously authorized for other similar community facilities districts in the Ontario Ranch, and as is consistent with the “enhanced level of amenities” provisions of the Memorandum of Understanding executed between the City and NMC Builders on July 21, 2015 (the MOU) 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 MOU.

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 (\$24 million) under the resolution is set intentionally higher than the current proposed bond amount (approximately \$6.2 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 Emerald Park project are 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 are developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos

Act, to ensure that home buyers are making an informed decision, all residential builders in Ontario Ranch community facilities districts will be required to disclose the maximum annual special tax amounts to each homeowner before they enter into a sales contract.

City staff members have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowners. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the community facilities district for the regularly scheduled City Council meeting on Tuesday, May 7, 2019 to consider the matter.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

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

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

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received written petitions (the "Petitions") from each of BrookCal Ontario LLC, a Delaware limited liability company ("BrookCal Ontario"), Brookfield Solstice 126 LLC, a Delaware limited liability company, and Brookfield Holiday 91 LLC, a Delaware limited liability company (collectively, the "Landowners") requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of facilities and services to be financed by the Community Facilities District; and

WHEREAS, the Landowners have represented and warranted to the City Council that the Landowners are the owners of 100% of the area of land proposed to be included within the Community Facilities District and not proposed to be exempt from the special tax; and

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

WHEREAS, Section 53314.9 of the Act further provides that the legislative body may enter into an agreement, by resolution, with the person or entity advancing the funds, to repay all or a portion of the funds advanced, as determined by the legislative body, with or without interest, under all the following conditions: (a) the proposal to repay the funds is included in both the resolution of intention to establish a community facilities district adopted pursuant to Section 53321 of the Act and in the resolution of formation to establish a community facilities district pursuant to Section 53325.1 of the Act, (b) any proposed special tax is approved by the qualified electors of the community facilities district 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 have entered into a Deposit and Reimbursement Agreement, dated as of April 1, 2019 (the "Deposit Agreement"), relating to the Community Facilities District, that provides for the advancement of funds by BrookCal Ontario to be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby, and provides for the reimbursement to BrookCal Ontario of such funds advanced, without interest, from the proceeds of any such bonds issued by the Community Facilities District; and

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

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

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

SECTION 2. The City Council hereby finds that the Petitions are signed by the owners of the requisite amount of land proposed to be included in the Community Facilities District.

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



SECTION 4. The name proposed for the Community Facilities District is “City of Ontario Community Facilities District No. 40 (Emerald Park Facilities).”

SECTION 5. 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 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 City Council hereby fixes Tuesday, May 7, 2019, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District.

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

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

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

SECTION 14. BrookCal Ontario has heretofore advanced certain funds, and may advance additional funds, which have been or may be used to pay costs incurred in connection with the establishment of the Community Facilities District and the issuance of special tax bonds thereby. The City Council proposes to repay all or a portion of such funds expended for such purpose, solely from the proceeds of such

bonds, pursuant to the Deposit Agreement. The Deposit Agreement is hereby incorporated herein as though set forth in full herein.

SECTION 15. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 16. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of April 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 2, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held April 2, 2019.

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

(SEAL)

## EXHIBIT A

### FACILITIES AND INCIDENTAL EXPENSES

#### Facilities

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

#### Facilities to be Purchased

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

#### Services

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

#### Incidental Expenses

The incidental expenses proposed to be incurred include the following:

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

## EXHIBIT B

### CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT No. 40 (EMERALD PARK FACILITIES)

#### RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) ("CFD No. 40") and collected each Fiscal Year, commencing in Fiscal Year 2019-20, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 40, 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. 40: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 40 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. 40 of complying with arbitrage rebate requirements; the costs to the City or CFD No. 40 of complying with City, CFD No. 40, 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. 40 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. 40 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. 40; and amounts estimated or advanced by the City or CFD No. 40 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. 40 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. 40 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. 40"** means City of Ontario Community Facilities District No. 40 (Emerald Park Facilities).

**"City"** means the City of Ontario, California.

**"City Council"** means the City Council of the City, acting as the legislative body of CFD No. 40.

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

**"County"** means the County of San Bernardino.

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

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

**“Expected Residential Lot Count”** means 265 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. 40.

**“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. 40 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. 40 or the City, (d) does not have any substantial interest, direct or indirect, with or in (i) CFD No. 40, (ii) the City, (iii) any owner of real property in CFD No. 40, or (iv) any real property in CFD No. 40, and (e) is not connected with CFD No. 40 or the City as an officer or employee thereof, but who may be regularly retained to make reports to CFD No. 40 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. 40 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. 40 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public or utility right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

**“Residential Floor Area”** means all of the Square Footage of living area within the perimeter of a Unit, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be as set forth in the building permit(s) issued for such Assessor’s Parcel, or as set forth in other official records maintained by the City’s Building Department or other appropriate means selected by CFD No. 40. 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. 40.

**“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. 40 to be levied within the boundaries of CFD No. 40.

**“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. 40 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) without duplicating any amounts described in clause (iv), above, provide an amount equal to reasonably anticipated Special Tax delinquencies based on the delinquency rate for the Special Tax in the previous Fiscal Year as determined by the CFD Administrator, as limited by the Act.

**“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. 40, 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. 40 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 a Unit within a Land Use Class, for the Fiscal Year in which Total Tax Burden is being calculated, the sum of (a) the Assigned Special Tax for such Fiscal Year, plus (b) the *ad valorem* property taxes, special assessments, special taxes for any overlapping community facilities districts, and any other governmental fees, charges (other than fees or charges for services such as sewer and trash), taxes, and assessments (which do not include Contractual Impositions) collected by the County on *ad valorem* tax bills and that the CFD Administrator estimates would be levied or imposed on such Unit in such Fiscal Year if the residential dwelling unit thereon or therein had been completed and sold, and was subject to such fees, charges, taxes, and assessments in such Fiscal Year.

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

“**TTM 18937**” means Tentative Tract Map No. 18937, the area of which is located within CFD No. 40.

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

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

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, beginning with Fiscal Year 2019-20, all Taxable Property within CFD No. 40 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. 40 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. 40 exceeds 1.95% of the Minimum Sale Price of such Units, the Assigned Special Tax shall be reduced to the extent necessary to cause the Total Tax Burden that shall apply to Units within such Land Use Class(es) not to exceed 1.95% of the Minimum Sale Price of such Units.

Each Assigned Special Tax reduction for a Land Use Class shall be calculated by the CFD Administrator separately, and it shall not be required that such reduction be proportionate among Land Use Classes. In connection with any reduction in the Assigned Special Tax, the Backup Special Tax shall also be reduced by the CFD Administrator based on the percentage reduction in Maximum Special Tax

revenues within the Tentative Tract Map area(s) where the Assigned Special Tax reductions occurred. Upon determining the reductions, if any, in the Assigned Special Tax and Backup Special Tax required pursuant to this Section C, the CFD Administrator shall complete the Certificate of Modification of Special Tax substantially in the form attached hereto as Exhibit A (the “Certificate of Modification”), shall execute such completed Certificate of Modification, and shall deliver such executed Certificate of Modification to CFD No. 40. Upon receipt thereof, if in satisfactory form, CFD No. 40 shall execute such Certificate of Modification. The reduced Assigned Special Tax and Backup Special Tax specified in such Certificate of Modification shall become effective upon the execution of such Certificate of Modification by CFD No. 40.

The Special Tax reductions required pursuant to this section shall be reflected in an amended notice of Special Tax lien, which CFD No. 40 shall cause to be recorded with the County Recorder as soon as practicable after execution of the Certificate of Modification by CFD No. 40. 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	\$2,073 per Unit
2	Single Family Detached Property	1,701 – 1,900	\$2,147 per Unit
3	Single Family Detached Property	1,901 – 2,100	\$2,305 per Unit

4	Single Family Detached Property	2,101 – 2,300	\$2,508 per Unit
5	Single Family Detached Property	2,301 – 2,500	\$2,626 per Unit
6	Single Family Detached Property	2,501 – 2,700	\$2,793 per Unit
7	Single Family Detached Property	2,701 – 2,900	\$2,942 per Unit
8	Single Family Detached Property	2,901 – 3,100	\$3,100 per Unit
9	Single Family Detached Property	3,101 – 3,300	\$3,258 per Unit
10	Single Family Detached Property	3,301 – 3,500	\$3,416 per Unit
11	Single Family Detached Property	3,501 – 3,700	\$3,574 per Unit
12	Single Family Detached Property	3,701 – 3,900	\$3,732 per Unit
13	Single Family Detached Property	> 3,900	\$3,890 per Unit
14	Single Family Attached Property	< 801	\$1,211 per Unit
15	Single Family Attached Property	801 – 950	\$1,289 per Unit
16	Single Family Attached Property	951 – 1,100	\$1,429 per Unit
17	Single Family Attached Property	1,101 – 1,300	\$1,779 per Unit
18	Single Family Attached Property	1,301 – 1,500	\$1,931 per Unit
19	Single Family Attached Property	1,501 – 1,700	\$2,125 per Unit
20	Single Family Attached Property	1,701 – 1,900	\$2,309 per Unit
21	Single Family Attached Property	> 1,900	\$2,430 per Unit
22	Other Residential Property		\$46,243 per Acre
23	Non-Residential Property		\$46,243 per Acre

3) *Backup Special Tax*

The Backup Special Tax shall be \$2,603 per Unit for Single Family Detached Property and \$1,948 per Unit for Single Family Attached Property. However, if the Expected Residential Lot Count does not equal 48 for Single Family Detached Property or 217 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:

$$\text{Backup Special Tax} = \$124,944 \div \text{Expected Residential Lot Count for Single Family Detached Property}$$

$$\text{or } \$422,763 \div \text{Expected Residential Lot Count for Single Family Attached Property}$$

If any portion of a Final Subdivision Map, or any area expected by CFD No. 40 to become Final Mapped Property, such as the area within TTM 18937 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 \$46,243 per Acre, and shall not be subject to increase or reduction and, therefore, shall remain the same in every Fiscal Year.

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

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

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

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

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

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

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

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

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

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

Notwithstanding the above, under no circumstances shall the Special Tax levied in any Fiscal Year on any Assessor's Parcel of Single Family Property or Other Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of delinquency or default by the owner or owners of any other Assessor's Parcel or Assessor's Parcels within CFD No. 40 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 4.85 Acres of Public Property and up to 5.69 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 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. 40 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

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

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

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

**G. MANNER OF COLLECTION**

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

## H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

**“CFD Public Facilities”** means \$6,933,000 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. 40.

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

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

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

**“Prepayment Period 1”** means July 1, 2019, through June 30, 2053.

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

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

### 1. **Prepayment in Full**

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

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

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

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

**Paragraph No.**

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel, and determine the Prepayment Period for the proposed prepayment.
2. Compute the Assigned Special Tax and Backup Special Tax for the Assessor's Parcel to be prepaid based on the Developed Property Special Tax which is, or could be, charged in the current Fiscal Year. For Assessor's Parcels of Final Mapped Property (for which a building permit has been issued but which is not yet classified as Developed Property) to be prepaid, compute the Assigned Special Tax and Backup Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the building permit which has already been issued for that Assessor's Parcel.
3. (a) Divide the Assigned Special Tax computed pursuant to Paragraph 2 by the total estimated Assigned Special Tax for CFD No. 40 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. 40, 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. 40, 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. 40, 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. 40.

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. 40 (after excluding 4.85 Acres of Public Property and 5.69 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 on an Assessor's Parcel for which a building permit for new construction was issued after January 1, 2018, may be partially prepaid. The amount of the prepayment shall be calculated as in Section H.1, except that a partial prepayment shall be calculated by the CFD Administrator according to the following formula:

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

The terms above have the following meaning:

PP = the partial prepayment

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

AE = the Administrative Fees and Expenses determined pursuant to paragraph 11 above

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

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

The owner of any Assessor's Parcel who desires such prepayment shall notify the CFD Administrator of such owner's intent to partially prepay the Special Tax and the percentage by which the Special Tax shall be prepaid. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax for an Assessor's Parcel within thirty (30) days of the request and may charge a fee for providing this service. With respect to any Assessor's Parcel that is partially prepaid, the CFD Administrator shall (i) distribute the remitted prepayment funds according to Section H.1, and (ii) indicate in the records of CFD No. 40 that there has been a partial prepayment of the Special Tax and that a portion of the Special Tax

with respect to such Assessor's Parcel, equal to the outstanding percentage (100% - "%", as defined above) of the Maximum Special Tax, shall continue to be levied on such Assessor's Parcel pursuant to Section D during the Prepayment Period in which the partial prepayment is made.

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

**I. TERM OF SPECIAL TAX**

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

**EXHIBIT A**

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

**CFD No. 40 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. 40 (Emerald Park Facilities) (“CFD No. 40”), the Assigned Special Tax and the Backup Special Tax for Developed Property within CFD No. 40 has been modified.
  - a. The information in Table 1 relating to the Assigned Special Tax for Developed Property within CFD No. 40, 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 48 for Single Family Detached Property or 217 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:

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

or 
$$\frac{\$[ ]}{\text{Expected Residential Lot Count for Single Family Attached Property}}$$



**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. 40 Bonds.
3. Upon execution of this certificate by CFD No. 40, CFD No. 40 shall cause an amended notice of Special Tax lien for CFD No. 40 to be recorded reflecting the modifications set forth herein.

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

GOODWIN CONSULTING GROUP, INC.  
CFD ADMINISTRATOR

By: \_\_\_\_\_

Date: \_\_\_\_\_

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

CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 40  
(EMERALD PARK FACILITIES)

By: \_\_\_\_\_

Date: \_\_\_\_\_

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) and to Authorize the Levy of Special Taxes," stating its intention to establish City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) (the "Community Facilities District") for the purpose of financing certain public facilities (the "Facilities") and services, as further provided in said Resolution; and

WHEREAS, in order to finance the Facilities it is necessary to incur bonded indebtedness in the amount of up to \$24,000,000;

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

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

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

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

SECTION 4. The maximum amount of the proposed debt is \$24,000,000.

SECTION 5. The City Council hereby fixes Tuesday, May 7, 2019, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the proposed debt authorization.

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

SECTION 7. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

SECTION 8. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of April 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 2019-     was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 2, 2019 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2019-     duly passed and adopted by the Ontario City Council at their regular meeting held April 2, 2019.

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

(SEAL)

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 48 (TEVELDE SERVICES)**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 48 (Tevelde Services).

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

**FISCAL IMPACT:** The use of Mello-Roos financing for services in the residential development of the Tevelde Services project is estimated to generate approximately \$728,000 per year, at build out, to fund City services. The use of Mello-Roos financing for Tevelde Services will not generate funds for facilities, at this time, and bonds will not be issued as part of this formation.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts (CFDs) for the purpose of levying special taxes to finance various kinds of government services. On February 5, 2019, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 48 (Tevelde Services) with the adoption of Resolution No. 2019-005, declaring the City's intention to establish the district and to authorize the levying of special taxes in the district. On March 19, 2019, the City Council conducted the public hearing, adopted the resolution of formation for the District, and introduced and waived further reading of the ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 48 (Tevelde Services). Adoption of the ordinance will conclude the formation process for the District. The Tevelde project addresses the development of approximately 87 gross acres located north of Merrill Avenue, south of Eucalyptus Avenue, east of Cucamonga Channel, and west of

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Archibald Avenue. At build-out, the development is projected to include 432 single-family detached units.

Included, as part of the resolutions of intention and the formation, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 48 (Tevelde Services). The term and structure 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 respects, and are consistent with those of the previously adopted rates and methods of apportionment for Ontario Ranch community facilities districts. This ensures that the special tax rates levied on all residential property owners in community facilities districts in Ontario Ranch are developed in a consistent and equivalent manner. In addition, under the provisions of the Mello-Roos Act, to ensure that home buyers are making an informed decision, all residential builders in the Ontario Ranch community facilities districts will be required to disclose the maximum annual special tax amount to each homeowner before they enter into a sales contract.

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. 48 (TEVELDE SERVICES).

WHEREAS, on February 5, 2019, 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. 48 (Tevelde Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 48 (Tevelde Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on March 19, 2019, 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. 48 (Tevelde Services), 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 "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 48 (Tevelde Services)," 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 levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on March 19, 2019, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2019-20 and in each fiscal

year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of April 2019.

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PAUL S. LEON, MAYOR



ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 3127 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 19, 2019 and adopted at the regular meeting held April 2, 2019 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

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

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3127 duly passed and adopted by the Ontario City Council at their regular meeting held April 2, 2019 and that Summaries of the Ordinance were published on March 26, 2019 and April 9, 2019, in the Inland Valley Daily Bulletin newspaper.

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

(SEAL)

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES**

**RECOMMENDATION:** That the City Council consider and:

- (A) Accept a written petition (on file with the Records Management Department) from Joan M. Borba and James Borba, Co-Trustees of the Joseph and Doleen Borba Administrative Trust (“Landowner”), to create a community facilities district (“CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopt a Resolution of Intention to establish City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services), authorize the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, May 7, 2019.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**Focus Resources in Ontario’s Commercial and Residential Neighborhoods**

**Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch**

**FISCAL IMPACT:** In accordance with the City Council’s long standing direction that development of Ontario Ranch generate sufficient revenues to fund its required City services without reliance on the financial resources of the existing City; the use of Mello-Roos financing in the West Ontario Logistics Center project is projected to generate approximately \$371,500 per year, at build-out, to fund City services. As proposed, the maximum annual special tax rate is \$.31 per square foot for the project’s anticipated 1,197,820 square feet, at build out. The use of Mello-Roos financing is critical in achieving

**STAFF MEMBER PRESENTING:** Armen Harkalyan, Executive Director of Finance

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

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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the City Council's goal of "Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch." The use of Mello-Roos financing for the West Ontario Logistics Center development will not generate funds for facilities, and bonds will not be issued as part of this formation. The CFD is being formed pursuant to the provisions of the Development Agreement between the City and Prologis LP, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of public infrastructure facilities and government services. Government services that may be included in a community facilities district include police protection services, fire protection and suppression services, ambulance and paramedic services, maintenance and lighting of parks, parkways, streets, roads, open space and flood and storm drain protection services, and maintenance and operation of any real property or tangible property with an estimated useful life of five or more years that is owned by the governmental entity.

Joan M. and James Borba have provided a written petition to the City requesting formation of a CFD to fund City services for the West Ontario Logistics Center Services project. Also, Prologis LP, a member of NMC Builders and lessee of the property and developer of the project, has provided a deposit pursuant to a deposit agreement, dated April 1, 2019. West Ontario Logistics Center will be an industrial development project in the Ontario Ranch and addresses the development of approximately 55 gross acres located south of Merrill Avenue, east of Carpenter Avenue and west of the Cucamonga Creek Channel.

Under the Mello-Roos Act, the initial steps in the formation of a CFD normally involve resolutions declaring the City's intention to establish a community facilities district, levy special taxes, and issue bonds. As noted, the issuance of bonds is not being contemplated for this project at this time, so there is no resolution to issue bonds associated with this action. As proposed, the resolution of intention to establish the district and to levy special taxes will set the public hearing date on the formation of the CFD for the regularly scheduled City Council meeting on Tuesday, May 7, 2019 to consider formation matters.

Included, as part of the resolution of intention, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services). 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, and City staff have presented and discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner and the developer of the project.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 50 (WEST ONTARIO LOGISTICS CENTER SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

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

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

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City") has received a written petition (the "Petition") from Joan Marie Borba and James Anthony Borba, as Co-Trustees of The Joseph and Doleen Borba Administrative Trust (the "Landowner"), requesting the institution of proceedings for the establishment of a community facilities district (the "Community Facilities District"), describing the boundaries of the territory that is proposed for inclusion in the Community Facilities District and specifying the types of services to be financed by the Community Facilities District; and

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

WHEREAS, Prologis, L.P., a Delaware limited partnership has previously submitted to the City the fee required by the City to be used to compensate the City Council and the City for all costs incurred in conducting proceedings to create the Community Facilities District, which the City Council has determined to be sufficient for such purpose.

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

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

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

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

SECTION 4. The name proposed for the Community Facilities District is "City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services)."

SECTION 5. 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. No facilities are proposed to be financed by the Community Facilities District.

SECTION 6. Except where funds are otherwise available, a special tax sufficient to pay for all Services, secured by recordation of a continuing lien against all nonexempt real property in the 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 obligation to pay the special tax may not be prepaid and permanently satisfied. 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.

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 7. The City Council hereby fixes Tuesday, May 7, 2019, at 6:30 p.m., or as soon thereafter as the City Council may reach the matter, at 303 East B Street, Ontario, California, as the time and place when and where the City Council will conduct a public hearing on the establishment of the Community Facilities District.

SECTION 8. The City Clerk is hereby directed to publish, or cause to be published, a notice of said public hearing one time in a newspaper of general circulation published in the area of the proposed Community Facilities District. The publication of said notice shall be completed at least seven days prior to the date herein fixed for said hearing. Said notice shall contain the information prescribed by Section 53322 of the Act.

SECTION 9. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the Community Facilities District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in the Community Facilities District, with each owner having one vote for each acre or portion of an acre such owner owns in the Community Facilities District.

SECTION 10. Each officer of the City who is or will be responsible for providing one or more of the proposed types of Services is hereby directed to study, or cause to be studied, the proposed Community Facilities District and, at or before said public hearing, file a report with the City Council containing a brief description of the Services by type which will in his or her opinion be required to adequately meet the needs of the Community Facilities District, and his or her estimate of the cost of providing the Services. Such officers are hereby also directed to estimate the fair and reasonable cost of the incidental expenses proposed to be paid. Such report shall be made a part of the record of said public hearing.

SECTION 11. 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 12. 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 2<sup>nd</sup> day of April 2019.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 2019- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 2, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

(SEAL)

The foregoing is the original of Resolution No. 2019- duly passed and adopted by the Ontario City Council at their regular meeting held April 2, 2019.

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

(SEAL)

## EXHIBIT A

### SERVICES AND INCIDENTAL EXPENSES

#### 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 costs associated with the creation of the Community Facilities District, 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.

EXHIBIT B  
CITY OF ONTARIO  
COMMUNITY FACILITIES DISTRICT NO. 50  
(WEST ONTARIO LOGISTICS CENTER SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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A Special Tax shall be levied on all Assessor's Parcels in the City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services) ("CFD No. 50") and collected each Fiscal Year commencing in Fiscal Year 2019-20, in an amount determined by the City Council of the City of Ontario through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 50, 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 as may hereinafter be set forth have the following meanings:

**"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. 50: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 50 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); 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. 50 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 50; and amounts estimated or advanced by the City or CFD No. 50 for any other administrative purposes of CFD No. 50, 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 on 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.

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

“**CFD No. 50**” means City of Ontario Community Facilities District No. 50 (West Ontario Logistics Center Services).

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

“**City Council**” means the City Council of the City, acting as the legislative body of CFD No. 50.

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

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

“**Gated Apartment Community Dwelling Unit**” means a Multiple Family Dwelling Unit within a gated community that, within such community, is primarily served by private interior streets.

“**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 below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

“**Multiple Family Dwelling Unit**” means a Unit within any residential building containing two or more dwelling units, including attached condominiums, townhomes, duplexes, triplexes, and apartments, but excluding Gated Apartment Community Dwelling Units.

“**Non-Residential**” means any buildings that are for commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

“**Non-Residential Property**” means, for each Fiscal Year, an Assessor’s Parcel for which a building permit for new construction was issued after January 1, 2019, and before May 1 of the prior Fiscal Year, for a Non-Residential use.

“**Property Owner Association Property**” means, for each Fiscal Year, property within the boundaries of CFD No. 50 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 that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.

“**Public Property**” means, for each Fiscal Year, property within the boundaries of CFD No. 50 that is (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency or (b) encumbered by an easement for purposes of public or utility right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that

any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

**“Residential 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, 2019, 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. 50, including: 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.

**“Special Tax”** means the special tax authorized by the qualified electors of CFD No. 50 to be levied within the boundaries of CFD No. 50.

**“Special Tax Requirement”** means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and an amount equal to Special Tax delinquencies based on the historical delinquency rate for Special Taxes, as determined by the CFD Administrator.

**“Single Family Detached Dwelling Unit”** means any residential building containing only one Unit on one legal lot, including single family residences and single family detached residential condominium units.

**“Square Footage”** or **“Sq. Ft.”** means, with respect to a building of Non-Residential Property, the gross 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. 50, for such building, 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 Assessor’s Parcels of Residential Property and Non-Residential Property within the boundaries of CFD No. 50 which are not exempt from the Special Tax pursuant to law or Section E below.

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

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, beginning with Fiscal Year 2019-20, all Taxable Property within CFD No. 50 shall be classified as Residential Property (Single Family Detached Dwelling Unit, Multiple Family Dwelling Unit, or Gated Apartment Community Dwelling Unit) or Non-Residential 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.

**C. MAXIMUM SPECIAL TAX**

The Maximum Special Tax for each Assessor's Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

**TABLE 1  
MAXIMUM SPECIAL TAX**

<b>Land Use Class</b>	<b>Maximum Special Tax Fiscal Year 2019-20</b>
<b>Residential Property:</b>	
Single Family Detached Dwelling Unit	\$1,687 per Unit
Multiple Family Dwelling Unit	\$1,462 per Unit
Gated Apartment Community Dwelling Unit	\$1,226 per Unit
<b>Non-Residential Property</b>	\$0.31 per Sq. Ft.

On January 1 of each Fiscal Year, commencing January 1, 2020, the Maximum Special Tax 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.

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

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Each Fiscal Year, beginning with Fiscal Year 2019-20, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, until the Special Tax Requirement is satisfied. However, the Special Tax levied in any Fiscal Year shall not increase by more than 4.0% of the amount of the Special Tax levied in the prior Fiscal Year.

**E. EXEMPTIONS**

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property.

**F. APPEALS**

Any property owner may file a written appeal of the Special Tax with CFD No. 50 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 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. TERM OF SPECIAL TAX**

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 50.

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: AMENDMENT TO THE PURCHASE AGREEMENT FOR LIGHT AND MEDIUM VEHICLE PARTS**

**RECOMMENDATION:** That the City Council authorize the City Manager to amend the existing purchase agreement to include additional light and medium vehicle parts up to the amount of \$60,000 to be purchased from Advanced Auto Parts, parent company of CarQuest, of Atlanta, Georgia, consistent with the terms and conditions of Purchase Order No. 43655 and Golden State/CARQUEST Cooperative Contract #2017000280. The total amended authorized amount will be \$150,000.

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

**FISCAL IMPACT:** The Fiscal Year 2018-19 Adopted Operating Budget includes appropriations of \$533,578 from the Equipment Services Fund for the annual purchase of light and medium vehicle parts. The City has an existing purchase order for such parts, and staff recommends increasing this purchase order by \$60,000 due to the increased volume of light and medium vehicle repair work experienced this year. The amended total purchase order amount will be \$150,000.

**BACKGROUND:** In July 2018, the City issued a purchase order to Advanced Auto Parts under the City Manager's signature authority. The purchase order was issued for \$90,000 based on the estimated need of vehicle parts at the time. Due to additional installation needs identified this year, staff recommends increasing the existing purchase order by the amount of \$60,000, consistent with the terms and conditions of the Golden State/CARQUEST Cooperative Contract #2017000280.

In general conformation with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.29 allows for the purchase of supplies and equipment through cooperative purchasing programs, pursuant to California Government Code Section 6502 and City of Ontario Resolution No. 91-141. Cooperative purchasing allows the City to pool its procurement power with other public agencies to obtain lower pricing than otherwise might be possible.

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

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

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

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

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

- (A) Award Bid No. 1096 and authorize the purchase and delivery of one Heavy Duty Gas-Powered Water Service Truck in the amount of \$153,000 for the Utilities Department from Transwest Truck Center of Fontana, California;
- (B) Authorize the cooperative purchase and delivery of two Ford pick-up trucks, one F250 and one F350, with Scelzi utility bodies in the amount of \$114,000 for the Parks and Maintenance Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF;
- (C) Authorize the cooperative purchase and delivery of one Ford F650 CNG Stake Bed Truck in the amount of \$132,000 for the Integrated Waste Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL; and
- (D) Authorize the cooperative purchase and delivery of one Ford F550 Dump Body in the amount of \$93,000 for the Parks and Maintenance Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

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

**FISCAL IMPACT:** The Fiscal Year 2018-19 Adopted Operating Budget includes appropriations from the Equipment Services Fund in the amount of \$500,000 for the purchase of the replacement vehicles listed above. The total cost of the vehicles recommended for purchase is \$492,000.

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

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

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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**BACKGROUND:** The vehicles recommended for replacement in this action have outlived their useful lives, and it is no longer cost effective to maintain them. They are scheduled for replacement pursuant to ongoing efforts to reduce expenses, maximize useful life expectancy and extend replacement cycles of fleet equipment, while ensuring safe and reliable operations. This procurement action will result in the replaced vehicles being available to surplus, with any auction sale proceeds returning to the Equipment Services Fund.

In general conformation with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.29, allows for the purchase of supplies and equipment through cooperative purchasing programs, pursuant to California Government Code Section 6502 and the City of Ontario Resolution No. 91-141. Cooperative purchasing allows the city to pool its procurement power with other public agencies to obtain lower pricing than otherwise might be possible.

(A) Bid No.1096: One Heavy-Duty Gas-Powered Water Service Truck

In March 2019, the City solicited bids for One Heavy Duty Water Service Truck. Transwest Truck Center of Fontana, California was the only bidder.

Staff recommends awarding Bid No. 1096 to Transwest Truck Center of Fontana, California in the amount of \$153,000.

(B) Staff recommends the cooperative purchase and delivery of two Ford pick-up trucks, one F250 and one F350, with Scelzi utility bodies in the amount of \$114,000 for the Parks and Maintenance Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

(C) Staff recommends the cooperative purchase and delivery of one Ford F650 CNG Stake Bed Truck in the amount of \$132,000 for the Integrated Waste Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

(D) Staff recommends the cooperative purchase and delivery of one Ford F550 Dump Body in the amount of \$93,000 for the Parks and Maintenance Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A PROFESSIONAL SERVICE AGREEMENT FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN FOR PROPERTY LOCATED NORTH OF MERRILL AVENUE, SOUTH OF EUCALYPTUS AVENUE, EAST OF EUCLID AVENUE AND WEST OF THE UNIMPROVED RIGHT-OF-WAY OF SULTANA AVENUE**


**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute an agreement (on file with the Records Management Department) with Placeworks, Inc., of Santa Ana, California, to prepare an Environmental Impact Report (EIR) for the Ontario Ranch Business Park Specific Plan in the amount of \$379,320, plus a 15% contingency of \$56,898, for a total authorized expenditure of \$436,218 and authorize the City Manager to approve any future budget adjustments necessary to complete the EIR.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

**FISCAL IMPACT:** None. The EIR contract is a "pass-thru" to be paid by the project applicant. A budget adjustment for the \$436,218 in Development revenue and corresponding expenditure appropriations will be included in the next quarterly budget update report to the City Council.

**BACKGROUND:** 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 Ontario Ranch. The project site is zoned SP/AG (Specific Plan/Agriculture Preserve). The zoning of "SP" requires the project area to be developed with a specific plan to carry out the goals and policies of TOP.

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

Prepared by: Richard Ayala  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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REDA, OLV (“Applicant”), is proposing the Ontario Ranch Business Park Specific Plan to govern the development of approximately 84 acres of land for industrial purposes. The Specific Plan site is generally located north of Merrill Avenue, south of Eucalyptus Avenue, east of Euclid Avenue, and west of the unimproved right-of-way of Sultana Avenue.

The Ontario Ranch Business Park (“Specific Plan” or “project”) proposes the development of an industrial complex on approximately 84 acres of land. The project includes eight buildings ranging from 39,100 square feet to 588,200 square feet, allowing for a maximum development of 1,787,000 square feet of industrial and office uses. Office uses are ancillary to the industrial uses and occupy up to 75,000 square feet spread across the eight buildings. The Specific Plan will address land use, circulation, infrastructure, grading, maintenance, and phasing, as well as design guidelines, development regulations, and implementation measures to guide future development. Applications associated with the Specific Plan will include a development agreement, development plan, and tentative parcel map.

In order to thoroughly address the environmental impacts associated with the proposed Specific Plan, a project EIR is required.

The City of Ontario Planning Department is responsible for selecting the consultant to prepare the EIR. A Request for Proposals (RFP) to prepare an EIR for the Ontario Ranch Business Park Specific Plan was sent to four qualified environmental consulting firms. The selection committee unanimously recommended Placeworks, Inc. to prepare the EIR for the Ontario Ranch Business Park Specific Plan. The experience and qualifications of the Placeworks, Inc. team seemed to best address and fully respond to the work scope.

The total estimated cost for completing the EIR is \$436,218, which includes a fifteen percent contingency required by the City, will be paid by the applicant. The applicant is aware of and has agreed to the required total amount. Staff will oversee the project from start to finish.

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-003) TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE, WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT (APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, AND 1048-472-21)**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-003, establishing development standards and guidelines to facilitate the development of a commercial center located at the northwest corner of Holt Boulevard and Grove Avenue.


**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 March 19, 2019, the City Council introduced and waived further reading of an ordinance approving the Planned Unit Development. The project site is comprised of six contiguous parcels of land totaling 2.6 acres at the northwest corner of Grove Avenue and Holt Boulevard. The site is bordered by residential uses to the north and vacant land to the west, south and east.

The Ontario Plan Policy Plan (General Plan) designates the 2.6 acre project site as MU-2 (East Holt Mixed-Use). The MU-2 area provides for a vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. New residential uses are envisioned within mixed-use areas along the Holt Boulevard corridor. These new housing opportunities will also provide increased demand for retail at strategic locations (e.g., major intersections). The densities and intensities of the mixed-use district designations provided within The Ontario Plan (TOP) reflect overall ranges for

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

Prepared by: Luis E. Batres  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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each district, however, individual projects may vary depending upon approved master plans, such as an area plan, specific plan, or planned unit development.

The Policy Plan specifies that the MU-2 (East Holt Mixed-Use) zoning district 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, Elba Inc., San Dimas, California, has submitted the "Holt Boulevard and Grove Avenue Planned Unit Development" (included as Attachment "A" to the attached ordinance) which is consistent with the vision and the goals and policies of the Policy Plan.

The proposed PUD establishes development standards, regulations and design guidelines to facilitate the development of a commercial center, with a maximum Floor Area Ratio of 1.0 for development. In conjunction with the PUD submittal, the applicant has submitted a Development Plan (File No. PDEV17-034) and Conditional Use Permit (File No. PCUP17-026) consisting of a 4,662 square foot commercial self-serve car wash (Phase 1), and two multi-tenant retail buildings totaling 9,500 square feet (Phase 2).

On February 26, 2019, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission approved (6-0) Resolution No. PC19-008, recommending that the City Council approve the PUD document and adopted Resolution Nos. PC19-009 and PC19-010 approving the development plan and conditional use permit contingent on City Council approval of the PUD.

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

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

**ENVIRONMENTAL REVIEW:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development that meets each of the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare, or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The project site can be adequately served by all required utilities and public services.



# PLANNING COMMISSION STAFF REPORT

February 26, 2019

**FILE NOS.:** PUD17-003, PDEV17-034 & PCUP17-026

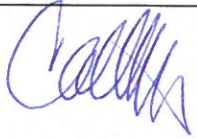
**SUBJECT:** A request for approval of certain entitlements to facilitate the development of 2.6 acres of land located at the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed Use) zoning district including: [1] A Planned Unit Development (File No. PUD17-003) to establish development standards, design guidelines and infrastructure requirements; [2] A Development Plan (File No. PDEV17-034) to construct a phased commercial development composed of a 4,662 square foot commercial car wash (Phase 1) and two multi-tenant retail buildings totaling 9,500 square feet (Phase 2); and [3] A Conditional Use Permit (File No. PCUP17-026) to establish a car wash (APNs: 1048-472-16, 1048-472-17, 1048-472-18, 1048-472-19, 1048-472-20, and 1048-472-21); **submitted by Elba Inc., City Council action required for PUD only.**

**PROPERTY OWNER:** Elba Inc.

**RECOMMENDED ACTION:** That the Planning Commission: [1] recommend the City Council approve File No. PUD17-003, pursuant to the facts and reasons contained in the staff report and attached resolution; and [2] approve File Nos. PDEV17-034 and PCUP17-026 pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached department reports.

**PROJECT SETTING:** As depicted in Figure 1: Project Location, the project site is comprised of 2.6 acres of land located at the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed Use) zoning district. The project site encompasses six parcels that will be consolidated into one irregularly shaped parcel.



Case Planner:	Luis E. Batres
Planning Director Approval:	
Submittal Date:	7-26-17

Hearing Body	Date	Decision	Action
DAB	12-17-18	Approved	Recommend
PC	2-26-19	Approved	Recommend (PUD) Final (PDEV & CUP)
CC	3-19-19		Final (PUD)

The site is bordered by residential uses to the north, and vacant land to the west, south and east.

**PROJECT ANALYSIS:**

[1] Background — The Applicant, Elba, Inc., is requesting approval of certain entitlements to facilitate the development of the project site, including:

- A Planned Unit Development (File No. PUD17-003) to establish development standards, design guidelines and infrastructure requirements;
- A Development Plan (File No. PDEV17-034) to construct a phased commercial development composed of a 4,662 square foot commercial car wash (Phase 1) and two multi-tenant retail buildings totaling 9,500 square feet (Phase 2) in area; and
- A Conditional Use Permit (File No. PCUP17-026) to establish a car wash.

On December 17, 2018, the Development Advisory Board (“DAB”) unanimously voted to recommend that the Planning Commission approve the subject Development Plan and Condition Use Permits applications. The DAB’s purview does not extend to the proposed Planned Unit Development.

[2] Planned Unit Development — The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transitions to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

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 “Holt Boulevard and Grove Avenue Planned Unit Development” (included as Attachment “A” to the attached resolution), which is consistent with this vision and the goals and policies of the Policy Plan.

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, while establishing regulations and standards for uses with unique regulatory and design needs; and
- Ensure harmonious relationships with surrounding land uses.

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

[a] Land Use and Development Regulations — Consistent with the requirements of the MU-2 (East Holt Mixed-Use) zoning district, the “Holt Boulevard and Grove Avenue Planned Unit Development” permits retail and restaurant land uses and conditionally permits car wash land uses. The maximum building height allowed is 35 feet. Required building setbacks are 15 feet (average) from Holt Boulevard and Grove Avenue, and 10 feet from the interior property lines.

[b] Landscaping and Drainage — A conceptual landscape plan is required to be submitted with the Development Plan for construction of the project site. The plan will be required to 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. Water conservation will 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. Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan. A minimum of fifteen (15%) percent of the site shall have landscaping, not including right-of-way or paved areas.

[c] Off-Street Parking and Circulation\Access — Parking, circulation, transit and infrastructure improvements will be provided as follows:

- Parking: Off-street parking is required to be provided on-site, at the rates required by the City of Ontario Development Code. No on-street parking will be allowed on Holt Boulevard or Grove Avenue, in front of the project site.
- Circulation\Access: Vehicular access for the project site is provided at two points, including one 30-foot wide driveway on Grove Avenue, located mid-point along the street frontage, and one 30-foot wide driveway on Holt Boulevard, located at the southwest corner of the site. Pedestrian connections will be provided to each building

from the public street within the PUD site. Additionally, a pedestrian pathway to the Holt/Grove corner is required in order to promote use of a corner patio area.

- Mass Transit: The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

- Street Improvements: The City of Ontario, as part of its intersection widening plan, and the developers of the PUD site, will be responsible to improve Holt Boulevard and Grove Avenue to their ultimate widths.

Architecture\Design Guidelines — The architecture design and details, outlined within the PUD, focus on the following elements;

- Building Design
- Roof Form
- Building Entry Design
- Building Arcades and Awnings
- Architectural Styles
- Building Wall/Material Treatments
- Building Base and Top Treatments
- Building Colors

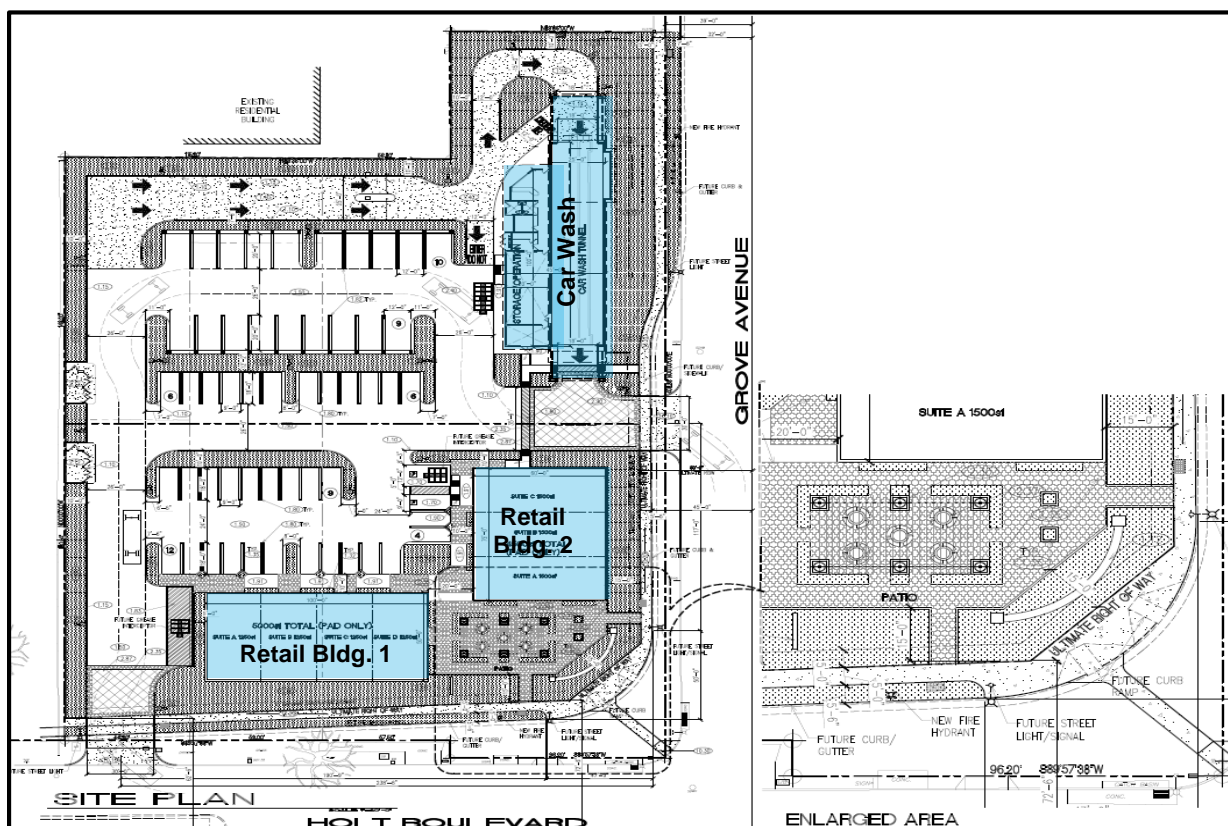
The PUD requires the architectural theme of the project area to be contemporary or modern styles that generally respond to the region's climate including such features as outdoor circulation, outdoor courtyards or plazas, recessed window frames, awnings, arcades, loggias, and trellises. Additionally, buildings are to be oriented toward Holt Boulevard or Grove Avenue, and incorporate entry elements, interesting architecture, enhanced materials, and pedestrian scale, to provide connection between the development and the public street. Building clustering is recommended to help define parking lot areas and encourage walking between buildings.

Due to the size and scale of the PUD area, all sides of the buildings will be visible from the public street. As such appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Bay windows, stepped buildings, height changes and setback variations between stores help to break up large buildings as well as indicate entries and store locations to customers. Tower elements or monumental features are encouraged at focal points, such as corners, plazas, major entrances, or where walkways meet streets. Glazing to be used throughout the building to articulate the open space structure of the building. Overall the building architecture concept is to encompass contemporary open space architecture.

Varying setbacks along the front façade of buildings will create small outdoor public spaces for pedestrians to gather and sit.

[2] Development Plan — In conjunction with the Planned Unit Development, the Applicant is requesting Development Plan approval to construct a phased commercial center. Staff has worked with the applicant to design a project that meets the goals and requirements of the MU-2 zoning district and the Holt Boulevard and Grove Avenue Planned Unit Development design guidelines. The project characteristics are described below.

[a] Site Design/Building Layout — The proposed site layout is shown in Figure 2: Site Plan, below. Phase 1 of the project consists of the construction of a 4,662 square foot commercial car wash, completion of all required site improvements, and completion of all off-site improvements for the project. Parking has been carefully distributed throughout the site to provide customer convenience, while at the same time ensuring opportunities for landscaping. The Development Plan provides building setbacks of 15



**Figure 2: Site Plan**

feet (average) along the Holt Boulevard and Grove Avenue street frontages, 62-feet along the west property line, and 35-feet along the north property line. The car wash structure has been designed with a north to south orientation, with the front facing south (Holt

Boulevard) and the rear facing north. The drive-through access for the car wash has been oriented toward the northwest portion of the site.

The parking lot, landscaping, and plaza area located between the two retail buildings pads will be required to be completed with Phase 1. A condition of approval has been imposed on the project that will require hydroseeding of the two remaining building pads to provide interim landscaping until a Development Plan is submitted and approved for their construction.

A 6-foot high decorative split face block wall will be constructed along the interior property lines (west and north portions of the site). The walls will serve to buffer the adjacent residential project currently under construction, from the proposed commercial development. The Applicant will have to coordinate construction of the wall with the adjacent residential development.

Phase 2 of the project consists of the development of two retail buildings totaling 9,500 square feet. Retail Building 1, located toward the southwest portion of the site, is approximately 5,000 square feet in area and will accommodate up to four retail suites. Retail Building 2, located toward the southeast portion of the site, is approximately 4,500 square feet in area and will accommodate up to three retail suites.

[b] Site Access/Circulation — Vehicular access for the project site is provided by one 30-foot wide driveway on Grove Avenue, located mid-point along the street frontage, and one 30-foot wide driveway on Holt Boulevard, located at the southwest corner of the site. Upon entering the site, patrons may enter the car wash tunnel from the north, and exit the tunnel to the south side of the car wash.

[c] Parking — The project has been parked in accordance with the requirements of the Ontario Development Code. Total required parking for the project is 48 spaces, including ten spaces required for the car wash and 38 spaces required for the retail buildings. The project provides a total of 58 parking spaces, exceeding the minimum parking requirement. Therefore, no shortage of parking is anticipated.

[d] Architecture — The project is proposing a development that exemplifies the type of high quality architecture promoted by the Holt Boulevard and Grove Avenue Planned Unit Development. Staff has worked with the applicant to design a project that will complement the immediate neighborhood through its scale, style, form, materials, and color palette (see Figure 3: Car Wash Elevations).

The modern architecture style proposed is in keeping with the City's high standards for new commercial development. Proposed architectural features include the following:

- Focal tower elements facing the north (rear of building) and south (front of building),
- Articulation in building roof lines,
- Variation in colors (silver, gray, ocean blue),
- Extensive use of glazing along all four elevations, but in particular along the east and west elevations facing Grove Avenue and Holt Boulevard,
- Aluminum storefront framing to accentuate the primary towers,
- Aluminum composite metal panels by Alucobond,
- Incorporation of ½” reveal patterns within the Alucobond panels,
- Decorative lighting at key locations,
- Incorporation of corrugated metal panels; and
- Incorporation of a standing seam metal roof



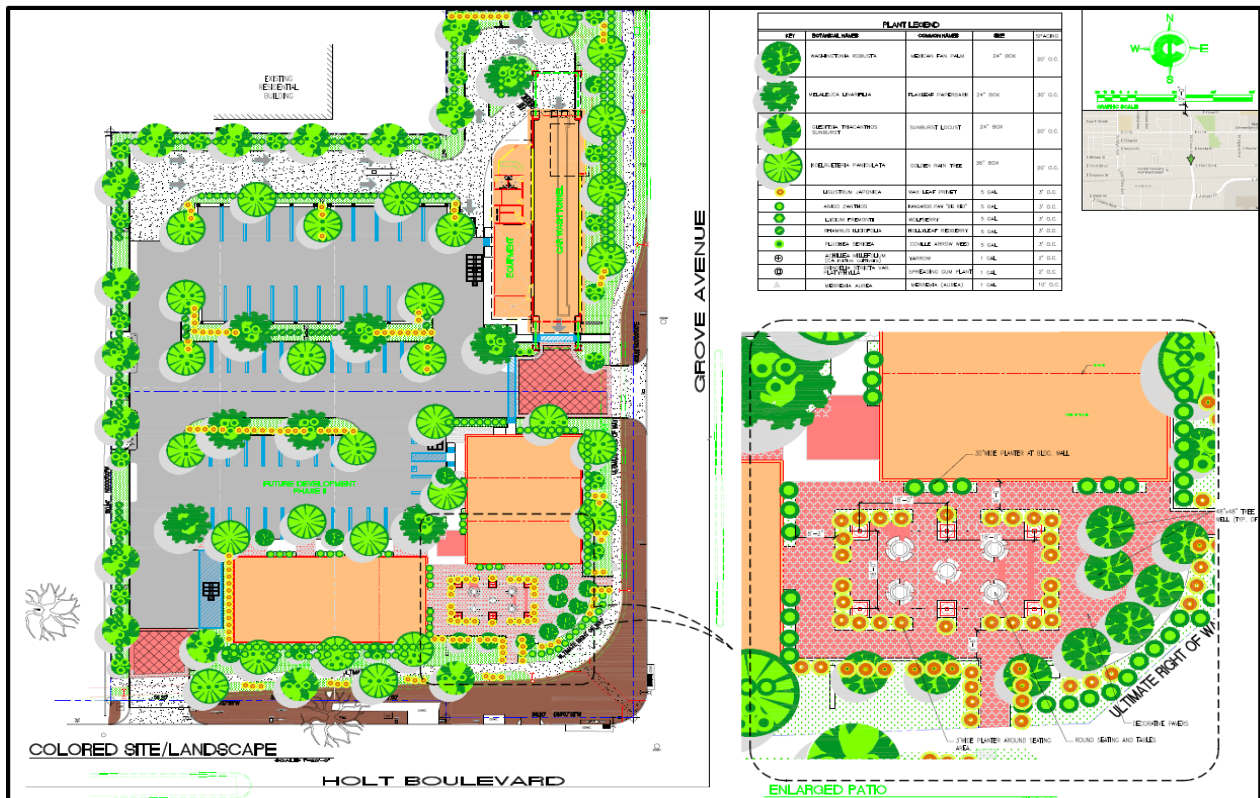
***Figure 3: Car Wash Elevations***

When constructed, the two retail buildings, as part of Phase 2, will be required to compliment the design and materials of the car wash.

[e] Landscaping — The MU-2 zone and Holt Boulevard and Grove Avenue Planned Unit Development require the project to provide a 15 percent landscape

coverage. The project proposes a 24 percent landscape coverage (see Figure 4: Landscape Plan, below).

Landscaping will be provided in the form of a 10-foot landscape setback along the west and north property lines and a 15-foot average landscape setback along the Grove Avenue and Holt Boulevard street frontages. In addition, extensive landscaping in the form of ground cover, shrubs, and trees will be provided along the interior of the development to further enhance the project. Entry driveways have also been carefully designed with decorative paving.



**Figure 4: Landscape Plan**

To make the development more inviting and pedestrian friendly, a decorative and useable plaza area has been designed at the southeast corner of the project to support the corner retail (Phase II) by providing an inviting access point and gathering node adjacent to the future Bus Rapid Transit stop along Holt Boulevard. The plaza area will measure approximately 75 feet long by 40 feet wide. The plaza has been designed with enhanced decorative paving, a decorative 22-foot wide by 40-foot long shade structure, enhanced landscaping, enhanced lighting and decorative outdoor furniture.

[f] Signage — A sign program will be required to be approved for the project prior to any signs being installed.

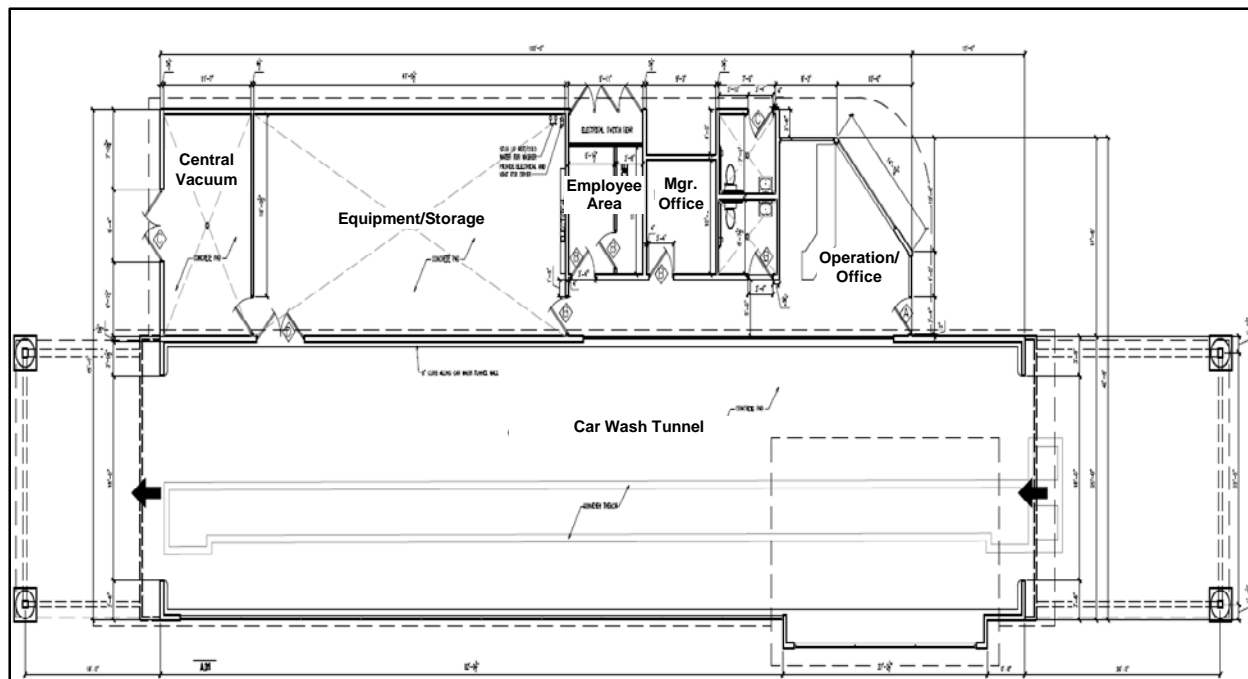
[g] Utilities — Public utilities (water and sewer) are available to serve the project. Additionally, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces, and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes a vegetated swale designed to accept runoff from building roofs, parking lots and project roadways, which lead to an underground stormwater infiltration system. Any overflow drainage will be conveyed to the public street via a parkway drain.

[3] Conditional Use Permit: In conjunction with the previously described PUD and Development Plan applications, the applicant is requesting approval of a Conditional Use Permit to establish and operate a 4,662-square foot car wash on the subject property. The intent of Conditional Use Permit review is to ensure that the proposed use will be operated in a manner consistent with all local regulations and to ensure that the use will not be detrimental to the public health, safety, or welfare, or to uses, properties and/or improvements in the vicinity. Conditional Use Permits are required for land use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses in the surrounding area.

The proposed car wash will utilize higher end technologies than those traditionally used by automated car washes. All water used by the car wash will be filtered and recycled, and all grease, oils, and solids are collected onsite and hauled to an offsite environmental waste collection center. To minimize impacts on adjacent land uses, the floor plan has been carefully designed with all mechanical equipment located inside of the building in an effort to isolate significant noise-generating elements from adjacent land uses (see Figure 5: Floor Plan, below). In addition, the 6-foot tall decorative masonry block wall required along each interior property line will serve to further abate any potential nuisance noise generated by the proposed use.

The equipment and vacuum rooms, which house systems for the car wash tunnel, as-well-as the motor system for the vacuums, are located along the southwest portion of the building. The exit area of the tunnel, which is the largest producer of noise, will be oriented south, toward Holt Boulevard.

To support the proposed car wash, the first row of parking along the north portion of the site will have self-serve vacuums, where customers will be able to vacuum their vehicles. To further minimize any potential noise impacts generated by car wash activities, the project has been conditioned to require the placement of "silencers" on the



***Figure 5: Floor Plan***

self-serve vacuums. Additionally, the car wash has been conditioned to operate within 65 dB CNEL and the applicant has been required to prepare and submit a noise study to the Planning Department prior to the issuance of a building permit for the car wash, which demonstrates that noise levels generated by the carwash will not exceed 65 dB CNEL, measured at the project's property lines.

The car wash will operate daily from 7 a.m. to 7 p.m. in the winter and 7 a.m. to 9 p.m. during the summer. The car wash will employ 3 to 4 people, including a greeter who welcomes customers; a loader who guides customers into the tunnel and checks cars for pre-existing damage; and a manager.

The PUD for the project site, through land use regulations, has ensured that those uses allowed on the project site are compatible with the surrounding area, and does not permit land uses that may have the potential to impose adverse impacts on the surrounding area. Staff believes that existing uses and future uses within the immediate area will not be exposed to any impacts beyond those that would normally be associated with any other commercial land use permitted on the project site.

**COMPLIANCE WITH THE ONTARIO PLAN:** The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:



[1] City 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

[2] Vision.

**Distinctive Development:**

- Commercial and Residential Development
  - Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.

[3] Governance.

**Decision Making:**

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
  - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

**Land Use Element:**

- Goal LU2: Compatibility between a wide range of uses.
  - 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.
  - 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. (Refer to Complete Community Section of Community Economics Element).
  - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

### **Community Economics Element:**

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

- 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.

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

- CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

- 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.

- 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.

- CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

### **Safety Element:**

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

- 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.

### **Community Design Element:**

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

➤ 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.

➤ CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.

➤ 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.

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

➤ 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 architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

➤ 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.

➤ 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.

➤ 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.

➤ 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.

➤ 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.

➤ 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.

➤ 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.

➤ 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.

▪ 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.

➤ 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.

➤ 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.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

➤ CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

▪ 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.

➤ 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.

➤ CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

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

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

**ENVIRONMENTAL REVIEW:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as infill development that meets each of the following conditions:

[1] *The project is consistent with the applicable general plan designation and all applicable general plan policies, as-well-as the applicable zoning designation and regulations.* 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 Policy Plan (General Plan) component of the Ontario Plan.

[2] *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.* The project site is on 2.6 acres of land located within the incorporated boundaries of the City of Ontario. Furthermore, the

site is situated within a fully urbanized area that is characterized by a mix of residential and commercial development.

[3] *The project site has no value as habitat for endangered, rare, or threatened species.* The site has been previously developed with residential and commercial developments, and in its currently state, is a vacant. In addition, the project site is not listed on TOP Policy Plan Area of Potential Occurrence of Sensitive Species Map (Section 5.4 Biological Resources: Figure 5.4.4)

[4] *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.* Conditions of approval have been imposed on the project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

[5] *The project site can be adequately served by all required utilities and public services.* The site located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric, and municipal solid waste services.

**CONDITIONS OF APPROVAL:** See attached department reports.

**TECHNICAL APPENDIX:**

**Surrounding Zoning and Land Use:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant Property	Mixed Use	MU-2 (East Holt Mixed Use)	N/A
<i>North</i>	Single-Family Residential	Mixed Use	MU-2 (East Holt Mixed Use)	N/A
<i>South</i>	Vacant	Business Park	IP (Industrial Park)	N/A
<i>East</i>	Vacant	Mixed Use	MU-2 (East Holt Mixed Use)	N/A
<i>West</i>	Vacant	Mixed Use	MU-2 (East Holt Mixed Use) & Virginia & Holt Planned Unit Development	N/A

**General Site & Building Statistics**

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	2.6 acres	2.6 acres	Y
<i>Lot/Parcel Size:</i>	2.6 acres	2.6 acres	Y
<i>Building Area:</i>	Phase 1- 4,662 sq. ft. Phase 2- 9,500 sq. ft.	N/A	Y
<i>Building Height:</i>	34-feet	35-feet	Y

**Off-Street Parking:**

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Car Wash</i>	4,663 SF	1 per employee (minimum 10 spaces)	10	10
<i>Retail</i>	9,500 SF	4 per 1000 SF	38	48
<i>Restaurant</i>	Unknown	10 per 1,000 SF Note: Restaurant space will be limited to onsite available parking.		
<i>TOTAL</i>			48	58

RESOLUTION NO. PC19-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVE FILE NO. PUD17-003, A PLANNED UNIT DEVELOPMENT (HOLT BLVD. & GROVE AVENUE PLANNED UNIT DEVELOPMENT) TO ESTABLISH DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE REQUIREMENTS FOR PROPERTY LOCATED ALONG THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE, ON 2.6 ACRES OF LAND, WITHIN THE EAST HOLT MIXED-USE (MU-2) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-472-16, 1048-472-17, 1048-472-18, 1048-472-19, 1048-472-20, 1048-472-21.

WHEREAS, ELBA INC. ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.6 acres of land generally located along the northwest corner of Holt Boulevard and Grove Avenue, within the MU-2 (East Holt Mixed Use) zoning district, and is presently vacant land; and

WHEREAS, the property to the north of the Project site is located within the MU-2 (East Holt Mixed-Use) zoning district, and is developed with single family homes. The property to the east is within the MU-2 (East Holt Mixed Use) zoning district, and is currently vacant. The property to the south is within the IP (Industrial Park) zoning district, and is currently vacant. The property to the west is within the MU-2 (East Holt Mixed Use) zone and the Virginia & Holt Planned Unit Development, and is currently vacant; and

WHEREAS, the project site is located within the Mixed-Use land use designation of the The Ontario Plan ("TOP") Policy Plan (General Plan). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development; 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 "Holt Boulevard and Grove Avenue Planned Unit Development" (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. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; 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 Planning Commission the responsibility and authority to review and make recommendation on the subject Application; and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San

Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on February 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

**SECTION 1: Environmental Determination and Findings.** As the recommending body for the project, the Planning Commission 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 Planning Commission, the Planning Commission finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, Infill Development 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. 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 Policy Plan (General Plan) component of the Ontario Plan.

(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. The project site is on 2.6 acres of land located within the incorporated boundaries of the City of Ontario. Furthermore, the site is situated within a fully urbanized area that is characterized by a mix of residential and commercial development.

(c) The project site has no value as habitat for endangered, rare, or threatened species. The site has been previously developed with a mix of residential and commercial development, and in its currently state, is a vacant weed lot with no value to 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. Conditions of approval have been imposed on the project, which will mitigate any significant effects relating to traffic, noise, air quality, or water quality.

(e) The Project site can be adequately served by all required utilities and public services. The site located within an area that is currently served by all required utilities and public services, including, but not limited to sewer, water, gas, electric, and municipal solid waste 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 Planning Commission.

**SECTION 2: *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending authority for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

**SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending authority for the Project, the 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). As a result, the DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed PUD, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed project is located within the 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, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The Planning Commission has required certain safeguards, and has required certain changes, which have been established to ensure that: [i] the purposes of the Planned Unit Development are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan.

(3) ***In the case of an application affecting specific property, the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** A thorough review and analysis of the proposed project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, the preparation of a noise study, intensified landscape elements, and decorative hardscape elements.

(4) ***In the case of an application affecting specific property, 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 proposed Development Plan and Conditional Use Permit, including necessary building setbacks, site access points, off-street parking, site circulation, requirements for a conditional use permit and architectural character.

**SECTION 5: Planning Commission Action.** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

**SECTION 6: Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.


**SECTION 7: Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

**SECTION 8: Certification to Adoption.** The Secretary shall certify to the adoption of the Resolution.

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The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 26th day of February, 2019, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



---

Jim Willoughby  
Planning Commission Vice Chairman

ATTEST:



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Cathy Wahlstrom  
Planning Director  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC19-008 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 26, 2019, by the following roll call vote, to wit:

AYES:           DeDiemar, Downs, Gage, Gregorek, Reyes, Willoughby

NOES:           None

ABSENT:       None

ABSTAIN:       None



Gwen Berendsen  
Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PUD17-003**

*(Departmental conditions of approval to follow this page)*



# Holt Boulevard & Grove Avenue

## Planned Unit Development

### File No. PUD17-003

### February 2019



Prepared By:

Elba, Inc.

2243 Calle Margarita

San Dimas, CA 91773

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# 1. INTRODUCTION

This document is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of 6 parcels located on the northwest corner of Holt Boulevard and Grove Avenue (see Exhibit 1-1, PUD Location Map), as a two phased commercial development that faces Holt Boulevard and Grove Avenue. The Holt Boulevard and Grove Avenue 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.

Exhibit 1-1: PUD Location Map



## 2. PUD OBJECTIVES

### 2.1 THE ONTARIO PLAN (TOP) CONSISTENCY

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

The Holt Boulevard and Grove Avenue PUD is consistent with the principles, goals and policies contained within the components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Policy Plan (General Plan), and (3) City Council Priorities. The policies furthered 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 the 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.

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

## DISTINCTIVE DEVELOPMENT

### Commercial and Residential Development

- The PUD will support new multifamily developments and existing residential neighborhoods by providing the increased demand for retail in a more concentrated, strategic location (e.g., at major intersections) as intended for the East Holt Mixed Use Area.
- The PUD will seek to ensure a mix of retail and commercial uses that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

### Design Quality

- The PUD will require a well-designed project(s) that conveys visual interest and character through:
  - Appropriate scale and massing
  - Architectural style and design that are complementary and appropriate for its setting.
  - The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
  - Appropriate Site Planning to ensure building orientation visibility from the street, adequate number of driveways, sidewalks, building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

### Public Safety

- The PUD will ensure that proper exterior lighting standards be located and designed to minimize direct glare beyond parking lots and future residential development to the west and existing residential development to the north. In addition, per the Ontario Police Department, to ensure that all lighting standards comply with the one-foot candle illumination to provide a level of security and public safety within the retail center.

## 2. Policy Plan

## LAND USE ELEMENT

### LU1 Balance

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.

The PUD, through the development of retail and commercial uses, will help provide jobs to support the existing and new development within the surrounding area.

#### Polices

- *LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector.

- *LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix of retail and commercial uses and business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

### LU2 Compatibility

Goal LU2: Compatibility between a wide range of uses.

The PUD, through land use regulations for permitted uses, have ensured that those permitted uses allowed within the PUD are compatible with the surrounding area and not allow those uses that may have potential to create adverse impacts to the surrounding area.

#### Polices:

- *LU2-1: Land Use Decisions: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.*

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

- *LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.*

The PUD, through the site planning, requires the that future building developed on the site shall be placed along the frontages of Grove Avenue and Holt Boulevard to keep a buffer between the future residential development to the west and exiting residential to the north.

- *LU2-4 Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed. Those uses with operations that may have potential to create nuisances, will require discretionary approval through the Conditional Use Permit process.

- *LU2-5 Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.*

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential areas. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

### LU3 Flexibility

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

The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects



may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines.

Policies:

- *LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.*

To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

- *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.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD will also encourage a plaza area on the corner of Holt Boulevard and Grove Avenue to provide for outdoor eating opportunities and pedestrian gathering areas for residents and future BRT users.

## COMMUNITY ECONOMICS ELEMENT

### CE1 Complete Community

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

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area and contribute to the City's tax sales base.

Policies:

- *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.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center.

### CE2 Place-Making

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

The PUD will seek to ensure a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD area will be distinctive through the requirement of well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

## MOBILITY ELEMENT

### M3 Public Transit

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

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

Policies:

- *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.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

## COMMUNITY DESIGN

### CD1 Image & Identity

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.

- To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

Policies:

- *CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.*

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Growth Area. The PUD area will be distinctive through the requirement of well-designed projects that convey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks,

parking lot orientation, adequate refuse storage areas and well-designed street frontages.

- *CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-way dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard. In addition, the PUD will require adequate landscaping, hardscape, signage and lighting to enhance the prominent corner of Holt Boulevard and Grove Avenue,

### CD2 Design Quality

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

Polices:

- *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 architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
  - exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

- *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.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center. The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users. A plaza area will be incorporate.

- *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.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector. In addition, the future development entitlements will require site improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- *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.*

The PUD development standards will ensure landscape design and materials will be used to enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- *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.*

The PUD development standards will ensure water conservation 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 will be used to reduce heat gain on buildings, paving and parking areas.

### City Council Priorities

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

## 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.

The current goals of the Center City Project include:

- Encourage development of a high intensity, multi-use central business district and surrounding neighborhoods that maximize the economic productivity of the commercial areas and maximize the housing opportunities of the residential areas.
- Apply innovative mixed use urban design that maintains a flexible approach to allow for changing opportunities over a long-term, phased revitalization effort.
- Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use and conserve energy and resources through mixed use development.
- Cluster activity centers within walking distance of each other, supported by a pedestrian network that provides an enjoyable pedestrian flow.

## 2.3 PUD DISTRICT PURPOSE AND OBJECTIVES

The purpose of the Holt Boulevard and Grove Avenue Planned Unit Development (PUD) is to secure a fuller realization of the Policy Plan (General Plan) than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of exceptionally high quality, commercial uses, while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses. The intent of the PUD District is to:

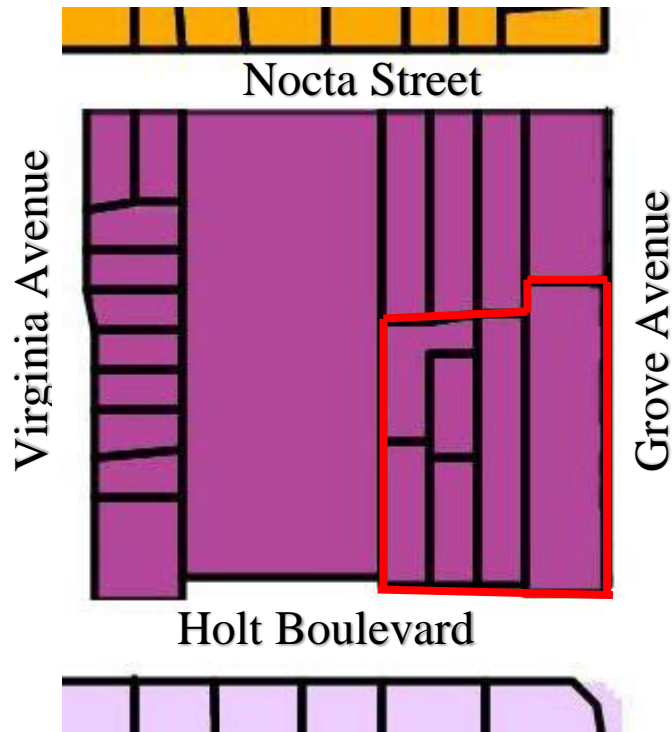
- Promote development projects that are consistent with the land use/downtown revitalization objectives of the Center City Redevelopment Project area.
- Promote community commercial uses to meet the needs of the projects surrounding residential uses.
- Promote the development of plaza areas within the commercial center to providing for social interaction.
- Orient commercial buildings to the street, wherever possible to create an accessible urban edge and sense of arrival.
- Incorporate landscaping to enhance the environment.

## 3. LAND USE PLAN

### 3.1 Land Use Designation

The Holt Boulevard and Grove Avenue PUD includes 6 parcels that are designated Mixed Use (MU-2) within the Ontario Plan and on the City's Zoning Map. The Ontario Plan describes the East Holt Boulevard Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The historic character is enhanced. The most intensive uses are envisioned along Euclid Avenue and Holt Boulevard. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

**Exhibit 3-1: Land Use District Map**



**Project Area:**  Mixed Use 2 (MU-2)

**Adjacent Uses:**  Business Park (0.6 FAR)  Medium Density (11.1 – 25 du / ac)

**3.2 PERMITTED USES**

<b>Exhibit 4-1: Permitted Use Table</b>	
Land Use	MU-2 Commercial
<b>EDUCATIONAL</b>	
Vocational/Trade Schools	<b>C</b>
Private Schools	
<b>MEDICAL</b>	
Animal Hospital/Veterinarian	<b>P</b>
Ambulance Service (Office Only – No Storage of Vehicles)	<b>P</b>
Medical Office	<b>P</b>
<b>MEDICAL OFFICE/FAMILY CLINIC</b>	
Pharmacies and Drug Stores w/o Drive-thru Facilities	<b>P</b>
Industrial Clinic	<b>P</b>
<b>PUBLIC FACILITIES</b>	
Police / Fire Station	<b>P</b>



<b>Exhibit 4-1: Permitted Use Table</b>	
<b>Land Use</b>	<b>MU-2 Commercial</b>
Police Storefront / Substation	<b>P</b>
<b>RELIGIOUS</b>	
Religious Assembly	<b>C</b>
<b>NON-PROFIT/SERVICE ORGANIZATIONS 501 (C) (3) (PER DEVELOPMENT CODE SECTION 9-101305 N)</b>	
Campaign Offices	<b>P</b>
Charitable, Philanthropic, Service and Other Non-Profit Organization Offices	<b>P</b>
Charitable Distribution Services (i.e. Food Banks, etc.)	<b>C</b>
<b>ALCOHOL</b>	
Alcoholic Beverage Sales for Off-Premise Consumption	<b>C</b>
Liquor Store	<b>NP</b>
<b>AUTOMOBILE RELATED SERVICES</b>	
Automotive Parts and Accessories Stores (Retail Sales Only)	<b>P</b>
Automotive Services (i.e. Tune-Up, Emission Tests, Batteries, etc. No use of impact wrenches or other equipment that could create noise impacts.)	<b>NP</b>
Minor Repair (i.e. Brakes, tires, radiators, electrical, etc)	<b>NP</b>
Gas Stations (per Section 9-1.1305 G)	<b>NP</b>
Tire Stores	<b>NP</b>
Car Wash – Full	<b>C</b>
<b>TELECOMMUNICATIONS FACILITIES</b>	
Wireless Telecommunications Facility (Refer to the Development Code)	
<b>DAY CARE FACILITIES</b>	
Commercial Daycare	<b>C</b>
<b>EATING DRINKING PLACES AND FOOD SERVICES</b>	
Restaurants (Sit Down / Full Service)	<b>P</b>
Banquet Facilities in conjunction with a restaurant	<b>P</b>
Bar/Cocktail Lounge	<b>NP</b>
Fast Food	<b>P</b>
Fast Food with Drive-through (per Development Code, Section 9-10305D)	<b>C</b>
<b>ENTERTAINMENT AND RECREATION</b>	
Live Entertainment (in conjunction with restaurant use only)	<b>C</b>
Simulated Shooting Games (Indoor)	<b>C</b>
Health Club / Gymnasium – less than 10,000 square feet	<b>P</b>
Health Club Gymnasium – over 10,000 square feet	<b>C</b>
<b>OFFICES</b>	
Administrative, Professional, and Other Offices	<b>P</b>
<b>RETAIL</b>	
Antique Stores	<b>P</b>
Art Galleries and Art Supply Store	<b>P</b>
Beauty Supply Store	<b>P</b>
Book Stores	<b>P</b>
Hardware Store	
Camera and Photographic Supply Store	<b>P</b>
Cigar and other Tobacco Products Store	<b>NP</b>
Clothing and Accessory Stores	<b>P</b>
Computer and Home Electronic Stores	<b>P</b>
Florist	<b>P</b>
Furniture Stores	<b>P</b>

<b>Exhibit 4-1: Permitted Use Table</b>	
<b>Land Use</b>	<b>MU-2 Commercial</b>
General Merchandise Stores	<b>P</b>
Department Store	<b>P</b>
Discount Variety Store	<b>P</b>
Guns and Ammunition Stores	<b>NP</b>
Hobby, Toy and Game Store	<b>P</b>
Home Appliance Store	<b>P</b>
Jewelry Store	<b>P</b>
Luggage and Leather Goods	<b>P</b>
Music and Video Stores	<b>P</b>
Office Supply, Stationery & Gift Stores	<b>P</b>
Pawnshop / Pawnbroker	<b>NP</b>
Pet and Pet Supply Store	<b>P</b>
Shoe Store	<b>P</b>
<b>FOOD AND BEVERAGE STORES</b>	
Bakery	<b>P</b>
Delicatessen	<b>P</b>
Convenience Market	<b>P</b>
Grocery Store	<b>P</b>
Specialty Food Stores	<b>P</b>
<b>SERVICES</b>	
Advertising Agency	<b>P</b>
Data Processing Services	<b>P</b>
Exterminating Service	<b>P</b>
Equipment Sales and Rentals	<b>P</b>
Photography Studio	<b>P</b>
Photocopying and Duplicating Services	<b>P</b>
<b>FINANCIAL SERVICES</b>	
Banks, Credit Unions and other Depository Institutions	<b>P</b>
Banks, Credit Unions and other Depository Institutions with Drive-thru (See Development Ordinance Section 9-101305 D)	<b>C</b>
Check Cashing	<b>NP</b>
Check / Payday Advance	<b>NP</b>
Money Transmitting	<b>NP</b>
Other Financial Services	<b>NP</b>
<b>PERSONAL SERVICES</b>	
Barber Shop and Beauty / Nail Salon	<b>P</b>
Dry Cleaners	<b>P</b>
Laundry - Commercial	<b>C</b>
Pet Grooming	<b>P</b>
Tailor	<b>P</b>
Travel Agency	<b>P</b>
<b>REPAIR SERVICES</b>	
Computer, Home Electronics, and Small Home Appliances (when ancillary to another use)	<b>P</b>
Electrical Equipment	<b>P</b>
Jewelry and Watches / Clocks	<b>P</b>
Locksmith / Key Shop	<b>P</b>
<b>RESIDENTIAL</b>	

<b>Exhibit 4-1: Permitted Use Table</b>	
<b>Land Use</b>	<b>MU-2 Commercial</b>
Multiple Family Dwellings	<b>NP</b>
Second Dwelling Units	<b>NP</b>
Senior Housing Developments	<b>NP</b>
Single-Family Dwellings	<b>NP</b>
Single Room Occupancy Facilities	<b>NP</b>
Supportive Housing	<b>NP</b>
Work/Live Units	<b>NP</b>

“P” (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district.

“C” (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code.

“NP” (Not Permitted) shall mean the land use, activity, or facility within the specified zoning district is not permitted by right of being in the proper zoning district.

All other uses not listed as Permitted or Conditional are prohibited unless a finding can be made by the Planning Director that the use is similar to, and no more objectionable than, a permitted or conditional use.

## 4. DEVELOPMENT REGULATIONS

### 4.1 INTENSITY

Commercial retail uses within the mixed-use district are allowed a Floor Area Ratio (FAR) of up to 1.0. Floor Area Ratio is calculated by dividing the building square footage by the net lot area (after right-of-way dedications).

### 4.2 BUILDING HEIGHT

The buildings within the Commercial district area shall be a maximum of 35 feet in in order to be in scale to the existing surrounding residential.

### 4.3 SETBACKS

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.

<b>Exhibit 5-1: Building(s) Setback Table</b>		
<b>MU-2 Commercial District Development Standards</b>		
<b>Requirements</b>	<b>MU-2 Commercial District</b>	<b>Additional Requirements</b>
<b>Building Development Standards</b>		
1. Minimum Street Setback (Holt Boulevard/ Grove Avenue)	15 Feet	Building may encroach into the setback provide that a setback average 15 feet is maintained.
2. Interior Property Setbacks	10 feet	Setback areas shall be landscaped
<b>Site Development Standards</b>		
1. Minimum Landscape Coverage	15%	
2. Minimum Parking Space or Drive Aisle Setbacks to Street Property Line	15 feet	Setback areas shall be landscaped.
3. Minimum Parking Space or Drive Aisle Setbacks to Interior Property Lines	10 Feet	Setback areas shall be landscaped.
4. Minimum Parking Space or Drive Aisle to buildings, walls or fences	5 Feet	Setback areas shall be landscaped.

#### 4.4 ACCESS

Holt Boulevard Access -Limited to right-in and right-out turning movements. Any drive access on Holt Boulevard must be located a minimum of two hundred (200) feet from intersecting streets.

Grove Avenue Access - Limited to right-in and right-out turning movements. A minimum of one hundred fifteen (115) feet separation is maintained from intersecting streets.

Distance from the intersecting streets shall be measured from the end of the curb return to the centerline of the driveway.

#### 4.5 LANDSCAPING

A conceptual landscape plan shall be submitted with each Development Plan within the Holt Boulevard and Grove Avenue PUD 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 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.

Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan. A minimum of fifteen (15%) percent of the site shall have landscaping, not including right-of-way or paved areas.

Street front and side landscape setbacks within the Commercial district shall be maintained at a minimum average of fifteen (15) feet along Holt Boulevard, and Grove Avenue.

#### 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 the project.

#### 4.7 FENCES AND WALLS

Fences and walls within the project area 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 project area shall comply with Engineering Corner Sight Distance Standards and other applicable standards. All decorative walls, monuments and/or other similar features shall not encroach into the public street right-of-way.

Within the Mixed-Use 2 districts, walls shall be limited to a maximum of four (4) feet in height within any front yard area. Interior or rear walls shall be a maximum of six (6) feet in height.

Walls shall be coordinated with the architecture of the building with such features as finish material, reveal lines, trim, etc.

## 5. CIRCULATION AND PARKING

### 5.1 VEHICLE CIRCULATION

The City of Ontario, as part of its intersection widening plan, and the developers of the PUD site shall be responsible to improve Holt Boulevard and Grove Avenue to their ultimate widths. These streets will provide vehicular access to the site.

### 5.2 PEDESTRIAN CONNECTIONS

Pedestrian connections shall be provided to each building from the public street within the PUD site. The Mixed-Use Commercial land use district shall also provide pedestrian pathways to

connect all of the commercial developments as well as pedestrian pathways from the corner promoting public use of the corner patio.

### 5.3 MASS TRANSIT

A bus stop with a bus shelter will be located along the Holt Boulevard frontage. The design of the bus shelter shall be determined at the time of development which shall be subject to approval of the Planning and Engineering Departments.

### 5.4 STREET DEDICATIONS AND EASEMENTS

The developers 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. 1301. Additionally, developers shall adhere to the Proposed Holt Blvd and Grove Ave Widening Improvements R/W Requirements as a part of the West Valley Connector Project. The ultimate widths surrounding the PUD are as follows:

Holt Boulevard – up to 72.56' half width

Grove Avenue – up to 51.31' half width

### 5.5 PUBLIC RIGHT-OF-WAY IMPROVEMENTS

The public right-of-way shall be improved with each proposed development. The public right-of-way improvements required are to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, public sidewalk, traffic signing 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 with a particular development. The City may do some or all of the improvements as part of its Proposed Holt Blvd and Grove Ave Widening Improvements

### 5.6 INFRASTRUCTURE

There are existing water lines along Holt Boulevard which shall serve the PUD site. Wastewater flows for the PUD site will be designed to use existing sewer lines in Holt Boulevard.

On-site stormwater drainage facilities shall be provided to capture and infiltrate a 2-yr, 24-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-yr, 24-hour storm event runoff.

All utility lines (electric, communications, TV, etc.) along Holt Boulevard and Grove Avenue will remain underground. Existing overhead utility lines on-site shall be under-grounded 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 and Grove Avenue in accordance with City of Ontario Standards. The type of street lighting will be determined at the time of development.

## 5.7 PARKING

Parking shall be provided on-site at the rates required by the City of Ontario Development Code. No street parking will be allowed on Holt Boulevard or Grove Avenue.

# 6. DESIGN GUIDELINES

## 6.1 BUILDING ORIENTATION AND STREETSCAPES

### Building Orientation

Buildings should be oriented towards Holt Boulevard or Grove Avenue with entry elements, interesting architecture, enhanced materials, and pedestrian scale to provide connection between the development and the street. Windows and entries should face the street avoiding blank walls dominating public views. Stores with entries not visible from the street may be oriented towards pedestrian open space. The building entries may be located on the side of the building so long as strong pedestrian connection is maintained through wide walkways, enhanced pavers, plazas, appropriately scaled lighting and/or other similar features. Rear entrances, if needed, should be secondary in nature.

Building clustering's are recommended to help define parking lot areas and encourage walking between stores. Building entries and storefronts should be positioned close to one another to reduce walking distances between them.

### Street side Setbacks and Buildings

The sides of buildings along street edges shall be landscaped within the setback to soften the building's appearance as well as designed with windows or design elements.

### Street Frontage and Parking Lots

Parking lots should generally be placed away from streets. Street frontages shall be broken up with buildings, landscaping, plazas, and other pedestrian features. Continuous parking lots along the street frontage should be avoided. Any parking along street edges shall be setback with a landscaped buffer to minimize the dominant feeling of the automobile along the street. Continuous parking stalls may be interrupted by landscaped islands no more than 10 stalls apart. Parking lots

are encouraged to be interconnected rather than separated for each building. Separated parking lots encourage customers to drive from store to store.

### Service and Storage Areas

Loading areas and storage areas are to be located behind or to the side of buildings siting onto secondary access and not primary streets. These features must be screened with walls and landscaping as much as possible from public view of streets, residences, and pedestrian walkways. Loading areas and storage areas should not conflict with pedestrian walkways.

### Refuse Containers, Utility and Mechanical Equipment

Refuse containers and equipment shall be easily accessed by service vehicles. They shall be screened from view of the streets, parking lots, and connecting walkways through roof forms, walls and/or landscaping. Screening details should incorporate elements that are compatible to the architecture style of the building. Proper landscaping, including trellises, may also help to screen these elements. Equipment and enclosures shall not be located near pedestrian walkways. Roof-mounted equipment shall be screened by the roof/parapet.

### Sidewalks

Sidewalks shall be located along natural pedestrian travel paths. Sidewalks should be a minimum of 5' wide along pedestrian pathways.

## 6.2 ARCHITECTURAL CHARACTER\DETAILS

### Building Design

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 appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Bay windows, stepped buildings, height changes and setback variations between stores help to break up large buildings as well as indicate entries and store locations to customers. Tower elements or monumental features are encouraged at focal points, such as corners, plazas, major entrances, or where walkways meet streets. Glazing to be used throughout the building to articulate the open space structure of the building. Overall the building architecture concept is to encompass contemporary open space architecture.

Varying setbacks along the front façade of buildings will create small outdoor public spaces for pedestrians to gather and sit.

### Roof Forms

Hipped and gable roofs are encouraged. Roof pitches shall be compatible to the architectural style of the building. Flat roofs should vary in height and be accompanied by cornice, trim or other accent features.



## Entry Design

Building entries shall be prominent and easily identified. Various elements can be used to enhance the entry features including massing variation, materials and color change, change in roof form, and awnings.

## Arcades and Awnings

Outdoor arcades along store fronts are encouraged over pedestrian walkways. Arcades may be used to connect separate buildings providing a more pleasing experience for pedestrians. Trellises or awnings may also be used to create a covered walkway to protect pedestrians from the sun and rain.

## Architectural Styles

A consistent architectural style should be used throughout the commercial development to create a sense of continuity between the buildings. Related elements, such as trellises, planters, light-standards, windows, doors, etc. shall also adopt detailing that is compatible to the selected architectural style.

Architectural styles shall derive from Southern California contemporary or modern styles that generally respond to the region's climate including such features as outdoor circulation, outdoor courtyards or plazas, recessed window frames, awnings, arcades, loggias, and trellises.

## Building Wall Treatment

No wall should have a blank, uninterrupted length exceeding 20 feet without including one of the following:

- Change in texture
- Change in material
- Change in plane
- Lattice
- A tree or equivalent element

Façades that are visible from adjacent streets or walkways should display even greater visual interest by using architectural elements that break up the massing of the buildings, such as windows, arcades, awnings, porticos, and other architectural features.

## Base and Top Treatments

Base and top treatments help to balance the “weight” of the building visually. Bases should appear to “ground” the building, while tops create a defined edge to the roofline. Possible treatment techniques are as follows:

### Base

- Thicker walls

- Natural materials
- Enriched landscaping with a mature height of at least 18”
- Precast materials
- Other decorative, durable materials as approved by the City

Special materials, such as ceramic tile, granite and marble are encouraged at major entries.

#### Tops

- Cornice treatments
- Roof overhangs with brackets
- Stepped parapets
- Textured materials

Colored “stripes” are not acceptable as the only treatment.

#### Exterior Materials

Recommended materials include stucco, exterior plaster, brick, wood siding, tile, precast concrete or stone. Exterior materials that appear pre-fabricated are not recommended. Selected materials and detailing should have an enduring appearance. Foam products should be avoided at the pedestrian level.

#### Roof Materials

Roofing materials that are generally acceptable include metal standing seam, concrete tile, ceramic tile and slate or slate-like materials. Asphalt or wood shingles are prohibited.

#### Colors

Color selection shall be consistent with the selected architecture style.

### 6.3 SIGNS

Signs shall comply with the requirements of the City of Ontario Development Code and shall be coordinated through a comprehensive sign program. A sign program shall be approved by the City prior to any signs being installed.

### 6.5 SERVICE FACILITIES

Service facilities such as trash enclosures, loading zones and yard 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.

Loading areas should be screened by location, orientation, and, if necessary, walls to reduce the visual impact of these areas.

## 7. HISTORIC PRESERVATION

### 7.1 HISTORIC BACKGROUND

The one block area that comprises the PUD established by this document is not located within the City's Historic Downtown District. However, the property was part of Pikes Peak Ocean-to-Ocean Highway (Holt Boulevard frontage). Long before freeways and highways existed in Ontario, travelers relied on Native American trails and stage coach routes. Some of these routes evolved into highways such as the famous Lincoln Highway and the National Old Trails Road (US Route 40). One of the nation's first transcontinental highways, which commenced construction in 1912, is the Pikes Peak Ocean-to-Ocean Highway. The highway spanned the continent from Los Angeles to New York and passed through Holt Boulevard in Ontario. This occurred at a time when paved roads were rare and traveling by car for more than 10 miles was an adventure. Road boosters and automobile enthusiasts arranged local chapters within cities and towns to participate in the promotion of this new highway and laid the foundation for auto-orientated development.

By 1920, Holt Boulevard was a 4-lane highway and the main transportation route linking Los Angeles to Palm Springs. As tourism increased, grand hotels, restaurants, and other roadside businesses developed along Holt Boulevard such as Ford's Lunch, Jiffy Lunch, Hot Dog Show, Casa Blanca Hotel, Dietz Garage and famous tourist attraction, Hotpoint. Movie stars and Beverly Hills socialites ate, shopped, and slept in Ontario's historic downtown making this place a "must stop" destination.

### 7.2 EXISTING HISTORIC STRUCTURES

The project site does not contain any historic resources and is not in a Designated, Proposed, or Potential District. Additionally, Holt Boulevard and Grove Avenue PUD is not adjacent to any historic districts.

## ADMINISTRATION

### 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 Mixed-Use zones and City Standards.

### 2. DEVELOPMENT APPLICATIONS

Development Plans for the development of each individual parcel within the 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.

### 3. ADMINISTRATIVE EXCEPTIONS

Deviation from the development standards set forth in this document may be granted up to a maximum of ten (10%) percent by the Zoning Administrator. Any deviation that is greater than (10%) percent shall require Variance approval.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-003, A PLANNED UNIT DEVELOPMENT TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES FOR THE DEVELOPMENT OF 2.6 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF HOLT BOULEVARD AND GROVE AVENUE; WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-472-16, 1048-472-17, 1048-472-19, 1048-472-20, and 1048-472-21.

WHEREAS, Elba Inc. ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.6 acres of land generally located at the northwest corner of Holt Boulevard and Grove Avenue, 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 is within the MU-2 (East Holt Mixed-Use) zoning district and is developed with single family homes. The property to the east is within the MU-2 (East Holt Mixed-Use) zoning district and is currently vacant. The property to the south is within the IP (Industrial Park) zoning district and is currently vacant. The property to the west is within the MU-2 (East Holt Mixed-Use) zone and the Virginia & Holt Planned Unit Development and is currently vacant; and

WHEREAS, the project site is located within the Mixed-Use land use designation of The Ontario Plan ("TOP") Policy Plan (General Plan). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Grove and Holt Avenues. The East Holt Mixed Use commercial and residential corridor is also envisioned as an area that transitions to new residential uses. It is intended to provide new housing opportunities that will provide increased demand for retail in more concentrated, strategic locations (e.g., major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development. However, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development; 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 "Holt Boulevard and Grove Avenue Planned Unit Development" (included as Attachment "A"), which is consistent with the vision and the goals and policies of the Policy Plan; and

WHEREAS, the proposed PUD establishes development standards, regulations and design guidelines to facilitate the development of a commercial center, with a maximum Floor Area Ratio of 1.0; 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:

- 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 February 26, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, adopting its Resolution No. PC19-008 recommending the City Council approve the Application; and

WHEREAS, on March 19, 2019, the City Council of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date; and

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

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

**SECTION 1. *Environmental Determination and Findings.*** As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of:

(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; and

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

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

**SECTION 2. *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport

(“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

**SECTION 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 through 3, above, the City Council hereby concludes as follows:

(1) ***The proposed PUD, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed project is located within the 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, or amendment thereto, 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) ***In the case of an application affecting specific properties, the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** A thorough review and analysis of the proposed project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, the preparation of a noise study, intensified landscape elements, and decorative hardscape elements.



(4) ***In the case of an application affecting specific properties, the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** 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 proposed Development Plan and Conditional Use Permit, including necessary building setbacks, site access points, off-street parking and site circulation, requirements for a conditional use permit and architectural character.

**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 Planned Unit Development Plan (File No. PUD17-003), attached hereto as "Attachment A," and incorporated herein by this reference.

**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 2<sup>nd</sup> day of April 2019.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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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. 3128 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 19, 2019 and adopted at the regular meeting held April 2, 2019 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3128 duly passed and adopted by the Ontario City Council at their regular meeting held April 2, 2019 and that Summaries of the Ordinance were published on March 26, 2019 and April 9, 2019, in the Inland Valley Daily Bulletin newspaper.

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

(SEAL)

**ATTACHMENT A:**

**File No. PUD17-003;  
Holt Boulevard and Grove Avenue Planned Unit Development**

*(Document follows this page)*

# Holt Boulevard & Grove Avenue

## Planned Unit Development

### File No. PUD17-003

### February 2019



Prepared By:

Elba, Inc.

2243 Calle Margarita

San Dimas, CA 91773

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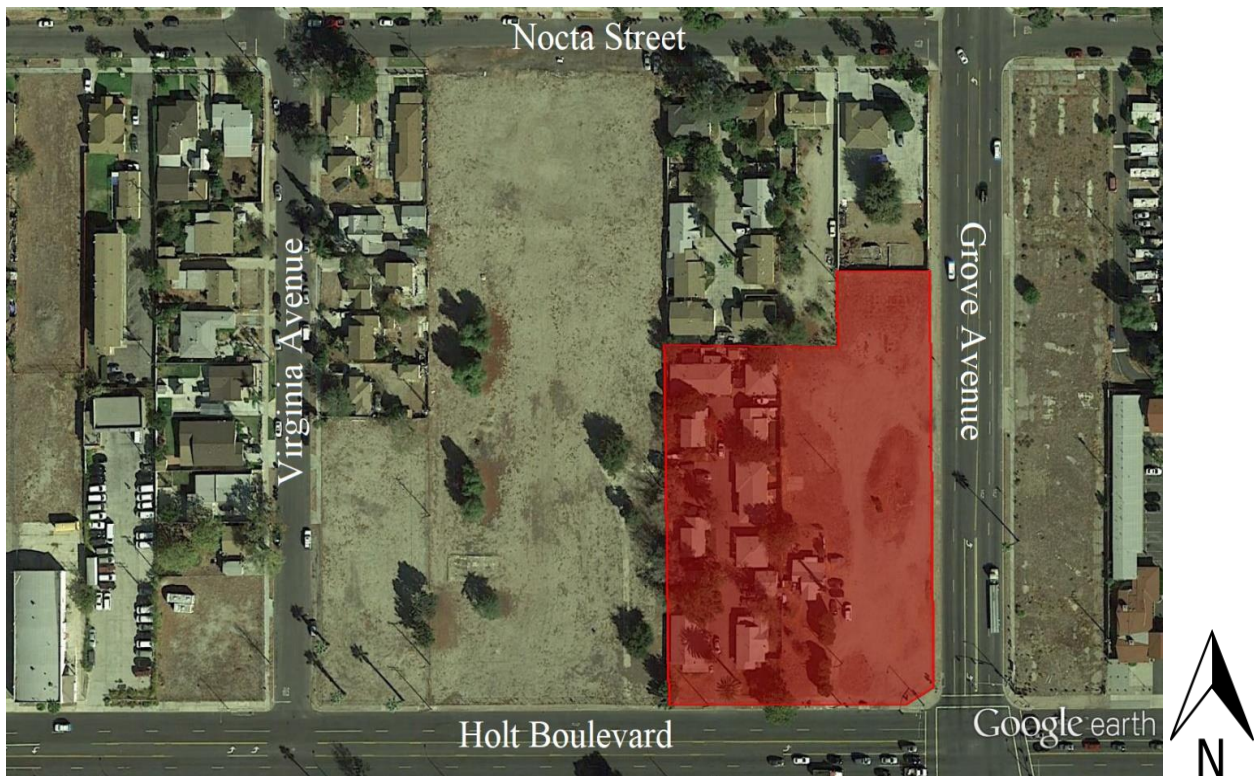
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# 1. INTRODUCTION

This document is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of 6 parcels located on the northwest corner of Holt Boulevard and Grove Avenue (see Exhibit 1-1, PUD Location Map), as a two phased commercial development that faces Holt Boulevard and Grove Avenue. The Holt Boulevard and Grove Avenue 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.

Exhibit 1-1: PUD Location Map





## 2. PUD OBJECTIVES

### 2.1 THE ONTARIO PLAN (TOP) CONSISTENCY

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The most intensive uses are envisioned along Euclid and Holt Avenues. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within The Ontario Plan (TOP) are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

The Holt Boulevard and Grove Avenue PUD is consistent with the principles, goals and policies contained within the components that make up The Ontario Plan (TOP), including: (1) Vision, (2) Policy Plan (General Plan), and (3) City Council Priorities. The policies furthered 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 the 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.

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

## DISTINCTIVE DEVELOPMENT

### Commercial and Residential Development

- The PUD will support new multifamily developments and existing residential neighborhoods by providing the increased demand for retail in a more concentrated, strategic location (e.g., at major intersections) as intended for the East Holt Mixed Use Area.
- The PUD will seek to ensure a mix of retail and commercial uses that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

### Design Quality

- The PUD will require a well-designed project(s) that conveys visual interest and character through:
  - Appropriate scale and massing
  - Architectural style and design that are complementary and appropriate for its setting.
  - The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
  - Appropriate Site Planning to ensure building orientation visibility from the street, adequate number of driveways, sidewalks, building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

### Public Safety

- The PUD will ensure that proper exterior lighting standards be located and designed to minimize direct glare beyond parking lots and future residential development to the west and existing residential development to the north. In addition, per the Ontario Police Department, to ensure that all lighting standards comply with the one-foot candle illumination to provide a level of security and public safety within the retail center.

## 2. Policy Plan

## LAND USE ELEMENT

### LU1 Balance

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.

The PUD, through the development of retail and commercial uses, will help provide jobs to support the existing and new development within the surrounding area.

#### Polices

- *LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector.

- *LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix of retail and commercial uses and business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users.

### LU2 Compatibility

Goal LU2: Compatibility between a wide range of uses.

The PUD, through land use regulations for permitted uses, have ensured that those permitted uses allowed within the PUD are compatible with the surrounding area and not allow those uses that may have potential to create adverse impacts to the surrounding area.

#### Polices:

- *LU2-1: Land Use Decisions: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.*

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

- *LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.*

The PUD, through the site planning, requires the that future building developed on the site shall be placed along the frontages of Grove Avenue and Holt Boulevard to keep a buffer between the future residential development to the west and exiting residential to the north.

- *LU2-4 Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed. Those uses with operations that may have potential to create nuisances, will require discretionary approval through the Conditional Use Permit process.

- *LU2-5 Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.*

The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential areas. Careful consideration has been given to ensure that permitted uses that may have potential to create adverse impacts to the surrounding area are not allowed.

### LU3 Flexibility

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

The Ontario Plan describes the East Holt Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects

may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines.

Policies:

- *LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.*

To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

- *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.*

The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD will also encourage a plaza area on the corner of Holt Boulevard and Grove Avenue to provide for outdoor eating opportunities and pedestrian gathering areas for residents and future BRT users.

## COMMUNITY ECONOMICS ELEMENT

### CE1 Complete Community

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

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area and contribute to the City's tax sales base.

Policies:

- *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.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center.

### CE2 Place-Making

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

The PUD will seek to ensure a mix a retail and commercial uses that will provide a variety of goods and services to the surrounding community and the future Buss Rapid Transit (BRT) users. The PUD area will be distinctive through the requirement of well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.

## MOBILITY ELEMENT

### M3 Public Transit

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

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

Policies:

- *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.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard.

## COMMUNITY DESIGN

### CD1 Image & Identity

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.

- To provide flexibility the densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development. The project area is zoned MU-2 (East Holt Boulevard Mixed Use) and requires that a PUD be implemented for the project area to establish the development standards, land use regulations and design guidelines. The development standards within the PUD are intended to ensure quality and appropriate development to achieve TOP Vision for well-designed projects that convey visual interest.

Policies:

- *CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.*

The Ontario Plan Policy Plan (General Plan) designates the entire project area as mixed-use (East Holt Blvd.). The Ontario Plan describes the East Holt Mixed Use Growth Area. The PUD area will be distinctive through the requirement of well-designed projects that convey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks,

parking lot orientation, adequate refuse storage areas and well-designed street frontages.

- *CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-way dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector and bus stop along the frontage of Holt Boulevard. In addition, the PUD will require adequate landscaping, hardscape, signage and lighting to enhance the prominent corner of Holt Boulevard and Grove Avenue,

### CD2 Design Quality

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

Polices:

- *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 architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and
  - exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

The PUD area will be distinctive through the requirement of a well-designed projects that covey visual interest and character through:

- Appropriate scale and massing
- Architectural style and design that are complementary and appropriate to for its setting.
- The use of high quality materials that will create visual interest, high quality, durable and appropriate for the architectural style.
- Appropriate site planning to ensure building orientation visibility from the street, adequate number of driveways and sidewalks. Building setbacks, parking lot orientation, adequate refuse storage areas and well-designed street frontages.



- *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.*

The permitted uses within PUD have been established to provide retail and commercial uses to serve the surrounding residential area. These retail and commercial uses will be provided to areas currently lacking close access to a retail center. The Grove Avenue BRT SBX Station is proposed within the median on Holt Boulevard directly to the south of the PUD area. The PUD will seek to capitalize on the location of the station by ensuring a mix a retail and commercial uses business that will provide a variety of goods and service to the surrounding community and the future Buss Rapid Transit (BRT) users. A plaza area will be incorporate.

- *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.*

The PUD, along with the future development entitlements for the site, will require the necessary infrastructure to serve the site and provide the necessary right-of-ways dedication for street widening and to accommodate the future Bus Rapid Transit (BRT) for the SBX West Valley Connector. In addition, the future development entitlements will require site improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- *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.*

The PUD development standards will ensure landscape design and materials will be used to enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- *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.*

The PUD development standards will ensure water conservation 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 will be used to reduce heat gain on buildings, paving and parking areas.

### City Council Priorities

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

## 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.

The current goals of the Center City Project include:

- Encourage development of a high intensity, multi-use central business district and surrounding neighborhoods that maximize the economic productivity of the commercial areas and maximize the housing opportunities of the residential areas.
- Apply innovative mixed use urban design that maintains a flexible approach to allow for changing opportunities over a long-term, phased revitalization effort.
- Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use and conserve energy and resources through mixed use development.
- Cluster activity centers within walking distance of each other, supported by a pedestrian network that provides an enjoyable pedestrian flow.

## 2.3 PUD DISTRICT PURPOSE AND OBJECTIVES

The purpose of the Holt Boulevard and Grove Avenue Planned Unit Development (PUD) is to secure a fuller realization of the Policy Plan (General Plan) than that which would result from the application of present zone district regulations; to promote high standards in urban design; to encourage the development of exceptionally high quality, commercial uses, while establishing regulations and standards for uses with special conditions and regulatory needs to ensure harmonious relationships with other land uses. The intent of the PUD District is to:

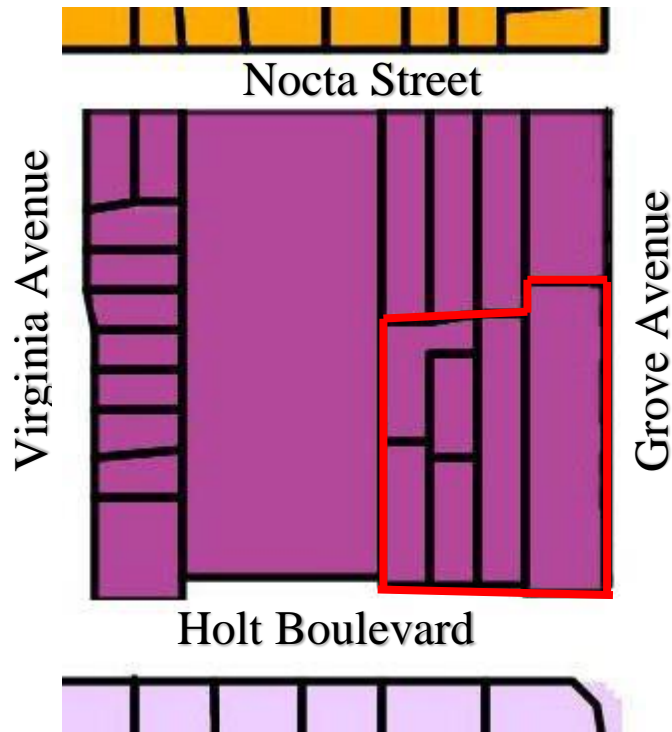
- Promote development projects that are consistent with the land use/downtown revitalization objectives of the Center City Redevelopment Project area.
- Promote community commercial uses to meet the needs of the projects surrounding residential uses.
- Promote the development of plaza areas within the commercial center to providing for social interaction.
- Orient commercial buildings to the street, wherever possible to create an accessible urban edge and sense of arrival.
- Incorporate landscaping to enhance the environment.

## 3. LAND USE PLAN

### 3.1 Land Use Designation

The Holt Boulevard and Grove Avenue PUD includes 6 parcels that are designated Mixed Use (MU-2) within the Ontario Plan and on the City's Zoning Map. The Ontario Plan describes the East Holt Boulevard Mixed Use Area as an intensive vertical and horizontal mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The historic character is enhanced. The most intensive uses are envisioned along Euclid Avenue and Holt Boulevard. The Holt Boulevard Mixed Use commercial and residential corridor is also envisioned as an area that transition to new residential uses. They are intended to provide new housing opportunities that will also provide increased demand for retail in more concentrated, strategic locations (e.g., at major intersections). The densities and intensities of the mixed use designation represented within TOP are the intended level of anticipated development; however, individual projects may vary depending upon an approved master plan, such as an area plan, specific plan, or planned unit development.

**Exhibit 3-1: Land Use District Map**



**Project Area:**  Mixed Use 2 (MU-2)

**Adjacent Uses:**  Business Park (0.6 FAR)  Medium Density (11.1 – 25 du / ac)

### 3.2 PERMITTED USES

<b>Exhibit 4-1: Permitted Use Table</b>	
Land Use	MU-2 Commercial
<b>EDUCATIONAL</b>	
Vocational/Trade Schools	<b>C</b>
Private Schools	
<b>MEDICAL</b>	
Animal Hospital/Veterinarian	<b>P</b>
Ambulance Service (Office Only – No Storage of Vehicles)	<b>P</b>
Medical Office	<b>P</b>
<b>MEDICAL OFFICE/FAMILY CLINIC</b>	
Pharmacies and Drug Stores w/o Drive-thru Facilities	<b>P</b>
Industrial Clinic	<b>P</b>
<b>PUBLIC FACILITIES</b>	
Police / Fire Station	<b>P</b>

<b>Exhibit 4-1: Permitted Use Table</b>	
<b>Land Use</b>	<b>MU-2 Commercial</b>
Police Storefront / Substation	<b>P</b>
<b>RELIGIOUS</b>	
Religious Assembly	<b>C</b>
<b>NON-PROFIT/SERVICE ORGANIZATIONS 501 (C) (3) (PER DEVELOPMENT CODE SECTION 9-101305 N)</b>	
Campaign Offices	<b>P</b>
Charitable, Philanthropic, Service and Other Non-Profit Organization Offices	<b>P</b>
Charitable Distribution Services (i.e. Food Banks, etc.)	<b>C</b>
<b>ALCOHOL</b>	
Alcoholic Beverage Sales for Off-Premise Consumption	<b>C</b>
Liquor Store	<b>NP</b>
<b>AUTOMOBILE RELATED SERVICES</b>	
Automotive Parts and Accessories Stores (Retail Sales Only)	<b>P</b>
Automotive Services (i.e. Tune-Up, Emission Tests, Batteries, etc. No use of impact wrenches or other equipment that could create noise impacts.)	<b>NP</b>
Minor Repair (i.e. Brakes, tires, radiators, electrical, etc)	<b>NP</b>
Gas Stations (per Section 9-1.1305 G)	<b>NP</b>
Tire Stores	<b>NP</b>
Car Wash – Full	<b>C</b>
<b>TELECOMMUNICATIONS FACILITIES</b>	
Wireless Telecommunications Facility (Refer to the Development Code)	
<b>DAY CARE FACILITIES</b>	
Commercial Daycare	<b>C</b>
<b>EATING DRINKING PLACES AND FOOD SERVICES</b>	
Restaurants (Sit Down / Full Service)	<b>P</b>
Banquet Facilities in conjunction with a restaurant	<b>P</b>
Bar/Cocktail Lounge	<b>NP</b>
Fast Food	<b>P</b>
Fast Food with Drive-through (per Development Code, Section 9-10305D)	<b>C</b>
<b>ENTERTAINMENT AND RECREATION</b>	
Live Entertainment (in conjunction with restaurant use only)	<b>C</b>
Simulated Shooting Games (Indoor)	<b>C</b>
Health Club / Gymnasium – less than 10,000 square feet	<b>P</b>
Health Club Gymnasium – over 10,000 square feet	<b>C</b>
<b>OFFICES</b>	
Administrative, Professional, and Other Offices	<b>P</b>
<b>RETAIL</b>	
Antique Stores	<b>P</b>
Art Galleries and Art Supply Store	<b>P</b>
Beauty Supply Store	<b>P</b>
Book Stores	<b>P</b>
Hardware Store	
Camera and Photographic Supply Store	<b>P</b>
Cigar and other Tobacco Products Store	<b>NP</b>
Clothing and Accessory Stores	<b>P</b>
Computer and Home Electronic Stores	<b>P</b>
Florist	<b>P</b>
Furniture Stores	<b>P</b>

<b>Exhibit 4-1: Permitted Use Table</b>	
<b>Land Use</b>	<b>MU-2 Commercial</b>
General Merchandise Stores	<b>P</b>
Department Store	<b>P</b>
Discount Variety Store	<b>P</b>
Guns and Ammunition Stores	<b>NP</b>
Hobby, Toy and Game Store	<b>P</b>
Home Appliance Store	<b>P</b>
Jewelry Store	<b>P</b>
Luggage and Leather Goods	<b>P</b>
Music and Video Stores	<b>P</b>
Office Supply, Stationery & Gift Stores	<b>P</b>
Pawnshop / Pawnbroker	<b>NP</b>
Pet and Pet Supply Store	<b>P</b>
Shoe Store	<b>P</b>
<b>FOOD AND BEVERAGE STORES</b>	
Bakery	<b>P</b>
Delicatessen	<b>P</b>
Convenience Market	<b>P</b>
Grocery Store	<b>P</b>
Specialty Food Stores	<b>P</b>
<b>SERVICES</b>	
Advertising Agency	<b>P</b>
Data Processing Services	<b>P</b>
Exterminating Service	<b>P</b>
Equipment Sales and Rentals	<b>P</b>
Photography Studio	<b>P</b>
Photocopying and Duplicating Services	<b>P</b>
<b>FINANCIAL SERVICES</b>	
Banks, Credit Unions and other Depository Institutions	<b>P</b>
Banks, Credit Unions and other Depository Institutions with Drive-thru (See Development Ordinance Section 9-101305 D)	<b>C</b>
Check Cashing	<b>NP</b>
Check / Payday Advance	<b>NP</b>
Money Transmitting	<b>NP</b>
Other Financial Services	<b>NP</b>
<b>PERSONAL SERVICES</b>	
Barber Shop and Beauty / Nail Salon	<b>P</b>
Dry Cleaners	<b>P</b>
Laundry - Commercial	<b>C</b>
Pet Grooming	<b>P</b>
Tailor	<b>P</b>
Travel Agency	<b>P</b>
<b>REPAIR SERVICES</b>	
Computer, Home Electronics, and Small Home Appliances (when ancillary to another use)	<b>P</b>
Electrical Equipment	<b>P</b>
Jewelry and Watches / Clocks	<b>P</b>
Locksmith / Key Shop	<b>P</b>
<b>RESIDENTIAL</b>	

<b>Exhibit 4-1: Permitted Use Table</b>	
<b>Land Use</b>	<b>MU-2 Commercial</b>
Multiple Family Dwellings	<b>NP</b>
Second Dwelling Units	<b>NP</b>
Senior Housing Developments	<b>NP</b>
Single-Family Dwellings	<b>NP</b>
Single Room Occupancy Facilities	<b>NP</b>
Supportive Housing	<b>NP</b>
Work/Live Units	<b>NP</b>

“P” (permitted) shall mean the land use, activity, or facility within the specified zoning district is permitted by right of being in the proper zoning district.

“C” (conditionally permitted) shall mean the land use, activity, or facility within the specified zoning district is subject to the granting of a Conditional Use Permit pursuant to Section 4.02.025 (Conditional Use Permits) of this Development Code.

“NP” (Not Permitted) shall mean the land use, activity, or facility within the specified zoning district is not permitted by right of being in the proper zoning district.

All other uses not listed as Permitted or Conditional are prohibited unless a finding can be made by the Planning Director that the use is similar to, and no more objectionable than, a permitted or conditional use.

## 4. DEVELOPMENT REGULATIONS

### 4.1 INTENSITY

Commercial retail uses within the mixed-use district are allowed a Floor Area Ratio (FAR) of up to 1.0. Floor Area Ratio is calculated by dividing the building square footage by the net lot area (after right-of-way dedications).

### 4.2 BUILDING HEIGHT

The buildings within the Commercial district area shall be a maximum of 35 feet in in order to be in scale to the existing surrounding residential.

### 4.3 SETBACKS

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.

<b>Exhibit 5-1: Building(s) Setback Table</b>		
<b>MU-2 Commercial District Development Standards</b>		
<b>Requirements</b>	<b>MU-2 Commercial District</b>	<b>Additional Requirements</b>
<b>Building Development Standards</b>		
1. Minimum Street Setback (Holt Boulevard/ Grove Avenue)	15 Feet	Building may encroach into the setback provide that a setback average 15 feet is maintained.
2. Interior Property Setbacks	10 feet	Setback areas shall be landscaped
<b>Site Development Standards</b>		
1. Minimum Landscape Coverage	15%	
2. Minimum Parking Space or Drive Aisle Setbacks to Street Property Line	15 feet	Setback areas shall be landscaped.
3. Minimum Parking Space or Drive Aisle Setbacks to Interior Property Lines	10 Feet	Setback areas shall be landscaped.
4. Minimum Parking Space or Drive Aisle to buildings, walls or fences	5 Feet	Setback areas shall be landscaped.

#### 4.4 ACCESS

Holt Boulevard Access -Limited to right-in and right-out turning movements. Any drive access on Holt Boulevard must be located a minimum of two hundred (200) feet from intersecting streets.

Grove Avenue Access - Limited to right-in and right-out turning movements. A minimum of one hundred fifteen (115) feet separation is maintained from intersecting streets.

Distance from the intersecting streets shall be measured from the end of the curb return to the centerline of the driveway.

#### 4.5 LANDSCAPING

A conceptual landscape plan shall be submitted with each Development Plan within the Holt Boulevard and Grove Avenue PUD 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 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.

Trees along street frontages shall comply with the variety, size, and spacing as directed by the City of Ontario Master Street Tree Plan. A minimum of fifteen (15%) percent of the site shall have landscaping, not including right-of-way or paved areas.

Street front and side landscape setbacks within the Commercial district shall be maintained at a minimum average of fifteen (15) feet along Holt Boulevard, and Grove Avenue.

#### 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 the project.

#### 4.7 FENCES AND WALLS

Fences and walls within the project area 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 project area shall comply with Engineering Corner Sight Distance Standards and other applicable standards. All decorative walls, monuments and/or other similar features shall not encroach into the public street right-of-way.

Within the Mixed-Use 2 districts, walls shall be limited to a maximum of four (4) feet in height within any front yard area. Interior or rear walls shall be a maximum of six (6) feet in height.

Walls shall be coordinated with the architecture of the building with such features as finish material, reveal lines, trim, etc.

## 5. CIRCULATION AND PARKING

### 5.1 VEHICLE CIRCULATION

The City of Ontario, as part of its intersection widening plan, and the developers of the PUD site shall be responsible to improve Holt Boulevard and Grove Avenue to their ultimate widths. These streets will provide vehicular access to the site.

### 5.2 PEDESTRIAN CONNECTIONS

Pedestrian connections shall be provided to each building from the public street within the PUD site. The Mixed-Use Commercial land use district shall also provide pedestrian pathways to

connect all of the commercial developments as well as pedestrian pathways from the corner promoting public use of the corner patio.

### 5.3 MASS TRANSIT

A bus stop with a bus shelter will be located along the Holt Boulevard frontage. The design of the bus shelter shall be determined at the time of development which shall be subject to approval of the Planning and Engineering Departments.

### 5.4 STREET DEDICATIONS AND EASEMENTS

The developers 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. 1301. Additionally, developers shall adhere to the Proposed Holt Blvd and Grove Ave Widening Improvements R/W Requirements as a part of the West Valley Connector Project. The ultimate widths surrounding the PUD are as follows:

Holt Boulevard – up to 72.56' half width

Grove Avenue – up to 51.31' half width

### 5.5 PUBLIC RIGHT-OF-WAY IMPROVEMENTS

The public right-of-way shall be improved with each proposed development. The public right-of-way improvements required are to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, public sidewalk, traffic signing 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 with a particular development. The City may do some or all of the improvements as part of its Proposed Holt Blvd and Grove Ave Widening Improvements

### 5.6 INFRASTRUCTURE

There are existing water lines along Holt Boulevard which shall serve the PUD site. Wastewater flows for the PUD site will be designed to use existing sewer lines in Holt Boulevard.

On-site stormwater drainage facilities shall be provided to capture and infiltrate a 2-yr, 24-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-yr, 24-hour storm event runoff.

All utility lines (electric, communications, TV, etc.) along Holt Boulevard and Grove Avenue will remain underground. Existing overhead utility lines on-site shall be under-grounded 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 and Grove Avenue in accordance with City of Ontario Standards. The type of street lighting will be determined at the time of development.

## 5.7 PARKING

Parking shall be provided on-site at the rates required by the City of Ontario Development Code. No street parking will be allowed on Holt Boulevard or Grove Avenue.

# 6. DESIGN GUIDELINES

## 6.1 BUILDING ORIENTATION AND STREETSCAPES

### Building Orientation

Buildings should be oriented towards Holt Boulevard or Grove Avenue with entry elements, interesting architecture, enhanced materials, and pedestrian scale to provide connection between the development and the street. Windows and entries should face the street avoiding blank walls dominating public views. Stores with entries not visible from the street may be oriented towards pedestrian open space. The building entries may be located on the side of the building so long as strong pedestrian connection is maintained through wide walkways, enhanced pavers, plazas, appropriately scaled lighting and/or other similar features. Rear entrances, if needed, should be secondary in nature.

Building clustering's are recommended to help define parking lot areas and encourage walking between stores. Building entries and storefronts should be positioned close to one another to reduce walking distances between them.

### Street side Setbacks and Buildings

The sides of buildings along street edges shall be landscaped within the setback to soften the building's appearance as well as designed with windows or design elements.

### Street Frontage and Parking Lots

Parking lots should generally be placed away from streets. Street frontages shall be broken up with buildings, landscaping, plazas, and other pedestrian features. Continuous parking lots along the street frontage should be avoided. Any parking along street edges shall be setback with a landscaped buffer to minimize the dominant feeling of the automobile along the street. Continuous parking stalls may be interrupted by landscaped islands no more than 10 stalls apart. Parking lots

are encouraged to be interconnected rather than separated for each building. Separated parking lots encourage customers to drive from store to store.

### Service and Storage Areas

Loading areas and storage areas are to be located behind or to the side of buildings siting onto secondary access and not primary streets. These features must be screened with walls and landscaping as much as possible from public view of streets, residences, and pedestrian walkways. Loading areas and storage areas should not conflict with pedestrian walkways.

### Refuse Containers, Utility and Mechanical Equipment

Refuse containers and equipment shall be easily accessed by service vehicles. They shall be screened from view of the streets, parking lots, and connecting walkways through roof forms, walls and/or landscaping. Screening details should incorporate elements that are compatible to the architecture style of the building. Proper landscaping, including trellises, may also help to screen these elements. Equipment and enclosures shall not be located near pedestrian walkways. Roof-mounted equipment shall be screened by the roof/parapet.

### Sidewalks

Sidewalks shall be located along natural pedestrian travel paths. Sidewalks should be a minimum of 5' wide along pedestrian pathways.

## 6.2 ARCHITECTURAL CHARACTER\DETAILS

### Building Design

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 appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Bay windows, stepped buildings, height changes and setback variations between stores help to break up large buildings as well as indicate entries and store locations to customers. Tower elements or monumental features are encouraged at focal points, such as corners, plazas, major entrances, or where walkways meet streets. Glazing to be used throughout the building to articulate the open space structure of the building. Overall the building architecture concept is to encompass contemporary open space architecture.

Varying setbacks along the front façade of buildings will create small outdoor public spaces for pedestrians to gather and sit.

### Roof Forms

Hipped and gable roofs are encouraged. Roof pitches shall be compatible to the architectural style of the building. Flat roofs should vary in height and be accompanied by cornice, trim or other accent features.

## Entry Design

Building entries shall be prominent and easily identified. Various elements can be used to enhance the entry features including massing variation, materials and color change, change in roof form, and awnings.

## Arcades and Awnings

Outdoor arcades along store fronts are encouraged over pedestrian walkways. Arcades may be used to connect separate buildings providing a more pleasing experience for pedestrians. Trellises or awnings may also be used to create a covered walkway to protect pedestrians from the sun and rain.

## Architectural Styles

A consistent architectural style should be used throughout the commercial development to create a sense of continuity between the buildings. Related elements, such as trellises, planters, light-standards, windows, doors, etc. shall also adopt detailing that is compatible to the selected architectural style.

Architectural styles shall derive from Southern California contemporary or modern styles that generally respond to the region's climate including such features as outdoor circulation, outdoor courtyards or plazas, recessed window frames, awnings, arcades, loggias, and trellises.

## Building Wall Treatment

No wall should have a blank, uninterrupted length exceeding 20 feet without including one of the following:

- Change in texture
- Change in material
- Change in plane
- Lattice
- A tree or equivalent element

Façades that are visible from adjacent streets or walkways should display even greater visual interest by using architectural elements that break up the massing of the buildings, such as windows, arcades, awnings, porticos, and other architectural features.

## Base and Top Treatments

Base and top treatments help to balance the “weight” of the building visually. Bases should appear to “ground” the building, while tops create a defined edge to the roofline. Possible treatment techniques are as follows:

### Base

- Thicker walls

- Natural materials
- Enriched landscaping with a mature height of at least 18”
- Precast materials
- Other decorative, durable materials as approved by the City

Special materials, such as ceramic tile, granite and marble are encouraged at major entries.

#### Tops

- Cornice treatments
- Roof overhangs with brackets
- Stepped parapets
- Textured materials

Colored “stripes” are not acceptable as the only treatment.

#### Exterior Materials

Recommended materials include stucco, exterior plaster, brick, wood siding, tile, precast concrete or stone. Exterior materials that appear pre-fabricated are not recommended. Selected materials and detailing should have an enduring appearance. Foam products should be avoided at the pedestrian level.

#### Roof Materials

Roofing materials that are generally acceptable include metal standing seam, concrete tile, ceramic tile and slate or slate-like materials. Asphalt or wood shingles are prohibited.

#### Colors

Color selection shall be consistent with the selected architecture style.

### 6.3 SIGNS

Signs shall comply with the requirements of the City of Ontario Development Code and shall be coordinated through a comprehensive sign program. A sign program shall be approved by the City prior to any signs being installed.

### 6.5 SERVICE FACILITIES

Service facilities such as trash enclosures, loading zones and yard 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.

Loading areas should be screened by location, orientation, and, if necessary, walls to reduce the visual impact of these areas.

## 7. HISTORIC PRESERVATION

### 7.1 HISTORIC BACKGROUND

The one block area that comprises the PUD established by this document is not located within the City's Historic Downtown District. However, the property was part of Pikes Peak Ocean-to-Ocean Highway (Holt Boulevard frontage). Long before freeways and highways existed in Ontario, travelers relied on Native American trails and stage coach routes. Some of these routes evolved into highways such as the famous Lincoln Highway and the National Old Trails Road (US Route 40). One of the nation's first transcontinental highways, which commenced construction in 1912, is the Pikes Peak Ocean-to-Ocean Highway. The highway spanned the continent from Los Angeles to New York and passed through Holt Boulevard in Ontario. This occurred at a time when paved roads were rare and traveling by car for more than 10 miles was an adventure. Road boosters and automobile enthusiasts arranged local chapters within cities and towns to participate in the promotion of this new highway and laid the foundation for auto-orientated development.

By 1920, Holt Boulevard was a 4-lane highway and the main transportation route linking Los Angeles to Palm Springs. As tourism increased, grand hotels, restaurants, and other roadside businesses developed along Holt Boulevard such as Ford's Lunch, Jiffy Lunch, Hot Dog Show, Casa Blanca Hotel, Dietz Garage and famous tourist attraction, Hotpoint. Movie stars and Beverly Hills socialites ate, shopped, and slept in Ontario's historic downtown making this place a "must stop" destination.

### 7.2 EXISTING HISTORIC STRUCTURES

The project site does not contain any historic resources and is not in a Designated, Proposed, or Potential District. Additionally, Holt Boulevard and Grove Avenue PUD is not adjacent to any historic districts.

## ADMINISTRATION

### 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 Mixed-Use zones and City Standards.

### 2. DEVELOPMENT APPLICATIONS

Development Plans for the development of each individual parcel within the 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.

### 3. ADMINISTRATIVE EXCEPTIONS

Deviation from the development standards set forth in this document may be granted up to a maximum of ten (10%) percent by the Zoning Administrator. Any deviation that is greater than (10%) percent shall require Variance approval.



# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A PROFESSIONAL SERVICES AND EQUIPMENT PURCHASE AGREEMENT FOR THE ACQUISITION OF POLICE DEPARTMENT FRONTLINE PATROL EQUIPMENT**


**RECOMMENDATION:** That the City Council authorize the City Manager to execute a professional services and equipment purchase agreement with Axon Enterprise, Inc., of Scottsdale, Arizona, for the purchase of new and replacement equipment, including tasers and body-worn camera systems for frontline police personnel, including maintenance and data management services for a 5-year period, in the amount of \$3,722,106; and authorize a 10% project-wide contingency in the amount of \$372,211.

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

**FISCAL IMPACT:** The City Council approved acceptance of Citizen's Option for Public Safety / Enhancing Law Enforcement Activities Subaccount Grant Programs (COPS/ELEAS) FY2017-18 and 2018-19 as part of prior quarterly budget adjustments in the amounts of \$266,654 and \$269,905, respectively. The estimated initial equipment purchase and Year-One maintenance and data storage costs of \$566,061 for Fiscal Year 2018-19 will utilize appropriated COPS/ELEAS grant accounts, additional allocations received, and interest earned of \$29,502 that will be presented in the next quarterly budget report to the City Council. Subsequent years' equipment, maintenance and data storage fees will be \$787,806 for Fiscal Year 2019-20, \$787,675 for Fiscal Years 2020-21 and 2021-22, and \$792,889 for Fiscal Year 2022-23. These amounts will be funded through the Information Technology Fund. If approved, appropriations will be added to the future years' budgets consistent with the annual adoption process.

**BACKGROUND:** The Police Department currently has an agreement with Axon Enterprise, Inc. (formerly known as TASER International, Inc.) for body-worn cameras, maintenance and data management services for Police field and Airport personnel which expires September 30, 2019. Upon execution of an updated contract referred to as the Officer Safety Plan 7 (OSP), Axon will grant a refund to prorate the final year of the existing contract. The OSP will also include the purchase of 296 tasers,

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Donna Bailey  
Department: Police Department  
City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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body-worn cameras, video recording storage in the Investigative Interview Rooms, maintenance, and unlimited data storage. Additionally, the agreement will incorporate a trade-in value of outdated taser equipment. With emerging technology and systems, it is necessary to upgrade and provide frontline personnel with up-to-date equipment. All equipment will utilize Axon's Evidence.com data storage and management feature which protects the integrity of video and data files captured using tasers, body-worn cameras and Interview Rooms to provide security, tracking and redaction assistance of file viewing, and integrates with a proposed County-wide initiative under the San Bernardino County District Attorney's Office.

Staff recommends Axon Enterprise, Inc. as the sole source manufacturer and distributor due to its compatibility and continued storage capabilities.

# CITY OF ONTARIO

Agenda Report  
April 2, 2019

SECTION:  
CONSENT CALENDAR

**SUBJECT: A PROFESSIONAL DESIGN SERVICES AGREEMENT FOR WATER MAIN REPLACEMENTS (PROJECT UT1027)**

**RECOMMENDATION:** That the City Council approve and authorize the City Manager to execute a Professional Design Services Agreement (on file with the Records Management Department) with SA Associates of Arcadia, California, for Water Main Replacement Project UT1027, in the amount of \$410,000, plus a 15% contingency of \$61,500 for a total amount of \$471,500.

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

**FISCAL IMPACT:** The Fiscal Year 2018-19 Capital Improvement Program includes appropriations from the Water Capital Fund for the project. The recommended agreement is for \$410,000, plus a 15% contingency of \$61,500 for a total amount of \$471,500. There is no impact to the General Fund.

**BACKGROUND:** The City's potable water system includes approximately 564 miles of pipeline. The Water Master Plan calls for an ongoing Capital Improvement Program (CIP) to replace aged, fire flow deficient, and undersized pipelines throughout the City. Additionally, operations staff has identified areas of concern in the potable water system that have historically required extensive maintenance and repair. Using the Water Master Plan in conjunction with maintenance data, staff developed a large scale scope for the project which consists of the replacement of approximately 25,260 linear feet (4.8 miles) of water distribution mains, including appurtenances and service laterals (see Exhibit 1). These water main improvements will provide more efficient and reliable water service to customers, as well as to enhance fire flow service capabilities.

SA Associates will complete the design of the project in phases to allow the project to be constructed over multiple years consistent with Council approved budgets.

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

Prepared by: Cynthia Heredia-Torres  
Department: MU/Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 04/02/2019  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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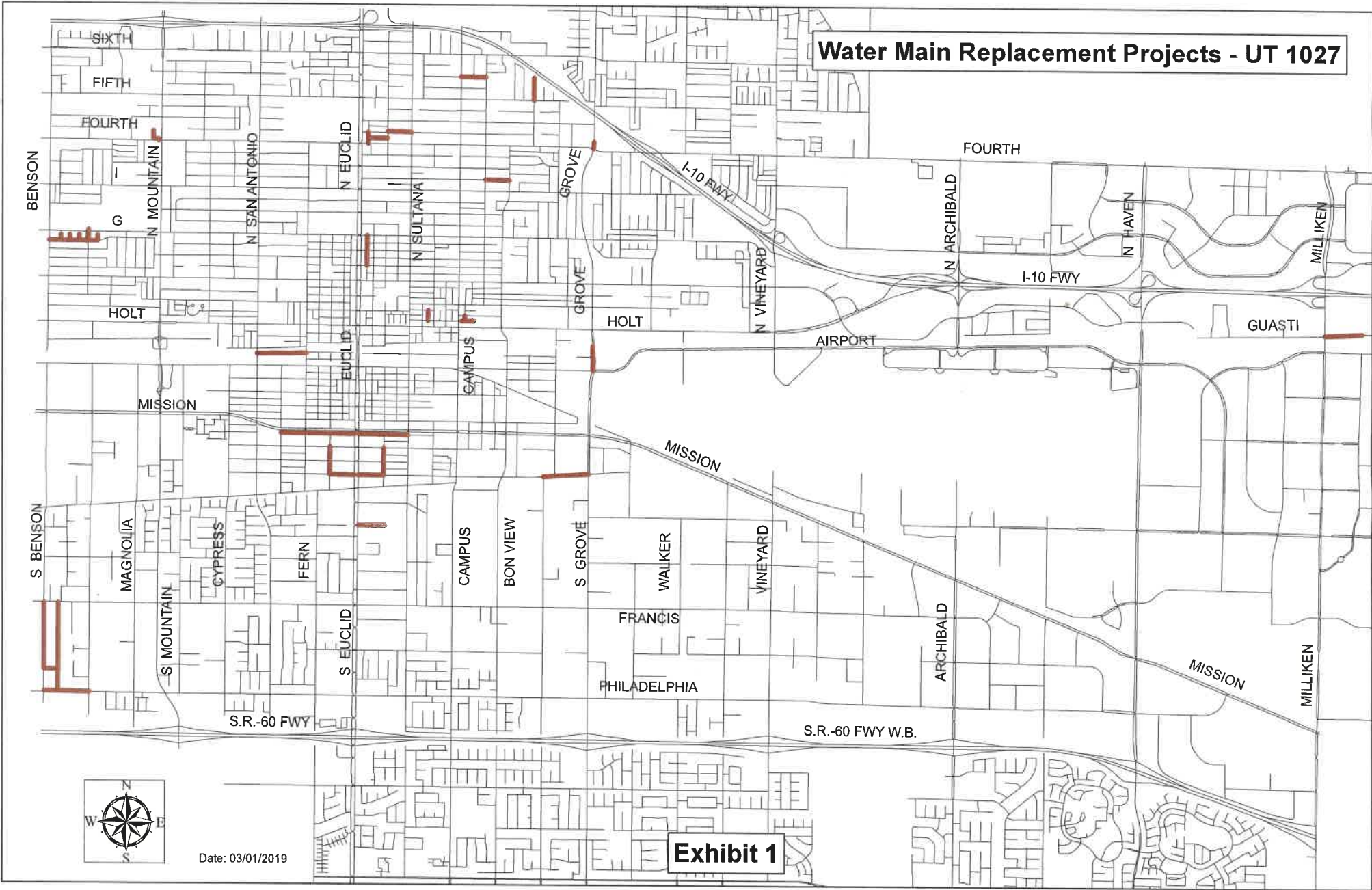
The scope of the design services for the project includes utility research, preliminary engineering, design, development of phased bid packages for construction, and bid support services for all phases.

On December 20, 2018, the City received the following eight (8) qualified proposals in response to the Request for Proposals (RFP) for Water Main Replacement Project UT1027:

<b>Firm</b>	<b>Location</b>
SA Associates <i>[Selected]</i>	Arcadia, CA
Cannon Corporation	Ontario, CA
Albert A. Webb Associates	Riverside, CA
Valued Engineering Inc	Upland, CA
Michael Baker International, Inc.	Ontario, CA
Stantec Consulting Services Inc.	Irvine, CA
Engineering Resources of So. California, Inc.	Redlands, CA
L. D. King, Inc.	Ontario, CA

A review team consisting of staff from OMUC reviewed the proposals and made their recommendations based upon qualifications, references, understanding of the City's needs, history of completing similar projects, and criteria specified in the RFP. After careful evaluation, SA Associates, of Arcadia, California, was selected as best overall respondent.

# Water Main Replacement Projects - UT 1027



Date: 03/01/2019

Exhibit 1