



CITY OF ONTARIO

Regular City Council/Housing Authority
Meeting
APRIL 4, 2023

City Hall

303 East B Street, Ontario, CA 91764

MAYOR PAUL S. LEON • MAYOR PRO TEM DEBRA DORST-PORADA
COUNCIL MEMBERS ALAN D. WAPNER, JIM W. BOWMAN AND RUBEN VALENCIA

CITY CLERK SHEILA MAUTZ • TREASURER JAMES R. MILHISER
CITY MANAGER SCOTT OCHOA • CITY ATTORNEY RUBEN DURAN

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 in person 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. To comment by email, submit your comments no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to publiccomments@ontarioca.gov. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and will be entered into the record.

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 the chamber will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ACCOMODATIONS

If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's office at 909-395-2009. Notification of 48 hours prior to the meeting will help the City make reasonable arrangements. Equipment for the hearing impaired is available in the Records Management Office.

ORDER OF BUSINESS

The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 5:30 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

CALL TO ORDER (OPEN SESSION)

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT

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

CLOSED SESSION

GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Police Officers Association, Ontario Police Management Group, Ontario Professional Firefighters Association Local 1430, Ontario Fire Management Group, Department Heads, Executives, AFSCME Local 3061, Teamsters Local 1932, Association of Management Employees, Confidential Group, and Part-time Employees.

ATTACHMENT: [20230404 Closed Session](#)

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Richard Hernandez, The Church of God Ontario

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.

To comment by email, submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comment to publiccomments@ontarioca.gov. All Comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and entered into the record. 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 meetings of the City Council, Housing Authority and Ontario Public Financing Authority of March 7, 2023 and approving same as on file in the Records Management Department.

ATTACHMENT: [20230307 Minutes \(Not Official Until Approved\).pdf](#)

2. BILLS & PAYROLL

Bills March 3, 2023 through March 16, 2023, and Payroll February 26, 2023 through March 11, 2023 when audited by the Finance Committee.

3. A MEMORANDUM OF UNDERSTANDING FOR COST SHARING WITH THE CITY OF CHINO FOR THE EUCLID AVENUE STORM DRAIN PROJECT

That the City Council approve a Memorandum of Understanding (on file in the Records Management Department) for cost sharing with the City of Chino for the estimated \$51,000,000 Euclid Avenue Storm Drain Project on Euclid Avenue from Merrill Avenue to south of Pine Avenue in the City of Chino; and authorize the City Manager, or his designee, to execute said MOU and a subsequent tri-party funding Agreement with the San Bernardino County Flood Control District (SBCFCD) and the City of Chino.

4. AN AMENDMENT TO THE MAINTENANCE AGREEMENT FOR THE SECURITY CAMERAS, ACCESS CONTROL, PAGING/DURESS INSTALLATION, REPAIR WITH AMERICAN THREAT ASSESSMENT CONSULTING, INC.

That the City Council authorize the City Manager to execute an Amendment to the current Agreement (on file with the Records Management Department) with American Threat Assessment Consulting Inc., of Rancho Cucamonga, California, for maintenance services to manage and maintain the City's security camera, access control, and paging/duress installation for a total not to exceed the amount of \$229,500 and extend the term for an additional one year.

5. AN AMENDMENT TO THE GOODS AND SERVICES AGREEMENT WITH WASTEBUILT ENVIRONMENTAL SOLUTIONS, LLC. FOR COMMERCIAL BIN MATERIALS AND SUPPLIES

That the City Council approve and authorize the City Manager or his designee to execute Amendment No. 3 to the existing Goods and Services agreement (on file in the Records Management Department) with Wastebuilt Environmental Solutions, LLC. of Ontario, California, exercising the second option year of the agreement and extending the term of the Agreement to November 30, 2023 in the amount not to exceed \$555,000.

6. A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH M. BREY ELECTRIC FOR THE OMUC, PARKS AND MAINTENANCE, AND INTEGRATED WASTE OFFICE IMPROVEMENTS PROJECT

That the City Council take the following actions:

- A. Authorize Change Order No. 3 to the Construction Contract (on file in the Records Management Department) with M. Brey Electric, Inc. of Beaumont, California, in the amount of \$22,570, for the OMUC, Parks and Maintenance, and Integrated Waste Office Improvements Project;
- B. Authorize the City Manager or his designee to execute said contract and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

7. PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE SPECIALIZED EQUIPMENT, SERVICES, AND TRAINING FOR THE POLICE DEPARTMENT

That the City Council approve the attached list of pre-authorized vendors.

8. AMENDMENTS TO ON-CALL PROJECT MANAGEMENT SERVICES AGREEMENT FOR THE BON VIEW PARK SPORTING FIELD PROJECT AND AWARD OF A DESIGN-BUILD AGREEMENT AND A CONSTRUCTION MANAGEMENT AGREEMENT FOR THE CONSTRUCTION OF THE CITY HALL PARKING STRUCTURE PROJECT

That the City Council take the following actions:

- A. Authorize the City Manager or his designee to execute Amendment No. 9 to the on-call Project Management Services Agreement (on file in the Records Management Department) with Transtech Engineers, Inc. of Chino, California, to provide project management services and environmental assessment for the Bon View Park Sporting Field Project in an amount not to exceed \$17,076;
- B. Authorize the City Manager or his designee to execute Amendment No. 10 to the on-call Project Management Services Agreement (on file in the Records Management Department) with Transtech Engineers, Inc., of Chino, California, for construction management support for the construction of the City Hall Parking Structure Project in an amount not to exceed \$1,994,875;
- C. Authorize the City Manager or his designee to execute a Design-Build Agreement with McCarthy Building Companies, Inc., of Newport Beach, California, to provide design-build construction services for the City Hall Parking Structure Project in the amount of \$27,279,143 with a contingency of \$2,700,000 for a total contract value of \$29,979,143; and
- D. Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to agreements, assessments, easements, lot line adjustments, reduction of retention accounts, contracts and contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities.

9. A SOLE SOURCE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES

That the City Council approve and authorize the City Manager to execute all documents necessary for a sole source agreement with All City Management Services, Inc. of Santa Fe Springs, California, for crossing guard services for a term by three years with the possibility to extend another two, making a total contract term of five years. A total estimated contract amount of \$ 3,229,654.

10. APPROVE PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL PROJECT MANAGEMENT SERVICES

That the City Council take the following actions:

- A. Approve and authorize the City Manager or his designee to execute the following three-year Professional Services Agreements (on file in the Records Management Department) for on-call Project Management Services for a total compensation amount of \$1,000,000:
 - a. Transtech Engineers, Inc., of Chino, California for a total contract amount not-to-exceed \$350,000;
 - b. Tilden-Coil Constructors, Inc., of Riverside, California for a total contract amount not-to-exceed \$350,000;
 - c. Griffin Structures, Inc., of Irvine, California for a total contract amount not-to-exceed \$100,000;
 - d. Moote Companies, LLC., of Irvine, California for a total contract amount not-to-exceed \$100,000; and
 - e. CBRE Heery, of Los Angeles, California for a total contract amount not-to-exceed \$100,000.
 - f. Authorize the City Manager or his designee to extend the agreements for up to two additional consecutive one-year periods.
- B. Authorize the City Manager or his designee to extend the agreements for up to two additional consecutive one-year periods.

11. AN ORDINANCE AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL

That the City Council adopt an Ordinance introduced on March 21, 2023, Amending Section 2-1.203 of the Ontario Municipal Code relating to Salary Compensation for the Mayor and City Council.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL.

ATTACHMENT: [Salary_Increase^02^ORD^RM](#)

12. AN ORDINANCE APPROVING FILE NO. PUD22-003, A PLANNED UNIT DEVELOPMENT ON 0.11-ACRE OF LAND LOCATED AT 213 NORTH FERN AVENUE

That the City Council consider and adopt an Ordinance approving File No. PUD22-003, the Fern Townhomes Planned Unit Development, establishing development standards, design guidelines, and infrastructure requirements to facilitate a residential development at 213 North Fern Avenue.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD22-003, A PLANNED UNIT DEVELOPMENT TO ESTABLISH DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE REQUIREMENTS FOR PROPERTY LOCATED AT 213 NORTH FERN AVENUE, WITHIN LUA-3 (HOLT BOULEVARD) OF THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-572-06.

ATTACHMENT: [20230321 File Nos. PUD22-003^ PC Backup.pdf](#)
ATTACHMENT: [20230321 File No. PUD22-003^02^ORD^RM](#)
ATTACHMENT: [20230321_File_No._PUD22-003_03_PUD_Attachment.pdf](#)

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

- **Board and Commission Appointments**

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

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // (GC 54957.1)
April 4, 2023

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

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

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

- GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: Ontario Police Officers Association, Ontario Police Management Group, Ontario Professional Firefighters Association Local 1430, Ontario Fire Management Group, Department Heads, Executives, AFSCME Local 3061, Teamsters Local 1932, Association of Management Employees, Confidential Group, and Part-time Employees.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY/
ONTARIO PUBLIC FINANCE AUTHORITY
MINUTES
March 7, 2023
(Not Official Until Approved)**

JOINT MEETINGS

The regular meetings of the Ontario City Council, Housing Authority, the Public Finance Authority were held on Tuesday, March 7, 2023 at Ontario City Hall, 303 E. B Street Ontario, California.

CALL TO ORDER

Mayor pro Tem Dorst-Porada called the joint meetings to order at 6:05 p.m.

ROLL CALL

PRESENT: Mayor pro Tem/Vice Chair: Debra Dorst-Porada
Council/Authority Members: Jim W. Bowman and Ruben Valencia

ABSENT: Mayor/Chairman: Paul S. Leon
Council/Authority Members: Alan D. Wapner

Also present were City Manager / Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and City Clerk / Secretary Sheila Mautz.

CLOSED SESSION

Mayor pro Tem Dorst-Porada inquired whether persons were present who wished to speak to the Closed Session items. Hearing no one, City Attorney Duran announced the matters for discussion as listed on the agenda, and the City Council recessed to Closed Session at 6:06 p.m. for discussion of the following:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1049-151-22, 1135 E. State Street; City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: Richard F. Barba; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0210-204-17 City/Authority negotiator: Scott Ochoa or his designee; Negotiating parties: San Juan Owners LLC; Under negotiation: Price and terms of payment

OPEN MEETING CALLED TO ORDER

Mayor pro Tem Dorst-Porada reconvened the meetings at 6:30 p.m. for the regular session.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Valencia.

INVOCATION

The invocation was led by Pastor Peter Edwardson Calvary Baptist Church.

REPORT ON CLOSED SESSION

City Attorney Duran announced there was no reportable action.

PUBLIC COMMENTS

Assistant City Clerk Isbell announced one emailed public comment:

Jerry Nowlin, regarding medical resources for Ontario residents.

Mayor pro Tem Dorst-Porada called upon the first speaker:

Euleas England, spoke regarding potential code violations.

Loree Masonis, spoke on homelessness issues.

Jesse Fonseca, spoke on airplane noise.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa made no announcements.

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by a 3-0 vote, to approve the Consent Calendar as presented, with Mayor Leon and Council Member Wapner absent.

1. APPROVAL OF MINUTES

Minutes for the regular meetings of the City Council, Housing Authority, and Successor Agency to the Redevelopment Agency of February 7, 2023 and approving same as on file in the Records Management Department.

2. BILLS & PAYROLL

Bills February 10, 2023 through February 23, 2023 in the amount of \$15,685,283.45, and Payroll January 29, 2023 through February 11, 2023 in the amount of \$4,045,968.30, when audited by the Finance Committee.

3. AN AMENDMENT TO THE GOODS AND SERVICES AGREEMENT FOR AMERICAN RECLAMATION, INC.

The City Council approved and authorized the City Manager or his designee to execute Amendment No. 2 to the Goods and Services Agreement with American Reclamation, Inc. of Los Angeles, California, for Scrap Tire Recycling Services for a second one-year extension of \$55,000 for a new not-to-exceed amount of \$155,000.

4. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING AND DESIGN SERVICES FOR THE I-10 FREEWAY AT GROVE AVENUE AND FOURTH STREET INTERCHANGE AND GROVE AVENUE CORRIDOR PROJECT

The City Council approved Amendment No. 8 to the Professional Services Agreement with Parsons Corporation (Parsons) of Illinois, for additional engineering and design services for the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project in the amount of \$256,233; and authorized the City Manager, or his designee, to execute said Agreement and future amendments within the authorization limits.

5. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 64 (SUNSET RANCH) AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES; AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

The City Council considered and:

- A. Accepted a written petition from KB Homes Coastal Inc., of California, located in Wildomar, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- B. Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 64 (Sunset Ranch) (the “CFD”), authorized 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, April 18, 2023; and
- C. Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 64 (Sunset Ranch).

RESOLUTION NO. 2023-013 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. 64 (SUNSET RANCH), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2023-014 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. 64 (SUNSET RANCH).

6. 2022 GENERAL PLAN ANNUAL PROGRESS REPORT AND 2022 HOUSING ELEMENT ANNUAL PROGRESS REPORT

The City Council considered and adopted a Resolution authorizing Staff to transmit the 2022 General Plan Annual Performance Report, which includes the 2022 Housing Element Annual Progress Report, to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

RESOLUTION NO. 2023-015 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE 2022 GENERAL PLAN ANNUAL PROGRESS REPORT (FILE NO. PADV23-001), WHICH INCLUDES THE HOUSING ELEMENT ANNUAL PROGRESS REPORT, AND AUTHORIZING STAFF TO SUBMIT THE REPORTS TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH.

7. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF22-001) BETWEEN THE CITY OF ONTARIO AND KB HOME COASTAL, INC., FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP NO. 18916, LOCATED NEAR THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND CHINO AVENUE, WITHIN THE COUNTRYSIDE SPECIFIC PLAN AND TRACT MAP NOS. 20158, 20159, AND 20160, LOCATED NEAR THE SOUTHEAST CORNER OF MILL CREEK AVENUE AND OLD EDISON AVENUE, WITHIN THE ESPERANZA SPECIFIC PLAN

The City Council approved the Development Impact Fee Credit Agreement (File No. PDIF22-001) between the City of Ontario and KB Home Coastal, Inc., for facility construction associated with Tract Map No. 18916, located near the southwest corner of Archibald Avenue and Chino Avenue, within the Countryside Specific Plan and Tract Map Nos. 20158, 20159, and 20160, located near the southeast corner of Mill Creek Avenue and Old Edison Avenue, within the Esperanza Specific Plan, and authorized the City Manager to execute the Agreement.

8. AWARD OF A CONSTRUCTION CONTRACT FOR THE ONTARIO POLICE DEPARTMENT LOCKER AND GYM EXPANSION PROJECT

The City Council took the following actions:

- A. Rejected Modern Construction Management Inc.'s bid protest against Pub Construction, Inc. for D&C20-019 Ontario Police Department Locker and Gym Expansion project;
- B. Authorized the City Manager or his designee to execute Construction Contract No. D&C20-019 with Pub Construction, Inc. of Diamond Bar, California for the Ontario Police Department Locker and Gym Expansion project in the amount of \$1,559,000;
- C. Authorized a 10% contingency of \$155,900 for a new contract value of \$1,714,900 to address any unforeseen issues that arise during construction; and
- D. Authorized the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, assessments, easements, reduction of retention accounts, and filing a notice of completion at the conclusion of all construction related activities.

9. AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS WITH KLEINFELDER, INC. FOR ON-CALL GEOTECHNICAL CONSULTING AND MATERIALS CONSULTING AND ON-CALL ARCHITECTURAL AND DESIGN SERVICES

The City Council took the following actions:

- A. Authorized the City Manager or his designee to execute Amendment No. 21 to the Professional Services Agreement with Kleinfelder, Inc. of Ontario, California, to provide On-call Geotechnical Consulting and Materials Testing Services for the Grand Park Demo Project in the amount of \$16,900 for a new not-to-exceed total of \$1,707,935;
- B. Authorized the City Manager or his designee to execute Amendment No. 22 to the Professional Services Agreement with Kleinfelder, Inc. of Ontario, California, to provide On-call Geotechnical Consulting and Materials Testing Services for the CNG Compressor Replacement Project in the amount of \$4,679 for a new not-to-exceed total of \$1,712,614; and
- C. Authorized the City Manager or his designee to execute Amendment No. 9 to the Professional Services Agreement with Kleinfelder, Inc. of Ontario, California, to provide On-call Architectural and Design Services for the City Hall Campus Expansion Project in the amount of \$113,500 for a new not-to-exceed total of \$1,980,966.

10. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY, AND FINAL TRACT MAP NO. 20379, LOCATED AT THE NORTHWEST CORNER OF MOUNTAIN AVENUE AND VESTA STREET

The City Council adopted a Resolution approving an Improvement Agreement, Improvement Security and Final Tract Map No. 20379, located at the northwest corner of Mountain Avenue and Vesta Street.

RESOLUTION NO. 2023-016 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20379, LOCATED AT THE NORTHWEST CORNER OF MOUNTAIN AVENUE AND VESTA STREET

11. AN AMENDMENT TO THE CENTRAL SQUARE PUBLIC SAFETY CAD SYSTEM CONTRACT

The City Council authorized the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Central Square, the City's current public safety computer aided dispatch system vendor, to include additional connections to the City of Corona and interoperability throughout the State, in the amount of \$85,600 for an annual not-to-exceed amount of \$264,000.

12. AN AGREEMENT FOR CITYWIDE DOOR ACCESS CONTROL SYSTEM REPLACEMENT AND MAINTENANCE

The City Council authorized the City Manager to execute a five-year Agreement with Convergent Technologies LLC, of Anaheim, California, to upgrade the City's existing door access control system and provide maintenance and support for five years, for a total not-to-exceed amount of \$281,593.

13. PURCHASE OF EXPLOSIVE ORDNANCE DISPOSAL ROBOT

The City Council authorized the City Manager to execute the purchase of an Explosive Ordnance Disposal (EOD) Robot from ICOR Technology Inc. of Ottawa, Ontario, Canada in the amount of \$246,498.

PUBLIC HEARINGS

14. APPROVE THE SALE, RELATED DOCUMENTS AND OTHER ACTIONS RELATED TO THE ONTARIO PUBLIC FINANCING AUTHORITY, 2023 TAXABLE LEASE REVENUE BONDS (THE "2023 BONDS")

The City Council and the Board of the Ontario Public Financing Authority adopted resolutions to approve and authorize the sale and execution of documents and approve related actions in connection with the issuance of the Ontario Public Financing Authority, 2023 Taxable Lease Revenue Bonds, including:

- A. The Ontario Public Financing Authority adopted a Resolution of the Ontario Public Financing Authority authorizing the issuance of its Lease Revenue Bonds in the aggregate principal amount of not to exceed \$100,000,000 in connection with the financing of public capital improvements;
- B. Authorized and directed execution of an indenture of trust, lease agreement, memorandum of assignment, bond purchase and continuing covenant agreement, and agency agreement;
- C. Authorized the sale of the bonds and a placement agent agreement and authorizing official actions, and execution of related documents; and
- D. The City Council adopted a Resolution authorizing proceedings and agreements relating to the financing of public capital improvements for public purposes, approving issuance and sale of bonds by the Ontario Public Financing Authority, approving a placement agent agreement and authorizing official actions.

RESOLUTION NO. OPFA-008 A RESOLUTION OF THE ONTARIO PUBLIC FINANCING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF ITS LEASE REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$100,000,000 IN CONNECTION WITH THE FINANCING OF PUBLIC CAPITAL IMPROVEMENTS, AUTHORIZING AND DIRECTING EXECUTION OF AN INDENTURE, LEASE AGREEMENT, MEMORANDUM OF ASSIGNMENT, BOND PURCHASE AND CONTINUING COVENANT AGREEMENT AND AGENCY AGREEMENT, AUTHORIZING THE SALE OF THE BONDS AND A PLACEMENT AGENT AGREEMENT AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF RELATED DOCUMENTS.

RESOLUTION NO. 2023-017 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING PROCEEDINGS AND AGREEMENTS RELATING TO THE FINANCING OF PUBLIC CAPITAL IMPROVEMENTS FOR PUBLIC PURPOSES, APPROVING ISSUANCE AND SALE OF BONDS BY THE ONTARIO PUBLIC FINANCING AUTHORITY, APPROVING A BOND PURCHASE AND CONTINUING COVENANT AGREEMENT, A PLACEMENT AGENT AGREEMENT AND AUTHORIZING OFFICIAL ACTIONS.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department. There were no written communications.

Mayor pro Tem Dorst-Porada opened the public hearing and inquired if anyone was interested in speaking to the item. Hearing no one, Mayor pro Tem Dorst-Porada closed the public hearing and opened the item for Council discussion.

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by vote 3-0, with Mayor Leon and Council Member Wapner absent to adopt Resolution Nos. OFFA-008 and 2023-017.

STAFF MATTERS

City Manager Ochoa made no comments.

ADJOURNMENT

Mayor pro Tem Dorst-Porada adjourned the meetings of the Joint Agencies at 6:47 p.m. and announced the next regular meeting on March 21, 2023.

Respectfully submitted,

SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

DEBRA DORST-PORADA,
MAYOR PRO TEM/VICE CHAIRMAN

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Engineering
Prepared By: Tricia Espinoza
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 3

SUBJECT: A MEMORANDUM OF UNDERSTANDING FOR COST SHARING WITH THE CITY OF CHINO FOR THE EUCLID AVENUE STORM DRAIN PROJECT

RECOMMENDATION: That the City Council approve a Memorandum of Understanding (on file in the Records Management Department) for cost sharing with the City of Chino for the estimated \$51,000,000 Euclid Avenue Storm Drain Project on Euclid Avenue from Merrill Avenue to south of Pine Avenue in the City of Chino; and authorize the City Manager, or his designee, to execute said MOU and a subsequent tri-party funding Agreement with the San Bernardino County Flood Control District (SBCFCD) and the City of Chino.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Pursue City's Goals and Objectives by Working with Other Governmental Agencies

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

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

FISCAL IMPACT: At this time, there is no fiscal action. The total project cost is estimated at \$51,000,000 with the City of Ontario contributing 42%. The City's total share of \$21,420,000 will be fully funded by New Model Colony Storm Drain Development Impact Fees. Funding for the project will be phased over several years and will be appropriated in future years' annual budget process or quarterly budget updates.

A tri-party funding partnership is currently being discussed with SBCFCD and the City of Chino. Upon approval of the cooperative Agreement, the City's contribution would be reduced to \$10,700,000.

BACKGROUND & ANALYSIS: The Euclid Avenue Storm Drain, also known as Storm Drain I, is a 2.3-mile long, subregional Master Plan facility that drains approximately 1,750 acres of the western portion of Ontario Ranch. The project is located on Euclid Avenue from Merrill Avenue to south of Pine Avenue in the City of Chino, with its ultimate discharge point tributary to Prado Dam (Exhibit

A). This project consists of the installation of a double 10'x8' reinforced concrete box mainline storm drain with laterals and other drainage appurtenances. The total project cost including design, permitting, construction, construction management, inspection, materials testing, and other related costs is estimated at \$51,000,000. This Memorandum of Understanding (MOU) with the City of Chino establishes the participation funding ratio for the project at 42% for the City of Ontario and 58% for the City of Chino and identifies the City of Chino as the lead agency on this project.

As this project has been recognized as a significant Secondary Flood Protection Facility with regional impacts, the cities are currently pursuing collaboration with the SBCFCD to utilize Zone 1 Storm Drain Funds. Preliminary discussions with SBCFCD estimate their contribution at 50% of the project cost. The remaining \$25,500,000 would be shared between the City of Ontario and the City of Chino at the ratio defined in the MOU. This MOU is a necessary first step in the application process for Zone 1 Funding. Upon approval by SBCFCD, a tri-party funding agreement will be executed to memorialize each agency's contribution.

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Information Technology
Prepared By: Samantha Robles
Staff Member Presenting:
Colin Fernandes, Executive Director Information
Technology
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 4

SUBJECT: AN AMENDMENT TO THE MAINTENANCE AGREEMENT FOR THE SECURITY CAMERAS, ACCESS CONTROL, PAGING/DURESS INSTALLATION, REPAIR WITH AMERICAN THREAT ASSESSMENT CONSULTING, INC.

RECOMMENDATION: That the City Council authorize the City Manager to execute an Amendment to the current Agreement (on file with the Records Management Department) with American Threat Assessment Consulting Inc., of Rancho Cucamonga, California, for maintenance services to manage and maintain the City's security camera, access control, and paging/duress installation for a total not to exceed the amount of \$229,500 and extend the term for an additional one year.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: The Fiscal Year 2022-23 Adopted Budget includes appropriations from the Information Technology Fund for Information Technology Agency maintenance services. The proposed Amendment to the Maintenance Services Agreement increases the authorized contract amount by \$99,000 for a not to exceed contract amount of \$229,500 and extends the Agreement through July 31, 2024. Actual expenditures will be based on services rendered and pursuant based on the fixed billing rates set forth in the existing Agreement. If approved, appropriations will be added to the future years' budgets consistent with the annual adoption process.

BACKGROUND & ANALYSIS: The City's Information Technology Agency supports video cameras city-wide. American Threat Assessment Consulting (ATAC) provides installation and maintenance services for the City's security cameras. The initial Agreement with ATAC began in 2019 and was extended last year to August 2023. Over this time, ATAC has provided the City with excellent support and demonstrated a level of expertise to maintain the City's camera systems and infrastructure. With the increased reliance on cameras with the City's Real Time Information Center, as well as the expansion of City staff occupied locations, timely expert support for the camera system is essential. Staff requests City Council approval to extend the Agreement to July 31, 2024, and a total not to exceed the contract amount of \$229,500.

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Integrated Waste
Prepared By: Blaine M Ishii
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Reviewed By: Andrea Ampig, Bonnie Tam
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 5

SUBJECT: AN AMENDMENT TO THE GOODS AND SERVICES AGREEMENT WITH WASTEBUILT ENVIRONMENTAL SOLUTIONS, LLC. FOR COMMERCIAL BIN MATERIALS AND SUPPLIES

RECOMMENDATION: That the City Council approve and authorize the City Manager or his designee to execute Amendment No. 3 to the existing Goods and Services agreement (on file in the Records Management Department) with Wastebuilt Environmental Solutions, LLC. of Ontario, California, exercising the second option year of the agreement and extending the term of the Agreement to November 30, 2023 in the amount not to exceed \$555,000.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: The Integrated Waste Department is requesting \$200,000 for commercial bin materials and supplies and the Fleet Services Department is requesting \$35,000 for hydraulics parts for vehicles. The recommended amendment increases the total authorized contract amount from \$320,000 to a total not-to-exceed \$555,000. The Fiscal Year 2022-23 Proposed Budget includes appropriations from the Integrated Waste Fund and Equipment Services Fund for these goods and services. Actual expenditures will be based on the fixed-unit pricing and the actual quantity of commercial bin materials and supplies purchased in order to meet operational needs.

BACKGROUND & ANALYSIS: On November 14, 2019, the City awarded bid #1212 to Wastebuilt Environmental Solutions, LLC. (Wastebuilt) for the purchase of commercial bin materials and supplies. The Integrated Waste Department currently has commercial bin containers of various sizes for refuse, recycling, wood/green waste recycling, and food waste service. The Department routinely repairs bin containers to maintain an adequate inventory to meet customer needs. With the additional recycling and organics compliance, the Department has incurred more bin repairs. Additionally, the Fleet Services Department utilizes Wastebuilt services to purchase various parts for City vehicles.

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Municipal Services
Prepared By: Adrian Escamilla
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Reviewed By: Andrea Ampig, Bonnie Tam
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 6

SUBJECT: A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH M. BREY ELECTRIC FOR THE OMUC, PARKS AND MAINTENANCE, AND INTEGRATED WASTE OFFICE IMPROVEMENTS PROJECT

RECOMMENDATION: That the City Council take the following actions:

- A. Authorize Change Order No. 3 to the Construction Contract (on file in the Records Management Department) with M. Brey Electric, Inc. of Beaumont, California, in the amount of \$22,570, for the OMUC, Parks and Maintenance, and Integrated Waste Office Improvements Project;
- B. Authorize the City Manager or his designee to execute said contract and authorize the filing of the notice of completion at the conclusion of all construction activities related to the project.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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

FISCAL IMPACT: The previously approved contract amount for M. Brey Electric, Inc. (M. Brey) is \$420,000 with a 10% contingency for a total not-to-exceed amount of \$462,000. The proposed Change Order No. 3 in the amount of \$22,570 will increase the current not-to-exceed authorization for the Construction Contract to \$484,570. The Fiscal Year 2022-23 Adopted Budget includes appropriations in the Capital Projects Fund for this project.

BACKGROUND & ANALYSIS: On October 4, 2022, the City Council approved a Construction Contract to M. Brey for the OMUC, Parks and Maintenance Department, and Integrated Waste Department Project in the amount of \$420,000 plus a 10% contingency of \$42,000, for a total amount of \$462,000. As the work progressed, several unforeseen conditions arose, and Change Orders No. 1 and 2 addressed those issues, but exhausted the contingency. As part of the scope of the project, Staff initially planned to use an on-call vendor to perform Data Installation. However, M. Brey had the necessary resources and better pricing than the on-call vendor. This additional amount will allow for the work on the project to progress.

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Police Department
Prepared By: Nicole Alvarez
Staff Member Presenting:
Mike Lorenz, Chief of Police
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 7

SUBJECT: PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE SPECIALIZED EQUIPMENT, SERVICES, AND TRAINING FOR THE POLICE DEPARTMENT

RECOMMENDATION: That the City Council approve the attached list of pre-authorized vendors.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Maintain the Current High Level of Public Safety

FISCAL IMPACT: The designation of the pre-authorized vendors is to provide specialized safety equipment, maintenance and specialized services and does not affect appropriations nor commit the City to any specific level of future expenditures with these vendors. Expenditures for each vendor, and in total for each fiscal year, will not exceed the Police Department's appropriations limits established by the City Council.

BACKGROUND & ANALYSIS: The Police Department employs 284 sworn staff. To ensure that Staff have the equipment to perform their job duties safely, supplies and training are necessary. Undue time delays can impact the City's ability to provide services to the community. Due to specialized equipment and service animals used for police work, there is a limited number of authorized vendors that can provide them. In many cases, there is only a single authorized vendor that is qualified or approved to provide the equipment or animal. The vendors are located through yearly trade shows or federal requirements. The maximum spending limit over the course of five years coincides with the City of Ontario's purchasing policy, which requires Council approval for procurement from a single vendor over \$150,000. The thresholds are not expected to be exceeded as various emergency contingencies were factored into the calculation. Establishing a preauthorized list of vendors for these services will facilitate the following: Ensures the necessary equipment is available when needed for Staff to perform their job duties safely; Decreases the timeline on purchase and training of service animals and; Enables more assets to serve the community. The following list was developed using previously Council-approved vendors and OPD's direct experience with them. If approved by the City Council, purchase orders (within approved budget amount) will be issued to each vendor without quotes for individual equipment, animals, and training services. Ontario Municipal Code Section 2-6.23(b) and 2-6.23(c) authorizes the Purchasing Officer to make purchases without following the standard purchasing procedures whenever (1) the goods can be obtained from only one source, and/or (2) a breakdown in

machinery, equipment or an essential service which requires an immediate purchase of supplies and equipment to protect public health, safety and welfare generates circumstances that a competitive process would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable, impractical, or impossible.

Sole Source Vendor	Pre-Approval Requested
Adlerhorst	550,000.00
All City Management	3,229,654.00
Motoport, USA	100,000.00
Motorola Solutions Inc.	525,000.00
Bio Tox	600,000.00
Thomson Reuters	175,000.00
Essential Services Vendor	Pre-Approval Requested
AARDVARK	600,000.00
Blankenship Police Supplies	250,000.00
Badge Frame	150,000.00
Gun Locker	750,000.00
Keystone Uniform Depot	100,000.00
LA Police Gear	500,000.00
PepperBall	100,000.00
Pristine Uniforms, LLC	750,000.00
Proforma	150,000.00
Dooley Enterprise Inc. & San Diego Police Equipment	900,000.00
Safariland Ltd Inc.	800,000.00
Communication Center Specialist- Deep Cleaning	150,000.00
Dataworks	175,000.00
Precision Survey Supply	750,000.00
Flock Automated License Plate Recognition	1,000,000.00
Vigilant	115,000.00
Sun Badge Co	100,000.00

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Public Works
Prepared By: Daniel P Beers
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Reviewed By: Bonnie Tam
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 8

SUBJECT: AMENDMENTS TO ON-CALL PROJECT MANAGEMENT SERVICES AGREEMENT FOR THE BON VIEW PARK SPORTING FIELD PROJECT AND AWARD OF A DESIGN-BUILD AGREEMENT AND A CONSTRUCTION MANAGEMENT AGREEMENT FOR THE CONSTRUCTION OF THE CITY HALL PARKING STRUCTURE PROJECT

RECOMMENDATION: That the City Council take the following actions:

- A. Authorize the City Manager or his designee to execute Amendment No. 9 to the on-call Project Management Services Agreement (on file in the Records Management Department) with Transtech Engineers, Inc. of Chino, California, to provide project management services and environmental assessment for the Bon View Park Sporting Field Project in an amount not to exceed \$17,076;
- B. Authorize the City Manager or his designee to execute Amendment No. 10 to the on-call Project Management Services Agreement (on file in the Records Management Department) with Transtech Engineers, Inc., of Chino, California, for construction management support for the construction of the City Hall Parking Structure Project in an amount not to exceed \$1,994,875;
- C. Authorize the City Manager or his designee to execute a Design-Build Agreement with McCarthy Building Companies, Inc., of Newport Beach, California, to provide design-build construction services for the City Hall Parking Structure Project in the amount of \$27,279,143 with a contingency of \$2,700,000 for a total contract value of \$29,979,143; and
- D. Authorize the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to agreements, assessments, easements, lot line adjustments, reduction of retention accounts, contracts and contract amendments within the authorization limits, and filing a notice of completion at the conclusion of all construction related activities.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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

FISCAL IMPACT: The recommended project management services for the Bon View Park Sporting Field Project and the City Hall Parking Structure will increase the current not-to-exceed authorization for the on-call Project Management Services Agreement with Transtech to \$6,312,466. The Fiscal Year 2022-23 Adopted Budget includes appropriations in the Capital Projects Fund for these services.

The total contract amount, including contingency, for the Design-Build Agreement with McCarthy Building Companies, Inc. (McCarthy) is an amount not-to-exceed \$29,979,143. The total cost of the services for the City Hall Parking Structure Project is an amount not-to-exceed \$31,974,018. The Fiscal Year 2022-23 Adopted Budget includes appropriations in the Capital Projects Fund for these services.

BACKGROUND & ANALYSIS:

Bon View Park Sporting Field Project

The City received American Rescue Plan Act (ARPA) funds in the amount of \$300,000 for the Bon View Park Sporting Field Project. Transtech was contacted by Staff for project management support to assist in the development of the scope of work for the improvement of the ballfield and renovation of the snack shack located at Bon View Park. In addition, the project management services included overseeing the environmental testing for the snack shack. Staff recommends awarding the amendment to Transtech in the amount of \$17,076.

City Hall Parking Structure Project

In July 2022, the City solicited prequalification proposals from Design-Build entities interested in qualifying to build a multi-level parking structure on the East end of the University of La Verne parking lot, between C Street and D Street. Five submittals were deemed responsive. Those five Design-Build entities were asked to submit proposals to design and construct a six-level parking structure containing approximately 800 parking spaces. Four proposals were received and graded. Their ratings are listed below.

Contractor Name	Rating
McCarthy Building	1 (highest)
Swinerton Builders	2
Bomel Construction	Tied for 3-4
Largo Concrete	Tied for 3-4

A selection team that consisted of City Staff from Planning, Fire Department, Public Works, and Transtech reviewed and scored each submittal based on its appearance and adherence to the bid documents. Based on the scores, McCarthy Building Companies, Inc. was deemed most responsive

with an overall rating of 1. Their proposal was the best blend of exterior appeal, time, and parking spaces and they have extensive design-build experience. Their recent projects include the C-Block Parking Structure, Corona Metrolink, the Pomona Valley Hospital, and the Corona Emergency Expansion parking structures. Therefore, Staff recommends approval of a Design-Build Agreement with McCarthy Building Companies, Inc.

Transtech will supply construction management services for the construction of the City Hall Parking Structure Project.

The City Hall Parking Structure is scheduled to become operational by Spring of 2025.

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Police Department
Prepared By: Nicole Alvarez
Staff Member Presenting:
Mike Lorenz, Chief of Police
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 9

SUBJECT: A SOLE SOURCE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. FOR CROSSING GUARD SERVICES

RECOMMENDATION: That the City Council approve and authorize the City Manager to execute all documents necessary for a sole source agreement with All City Management Services, Inc. of Santa Fe Springs, California, for crossing guard services for a term by three years with the possibility to extend another two, making a total contract term of five years. A total estimated contract amount of \$ 3,229,654.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner

FISCAL IMPACT: The estimated annual cost for the crossing guard services is \$616,905. However, All City Management Services, Inc. usually incurs an approximate 4% increase each year. Appropriations of \$616,905 have been included in the Fiscal Year 2023-24 General Fund Budget. Appropriations for the extension years of the Agreement will be included in future annual budgets presented to the City Council, which will include the deferred rate increases.

BACKGROUND & ANALYSIS: In January 1999 the City Council approved a Professional Services Agreement with All City Management Services for crossing guard services as a result of a competitive proposal process. The specific locations and times for crossing guard services are negotiated on an annual basis between the participating school districts, the Ontario Police Department, and the Traffic Engineering Department based on current and projected considerations for the academic year. The combined increases represent the most significant and impactful escalation in minimum wages since contract inception.

The current Agreement expires June 30, 2023. Staff recommends All City Management be added to the Sole Source vendor list because of the vendor's specialized knowledge and previous experience providing crossing guard services to the City of Ontario.

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Public Works
Prepared By: Cynthia Heredia-Torres
Staff Member Presenting:
Tito Haes, Executive Director Public Works
Reviewed By: Bonnie Tam
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 10

SUBJECT: APPROVE PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL PROJECT MANAGEMENT SERVICES

RECOMMENDATION: That the City Council take the following actions:

- A. Approve and authorize the City Manager or his designee to execute the following three-year Professional Services Agreements (on file in the Records Management Department) for on-call Project Management Services for a total compensation amount of \$1,000,000:
 - a. Transtech Engineers, Inc., of Chino, California for a total contract amount not-to-exceed \$350,000;
 - b. Tilden-Coil Constructors, Inc., of Riverside, California for a total contract amount not-to-exceed \$350,000;
 - c. Griffin Structures, Inc., of Irvine, California for a total contract amount not-to-exceed \$100,000;
 - d. Moote Companies, LLC., of Irvine, California for a total contract amount not-to-exceed \$100,000; and
 - e. CBRE Heery, of Los Angeles, California for a total contract amount not-to-exceed \$100,000.
 - f. Authorize the City Manager or his designee to extend the agreements for up to two additional consecutive one-year periods.
- B. Authorize the City Manager or his designee to extend the agreements for up to two additional consecutive one-year periods.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

Invest in the Growth and Evolution of the City's Economy

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

FISCAL IMPACT: The proposed firms have agreed to fixed billing rates set forth in their respective Agreements on an on-call, as-needed basis for three years. Pricing for the option years will be

negotiated and any proposed fee increases will not exceed 3% per year. The total compensation of \$1,000,000 under the terms of these Agreements will be commensurate with City Council approved budgets for various Agencies and tasks. Budget appropriations will be added at future quarterly updates as the services are needed and used. The future appropriations will be included in the Capital Projects Fund.

BACKGROUND & ANALYSIS:

The City has needs for on-call Project Management Services for work that cannot be provided by City Staff. Staff is recommending contracts with a total of five qualified firms to assure a timely and cost-effective option is always available for each task order. Additionally, Staff is recommending that all contracts be executed between the firms and the City, so that any City agencies can use these firms. This procedure reduces overhead charges and increases efficiency in completing critical projects, ultimately resulting in more satisfactory work products.

On February 22, 2023, the City solicited requests for proposals for on-call Project Management Services and responses from the following companies were evaluated:

COMPANY	LOCATION
Transtech Engineers, Inc.	Chino, CA
Tilden-Coil Constructors, Inc.	Riverside, CA
Griffin Structures, Inc.	Irvine, CA
Moote Companies	Irvine, CA
CBRE Heery	Los Angeles, CA
AIM Consulting Services	Covina, CA
Atrium Community Development, LLC	Helena, MO
Cumming Management	Los Angeles, CA
DG Jones & Partners	Chicago, IL
Fountainhead Consulting	Fontana, CA
Project Partners	Laguna Hills, CA
Z&K Consultants	Corona, CA

Using a qualifications-based selection process, a panel of City Staff reviewed the requests for proposals. Transtech Engineers, Inc., Tilden-Coil Constructors, Inc., Griffin Structures, Inc., Moote Companies, and CBRE Heery were determined to be the most qualified firms. The recommendation to award Professional Services Agreements to these firms is based on their broad range of expertise as demonstrated by work performed for other municipal agencies and capability to perform the work in a timely manner.

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Financial Services

Prepared By: Maria Garcia

Staff Member Presenting:

Armen Harkalyan, Executive Director of Finance

Approved By:



Submitted To: Council/OHA

Approved: _____

Continued To: _____

Denied: _____

Item No: 11

SUBJECT: AN ORDINANCE AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL

RECOMMENDATION: That the City Council adopt an Ordinance introduced on March 21, 2023, Amending Section 2-1.203 of the Ontario Municipal Code relating to Salary Compensation for the Mayor and City Council.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

Operate in a Businesslike Manner

FISCAL IMPACT: Modification to the salary compensation for elected officials are effective after the certification of the November 2024 election results and after the next City Council is sworn in and seated. Changes to the budget will be approved through the regular budget approval process.

BACKGROUND & ANALYSIS: On March 21, 2023, City Council introduced an Ordinance to modify the monthly salary compensation rates for the Mayor and the City Council. The last time this Ordinance was modified was in 2017 for the Mayor and November 2018 for the City Council. If adopted, the Ordinance will establish the Mayor's salary at \$4,059.84 per month, and the City Council's salary will be \$2,405.13 per month. Compensation for the Mayor will be effective April 22, 2023. Per Ontario Municipal Code Section 2-1.205, the modification in salary compensation for the City Council cannot be effective until after the certification of the next election in November of 2024, when the next City Council is seated.

Staff recommends the City Council adopt the Ordinance as presented.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO SALARY COMPENSATION FOR THE MAYOR AND THE CITY COUNCIL.

WHEREAS, Government Code Section 36516.1 authorizes the City Council to modify the additional salary compensation for the Mayor position; and

WHEREAS, the ongoing growth of Ontario Ranch, local reinvestment through capital improvement projects, indicate responsibilities and time commitments will increase; and

WHEREAS, together both the City Council and Mayor have set in motion comprehensive policies to position the City of Ontario as the premier community of the Inland Empire.

WHEREAS, the City Council's last adjustments to the salary compensation for City Council Members of the City of Ontario was effective in November 2018; and

WHEREAS, the City Council's last adjustments to the salary compensation for Mayor of the City of Ontario was effective in February 2017; and

WHEREAS, under Government Code Section 36516 the City Council may adjust compensation up to 5% each calendar year and a "calendar year" is defined as "each 12-month period since the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted"; and

WHEREAS, the new salary for City Council would be effective on November 5, 2024, and

WHEREAS, the City Council desires to modify the salary compensation for all City Council Members.

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

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Section 2-1.203 of Chapter 1 to Title 2 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Sec. 2-1.203. Payment.

(a) Each member of the Council shall receive as salary the sum of Two-Thousand-Four-Hundred-Five and 08/100ths Dollars (\$2,405.13) per month.

(b) The Mayor shall receive as additional salary the sum of Four-Thousand-Fifty-Nine and 81/100ths Dollars (\$4,059.84) per month.

(c) Said salaries shall be payable from and after the operative date of this section at the same time and in the same manner as salaries are paid to other officers and employees of the City.

SECTION 3. Modifications to additional salary for the Mayor may become effective thirty days after adoption. Consistent with Ontario Municipal Code Section 2.1-203(c), and in keeping with regular pay periods upon which other officers and employees of the City are paid, this adjustment to the additional salary for the Mayor shall become effective on April 23, 2023.

SECTION 4. Pursuant to Section 36516.5 of the California Government Code, the adjustments to City Council Member salary set forth herein shall become effective upon the completion and installation of the new members of the City Council subsequent to November 5, 2024, pursuant to California Elections Code Section 10262.

SECTION 5. CEQA. The City Council hereby finds that adoption of this Ordinance is not a "project" under the California Environmental Quality Act because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

SECTION 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's office located at 303 East "B" Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

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 thirty (30) days following its adoption.

SECTION 9. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2023 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 4, 2023

SECTION: CONSENT CALENDAR

Department: Planning
Prepared By: Elly Antuna
Staff Member Presenting:
Scott Murphy, Executive Director Community
Development
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 12

SUBJECT: AN ORDINANCE APPROVING FILE NO. PUD22-003, A PLANNED UNIT DEVELOPMENT ON 0.11-ACRE OF LAND LOCATED AT 213 NORTH FERN AVENUE

RECOMMENDATION: That the City Council consider and adopt an Ordinance approving File No. PUD22-003, the Fern Townhomes Planned Unit Development, establishing development standards, design guidelines, and infrastructure requirements to facilitate a residential development at 213 North Fern Avenue.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:

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: There is not a direct fiscal impact associated with this action. The proposed Fern Townhomes Planned Unit Development (PUD) establishes development standards and guidelines to facilitate the development of residential units. Implementation of the PUD would result in an increase in property taxes from future residential development and the one-time payment to the City of plan check fees and development impact fees.

BACKGROUND & ANALYSIS: On March 21, 2023, the City Council introduced and waived further reading of an Ordinance approving the Planned Unit Development. On April 20, 2022, HDC Construction, Inc. filed a PUD application (File No. PUD22-003), concurrently with a Tentative Parcel Map (File No. PMTT22-015) and Development Plan (File No. PDEV22-024) applications to facilitate construction of 3 townhome units.

The Project site is comprised of 0.11-acres of land located at the southwest corner of Fern Avenue and a public alley, at 213 North Fern Avenue, within LUA-3 (Holt Boulevard) of the MU-1 (Downtown Mixed Use) zoning district. The site is located within a well-established mixed-use neighborhood with multiple-family residential to the north and west, single-family residential to the south, and commercial uses, including a parking lot and a church, to the east. The surrounding area was one of the first to be developed in the city, with the earliest residences constructed during the early 1900s and 1920s with some multiple-family residential developed in 1960. Existing residential buildings

are one and two-stories and constructed in a variety of architectural styles, including Victorian and Craftsman Bungalow.

The Policy Plan specifies that the Downtown Mixed-Use Area is to be implemented through the approval of an Area Plan or Planned Unit Development prior to the development of properties. In compliance with this requirement, the Applicant has submitted the Fern Townhomes Planned Unit Development (included as Attachment A to the Ordinance), which is consistent with this vision, goals, and policies of the Policy Plan.

A Planned Unit Development is comparable to a Specific Plan in that it establishes development regulations that are unique to a specific area. However, it is unlike a Specific Plan in that a Planned Unit Development is typically intended to apply to a single development project or several interrelated development projects that function together as a single, comprehensive project.

Key components of the Fern Townhomes Planned Unit Development include the following:

- Land Use and Development Regulations — The MU-1 (Downtown Mixed Use) zoning district allows for residential development at a density of 25.1 to 75 dwelling units per acre. Consistent with the MU-1 zoning district and in keeping with the context of the existing neighborhood, the Fern Townhomes PUD allows for development of 3 to 7 dwelling units, with a maximum building height of 35 feet or 2 stories. The minimum building setback proposed along Fern Avenue is 7 feet and 5 feet for porches, patio coves and other architectural projections. Interior and rear property line setbacks are 5 feet, and the garage entry setback from the alley is 6 feet.
- Landscaping — A conceptual landscape plan has been submitted with the Development Plan for construction of the Project site. The PUD provides a planting palette comprised of “California friendly” planting materials that are compatible with the overall architectural style established by the PUD. The PUD also requires the landscaping and irrigation to comply with AB 1881 and all other laws and regulations related to planting materials.
- Parking and Circulation — The PUD utilizes a combination of on-site and on-street parking to provide an adequate parking supply to meet the anticipated parking demand for the Project. All resident parking will be provided on-site, while guest parking spaces will be provided on-street. The Project site is located within a mixed-use area where on-street parking is available along the project frontage and on surrounding blocks.
- Access to Mass Transit — An existing bus stop is located on the northwest corner of Holt Boulevard and Vine Avenue for Omnitrans routes 61. Additionally, the future West Valley Connector Bus Rapid Transit (BRT) line is proposed along Holt Boulevard.
- Architectural Character — The PUD architectural style and design is a modern interpretation of the Mediterranean style. The design will provide low pitched, gabled roofs covered with clay tile, shallow eaves, rough sawn beams, and a roof well for mechanical equipment. The townhome unit with street frontage will have a covered porch. The garage doors along the alley will have beam accents in the overhang above.

On February 28, 2023, the Planning Commission conducted a public hearing to consider the project

and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission voted (6-0) to approve a resolution recommending that the City Council approve the Fern Townhomes Planned Unit Development.

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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, 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 ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT 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 ONT ALUCP.

ENVIRONMENTAL REVIEW: The Project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the “common sense exemption” (also known as the “general rule exemption”) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

February 28, 2023

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

FILE NOS: PUD22-003, PMTT22-015 and PDEV22-024

SUBJECT: A public hearing to consider: [1] a Planned Unit Development (File No. PUD22-003) to establish development standards, design guidelines, and infrastructure requirements for the Project site; [2] Tentative Parcel Map No. 20554 (File No. PMTT22-015), subdividing an 0.11-acre Project site into a single lot for condominium purposes; and [3] a Development Plan (File No. PDEV22-024) for the construction of three townhomes, all located at 213 North Fern Avenue, within LUA-3 (Holt Boulevard) of the MU-1 (Downtown Mixed Use) zoning district; (APN: 1048-572-06) **submitted by HDC Construction, Inc.**

PROPERTY OWNER: HDC Construction, Inc.

RECOMMENDED ACTION: That the Planning Commission consider and adopt the following:

(1) A resolution recommending that the City Council approve a Planned Unit Development (File No. PUD22-003), pursuant to facts and reasons contained in the staff report and attached resolution as "Attachment A."

(2) Resolutions approving the Tentative Parcel Map No. 20554 (File No. PMTT22-015), and Development Plan (File No. PDEV22-024), pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval appended to the attached resolutions as "Attachment A."

PROJECT SETTING: The Project site is comprised of 0.11-acre of land located at the southwest corner of Fern Avenue and a public alley, at 213 North Fern Avenue (see Figure 1: Project Location Map, right), within LUA-3 (Holt Boulevard) of the MU-1 (Downtown Mixed Use) zoning district. The site was originally part of a larger residential property in the early 1900s. During the 1920s, the site was



Figure 1: Project Location

Case Planner:	Elly Antuna
Planning Director Approval:	
Submittal Date:	April 20, 2022

Hearing Body	Date	Decision	Action
DAB	02/22/23	Approval	Recommend
PC	02/28/23	Approval	Final / Recommend
CC	3/21/23 (PUD)		Final

developed with a single-family residence and detached garage that were demolished in 1963 and replaced with a commercial building. The commercial building was demolished in 2005 and the site is currently vacant. The site is located within a well-established mixed-use neighborhood, with multiple-family residential to the north and west, single-family residential to the south, and commercial uses, including a parking lot and a church, to the east. The surrounding area was one of the first to be developed in the city, with the earliest residences constructed during the early 1900s and most of the residential development occurring during the 1920s, and some multiple-family residential developing in 1960. Existing residential buildings are one and two-stories and constructed in a variety of architectural styles including Victorian and Craftsman Bungalow. The existing surrounding land uses, zoning, and Policy Plan (general plan) designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

PROJECT ANALYSIS:

(1) Background — The Project site is located within the MU-1/LUA-3 (Downtown Mixed Use/Holt Boulevard) zoning district, requiring the preparation and approval of a Planned Unit Development (PUD) to establish development standards, design guidelines, and infrastructure requirements for the site. On April 20, 2022, the Applicant filed a PUD application (File No. PUD22-003), concurrently with a Tentative Parcel Map (File No. PMTT22-015) and Development Plan (File No. PDEV22-024) applications. Final approval of the Tentative Parcel Map and Development Plan is contingent upon the City Council adoption of the PUD for the Project site.

The Project site is located within the Center City Redevelopment Project Area, established in 1983. And while the redevelopment practice was eliminated by the State, the Center City Redevelopment Project Area Plan is still in effect and encourages the development of a high intensity, multi-use central business district. In addition, The Ontario Plan contains goals and policies for the City's original downtown and the Downtown Mixed Use District, which further support the goals of the Center City Redevelopment Project Area Plan. The Center City Redevelopment Project Area Plan envisions revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core. The Ontario Plan ("TOP") furthers this vision and is intended to create an intensive mixture of retail, office, and residential uses in a pedestrian friendly atmosphere, ensure the historic character of the district is enhanced, and concentrate the most intense/dense development along Euclid Avenue and Holt Boulevard. Furthermore, The Ontario Plan specifies a residential density range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District.

(2) Planned Unit Development (File No. PUD22-003) –

(a) Land Use and Development Regulations — The MU-1 (Downtown Mixed Use) zoning district allows for residential development at a density of 25.1 to 75 dwelling

units per acre. Consistent with the MU-1 zoning district and in keeping with the context of the existing neighborhood, the Fern Townhomes PUD allows for development of 3 to 7 dwelling units, with a maximum building height of 35 feet or 2 stories. The minimum building setback proposed along Fern Avenue is 7 feet and 5 feet for porches, patio coves and other architectural projections. Interior and rear property line setbacks are 5 feet, and the garage entry setback from the alley is 6 feet.

(b) Landscaping — A conceptual landscape plan has been submitted with the Development Plan for construction of the Project site. The PUD provides a planting palette comprised of “California friendly” planting materials that are compatible with the overall architectural style established by the PUD. The PUD also requires the landscaping and irrigation to comply with AB 1881, and all other laws and regulations related to planting materials.

(c) Parking and Circulation — The PUD utilizes a combination of on-site and on-street parking to provide an adequate parking supply to meet the anticipated parking demand for the Project. All resident parking will be provided on site, while guest parking spaces will be provided on-street. The Project site is located within a mixed-use area where on-street parking is available along the project frontage and on surrounding blocks.

(d) Access to Mass Transit — An existing bus stop is located on the northwest corner of Holt Boulevard and Vine Avenue for Omnitrans routes 61. Additionally, the future West Valley Connector Bus Rapid Transit (BRT) line is proposed along Holt Boulevard.

(e) Architectural Character — The PUD architectural style and design is a modern interpretation of the Mediterranean style. The design will provide low pitched, gabled roofs covered with clay tile, shallow eaves rough sawn beams, and a roof well for mechanical equipment. The unit with street frontage will have a covered porch. The garage doors will have beam accents in the overhang above.

(3) Tentative Parcel Map No. 20554 (File No. PMTT22-015) — Proposed Tentative Parcel Map No. 20554 will subdivide the Project site into one lot for condominium purposes, to facilitate the construction and possible future sale of three attached townhouse units. The Departmental Conditions of Approval for the Tentative Parcel Map require Covenants, Conditions, and Restrictions (“CC&R’s”) to be recorded with the Final Parcel Map, which will establish the rules, regulations, rights, and responsibilities of the property owner’s association and townhouse unit owners.

(4) Development Plan (File No. PDEV22-024)

(a) Site Design/Building Layout — The Project proposes the development of three attached townhome units, at a density of 27.27 dwelling units per acre. The alley-loaded two-story building is positioned in an east-west configuration, designed with garage access off the alley. The 2-story building will have an overall height of 26 feet. Unit

A, at the east end of the building, has been designed with the front entry facing Fern Avenue. Units B and C have access from the south side of the building, along a landscaped pedestrian pathway. The units range from 1,406 square feet to 1,430 square feet in area and contain 3 bedrooms and 3 bathrooms. The first-floor plan consists of a 2-car garage, laundry room, one bedroom, and one bathroom. Two bedrooms, 2 bathrooms, a private balcony, kitchen, and main living area are on the second floor. North facing private balconies are located over the garages. Each unit contains a trash enclosure with a decorative iron gate and direct access to the alley.

(b) Site Access/Circulation — Vehicular access to the site is provided by means of a 20-foot-wide alley to the north, extending west from Fern Avenue and aligning with Vesta Street further west. Pedestrian access to the site is taken from Fern Avenue via a 5-foot-wide paved pathway along the southern portion of the Project site.

(c) Parking — Consistent with the PUD, the Project utilizes a combination of on-site and adjacent on-street parking. All required resident parking will be provided on-site within the enclosed garages, while required guest parking will be on-street. The existing street grid pattern allows for maximum opportunity of on-street parking that can be shared by guests of the site and the surrounding area. There are approximately 12 on-street parking spaces located on Fern Avenue, adjacent to the site. Based on the available street parking and provided on-site parking, there is sufficient parking available to support the proposed development. As demonstrated in the Parking Summary table below, the Project provides the required number of parking spaces.

Type of Use	Parking Ratio	Spaces Required	Spaces Provided
Two or more Bedroom Unit	2.0 parking spaces per unit (at least one covered)	6	6
Guest	1 parking space per 5 units	1	1
TOTAL		7	7

(d) Architecture — The architectural style proposed for the Project is a modern Mediterranean style that is exemplified by the use of a combination of hipped and gable clay tile roofs, smooth stucco siding, arched openings, recessed windows and doors, decorative iron work, and wood trim details. Hung style windows are placed in a single or double pattern throughout the Project. Building projections on the east elevation and a one-story covered entryway enhance the street-facing east elevation. Second story, cantilevered projections on the remaining elevations are enhanced with windows, recessed niches, decorative brackets, and ironwork.

(e) Landscaping — Perimeter landscaping is provided in the front, side, and rear yards. The Conceptual Landscape Plan has been designed to utilize California native trees and drought tolerant planting materials. Planters and pocket vines provide additional landscaping throughout the Project site. The parkway along the Project frontage will be landscaped with a new street tree (Island Oak) and groundcover.

(f) Open Space – Private open space is provided by second floor balconies in each residential unit. Balconies are 30 square feet each and are a minimum of 5 feet in any direction. The required common open area is dispersed throughout the Project site in the form of passive landscaped areas.

(g) Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the Project. Furthermore, 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 the use of a dry well as storm water retention. Any overflow drainage will be conveyed to the public street by way of parkway drains and culverts.

PUBLIC NOTIFICATION: The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within a minimum of 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

CORRESPONDENCE: As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners or occupants of properties surrounding the Project site or from the public in general, regarding the subject application.

AGENCY/DEPARTMENT REVIEWS: Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Resolution preparation, recommended conditions of approval were provided and are appended to the attached Resolutions as "Attachment A."

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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, 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 and decision-making body for the Project, the Planning Commission has reviewed and considered the facts and information contained

in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ONT ALUCP.

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.

- 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.
 - G 1-2. 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 LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

- LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

- Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.

- LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

- Goal H-2 Housing Supply & Diversity: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

- H-2.5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices, and other best practices.

- Goal H-5 Special Needs: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age, or other status.

- H-5.2 Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation, and other amenities.

Community Economics Element:

- Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.

- CE-1.6 Diversity of Housing. We collaborate with residents, housing providers, and the development community to provide housing opportunities for every

stage of life; we plan for a variety of housing types and price points to encourage the development of housing supportive of our efforts to attract business in growing sectors of the community while being respectful of existing viable uses.

- Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

- CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

- CE-2.2 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.

- CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

- CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Safety Element:

- Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

- S-1.1 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 CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

- CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.

- CD-1.2 Growth Areas. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City's identity as a premier community and require new

development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.

➤ CD-1.3 Existing Neighborhoods. We require the existing character of viable residential and non-residential neighborhoods be preserved, protected, and enhanced.

▪ Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

➤ CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide context-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 articulated, high quality, durable, and appropriate for the architectural style.

➤ CD-2.2 Neighborhood Design. We create distinct residential neighborhoods that promote a sense of community and identity by emphasizing access, connectivity, livability, and social interaction through such elements as:

- A pattern of smaller, walkable blocks that promote activity, safety, and access to nearby amenities and services;
- Varied parcel sizes and lot configurations to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable traffic flows and emergency evacuation access;
- 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 and designed to maximize safety, comfort, and aesthetics for all users.

➤ CD-2.7 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.

➤ CD-2.8 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, maintaining visibility and accessibility, and using lighting.

➤ CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:

- Surface parking: Shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field;
- Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and
- Garage parking: providing access to single-family residential garages through alley access, recessing garages from the frontage to emphasize front doors or active living spaces.

➤ CD-2.13 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 CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: 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.

➤ CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

➤ CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

- Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

- CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

- CD-5.2 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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

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, and meets all of the following conditions: (a) the proposed Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) the proposed development occurs within city limits and the area being developed is 0.11-acre, less than the maximum 5-acre threshold, and is substantially surrounded by urban land uses; (c) the Project site has no value as habitat for endangered, rare, or threatened species; (d) approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) the site is adequately served by all required utilities and public services.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	Existing Land Use	Policy Plan Designation	Zoning Designation
Site	Vacant	Mixed Use	LUA-3 (Holt Boulevard District) / MU-1 (Downtown Mixed Use)
North	Multiple-Family Residential	Mixed Use	LUA-3 (Holt Boulevard District) / MU-1 (Downtown Mixed Use)
South	Single-Family Residential	Mixed Use	LUA-3 (Holt Boulevard District) / MU-1 (Downtown Mixed Use)
East	Parking Lot/Multiple-Family Residential	Mixed Use	LUA-3 (Holt Boulevard District) / MU-1 (Downtown Mixed Use)
West	Multiple-Family Residential	Mixed Use	LUA-3 (Holt Boulevard District) / MU-1 (Downtown Mixed Use)

General Site & Building Statistics

Item	Required Min./Max.	Provided (Ranges)	Meets Y/N
Project area (in acres):	N/A	0.11	Y
Maximum project density (dwelling units/ac):	25 to 75 DU/AC	27	Y
Maximum coverage (in %):	N/A	72%	N/A
Minimum lot size (in SF):	N/A	4,792 SF	N/A
Minimum lot depth (in FT):	N/A	70 FT	N/A
Minimum lot width (in FT):	N/A	45 FT	N/A
Front yard setback (in FT):	7 FT	7 FT	Y
Side yard setback (in FT):	5 FT	5 FT	Y
Rear yard setback (in FT):	5 FT	5 FT	Y
Alley setback-Garage entry (in FT):	6 FT	6 FT	Y
Maximum height (in FT):	35 FT	26 FT	Y
Parking – resident:	6	6	Y
Parking – guest:	1	1	Y
Open space – private:	30 SF/unit	30 SF/unit	Y

Dwelling Unit Count:

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Total no. of units</i>	3-7	3	Y
<i>Total no. of buildings</i>	N/A	1	N/A
<i>No. units per building</i>	N/A	3	N/A

Dwelling Unit Statistics:

<i>Unit Count</i>	<i>Unit Size (in SF)</i>	<i>No. Bedrooms</i>	<i>No. Bathrooms</i>	<i>No. Stories</i>	<i>Private Open Space (in FT)</i>
3	1,406 – 1,430 SF	3	3	2	30 SF

Exhibit A: PROJECT LOCATION MAP

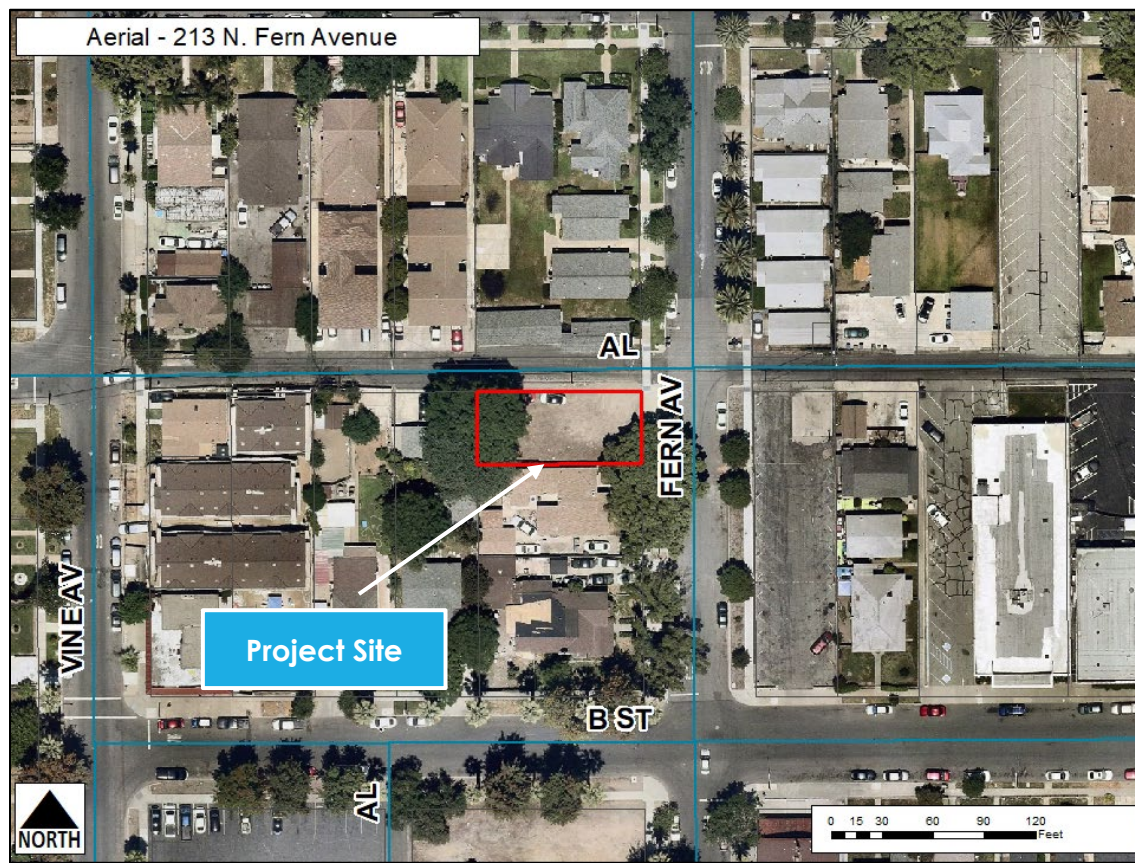


Exhibit B: SITE PLAN

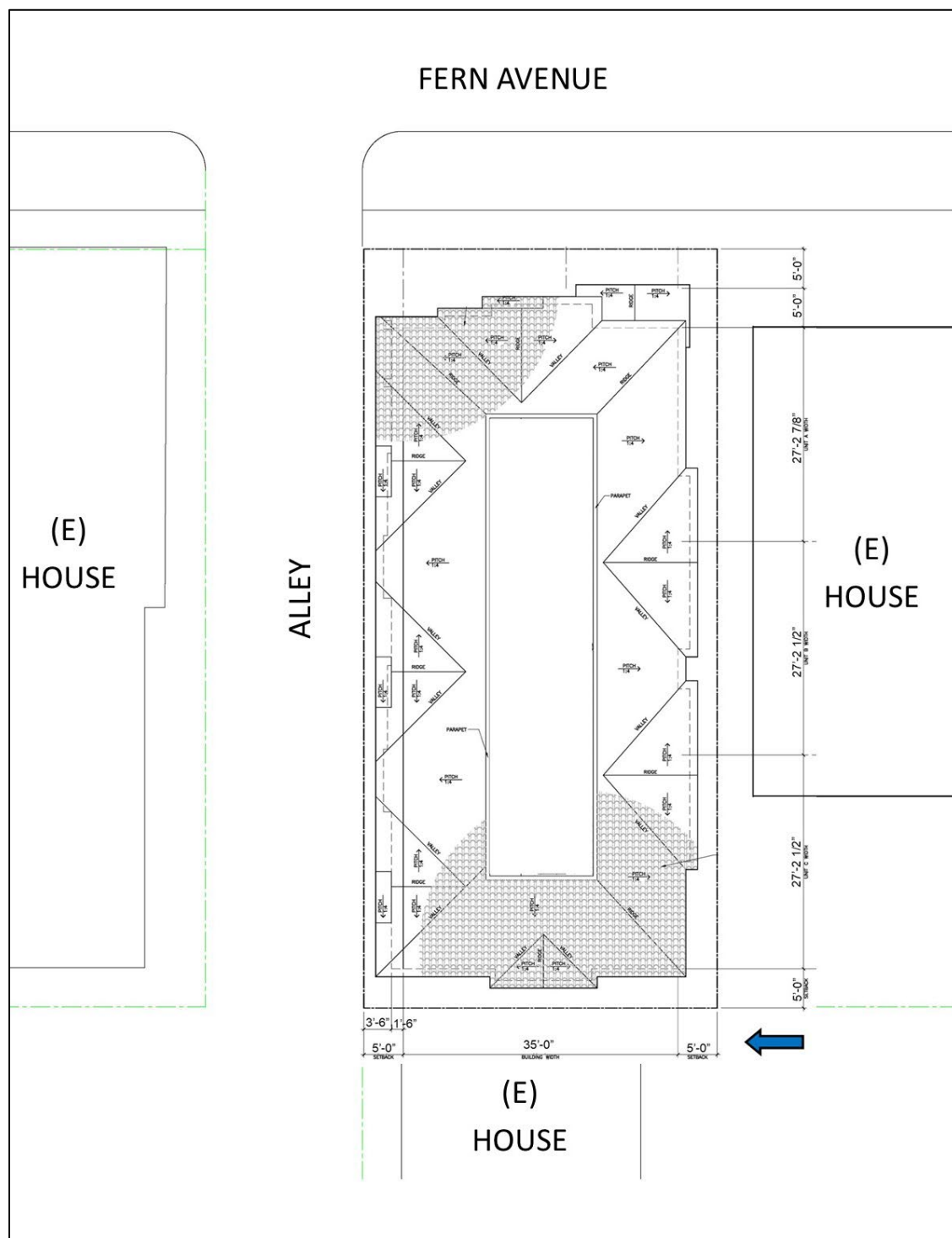


Exhibit C: FLOOR PLAN

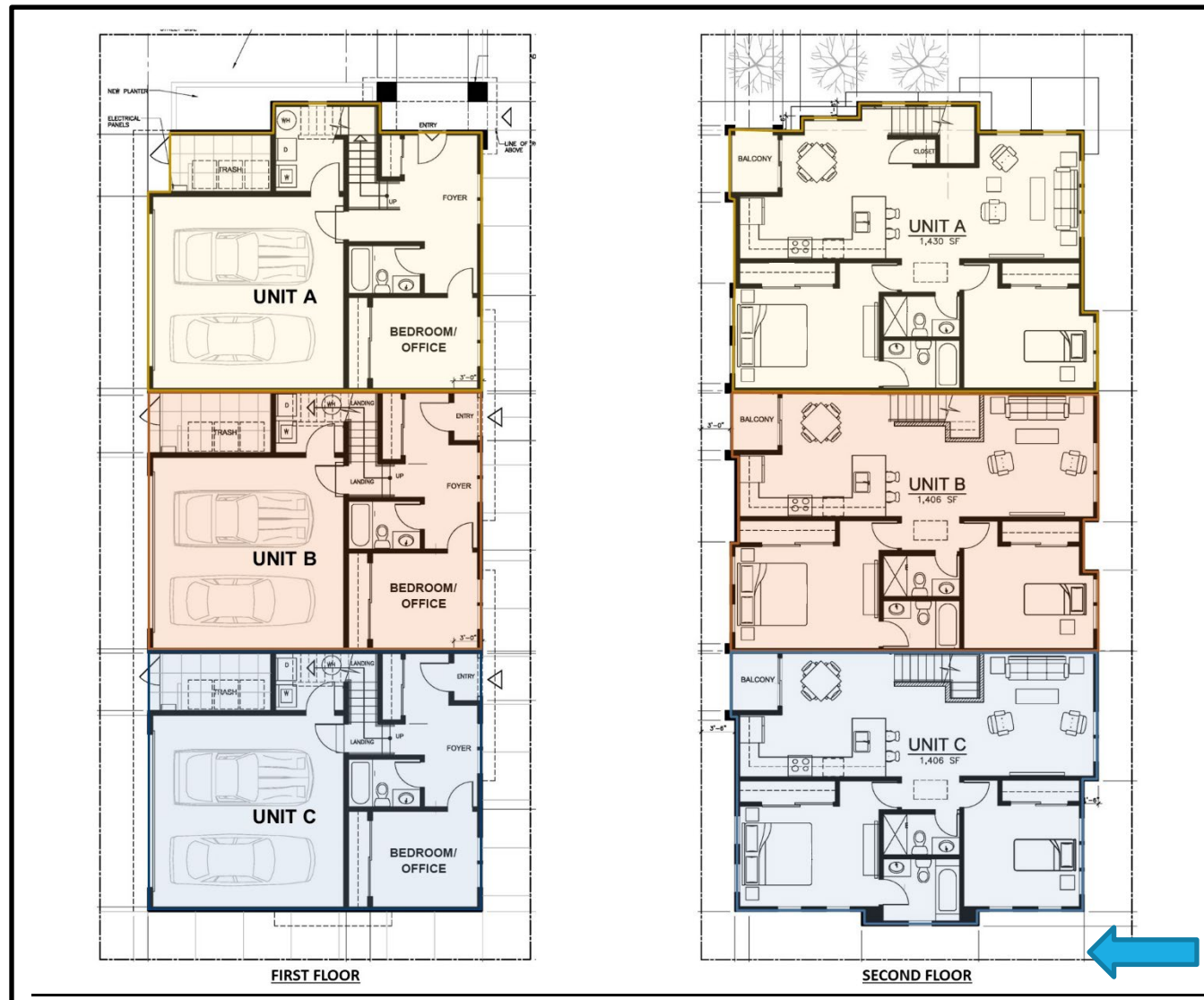


Exhibit D: EXTERIOR ELEVATIONS



Exhibit E: SITE PHOTOS



Project Site – View looking southwest



Adjacent Alley – Project Site to the left

Exhibit E: SITE PHOTOS



Fern Avenue – Northeast of Project Site



Northwest of Project Site - Adjacent Multiple-Family

RESOLUTION NO. PC23-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PUD22-003, A PLANNED UNIT DEVELOPMENT TO ESTABLISH DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE REQUIREMENTS FOR PROPERTY LOCATED AT 213 NORTH FERN AVENUE, WITHIN THE LUA-3 (HOLT BOULEVARD) DISTRICT OF THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-572-06

WHEREAS, HDC Construction, Inc. ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD22-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.11-acre of land generally located at the southwest corner of Fern Avenue and a public alley, at 213 North Fern Avenue, within LUA-3 (Holt Boulevard) of the MU-1 (Downtown Mixed Use) zoning district, and is presently vacant; and

WHEREAS, properties surrounding the Project Site are located within LUA-3 (Holt Boulevard) of the MU-1 (Downtown Mixed Use) zoning district. The properties north and west of the Project site are developed with multiple-family dwellings. The property to the east is developed with a parking lot. The property to the south is developed with single-family dwellings; and

WHEREAS, on April 20, 2022, the Applicant submitted a Planned Unit Development (File No. PUD22-003) in conjunction with Tentative Parcel Map No. 20554 (File No. PMTT22-015), to subdivide the Project site into a single lot for condominium purposes, and a Development Plan (File No. PDEV22-024) to construct 3 attached townhome units at a density of 27.3 dwelling units per acre; and

WHEREAS, the Project site is located within the Downtown Mixed Use District of the Policy Plan (general plan). The Policy Plan specifies that the Downtown Mixed Use District is to be implemented through the approval of an Area Plan or Planned Unit Development ("PUD") prior to the development of properties within the District. In compliance with this requirement, the Applicant has submitted the Fern Townhomes Planned Unit Development (included as Attachment "A" of this Resolution), which is consistent with this vision, and goals and policies of the Policy Plan; and

WHEREAS, the specific purpose of the Planned Unit Development is to secure a fuller realization of the Policy Plan than would otherwise 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, high intensity

projects, while establishing regulations and standards for uses with unique regulatory and design needs; and, ensure harmonious relationships with surrounding land uses; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "CEQA"); and

WHEREAS, the Project is exempt from CEQA as the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make recommendation to the City Council 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; and

WHEREAS, on February 28, 2023, 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 authority 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 has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the “common sense exemption” (also known as the “general rule exemption”) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

(3) 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 Housing Element Sites Inventory contained in Tables B-1 and B-2 of the Housing Element Technical Report.

SECTION 3: *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, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of

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

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 Sections 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Planned Unit Development 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 Project is consistent with Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. Section 1.1, The Ontario Plan Objectives of the Planned Unit Development, describes the manner in which the Planned Unit Development complies with the Policy Plan goals and policies.

(2) ***The proposed Planned Unit Development, 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(ies), the proposed Planned Unit Development, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The Planned Unit Development area is situated in Ontario's downtown and is adjacent to residential and commercial land uses and development. The surrounding development supports the objective of the Planned Unit Development to further commercial and residential mixed-use development.

The Project will not affect the harmonious relationship with adjacent properties and land use.

(4) ***In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** In preparing the proposed Planned Unit Development, a thorough review and analysis of the proposed Project and the subject site's physical suitability for the 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. Based upon this review and analysis, the subject site has been deemed physically suitable, including but not limited to parcel size, shape, access, and availability of utilities, for the proposed Planned Unit Development and the proposed development.

(5) ***The proposed Planned Unit Development is superior to that which could be obtained through the application of the Development Code or a specific plan.*** The Planned Unit Development will establish minimum building setbacks, parking and open space requirements, allow on-street parking, and establish a planting palette. These standards in the Planned Unit Development will facilitate the development of 3 attached single-family dwellings, related parking facilities and private and common open space areas. The proposed Planned Unit Development will allow for subsequent development that is superior to that which could be obtained through the application of the Development Code by itself.

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.

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 28th day of February, 2023, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.



Nancy DeDiemar
Planning Commission Chairperson

ATTEST:



Rudy Zeledon
Planning Director and
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. PC23-009, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on February 28, 2023, by the following roll call vote, to wit:

AYES: Anderson, Dean, DeDiemar, Gage, Lampkin, Ricci

NOES: None

ABSENT: None

ABSTAIN: None



Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PUD22-003
Fern Townhomes Planned Unit Development**



Planned Unit Development
Fern Townhomes Ontario, California



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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 an infill area of approximately 0.11 – acres of land, which is currently vacant, within a developed area. The development is comprised of a single vacant lot surrounded by existing residences. The lot is at the corner of North Fern Avenue (to the East) and West Vesta Street (existing Alley to the North). Access is available through the existing alley known as West Vesta Street (see Figure 1.1 Project Location Map).

The project site is located within The Ontario Plan Downtown Mixed Use Land Use District and the MU-1 (Downtown Mixed Use) zoning district which requires the establishment of a Planned Unit Development (PUD) prior to development. The Planned Unit Development (PUD) is set forth in the Ontario Development code section 4.01.030 (Planned Unit Development (PUD) and Amendments). Upon approval, this PUD will establish the land use and development standards for this particular project site. The Fern Townhome Planned Unit Development (PUD) will provide development standards unless otherwise defined herein, definitions and interpretations contained in the Development code shall apply.

City staff and private developers shall rely on this PUD to determine whether precise plans for development will be adequate and will meet the City's land use and design objectives.

Figure 1-1: Project Location Map

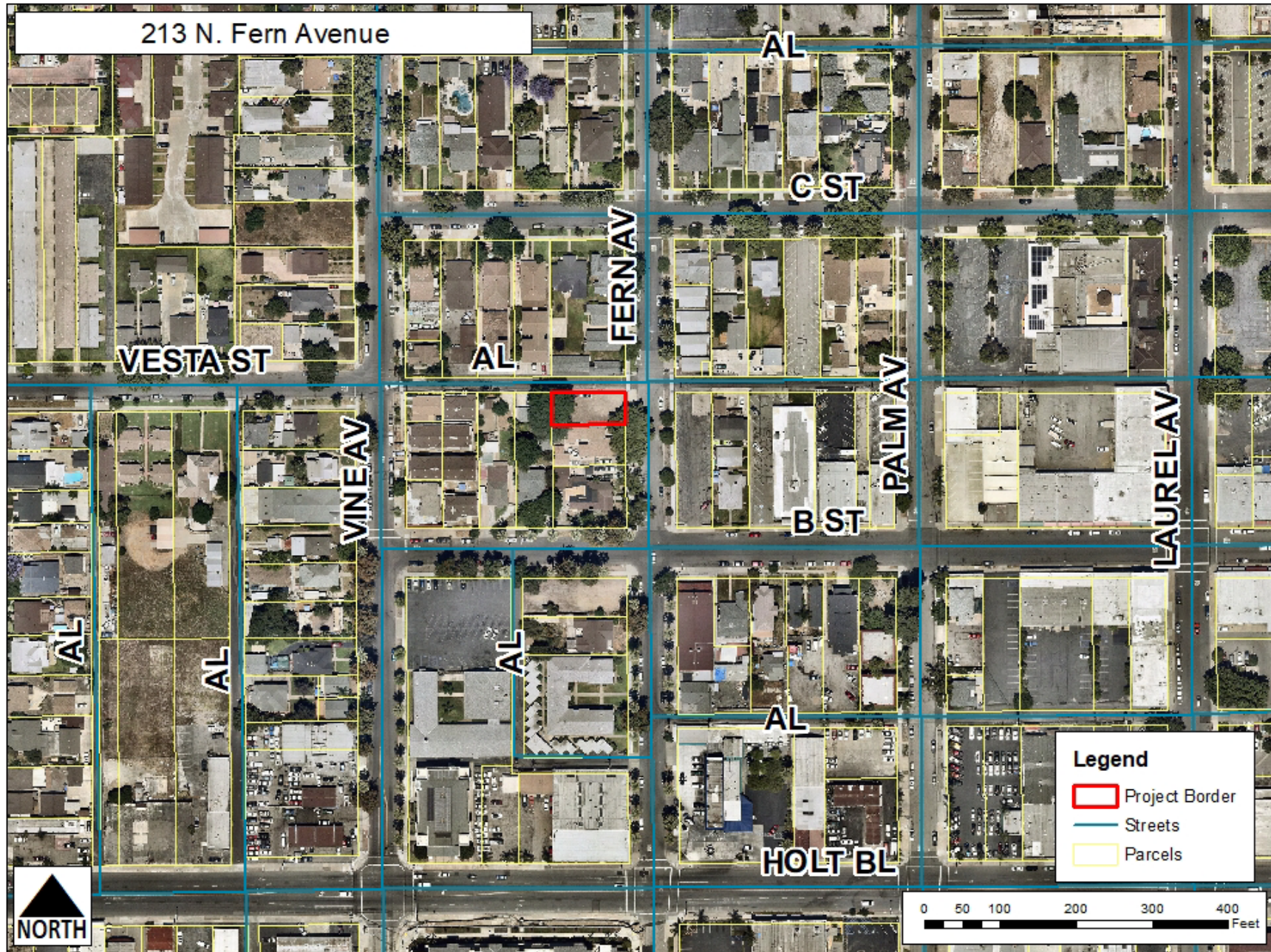
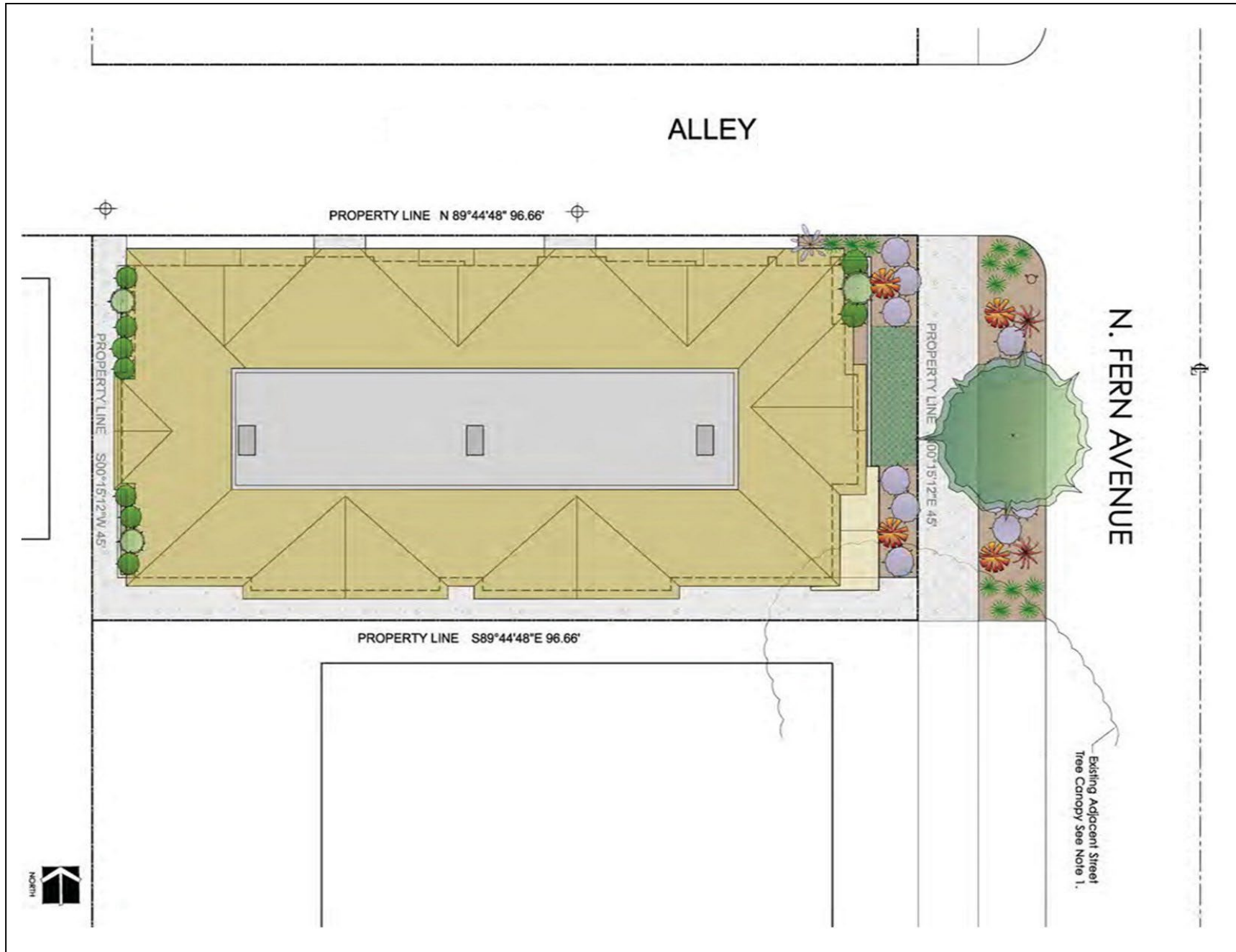


Figure 1-2: Site Plan



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2. OBJECTIVES

The Ontario Plan, which includes the City's General Plan (Policy Plan), designates the project area as part of the Downtown Mixed Use District (see Figure 2-1: Downtown Land Use District Map). The Downtown Mixed Use District designation requires approval of a Planned Unit Development (PUD) to develop the property. Additionally, the designation specifies a residential density range of 25.1-75 units per acre and a maximum floor area ratio (FAR) of 2.0 for office and retail uses if required.

The Ontario Plan goals and policies furthered by this Planned Unit Development are as follows:

2.1. Land Use Element Goals and Policies

- i. LU1 – Balance. A community that has a spectrum of housing types and price ranges that match the jobs in the city and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - a. 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.
 - The PUD supports the goal by providing housing in the downtown core to maximize infrastructure and foster the development of transit.
- ii. LU2 – Compatibility. Compatibility between a wide range of uses and resultant urban patterns and forms.
 - a. LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur. Additional mitigation is required when new uses could negatively impact environmental justice areas.
 - The PUD takes into consideration the existing uses on the surrounding properties and provides privacy buffers with decorative masonry walls, landscaping and setbacks.
- iii. LU3 – Flexibility. Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
 - a. LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.
 - The PUD implements the flexibility anticipated by city development standards.

2.2. Housing Use Element Goals and Policies

- i. H1 – Neighborhoods and Housing. Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.
 - a. H1-4 Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario’s past that are considered to be local historical or cultural resources.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
- ii. H2 – Housing Supply and Diversity. Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
 - a. H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic setting of the project location.
 - b. H2-6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.
 - The PUD implements higher density residential development within the downtown core to support nearby businesses and assist in area revitalization.

2.3. Community Design Element Goals and Policies

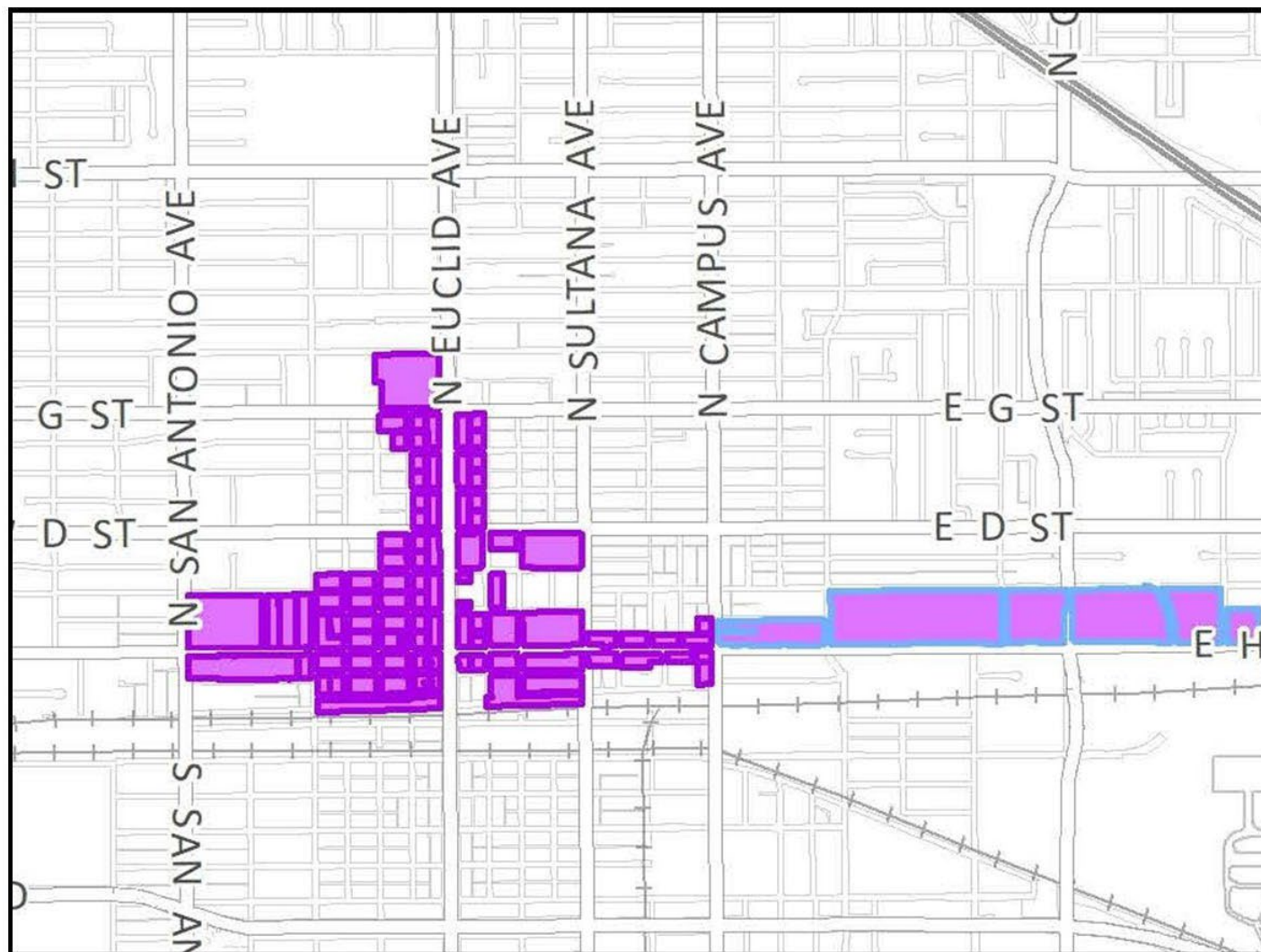
- i. CD1 – Image and Identity. A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.
 - a. CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.
 - The PUD supports the policy goal by incorporating a diverse urban housing type into the downtown core.
 - b. CD1-2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City’s identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic setting of the project location.
- ii. CD2 – Design Quality. A high level of design quality resulting in neighborhoods, commercial areas, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.
 - a. CD2-1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:
 - Building volume, massing, and height to provide context-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 articulated, high quality, durable, and appropriate for the architectural style.
 - The PUD will ensure that architectural features and finishes which convey a particular style will be implemented to complement the existing historic setting of the project location.

2.4. Fern Townhomes Objectives

This Planned Unit Development provides guidelines for development of the project area. The following objectives are intended to provide a general framework for establishing development standards to ensure proper development of the project area.

- i. Develop high quality, housing.
- ii. Establish appropriate relationships among new residential neighborhoods as well as with adjacent land use.
- iii. Provide new housing designed for families with children.
- iv. Provide area of private and passive open space with each unit to include private balconies and attractive entries.
- v. Provide flexible spaces at ground level which can be used as a Home Office or additional living space.

Figure 2-1: Downtown Growth Area Map



LAND USE

Figure LU-04

Mixed Use Areas

Mixed Use Categories

- Mixed Use - Downtown
- Mixed Use - Holt Blvd



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3. LAND USE PLAN

3.1. Land Use Plan /Allowable Uses

The Project site is located within the Downtown Mixed Use Area Policy Plan (General Plan) land use district, and the MU-1 (Downtown Mixed-Use) zoning district, which implements the Downtown Mixed Use area. The MU-1 zoning district was established to accommodate and intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

Consistent with the intent of the Downtown Mixed Use Area and the MU-1 zoning district, the project site is designated Multiple Family Residential (MFR) land use designation. Exhibit 3.1 MU-1 (Mixed Use Downtown) depicts the Planned Unit Development boundary and zoning designation.

Figure 3-1: MU-1 (Mixed Use Downtown) District Map



3.2. Residential Use

The project site is envisioned to be developed with three attached housing units. All units will be two story with two car parking garages below and the living areas on upper/second level. A landscape buffer with trees and a planter is provided along Fern Avenue. Units will be accessed via a new paved walkway. All units will have private balconies.

3.3. Permitted Uses List

The Permitted Land uses within the 213 N. Fern Avenue Planned Unit Development (PUD) are as follows:

- i. Multiple family residential dwellings
- ii. Motor vehicle parking ancillary to multiple family housing developments
- iii. Temporary uses as permitted within the residential districts of the City of Ontario Development Code subject to an Administrative Permit.
- iv. Other land use compatible with multiple family residential development projects, as determined by the Zoning Administrator.

Uses may be prohibited through rental contracts and agreements as provided by the owner and project management, unless prohibited by Federal, State or local laws.

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4. DEVELOPMENT REGULATIONS

4.1. Residential Density

Residential density shall be 25.1 to 70 dwelling units per acre.

4.2. Project Density

This particular combined infill project site consists of 0.09 acres of land. This zone density will require a minimum of (3) dwellings and a maximum of (7) dwellings.

4.3. Building Height

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

- i. No roof mounted equipment proposed. All HVAC units shall be placed within the attic space of the proposed roof structure, and condenser units shall be ground-mounted and properly screened.

4.4. Building Setbacks

Table 4-1: Minimum Building Setbacks

Minimum Setbacks:	Distance
From North Fern Avenue (East):	
■ Building	7 FT
■ Porches, Patio Covers, and Similar Architectural Projections**	5 FT
From Vesta Street/Alley (North)	
■ Building	5 FT
■ Garage Entry	6 FT
From Interior Property Line (South):	
■ Building	5 FT
From Rear Property Line (West):	
■ Building	5 FT
■ Porches, Patio Covers, and Similar Architectural Projections**	5 FT
2nd story Architectural Projections and Balconies	3 FT

**No projection may encroach into any necessary easements

- i. All setbacks shall be measured from the property lines. Placement of buildings, structures, fences, walls, utility facilities, yards etc. will be based on the street's rights of way and the property line dimensions. Allowable encroachments in yards include (maximum 6'-0" high) property line fences and gates, landscaping, paving and public utilities.

4.5. Access

Project vehicular access is from the northernly alley. Pedestrian access is from Fern Avenue.

4.6. Open Space

Open space shall be provided for the passive and the active recreation opportunities within the project site. Two types of open space are required, private and common open space. These open space areas are for the use of the on-site residents and their guests. Required street setback areas are not counted towards the common open space requirements.

4.7. Private Open Space

Private open space shall be provided for each residential unit in order to provide private outdoor areas which can be enjoyed for the exclusive use by the occupant of the residential unit and their guests. Types of areas considered private open space include balconies, decks and patios and enclosed yard areas.

Private open spaces are achieved with second floor balconies in each residential unit and shall have direct access from each residential unit. Residential units shall have a minimum size of private open space pursuant to Section 6.01.010.E (Open Space Requirements for Single-Family Small Lot Subdivisions, and Multiple-Family and Mixed-Use Development Projects) of the Ontario Development Code. The space may be provided in multiple areas (e.g. balconies, covered porches, a yard and a patio, etc.), as long as the total area of the spaces meets the minimum private open space requirement of 30 square feet for the unit. The minimum dimension for private open space shall be no less than 5 feet in any direction. Balconies shall be a minimum dimension of 5'-0" x 6'-0".

4.8. Common Open Space

Common Open Space shall be provided to allow for both passive and active types of recreation, along with the site landscape amenities. Common open space is achieved along the landscape buffer along Fern Avenue. These areas are for use by project residents and their guests. The Project site is located in an urbanized downtown area which provides access to many shared amenities including a public park (Ontario Town Square) within a quarter mile of the site.

Landscaping

4.9. Site Landscaping

A conceptual landscape plan shall be submitted with each Development Plan within the 213 N. Fern Avenue PUD area. The plan shall specify all landscape and hardscape elements for the development plan site. Detailed Landscape and Irrigation plans shall be required prior to the issuance of building permits.

The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right of way and adjacent residences where possible (see Figure 4-1: Conceptual Landscape Planting Legend).

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

Compliance with State and Federal Laws

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

4.10. Screening

i. General Requirements

- a. All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.
- b. Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.
- c. Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- d. All ground level screening shall comply with the requirements of the Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

ii. Fences, Walls, and Hedges

Fences, walls and hedges shall comply with Section 6.02.030 (Protection of Intersection visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and wall shall be made of decorative materials that are compatible with, or enhance the overall architectural character of the project. All fences, walls and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right of way.

Figure 4-10: Landscape Planting Legend

PROPOSED PLANT PALLET

INTERIOR VALLEY

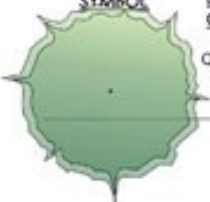
DRY INTERIOR CALIFORNIA
DROUGHT TOLERANT PLANTINGS

<u>SYMBOL</u>	<u>BOTANICAL NAME</u> <u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>QTY/CONTAINER SIZE</u>
	RHAPHIOLEPIS UMBELLATA MINOR DWARF WHITE HAWTHORNE	MEDIUM SHRUB	(7) 5 GALLON
	CORDYLINE 'SENSATION' RED CORDYLINE	MEDIUM SHRUB	(2) 5 GALLON
	BULBINE FRUTESCENS ORANGE STALKED BULBINE	LOW SHRUB	(4) 1 GALLON
	LONICERA SEMPERVIRENS CORAL HONEYSUCKLE	GROUND COVER 30" o.c.	(12) 1 GALLON
	NANDINA DOMESTICA DOMESTIC BAMBOO	VERTICAL SHRUB	(5) 5 GALLON
	KURAPIA	ORNAMENTAL GRASS	(10) 1 GALLON
	CISTUS SALVIIFOLIUS WHITE ROCKROSE	LAWN SUBSTITUTES 30" o.c.	1 GALLON 36" o.c.
	HARDENBERGIA VIOLACEA HAPPY WANDERER	VINE	(1) 5 GALLON

PROPOSED TREE LIST

INTERIOR VALLEY

DRY COASTAL CALIFORNIA
DROUGHT TOLERANT PLANTINGS

<u>SYMBOL</u>	<u>BOTANICAL NAME</u> <u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>CONTAINER SIZE</u>
	QUERCUS TOMENTELLA ISLAND OAK	30' - 40'	36" BOX

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5. PARKING AND CIRCULATION

5.1. Site Accessibility

The site shall be designed to promote safety for residents by only allowing limited vehicular and pedestrian access into and across the site. This can be achieved through building orientation and placement, and use of proper fences and gates to limit access to residents and their guests.

5.2. Vehicle Circulation

The project site shall be designed with parking access to the individual garages from alley, and shall provide all guest parking outside of development (on or off site) to ensure accessibility. Location of drive aisles and entries shall be approved by the City Engineer. Vehicular circulation shall be designed in a way that promotes pedestrian safety and proper access to the parking garage areas.

5.3. Pedestrian Circulation

Site design must provide for safe pedestrian circulation across the project site by separating the pedestrian areas from the vehicular access. This includes, but is not limited to, accessibility from the parking motor court to garages area to unit entries, site amenities, and perimeter sidewalk areas. Fencing and gates may be used to limit public access to resident-only areas.

5.4. Access to Mass Transit

Proposed Development Project within the PUD area should encourage the use of the existing bus stops by providing pedestrian connections to westbound line [Omnitrans 61] with a bus stop located on the northwest corner of Holt Boulevard and Vine Avenue (see Figure 5-1: Access to Mass Transit).

Figure 5-1: Access to Mass Transit



5.5. Public Right-of-Way Improvements

- i. 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, striping and fiber optic infrastructure. 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. Improvements along the street frontage for the entire block may be required at the time of development plan review.

5.6. Infrastructure

Water service will be provided from the existing water infrastructure in Fern Avenue, and sewer connections will be made to the existing sewer infrastructure in the alley. A dry well, as storm water detention, will be constructed on site for on-site storm water drainage and storm water runoff. The drywell shall be maintained by the property owner. In addition, there is a master-planned storm drain fronting the property based on the City's Master Plan of drainage.

5.7. Parking Requirements

i. On-Site Parking Requirements

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

- a. All required resident parking spaces shall be provided on-site, except fractional spaces may be provided off-site;
- b. Resident parking shall be provided in 2 car enclosed garages.
- c. Each dwelling unit is intended for occupancy by one family only, regardless of bedroom size (s) provided in a particular unit. Parking for dwellings shall be provided on-site, pursuant to the requirements of Table 5-1: Minimum Parking Requirements below, except that guest parking may be provided on-street, pursuant to Section 5.7.ii (On-Street Parking) of this Planned Unit Development (PUD).

Table 5-1: Minimum Parking Requirements

Use	Parking Spaces Required
Multiple-Family Dwellings:	
• One-Bedroom Unit	1.75 parking spaces per unit (at least one space shall be in a garage or carport)
• Two or more Bedroom Unit	2.0 parking spaces per unit (at least one space shall be in a garage or carport)
Guest Parking	1 Space per 5 dwellings

ii. On-street Parking Requirements

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

- a. On-street parking may be used to satisfy guest parking requirements only, and shall not be used for required resident parking.
- b. On-street parking shall only be counted along the public streets surrounding the project site, on the side of the street adjoining the project, excluding the alley to the north of the site (West Vesta Street).
- c. On-street parallel parking spaces shall be calculated by the length of unobstructed curb adjacent to the project site.

iii. Parking Standards

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

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6. DESIGN GUIDELINES

6.1. Building Orientation and Streetscapes

Building orientation shall be designed to minimize noise impacts, aide in providing site safety, create proper accessibility to unit entries and parking garage areas. Maximize views from each of the residential units. Design should be done in a way to maximize each unit's ability to provide private and open space while prioritizing privacy for all tenants.

6.2. Architectural Character

The PUD Architectural style and design is a modern interpretation of the "Mediterranean" style. The design will provide gabled roofs, with clay tile eaves. lower roof pitch (3:12), rough sawn beams, and a roof well for mechanical equipment. The unit with street frontage will have a covered porch. The garage doors will have beam accents in the overhang above.

6.3. Architectural Details

The new building designed for this PUD, shall be consistent in design and detail with style throughout the project. Architectural details should complement and enhance openings and accentuate overall design of the buildings. Detailing can be achieved through the use of multi planes and recessed materials to create interesting exterior elevations.

6.4. Materials and Color

Materials and color scheme shall be compatible with, and complementary to the overall style of the development project. New Multiplex on the site will utilize light colors, pop outs and recesses to break up the building planes. Dark colored doors, trim, window casings, and sills will define openings and entries with black wrought iron accents at doors, eaves, gates and balconies. All colors shall be complementary to the architectural style and utilize primarily earth tones. Materials specified will be a combination of smooth troweled stucco plaster and rough sawn exposed wood beams. A Mediterranean architectural style clay tile roof shall be used for the roof covering.

6.5. On-Site Lighting

- i. Decorative light fixtures attached to the buildings shall be compatible with the architectural style of the buildings, shall be provided for this development.
- ii. All other on-site lighting shall meet development standard of the Ontario Development Code.

6.6. Signage

Signs within the project area shall comply with the Division 8.01 (Sign Regulations) of the Ontario Development code.

6.7. Off Site Improvements

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

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7. ADMINISTRATION

7.1. Items Not Addressed in PUD

Any terms, requirements, or regulations not addressed within this PLANNED UNIT DEVELOPMENT document shall be governed by the City of Ontario Development Code, the regulations of the General Mixed Use zones and City Standards.

7.2. Development Applications

Development Plan approval, pursuant to the requirements of Ontario Development Code Section 4.02.025 (Development Plans), shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building. A Development Plan application shall be submitted to the Planning Department on a City application form pursuant to the requirements of Ontario Development Code Division 2.02 (Application Filing and Processing), commencing with Subsection B (Discretionary Permits and Actions) of Section 2.02.015 (Application Processing Procedures).

7.3. Administrative Exceptions

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

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD22-003, A PLANNED UNIT DEVELOPMENT TO ESTABLISH DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE REQUIREMENTS FOR PROPERTY LOCATED AT 213 NORTH FERN AVENUE, WITHIN LUA-3 (HOLT BOULEVARD) OF THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-572-06.

WHEREAS, HDC Construction, Inc. ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD22-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.11-acre of land generally located at the southwest corner of Fern Avenue and a public alley, at 213 North Fern Avenue, within LUA-3 (Holt Boulevard) of the MU-1 (Downtown Mixed Use) zoning district, and is presently vacant; and

WHEREAS, properties surrounding the Project Site are located within LUA-3 (Holt Boulevard) of the MU-1 (Downtown Mixed Use) zoning district. The properties north and west of the Project site are developed with multiple-family dwellings. The property to the east is developed with a parking lot. The property to the south is developed with single-family dwellings; and

WHEREAS, on April 20, 2022, the Applicant submitted a Planned Unit Development (File No. PUD22-003) in conjunction with Tentative Parcel Map No. 20554 (File No. PMTT22-015), to subdivide the Project site into a single lot for condominium purposes, and a Development Plan (File No. PDEV22-024) to construct 3 attached townhome units at a density of 27.3 dwelling units per acre; and

WHEREAS, the Project site is located within the Downtown Mixed Use District of the Policy Plan (general plan). The Policy Plan specifies that the Downtown Mixed Use District is to be implemented through the approval of an Area Plan or Planned Unit Development ("PUD") prior to the development of properties within the District. In compliance with this requirement, the Applicant has submitted the Fern Townhomes Planned Unit Development (included as Attachment "A" of this Resolution), which is consistent with this vision, and goals and policies of the Policy Plan; and

WHEREAS, the specific purpose of the Planned Unit Development is to secure a fuller realization of the Policy Plan than would otherwise 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, high intensity projects, while establishing regulations and standards for uses with unique regulatory and design needs; and, 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 as the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (CEQA Guidelines Section 15061(b)(3)); and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("ONT 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 28, 2023, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC23-009, recommending the City Council approve the Application; and

WHEREAS, on March 21, 2023, 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 has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the “common sense exemption” (also known as the “general rule exemption”) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

SECTION 2: 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.

(1) On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan, establishing the Airport Influence Area for Ontario International Airport, 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 ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT 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 ONT ALUCP; and

SECTION 3: Concluding Facts and Reasons. Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 and 2, above, the City Council hereby concludes as follows:

(1) ***The proposed Planned Unit Development 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 Project is consistent with Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. Section 1.1, The Ontario Plan Objectives of the Planned Unit Development, describes the manner in which the Planned Unit Development complies with the Policy Plan goals and policies.

(2) ***The proposed Planned Unit Development, 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 property(ies), the proposed Planned Unit Development, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The Planned Unit Development area is situated in Ontario's downtown and is adjacent to residential and commercial land uses and development. The surrounding development supports the objective of the Planned Unit Development to further commercial and residential mixed-use development. The Project will not affect the harmonious relationship with adjacent properties and land use.

(4) ***In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** In preparing the proposed Planned Unit Development, a thorough review and analysis of the proposed Project and the subject site's physical suitability for the 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. Based upon this review and analysis, the subject site has been deemed physically suitable, including but not limited to parcel size, shape, access, and availability of utilities, for the proposed Planned Unit Development and the proposed development.

(5) ***The proposed Planned Unit Development is superior to that which could be obtained through the application of the Development Code or a specific plan.*** The Planned Unit Development will establish minimum building setbacks, parking and open space requirements, allow on-street parking, and establish a planting palette. These standards in the Planned Unit Development will facilitate the development of 3 attached single-family dwellings, related parking facilities and private and common open space areas. The proposed Planned Unit Development will allow for subsequent development that is superior to that which could be obtained through the application of the Development Code by itself.

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, 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 4th day of April 2023.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held April 4, 2023 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PUD22-003,
Fern Townhomes Planned Unit Development**

(Document follows this page)



Planned Unit Development
Fern Townhomes Ontario, California



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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 an infill area of approximately 0.11 – acres of land, which is currently vacant, within a developed area. The development is comprised of a single vacant lot surrounded by existing residences. The lot is at the corner of North Fern Avenue (to the East) and West Vesta Street (existing Alley to the North). Access is available through the existing alley known as West Vesta Street (see Figure 1.1 Project Location Map).

The project site is located within The Ontario Plan Downtown Mixed Use Land Use District and the MU-1 (Downtown Mixed Use) zoning district which requires the establishment of a Planned Unit Development (PUD) prior to development. The Planned Unit Development (PUD) is set forth in the Ontario Development code section 4.01.030 (Planned Unit Development (PUD) and Amendments). Upon approval, this PUD will establish the land use and development standards for this particular project site. The Fern Townhome Planned Unit Development (PUD) will provide development standards unless otherwise defined herein, definitions and interpretations contained in the Development code shall apply.

City staff and private developers shall rely on this PUD to determine whether precise plans for development will be adequate and will meet the City's land use and design objectives.

Figure 1-1: Project Location Map

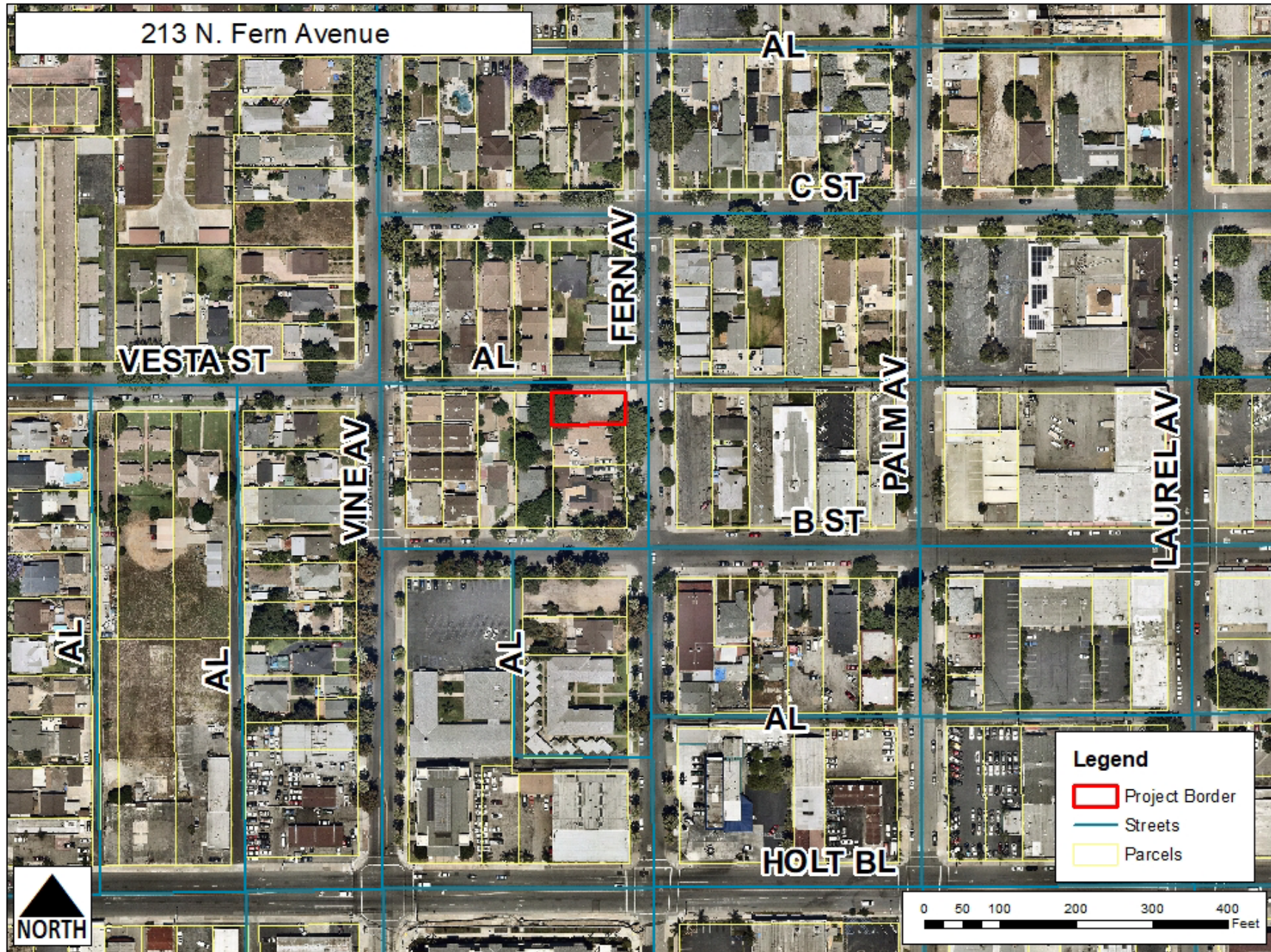
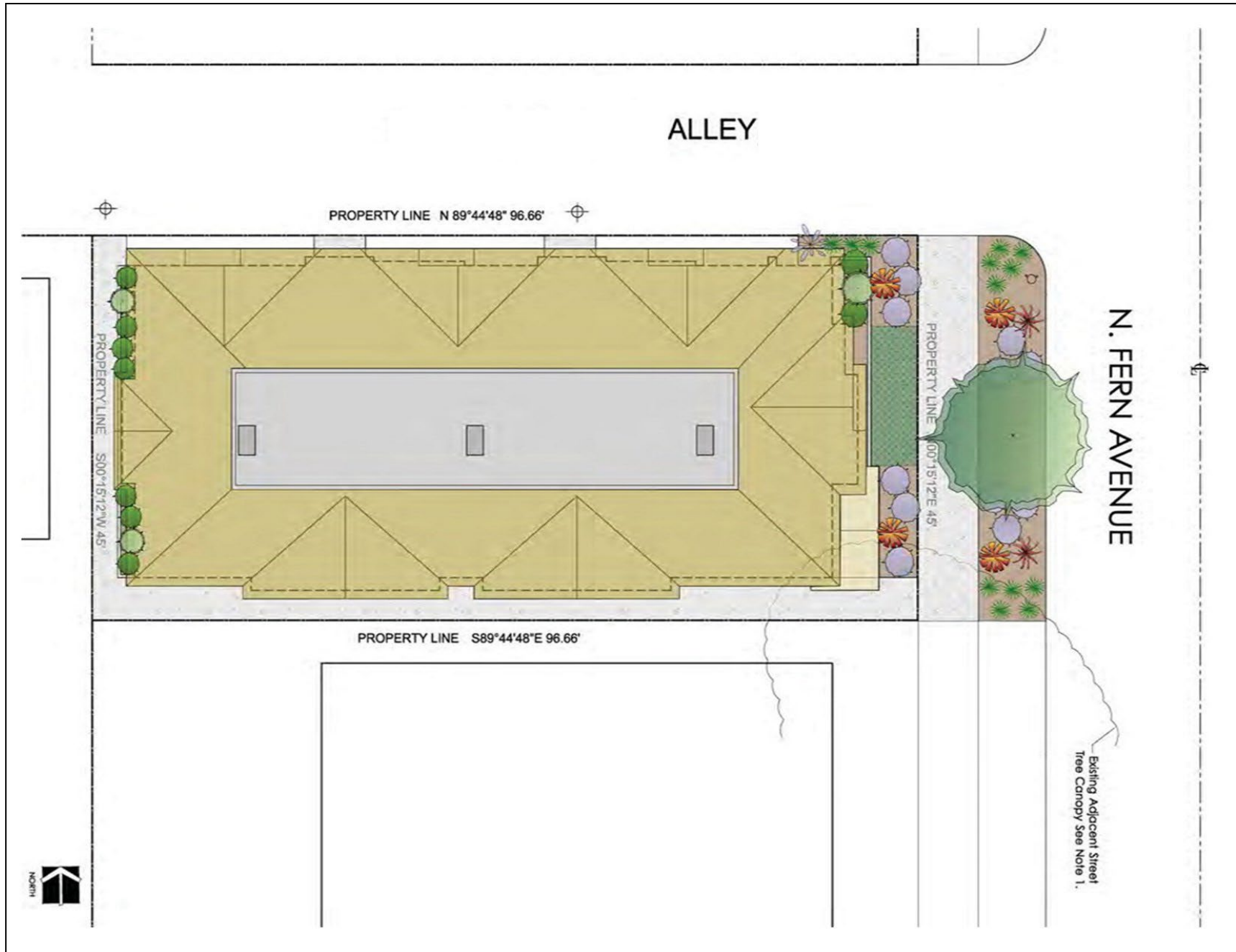


Figure 1-2: Site Plan



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2. OBJECTIVES

The Ontario Plan, which includes the City's General Plan (Policy Plan), designates the project area as part of the Downtown Mixed Use District (see Figure 2-1: Downtown Land Use District Map). The Downtown Mixed Use District designation requires approval of a Planned Unit Development (PUD) to develop the property. Additionally, the designation specifies a residential density range of 25.1-75 units per acre and a maximum floor area ratio (FAR) of 2.0 for office and retail uses if required.

The Ontario Plan goals and policies furthered by this Planned Unit Development are as follows:

2.1. Land Use Element Goals and Policies

- i. LU1 – Balance. A community that has a spectrum of housing types and price ranges that match the jobs in the city and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - a. 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.
 - The PUD supports the goal by providing housing in the downtown core to maximize infrastructure and foster the development of transit.
- ii. LU2 – Compatibility. Compatibility between a wide range of uses and resultant urban patterns and forms.
 - a. LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur. Additional mitigation is required when new uses could negatively impact environmental justice areas.
 - The PUD takes into consideration the existing uses on the surrounding properties and provides privacy buffers with decorative masonry walls, landscaping and setbacks.
- iii. LU3 – Flexibility. Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
 - a. LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.
 - The PUD implements the flexibility anticipated by city development standards.

2.2. Housing Use Element Goals and Policies

- i. H1 – Neighborhoods and Housing. Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.
 - a. H1-4 Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario’s past that are considered to be local historical or cultural resources.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
- ii. H2 – Housing Supply and Diversity. Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
 - a. H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic setting of the project location.
 - b. H2-6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.
 - The PUD implements higher density residential development within the downtown core to support nearby businesses and assist in area revitalization.

2.3. Community Design Element Goals and Policies

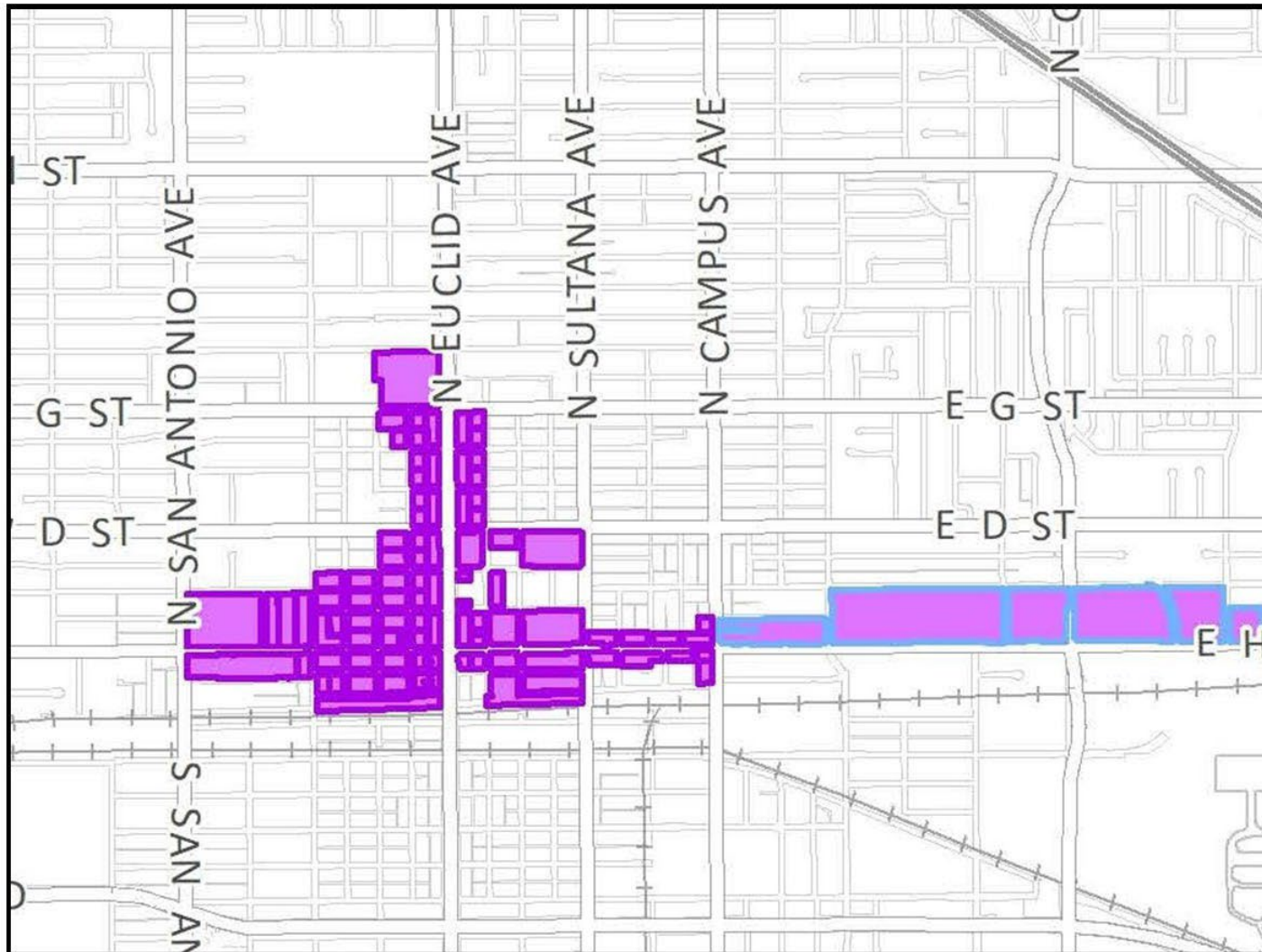
- i. CD1 – Image and Identity. A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.
 - a. CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.
 - The PUD supports the policy goal by incorporating a diverse urban housing type into the downtown core.
 - b. CD1-2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City’s identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.
 - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic setting of the project location.
- ii. CD2 – Design Quality. A high level of design quality resulting in neighborhoods, commercial areas, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.
 - a. CD2-1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:
 - Building volume, massing, and height to provide context-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 articulated, high quality, durable, and appropriate for the architectural style.
 - The PUD will ensure that architectural features and finishes which convey a particular style will be implemented to complement the existing historic setting of the project location.

2.4. Fern Townhomes Objectives

This Planned Unit Development provides guidelines for development of the project area. The following objectives are intended to provide a general framework for establishing development standards to ensure proper development of the project area.

- i. Develop high quality, housing.
- ii. Establish appropriate relationships among new residential neighborhoods as well as with adjacent land use.
- iii. Provide new housing designed for families with children.
- iv. Provide area of private and passive open space with each unit to include private balconies and attractive entries.
- v. Provide flexible spaces at ground level which can be used as a Home Office or additional living space.

Figure 2-1: Downtown Growth Area Map



LAND USE

Figure LU-04

Mixed Use Areas

Mixed Use Categories

- Mixed Use - Downtown
- Mixed Use - Holt Blvd



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3. LAND USE PLAN

3.1. Land Use Plan /Allowable Uses

The Project site is located within the Downtown Mixed Use Area Policy Plan (General Plan) land use district, and the MU-1 (Downtown Mixed-Use) zoning district, which implements the Downtown Mixed Use area. The MU-1 zoning district was established to accommodate and intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

Consistent with the intent of the Downtown Mixed Use Area and the MU-1 zoning district, the project site is designated Multiple Family Residential (MFR) land use designation. Exhibit 3.1 MU-1 (Mixed Use Downtown) depicts the Planned Unit Development boundary and zoning designation.

Figure 3-1: MU-1 (Mixed Use Downtown) District Map



3.2. Residential Use

The project site is envisioned to be developed with three attached housing units. All units will be two story with two car parking garages below and the living areas on upper/second level. A landscape buffer with trees and a planter is provided along Fern Avenue. Units will be accessed via a new paved walkway. All units will have private balconies.

3.3. Permitted Uses List

The Permitted Land uses within the 213 N. Fern Avenue Planned Unit Development (PUD) are as follows:

- i. Multiple family residential dwellings
- ii. Motor vehicle parking ancillary to multiple family housing developments
- iii. Temporary uses as permitted within the residential districts of the City of Ontario Development Code subject to an Administrative Permit.
- iv. Other land use compatible with multiple family residential development projects, as determined by the Zoning Administrator.

Uses may be prohibited through rental contracts and agreements as provided by the owner and project management, unless prohibited by Federal, State or local laws.

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4. DEVELOPMENT REGULATIONS

4.1. Residential Density

Residential density shall be 25.1 to 70 dwelling units per acre.

4.2. Project Density

This particular combined infill project site consists of 0.09 acres of land. This zone density will require a minimum of (3) dwellings and a maximum of (7) dwellings.

4.3. Building Height

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

- i. No roof mounted equipment proposed. All HVAC units shall be placed within the attic space of the proposed roof structure, and condenser units shall be ground-mounted and properly screened.

4.4. Building Setbacks

Table 4-1: Minimum Building Setbacks

Minimum Setbacks:	Distance
From North Fern Avenue (East):	
■ Building	7 FT
■ Porches, Patio Covers, and Similar Architectural Projections**	5 FT
From Vesta Street/Alley (North)	
■ Building	5 FT
■ Garage Entry	6 FT
From Interior Property Line (South):	
■ Building	5 FT
From Rear Property Line (West):	
■ Building	5 FT
■ Porches, Patio Covers, and Similar Architectural Projections**	5 FT
2nd story Architectural Projections and Balconies	3 FT

**No projection may encroach into any necessary easements

- i. All setbacks shall be measured from the property lines. Placement of buildings, structures, fences, walls, utility facilities, yards etc. will be based on the street's rights of way and the property line dimensions. Allowable encroachments in yards include (maximum 6'-0" high) property line fences and gates, landscaping, paving and public utilities.

4.5. Access

Project vehicular access is from the northernly alley. Pedestrian access is from Fern Avenue.

4.6. Open Space

Open space shall be provided for the passive and the active recreation opportunities within the project site. Two types of open space are required, private and common open space. These open space areas are for the use of the on-site residents and their guests. Required street setback areas are not counted towards the common open space requirements.

4.7. Private Open Space

Private open space shall be provided for each residential unit in order to provide private outdoor areas which can be enjoyed for the exclusive use by the occupant of the residential unit and their guests. Types of areas considered private open space include balconies, decks and patios and enclosed yard areas.

Private open spaces are achieved with second floor balconies in each residential unit and shall have direct access from each residential unit. Residential units shall have a minimum size of private open space pursuant to Section 6.01.010.E (Open Space Requirements for Single-Family Small Lot Subdivisions, and Multiple-Family and Mixed-Use Development Projects) of the Ontario Development Code. The space may be provided in multiple areas (e.g. balconies, covered porches, a yard and a patio, etc.), as long as the total area of the spaces meets the minimum private open space requirement of 30 square feet for the unit. The minimum dimension for private open space shall be no less than 5 feet in any direction. Balconies shall be a minimum dimension of 5'-0" x 6'-0".

4.8. Common Open Space

Common Open Space shall be provided to allow for both passive and active types of recreation, along with the site landscape amenities. Common open space is achieved along the landscape buffer along Fern Avenue. These areas are for use by project residents and their guests. The Project site is located in an urbanized downtown area which provides access to many shared amenities including a public park (Ontario Town Square) within a quarter mile of the site.

Landscaping

4.9. Site Landscaping

A conceptual landscape plan shall be submitted with each Development Plan within the 213 N. Fern Avenue PUD area. The plan shall specify all landscape and hardscape elements for the development plan site. Detailed Landscape and Irrigation plans shall be required prior to the issuance of building permits.

The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right of way and adjacent residences where possible (see Figure 4-1: Conceptual Landscape Planting Legend).

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

Compliance with State and Federal Laws

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

4.10. Screening

i. General Requirements

- a. All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.
- b. Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.
- c. Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- d. All ground level screening shall comply with the requirements of the Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

ii. Fences, Walls, and Hedges

Fences, walls and hedges shall comply with Section 6.02.030 (Protection of Intersection visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and wall shall be made of decorative materials that are compatible with, or enhance the overall architectural character of the project. All fences, walls and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right of way.

Figure 4-10: Landscape Planting Legend

PROPOSED PLANT PALLET

INTERIOR VALLEY

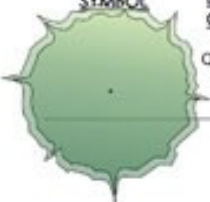
DRY INTERIOR CALIFORNIA
DROUGHT TOLERANT PLANTINGS

<u>SYMBOL</u>	<u>BOTANICAL NAME</u> <u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>QTY/CONTAINER SIZE</u>
	RHAPHIOLEPIS UMBELLATA MINOR DWARF WHITE HAWTHORNE	MEDIUM SHRUB	(7) 5 GALLON
	CORDYLINE 'SENSATION' RED CORDYLINE	MEDIUM SHRUB	(2) 5 GALLON
	BULBINE FRUTESCENS ORANGE STALKED BULBINE	LOW SHRUB	(4) 1 GALLON
	LONICERA SEMPERVIRENS CORAL HONEYSUCKLE	GROUND COVER 30" o.c.	(12) 1 GALLON
	NANDINA DOMESTICA DOMESTIC BAMBOO	VERTICAL SHRUB	(5) 5 GALLON
	KURAPIA	ORNAMENTAL GRASS	(10) 1 GALLON
	CISTUS SALVIFOLIUS WHITE ROCKROSE	LAWN SUBSTITUTES 30" o.c.	1 GALLON 36" o.c.
	HARDENBERGIA VIOLACEA HAPPY WANDERER	VINE	(1) 5 GALLON

PROPOSED TREE LIST

INTERIOR VALLEY

DRY COASTAL CALIFORNIA
DROUGHT TOLERANT PLANTINGS

<u>SYMBOL</u>	<u>BOTANICAL NAME</u> <u>COMMON NAME</u>	<u>PLANT TYPE</u>	<u>CONTAINER SIZE</u>
	QUERCUS TOMENTELLA ISLAND OAK	30' - 40'	36" BOX

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5. PARKING AND CIRCULATION

5.1. Site Accessibility

The site shall be designed to promote safety for residents by only allowing limited vehicular and pedestrian access into and across the site. This can be achieved through building orientation and placement, and use of proper fences and gates to limit access to residents and their guests.

5.2. Vehicle Circulation

The project site shall be designed with parking access to the individual garages from alley, and shall provide all guest parking outside of development (on or off site) to ensure accessibility. Location of drive aisles and entries shall be approved by the City Engineer. Vehicular circulation shall be designed in a way that promotes pedestrian safety and proper access to the parking garage areas.

5.3. Pedestrian Circulation

Site design must provide for safe pedestrian circulation across the project site by separating the pedestrian areas from the vehicular access. This includes, but is not limited to, accessibility from the parking motor court to garages area to unit entries, site amenities, and perimeter sidewalk areas. Fencing and gates may be used to limit public access to resident-only areas.

5.4. Access to Mass Transit

Proposed Development Project within the PUD area should encourage the use of the existing bus stops by providing pedestrian connections to westbound line [Omnitrans 61] with a bus stop located on the northwest corner of Holt Boulevard and Vine Avenue (see Figure 5-1: Access to Mass Transit).

Figure 5-1: Access to Mass Transit



5.5. Public Right-of-Way Improvements

- i. 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, striping and fiber optic infrastructure. 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. Improvements along the street frontage for the entire block may be required at the time of development plan review.

5.6. Infrastructure

Water service will be provided from the existing water infrastructure in Fern Avenue, and sewer connections will be made to the existing sewer infrastructure in the alley. A dry well, as storm water detention, will be constructed on site for on-site storm water drainage and storm water runoff. The drywell shall be maintained by the property owner. In addition, there is a master-planned storm drain fronting the property based on the City's Master Plan of drainage.

5.7. Parking Requirements

i. On-Site Parking Requirements

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

- a. All required resident parking spaces shall be provided on-site, except fractional spaces may be provided off-site;
- b. Resident parking shall be provided in 2 car enclosed garages.
- c. Each dwelling unit is intended for occupancy by one family only, regardless of bedroom size (s) provided in a particular unit. Parking for dwellings shall be provided on-site, pursuant to the requirements of Table 5-1: Minimum Parking Requirements below, except that guest parking may be provided on-street, pursuant to Section 5.7.ii (On-Street Parking) of this Planned Unit Development (PUD).

Table 5-1: Minimum Parking Requirements

Use	Parking Spaces Required
Multiple-Family Dwellings:	
• One-Bedroom Unit	1.75 parking spaces per unit (at least one space shall be in a garage or carport)
• Two or more Bedroom Unit	2.0 parking spaces per unit (at least one space shall be in a garage or carport)
Guest Parking	1 Space per 5 dwellings

ii. On-street Parking Requirements

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

- a. On-street parking may be used to satisfy guest parking requirements only, and shall not be used for required resident parking.
- b. On-street parking shall only be counted along the public streets surrounding the project site, on the side of the street adjoining the project, excluding the alley to the north of the site (West Vesta Street).
- c. On-street parallel parking spaces shall be calculated by the length of unobstructed curb adjacent to the project site.

iii. Parking Standards

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

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6. DESIGN GUIDELINES

6.1. Building Orientation and Streetscapes

Building orientation shall be designed to minimize noise impacts, aide in providing site safety, create proper accessibility to unit entries and parking garage areas. Maximize views from each of the residential units. Design should be done in a way to maximize each unit's ability to provide private and open space while prioritizing privacy for all tenants.

6.2. Architectural Character

The PUD Architectural style and design is a modern interpretation of the "Mediterranean" style. The design will provide gabled roofs, with clay tile eaves. lower roof pitch (3:12), rough sawn beams, and a roof well for mechanical equipment. The unit with street frontage will have a covered porch. The garage doors will have beam accents in the overhang above.

6.3. Architectural Details

The new building designed for this PUD, shall be consistent in design and detail with style throughout the project. Architectural details should complement and enhance openings and accentuate overall design of the buildings. Detailing can be achieved through the use of multi planes and recessed materials to create interesting exterior elevations.

6.4. Materials and Color

Materials and color scheme shall be compatible with, and complementary to the overall style of the development project. New Multiplex on the site will utilize light colors, pop outs and recesses to break up the building planes. Dark colored doors, trim, window casings, and sills will define openings and entries with black wrought iron accents at doors, eaves, gates and balconies. All colors shall be complementary to the architectural style and utilize primarily earth tones. Materials specified will be a combination of smooth troweled stucco plaster and rough sawn exposed wood beams. A Mediterranean architectural style clay tile roof shall be used for the roof covering.

6.5. On-Site Lighting

- i. Decorative light fixtures attached to the buildings shall be compatible with the architectural style of the buildings, shall be provided for this development.
- ii. All other on-site lighting shall meet development standard of the Ontario Development Code.

6.6. Signage

Signs within the project area shall comply with the Division 8.01 (Sign Regulations) of the Ontario Development code.

6.7. Off Site Improvements

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

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7. ADMINISTRATION

7.1. Items Not Addressed in PUD

Any terms, requirements, or regulations not addressed within this PLANNED UNIT DEVELOPMENT document shall be governed by the City of Ontario Development Code, the regulations of the General Mixed Use zones and City Standards.

7.2. Development Applications

Development Plan approval, pursuant to the requirements of Ontario Development Code Section 4.02.025 (Development Plans), shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building. A Development Plan application shall be submitted to the Planning Department on a City application form pursuant to the requirements of Ontario Development Code Division 2.02 (Application Filing and Processing), commencing with Subsection B (Discretionary Permits and Actions) of Section 2.02.015 (Application Processing Procedures).

7.3. Administrative Exceptions

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

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