CITY OF ONTARIO
CITY COUNCIL/HOUSING AUTHORITY
AGENDA
NOVEMBER 2, 2021

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

Scott Ochoa
City Manager

Ruben Duran
City Attorney

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

WEARING A MASK DURING THE PUBLIC MEETING IS STRONGLY ENCOURAGED.

If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's office at 909-395-2009. Notification 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

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

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

CLOSED SESSION

GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: Jay Spicer v. City of Ontario, et al., Superior Court of California, County of San Bernardino, Case No. CIVDS1711812

GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: AFSCME Local 3061, Teamsters Local 1932, AOME; and Confidential Group.
ATTACHMENT: 20211102 Closed Session

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Lieutenant Perez, The Salvation Army

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 and Housing Authority of October 5, 2021

and approving same as on file in the Records Management Department.

ATTACHMENT: 20211005 Minutes (not official until approved).pdf

2. BILLS & PAYROLL

Bills October 1, 2021 through October 14, 2021, and Payroll September 26, 2021 through October 9, 2021 when audited by the Finance Committee.

3. A RESOLUTION ORDERING THE SUMMARY VACATION OF A RAILROAD EASEMENT LOCATED APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE AND APPROXIMATELY 100 FEET SOUTH OF CEDAR STREET

That the City Council adopt a Resolution ordering the summary vacation of a railroad easement located approximately 600 feet east of Cucamonga Avenue and approximately 100 feet south of Cedar Street.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A RAILROAD EASEMENT LOCATED APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE AND APPROXIMATELY 100 FEET SOUTH OF CEDAR STREET.

ATTACHMENT: 20211102 Vacation V-292^01 EXH A
ATTACHMENT: 20211102 Vacation V-292^02^RESO^RM
ATTACHMENT: 20211102 Vacation V-292^03 RESO EXH A & B

4. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20345, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND ONTARIO RANCH ROAD

That the City Council adopt a Resolution approving an Improvement Agreement, Improvement Security and Final Tract Map No. 20345 located at the northeast corner of Haven Avenue and Ontario Ranch Road of the Rich Haven Specific Plan area.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 20345, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND ONTARIO RANCH ROAD.

ATTACHMENT: 20211102 Tract Map No. 20345^01 EXH A
ATTACHMENT: 20211102 Tract Map No. 20345^02^RESO^RM

5. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 62 (ONTARIO COMMERCE CENTER SERVICES)

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 62 (Ontario Commerce Center Services).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 62 (ONTARIO COMMERCE CENTER SERVICES).

ATTACHMENT: 20211102 CFD No. 62 Ontario Commerce Center Services 01^ORD^RM

6. ACCEPT AND APPROVE GRANT PROGRAM CITIZEN'S OPTION FOR PUBLIC SAFETY/ ENHANCING LAW ENFORCEMENT ACTIVITIES FOR FISCAL YEAR 2021-22

That the City Council accept and approve the Citizen's Option for Public Safety (COPS) / Enhancing Law Enforcement Activities Subaccount (ELEAS) Grant for Fiscal Year 2021-22.

7. A RESOLUTION ESTABLISHING PARKING RESTRICTIONS FOR STREET SWEEPING PURPOSES ON CERTAIN PORTIONS OF NORTH ELDERBERRY AVENUE, NORTH BAKER AVENUE, AND WEST VESTA STREET IN THE CITY OF ONTARIO

That the City Council adopt a Resolution establishing parking restrictions for street sweeping purposes on certain portions of North Elderberry Avenue, West Baker Avenue, and West Vesta Street in the City of Ontario.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING PARKING RESTRICTIONS FOR STREET SWEEPING PURPOSES ON CERTAIN PORTIONS OF NORTH ELDERBERRY AVENUE, NORTH BAKER AVENUE AND WEST VESTA STREET IN THE CITY OF ONTARIO.

ATTACHMENT: 20211102 Parking Restrictions for Street Sweeping Purposes on Elderberry Baker and Vesta^RESO^RM

8. STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FY2021-22 ALCOHOL POLICING PARTNERSHIP PROGRAM

That the City Council authorize the City Manager or designee to accept and execute grant documents of an 11 month grant award for $20,000 from the State of California Department of Alcoholic Beverage Control (ABC) to fund overtime enforcement operations and to address alcohol-related problems in the community.

9. RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS WHO INVEST CITY FUNDS

That the City Council adopt Resolutions rescinding Resolution Nos. 2020-171 and 2020-172; and amending the list of Deputy City Treasurers authorized to invest City funds in the Local Agency Investment Fund (LAIF) and other eligible investment securities.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROVIDING FOR THE INVESTMENT OF INACTIVE FUNDS IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY AND HEREBY RESCINDING RESOLUTION NO. 2020-171.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INVESTMENT OF CITY FUNDS AND HEREBY RESCINDING RESOLUTION NO. 2020-172.

ATTACHMENT: 20211102 Resolution Updating Authorized Deputy City Treasurers 01^RESO^Local Agency Investment Fund^RM
ATTACHMENT: 20211102 Resolution Updating Authorized Deputy City Treasurers 02^RESO^City Funds^RM
ATTACHMENT: 20211102 City of Ontario Investment Policy 2020^03 Attachment.pdf

PUBLIC HEARINGS
Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing. Affidavits of posting compliance, for all items below, are on file with the Records Management Department.

10. A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO VACATE CEDAR STREET FROM CUCAMONGA AVENUE TO APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE

That the City Council conduct a public hearing to consider adoption of a Resolution to vacate Cedar Street from Cucamonga Avenue to approximately 600 feet east of Cucamonga Avenue.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE GENERAL VACATION OF CEDAR STREET FROM CUCAMONGA AVENUE TO APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE.

ATTACHMENT: 20211102 Public Hearing to Vacate Cedar St V-293^01 EXH A.pdf
ATTACHMENT: 20211102 Vacate Cedar St V-293^02^RESO_RM
ATTACHMENT: 20211102 Vacate Cedar St V-293^03 RESO EXH A & B.pdf

11. A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA20-002, REVISING CERTAIN PROVISIONS ADDRESSING PUBLIC HEARING NOTIFICATIONS, ALLOWED USES WITHIN THE CS (CORNER STORE) ZONING DISTRICT, MINIMUM RECREATION AMENITIES WITHIN COMMON ACTIVE OPEN SPACE AREAS, AND OFF-STREET PARKING REQUIREMENTS FOR SMALL LOT INFILL SUBDIVISIONS

That the City Council introduce and waive further reading of the ordinance approving File No. PDCA20-002, a Development Code Amendment proposing to revise certain provisions addressing public hearing notifications, allowed uses within the CS (Corner Store) zoning district, minimum recreation amenities within common active open space areas, and off-street parking requirements for small lot infill subdivisions.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA20-002, A DEVELOPMENT CODE AMENDMENT REVISING CERTAIN PROVISIONS ADDRESSING PUBLIC HEARING NOTIFICATIONS, ALLOWED USES WITHIN THE CS (CORNER STORE) ZONING DISTRICT, MINIMUM RECREATION AMENITIES WITHIN

COMMON ACTIVE OPEN SPACE AREAS AND OFF-STREET PARKING REQUIREMENTS FOR SMALL LOT INFILL SUBDIVISIONS, AND MAKING FINDINGS IN SUPPORT THEREOF.

ATTACHMENT: 20211102 File No. PDCA20-002^01 AR EXHIBIT A.docx
ATTACHMENT: 20211102 File No. PDCA20-002'^02 PC Backup.pdf
ATTACHMENT: 20211102 File No. PDCA20-002^02^ORD^RM

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

12. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 32 TO TITLE 5 OF VOLUME I TO THE ONTARIO MUNICIPAL CODE, RELATING TO ENFORCING VIOLATIONS OF CODES OF CONDUCT IN THE CITY LIBRARIES, MUSEUM OF HISTORY AND ART, AND RECREATION AND COMMUNITY SERVICES COMMUNITY CENTERS

That the City Council consider and take action to add Chapter 32 to Title 5 of Volume I to the Ontario Municipal Code relating to enforcing violations of Codes of Conduct in City libraries, the Museum of History and Art, and Recreation and Community Services community centers.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 32 TO TITLE 5 OF VOLUME I TO THE ONTARIO MUNICIPAL CODE, RELATING TO ENFORCING VIOLATIONS OF CODES OF CONDUCT IN THE CITY LIBRARIES, MUSEUM OF HISTORY AND ART, AND RECREATION AND COMMUNITY SERVICES COMMUNITY CENTERS AND FINDING THE ACTION EXEMPT FROM CEQA.

ATTACHMENT: 20211102 Ordinance Granting Police Dept Auth to Assist CLC Staff in Enforcing Violations of Code of Conduct^ORD^RM

STAFF MATTERS

CITY MANAGER OCHOA

COUNCIL MATTERS

MAYOR LEON
MAYOR PRO TEM WAPNER
COUNCIL MEMBER BOWMAN
COUNCIL MEMBER DORST-PORADA
COUNCIL MEMBER VALENCIA

ADJOURNMENT

CITY OF ONTARIO
CLOSED SESSION REPORT
City Council // Housing Authority // Other // *(GC 54957.1)*
November 2, 2021

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

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

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

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: Jay Spicer v. City of Ontario, et al., Superior Court of California, County of San Bernardino, Case No. CIVDS1711812

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

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

- GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: AFSCME Local 3061, Teamsters Local 1932, AOME; and Confidential Group.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

_____
City Attorney / City Manager / Executive Director

ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
OCTOBER 5, 2021
(Not Official Until Approved)

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, October 5, 2021 at the Ontario City Hall, 303 East B Street Ontario, California.

CALL TO ORDER

Mayor Leon called the Joint City Council and Ontario Housing Authority meetings to order at 6:30 p.m.

ROLL CALL

PRESENT:	Mayor/Chairman	Paul S. Leon
	Council/Authority Members:	Debra Dorst-Porada and Ruben Valencia
ABSENT:	Mayor pro Tem/Vice Chair	Alan D. Wapner (excused)
	Council/Authority Members:	Jim W. Bowman (excused)

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Valencia.

INVOCATION

The invocation was offered by Pastor Taylor Kern from the Ontario United Reformed Church.

PUBLIC COMMENTS

Assistant City Clerk Isbell announced there was one emailed comment as follows:

Loree Masonis, regarding various items on the agenda, including her support for Item No. 11. The email was forwarded to City Council and was entered into the record.

Mayor Leon then called on the public speakers:

David Puscizana, spoke on Ontario Fire Department permit fees.

Oscar Hernandez, with Care Staffing Professionals, made an announcement to recruit employees for local hospitals.

Andrew Gerardo, provided an update on upcoming events with the D'Andre Lampkin Foundation.

Tywanna Hill, provided an update on upcoming events with the D'Andre Lampkin Foundation.

Michael Galally, gave an update on the Greater Ontario Business Council.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa made no updates.

CONSENT CALENDAR

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by 3-0-2 vote, to approve the Consent Calendar as presented, with Mayor pro Tem Wapner and Council Member Bowman absent.

1. APPROVAL OF MINUTES

The City Council approved Minutes for the regular meetings of the City Council and Housing Authority on September 7, 2021, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

The City Council approved **Bills** for the period September 3, 2021, through September 16, 2021, in the amount of $15,342,934.40 and **Payroll** for the period August 29, 2021, through September 11, 2021, in the amount of $3,744,636.82 when audited by the Finance Committee.

3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20285, LOCATED AT THE NORTHWEST CORNER OF HAMNER AVENUE AND EUCALYPTUS AVENUE

The City Council adopted a Resolution approving an Improvement Agreement, Improvement Security and Final Tract Map No. 20285, located at the northwest corner of Hamner Avenue and Eucalyptus Avenue within the Esperanza Specific Plan area.

A RESOLUTION NO. 2021-151 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20285, LOCATED AT THE NORTHWEST CORNER OF HAMNER AVENUE AND EUCALYPTUS AVENUE.

4. A RESOLUTION OF INTENT TO VACATE CEDAR STREET FROM CUCAMONGA AVENUE TO APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE

The City Council adopted a Resolution declaring the intent to vacate Cedar Street from Cucamonga Avenue to approximately 600 feet east of Cucamonga Avenue and to set the date, time and place for a public hearing to consider the matter.

RESOLUTION NO. 2021-152 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF CEDAR STREET FROM CUCAMONGA AVENUE TO APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE AND TO SET THE DATE, TIME AND PLACE FOR A PUBLIC HEARING.

5. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DANKEN, INC., FOR ON-CALL PROFESSIONAL ENGINEERING STRUCTURAL PLAN CHECK AND INSPECTION SERVICES

The City Council approved an Amendment to the Professional Services Agreement with Danken, Inc., of Ladera Ranch, California, to provide on-call Professional Engineering Structural Inspection Services for a revised total annual authorized expenditure of $600,000; and extend the term of the agreement one year with an overall contract not-to-exceed amount of $1,030,000.

6. AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3174 LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE)

The City Council considered and adopted an ordinance amending and restating Ordinance No. 3174 levying special taxes within City of Ontario Community Facilities District No. 57 (Neuhouse). Introduction and first reading took place at a regular meeting on September 21, 2021.

ORDINANCE NO. 3191 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3174 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE).

7. AUTHORIZE THE APPROPRIATION OF FUNDS FOR THE PURCHASE OF POLICE EQUIPMENT FOR OFFICERS

The City Council appropriated an additional $180,000 from the General Fund for the purchase of Police Equipment and accessories.

8. PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE SPECIALIZED PERSONAL PROTECTIVE EQUIPMENT, K9 EQUIPMENT AND TRAINING FOR POLICE

The City Council approved a list of pre-authorized vendors to provide specialized personal protective equipment, K9 equipment and training for the Ontario Police Department.

9. A LEASE AGREEMENT BETWEEN THE CITY OF ONTARIO AND EUCLID INVESTMENT GROUP, LLC

The City Council considered the lease of City owned property located at the northwest corner of "C" Street and Lemon Avenue; and adopted an ordinance Resolution approving a Lease between the City of Ontario and Euclid Investment Group, LLC (on file in the Records Management Department); and authorized the City Manager to execute the Lease and all other documents required for implementation of the Lease.

RESOLUTION NO. 2021-153 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A LEASE AGREEMENT WITH EUCLID INVESTMENT GROUP, LLC.

10. A RESOLUTION AUTHORIZING THE HUMAN RESOURCES AGENCY TO EXPAND BACKGROUND CHECKS TO INCLUDE FEDERAL BUREAU OF INVESTIGATION CRIMINAL BACKGROUND CHECKS

The City Council approved a Resolution authorizing the Human Resources Agency to expand the DOJ criminal background checks to include criminal history by the FBI for employment purposes including volunteers and contract employees.

RESOLUTION NO. 2021-154 A RESOLUTION OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING SUBSEQUENT ARREST NOTIFICATIONS AND FEDERAL BUREAU OF INVESTIGATION CRIMINAL BACKGROUND CHECKS FOR ALL EMPLOYEES WITH THE CALIFORNIA DEPARTMENT OF JUSTICE.

PUBLIC HEARINGS

11. A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO UPHOLD THE ZONING ADMINISTRATOR'S APPROVAL AND DENY THE APPEAL OF A CONDITIONAL USE PERMIT TO ESTABLISH AND CONSTRUCT A SECOND FLOOR, 574 SQUARE FOOT ACCESSORY DWELLING UNIT (ADU) EXCEEDING 16 FEET IN HEIGHT ON 0.245-ACRE OF LAND LOCATED AT 1515 SOUTH SAN ANTONIO AVENUE, WITHIN THE RE-2 (RURAL ESTATE 0 TO 2.0 DU/ACRE) ZONING DISTRICT (APN: 1050-031-44).

The City Council conducted a public hearing on the Appeal.

RESOLUTION NO. 2021-155 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO UPHOLD THE ZONING ADMINISTRATOR'S ACTION TO APPROVE FILE NO. PCUP21-002, A CONDITIONAL USE PERMIT TO ESTABLISH AND CONSTRUCT A 574 SQUARE FOOT ACCESSORY DWELLING UNIT ("ADU") EXCEEDING 16 FEET IN HEIGHT ON 0.245-ACRE OF LAND LOCATED AT 1515 SOUTH SAN ANTONIO AVENUE, WITHIN THE RE-2 (RURAL ESTATE - 0 TO 2.0 DU/ACRE) ZONING DISTRICT; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1050-031-44.

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 Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon continued the public hearing to the next regular meeting on October 19, 2021.

STAFF MATTERS

City Manager Ochoa made no comments.

COUNCIL MATTERS

Council Member Valencia announced National Walk to School Day and spoke about heroes coming in all shapes and sizes.

Council Member Dorst-Porada congratulated Ontario Police Department for receiving grant funds to focus on safety. She also discussed her walking club, the upcoming Ontario Arts Festival and Dr. Sylvia Lee Mann's free concerts at Bethel Congregational Church.

Mayor Leon announced the soft opening of the Community Garden at Anthony Munoz Park.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:03 p.m. and announced the next regular meeting to be held on Tuesday, October 19, 2021.

Respectfully submitted,

_____
SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

_____
PAUL S. LEON, MAYOR/CHAIRMAN

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Engineering Prepared By: Antonio Alejos Staff Member Presenting: Scott Murphy, Executive Director Community Development Reviewed By: Raymond Lee, Khoi Do Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 3

SUBJECT: A RESOLUTION ORDERING THE SUMMARY VACATION OF A RAILROAD EASEMENT LOCATED APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE AND APPROXIMATELY 100 FEET SOUTH OF CEDAR STREET

RECOMMENDATION: That the City Council adopt a Resolution ordering the summary vacation of a railroad easement located approximately 600 feet east of Cucamonga Avenue and approximately 100 feet south of Cedar Street.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: There is not a direct fiscal impact associated with this action. The City did not pay to acquire this easement and will not incur any cost for vacating this easement. The applicant has paid the applicable processing fees to defray any City cost to process this request.

BACKGROUND & ANALYSIS: The applicant, Cucamonga Logistics, LLC, has requested that the City vacate a railroad easement located approximately 600 feet east of Cucamonga Avenue and approximately 100 feet south of Cedar Street, as shown on Exhibit A, to facilitate the development of the area. The subject easement, neither now nor in the future, will be needed for railroad and public utility purposes. The subject easement does not contain any public utilities and is determined to be excess.

Section 8333(c) of the California Streets and Highways Code authorizes the City to summarily vacate (by Resolution with no public hearing) a public service easement that has been superseded by relocation or determined to be excess and there are no other public utilities located within the easement.

EXHIBIT A

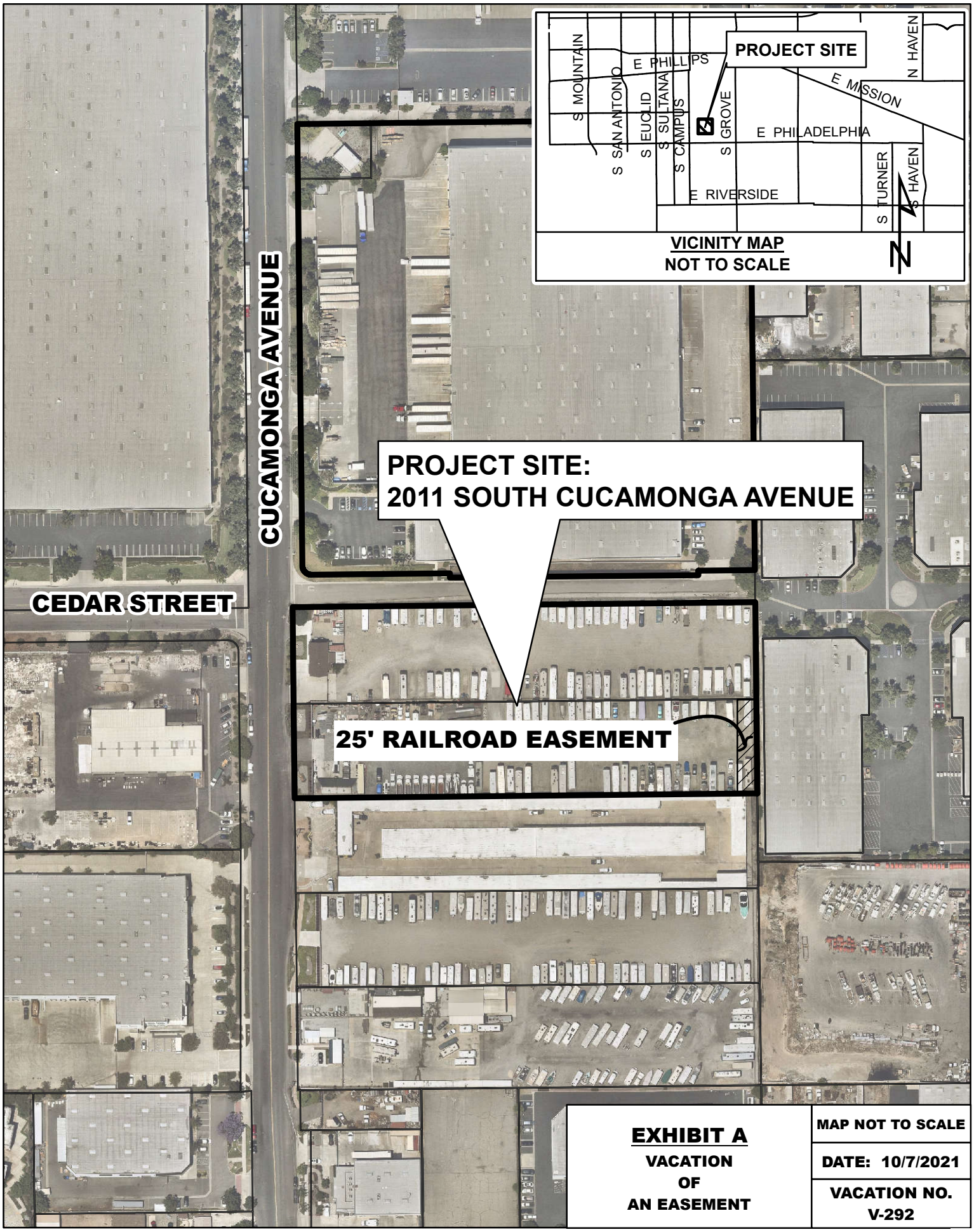


EXHIBIT A VACATION OF AN EASEMENT	MAP NOT TO SCALE
	DATE: 10/7/2021
	VACATION NO. V-292

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A RAILROAD EASEMENT LOCATED APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE AND APPROXIMATELY 100 FEET SOUTH OF CEDAR STREET.

WHEREAS, the City Council of the City of Ontario, California, pursuant to Division 9, Part 3, Chapter 4, of the Streets and Highways Code, may summarily vacate an easement under certain conditions specified therein; and

WHEREAS, the railroad easement located at 2011 South Cucamonga Avenue, shown over portions of Lot 3, Block "J", Blackburn's Addition to Ontario, in the City of Ontario, as per map recorded in Book 12, page 55, of Maps, records of San Bernardino County, State of California, is not needed for any present or future railroad and public utility purposes and is determined to be excess; and

WHEREAS, Section 8333(c) of the California Streets and Highways Code authorizes the City to summarily vacate (by Resolution with no public hearing) a public service easement that has been superseded by relocation or determined to be excess and there are no other public utilities located within the easement; and

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

1. That the above recitals are true and correct.

2. That title to the above-described said property, more specifically described in Exhibit A and depicted on Exhibit B attached hereto, shall be vacated.

3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2021.

_____

PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____
BEST BEST & KRIEGER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 2, 2021 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held November 2, 2021.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

EXHIBIT A

EASEMENT VACATION
V-292
LEGAL DESCRIPTION

APN: 1050-501-15

THE EASTERLY 25 FEET OF THE SOUTH 4/5TH OF LOT 3, BLOCK "J" OF BLACKBURN'S ADDITION TO ONTARIO; IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS RECORDED IN BOOK 12 OF MAPS, PAGE 55, RECORDS OF SAID COUNTY.

SAVING AND EXCEPTING THE SOUTH 398.66 FEET THEREOF.

AS SHOWN ON EASEMENT TO THE CITY OF ONTARIO FOR RAIL ROAD PURPOSED, BOOK 5288, PAGE 184, O.R.

CONTAINS: 3300 SQUARE FEET OR 0.076 ACRES MORE OR LESS.

AS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART THEREOF.

APN 1050-501-15-0-000

LUCAS CORSBIE, P.L.S. 9073

L Cl 3/25/21

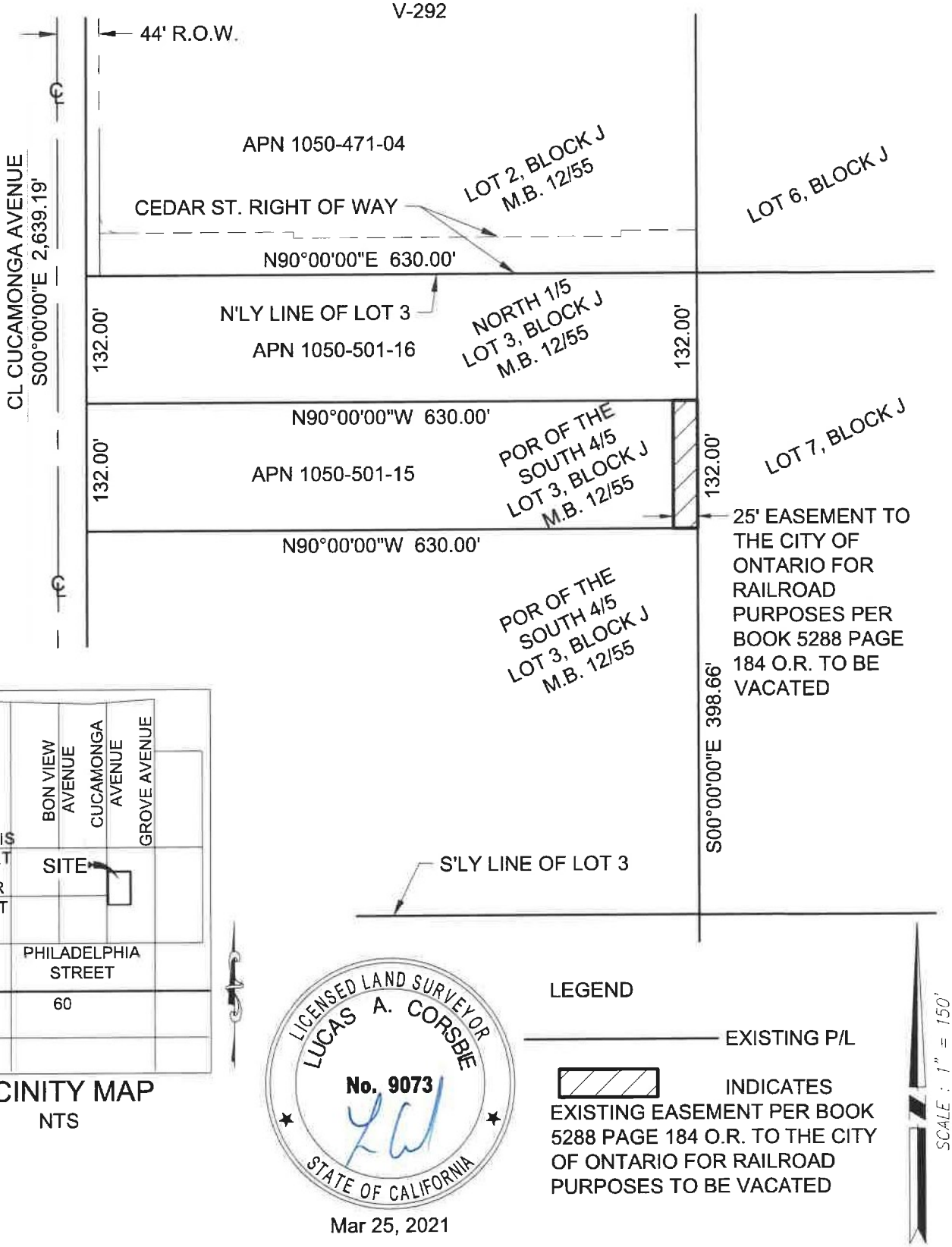
NAME DATE



Mar 25, 2021

EXHIBIT B

EASEMENT VACATION
V-292



VICINITY MAP
NTS

LICENSED LAND SURVEYOR
LUCAS A. CORSBIE
No. 9073
STATE OF CALIFORNIA
Mar 25, 2021

LEGEND

EXISTING P/L

INDICATES EXISTING EASEMENT PER BOOK 5288 PAGE 184 O.R. TO THE CITY OF ONTARIO FOR RAILROAD PURPOSES TO BE VACATED

SCALE : 1" = 150'

10 edelman
Irvine, ca 92618
p 949.660.9128
waremalcomb.com
WARE MALCOMB
CIVIL ENGINEERING & SURVEYING

PROJECT NAME: NFI ONTARIO			PAGE
JOB NO.: IRV20-4013	DATE : 01/29/21		1 OF 1
DRAWN: KEB	PA/PM: LAC	SCALE: 1" = 150'	

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Engineering Prepared By: Michael Bhatanawin Staff Member Presenting: Scott Murphy, Executive Director Community Development Reviewed By: Raymond Lee, Khoi Do Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 4

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20345, LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND ONTARIO RANCH ROAD

RECOMMENDATION: That the City Council adopt a Resolution approving an Improvement Agreement, Improvement Security and Final Tract Map No. 20345 located at the northeast corner of Haven Avenue and Ontario Ranch Road of the Rich Haven Specific Plan area.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: There is not a direct fiscal impact associated with this action. All public infrastructure improvements required for this subdivision will be constructed by the Developer at its sole cost.

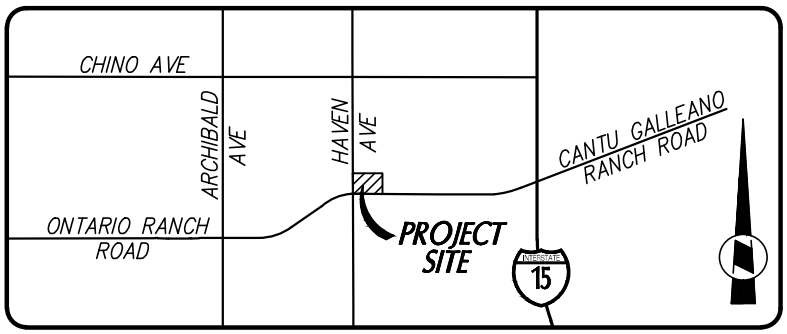
BACKGROUND & ANALYSIS: Final Tract Map No. 20345, consisting of 27 numbered lots and 20 lettered lots on approximately seven acres of land, as shown on Exhibit A, has been submitted by the Developer, BrookCal Ontario, LLC, a Delaware Limited Liability Company. Tentative Tract Map No. 20345 was approved by the Planning Commission on April 27, 2021.

Improvements will include AC pavement, curb, gutter, sidewalk, landscaped parkways, fiber optic conduits, fire hydrants, sewer, water, recycled water mains, storm drain, and streetlights. Improvements in the parkway will be consistent with current City approved drought measures.

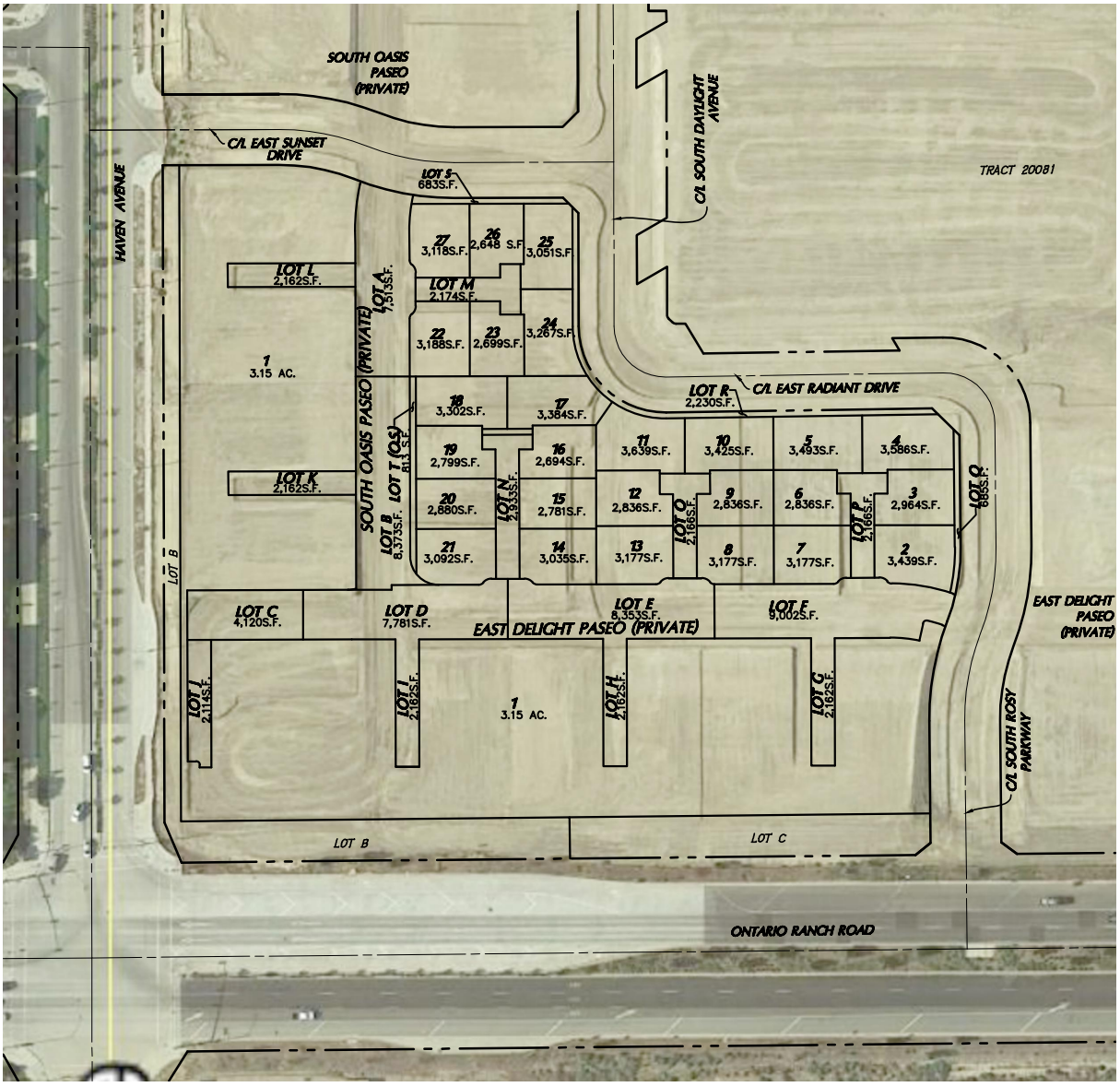
The Developer has entered into an Improvement Agreement with the City for Final Tract Map No. 20345 and has posted adequate security to ensure construction of the required public improvements.

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A
TM - 20345



VICINITY MAP
NOT TO SCALE



PREPARED BY:

K&A Engineering, Inc.

ENGINEERING
LAND PLANNING
SURVEYING

357 N. SHERIDAN STREET
SUITE 117
CORONA, CALIFORNIA 92880
TEL. (951) 279-1800
FAX (951) 279-4380

APPLICANT/OWNER:

BROOKCAL ONTARIO, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY
3200 PARK CENTER DRIVE,
SUITE 1000
COSTA MESA, CA 92626
PHONE: (714) 427-6868

CITY OF ONTARIO
ENGINEERING DEPARTMENT

FILE NO. TM-20345

Drawing: R:\2948691\Mapping\Exhibit\869 - EXH - EXHIBIT A 20345 LOCATION.dwg Layout: EXHIBIT A TM 20345 Saved: 9/22/2021 11:56 AM Plotted: 9/22/2021 11:56 AM Plot Scale: 1:1 By: Lindsey Simpson

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 20345 LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND ONTARIO RANCH ROAD.

WHEREAS, Tentative Tract Map No. 20345 submitted for approval by Brookfield Residential, was approved by the Planning Commission of the City of Ontario on April 27, 2021; and

WHEREAS, Tentative Tract Map No. 20345 consists of 27 numbered lots and 20 lettered lots being a subdivision of Lots 44, 45, 50, and Lettered Lots “S”, “AN”, “AR”, and “AS”, of Tract No. 20081, in the City of Ontario, County of San Bernardino, State of California, as per Map recorded in Book 354, Pages 8-20, inclusive, of Maps, in the office of the County Recorder of said County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Tract Map No. 20345, BrookCal Ontario, LLC, a Delaware Limited Liability Company has offered the Improvement Agreement together with good and sufficient improvement security, in conformance with the City Attorney’s approved format, for approval and execution by the City; and

WHEREAS, the requirement for the preparation of Covenants, Conditions and Restrictions (CC&R’s), approved by the City Attorney’s Office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners has been deferred to a date that coincides with the recordation of the subject Tract Map.

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

1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and

2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and

3. That Final Tract Map No. 20345 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____
BEST, BEST & KREIGER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 2, 2021 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held November 2, 2021.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Investments & Revenue Resources Prepared By: Cruz Torres Staff Member Presenting: Armen Harkalyan, Executive Director of Finance Reviewed By: Jason M Jacobsen, Armen Harkalyan Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 5

SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 62 (ONTARIO COMMERCE CENTER SERVICES)

RECOMMENDATION: That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 62 (Ontario Commerce Center Services).

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The use of Mello-Roos financing to fund City services required by Ontario Commerce Center Services development is projected to generate approximately $295,435.24 per year, at build-out, to fund municipal services required for the district. The use of Mello-Roos financing for the Ontario Commerce Center will not generate funds for facilities, and bonds will not be issued for this formation. City Council approval will be required in future years to process annual special tax levies necessary for the ongoing funding of City services for the development.

BACKGROUND & ANALYSIS: The Mello-Roos Community Facilities Act of 1982 (the Act) provides local government, with the consent from a majority of the property owners, the authority to establish Community Facilities Districts (CFDs) for the purpose of levying special taxes to fund governmental services.

At a public hearing conducted by the City Council on October 19, 2021, the City Council adopted Resolutions which established Community Facilities District No. 62 (Ontario Commerce Center Services); authorized the levy of special taxes within the Community Facilities District; called a special election to submit to the qualified electors of the Community Facilities District the combined proposition to levy a special tax within the Community Facilities District; and to establish an appropriations limit for the Community Facilities District. On that date, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the

two-thirds vote required by the Act. Adoption of the ordinance authorizing the levy of special taxes within the Community Facilities District will conclude the formation process for City of Ontario Community Facilities District No. 62 (Ontario Commerce Center Services).

The Ontario Commerce Center Services project addresses the development of approximately 47.4 gross acres located on the southwest corner of Riverside Drive and Milliken Avenue. At build out, the development is projected to include 998,092 square feet of light-industrial, neighborhood-commercial, and business-park space.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 62 (ONTARIO COMMERCE CENTER SERVICES).

WHEREAS, on September 7, 2021, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District Proposed to be Named City of Ontario Community Facilities District No. 62 (Ontario Commerce Center Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 62 (Ontario Commerce Center Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on October 19, 2021, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 62 (Ontario Commerce Center Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 62 (Ontario Commerce Center Services)," which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on October 19, 2021, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

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

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2022-23 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2021.

_____

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. 3192 was duly introduced at a regular meeting of the City Council of the City of Ontario held October 19, 2021 and adopted at the regular meeting held November 2, 2021 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. 3192 duly passed and adopted by the Ontario City Council at their regular meeting held November 2, 2021 and that Summaries of the Ordinance were published on October 26, 2021 and November 9, 2021, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Police Department Prepared By: Matthew Hernandez Staff Member Presenting: Mike Lorenz, Chief of Police Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 6

SUBJECT: ACCEPT AND APPROVE GRANT PROGRAM CITIZEN'S OPTION FOR PUBLIC SAFETY/ ENHANCING LAW ENFORCEMENT ACTIVITIES FOR FISCAL YEAR 2021-22

RECOMMENDATION: That the City Council accept and approve the Citizen's Option for Public Safety (COPS) / Enhancing Law Enforcement Activities Subaccount (ELEAS) Grant for Fiscal Year 2021-22.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: As part of the COPS/ELEAS grant program, the City of Ontario is eligible to receive a maximum grant award of $278,823. This amount is based on an estimation of the State's Vehicle License Fee (VLF) revenues for Fiscal Year 2021-22. The allocation may only be re-calculated and adjusted by the State Controller's Office. Additionally, the grant funds will be distributed to the City in monthly installments and no matching funds by the City is required. If approved, the associated revenue and expenditure adjustments will be presented to Council as part of the First Quarter budget report.

BACKGROUND & ANALYSIS: Beginning in FY 2002-03, the State of California allocated grant monies (COPS/ELEAS), formerly known as Supplemental Law Enforcement Services Fund/Citizen's Option for Public Safety to Counties. The County granted those monies to Cities for the purpose of supporting front-line law enforcement needs.

On September 7, 2021, the California State Department of Finance announced the estimated funding allocation amounts to be awarded to each participating agency under the COPS/ELEAS grant program. The City of Ontario is eligible to receive a maximum grant award of $278,823. If approved, the associated revenue and expenditure adjustments will be presented as part of the First Quarter budget report to the City Council.

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Public Works Prepared By: Bonnie Tam Staff Member Presenting: Tito Haes, Executive Director Public Works Reviewed By: Fabiola Contreras Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 7

SUBJECT: A RESOLUTION ESTABLISHING PARKING RESTRICTIONS FOR STREET SWEEPING PURPOSES ON CERTAIN PORTIONS OF NORTH ELDERBERRY AVENUE, NORTH BAKER AVENUE, AND WEST VESTA STREET IN THE CITY OF ONTARIO

RECOMMENDATION: That the City Council adopt a Resolution establishing parking restrictions for street sweeping purposes on certain portions of North Elderberry Avenue, West Baker Avenue, and West Vesta Street in the City of Ontario.

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

FISCAL IMPACT: There will be nominal administrative costs of $5,000 related to signage, which is included in the FY 2021-22 Adopted Budget.

BACKGROUND & ANALYSIS: On July 6, 2021, the City of Ontario adopted Ordinance No. 3188, adding Section 4- 6.1019 to Article 10 of Chapter 6 of Title 4 to establish parking restrictions on public streets for street sweeping purposes. This Ordinance was adopted pursuant to the authority provided to the City by California Vehicle Code Section 22507.6, which permits local authorities to prohibit or restrict the parking or standing of vehicles on designated streets or highways, or portions thereof, for the purpose of street sweeping.

In accordance with Section 4-6.1019, the Executive Director of Public Works established a process for the creation of street sweeping parking restrictions on designated streets. A resident will initiate a request by submitting a petition to the Public Works Agency. If two-thirds (or greater) of the residents in the area agree with the proposed parking restriction, Staff would recommend adoption of a Resolution to designate parking restrictions in the designated area.

Pursuant to this process, three (3) petitions were submitted to the Public Works Agency by residents of North Elderberry Avenue between Fifth Street and Sixth Street, North Baker Avenue between Olive Street to Sixth Street, and West Vesta Street between Benson Avenue to the end. Staff verified that two-thirds of residents or greater desired parking restriction for street sweeping.

Accordingly, Staff recommends that the City Council approve the following parking restrictions for these areas:
1. North Elderberry Avenue between Fifth Street and Sixth Street (no parking on both sides of the

street on Tuesdays from 6 A.M. to 10 A.M.)
2. North Baker Avenue between Olive Street to Sixth Street (no parking on both sides of the street on Wednesdays from 6 A.M. to 10 A.M.)
3. West Vesta Street between Benson Avenue to the end (no parking on both sides of the street on Tuesdays from 2 P.M. to 6 P.M.)

Should the City Council agree to establish the aforementioned parking restrictions, it should adopt the proposed Resolution, in accordance with Section 4-6.1019(c).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING PARKING RESTRICTIONS FOR STREET SWEEPING PURPOSES ON CERTAIN PORTIONS OF NORTH ELDERBERRY AVENUE, NORTH BAKER AVENUE AND WEST VESTA STREET IN THE CITY OF ONTARIO.

WHEREAS, the California Vehicle Code Section 22507.6 permits local authorities to prohibit or restrict the parking or standing of vehicles on designated streets or highways, or portions thereof, for the purpose of street sweeping; and

WHEREAS, on July 6, 2021, the City of Ontario adopted Ordinance No. 3188, adding Section 4-6.1019 to Article 10 of Chapter 6 of Title 4 to establish parking restrictions on public streets for street sweeping; and

WHEREAS, in accordance with Section 4-6.1019(b), the Executive Director of Public Works established a process for designating restricted parking zones for street sweeping purposes, as follows: residents would initiate requests by submitting a petition with signatures from residents who encompass two-thirds or greater of the residents of the block; and

WHEREAS, Section 4-6.1019(c) authorizes the City Council to establish designated restricted parking zones for street sweeping purposes, by resolution; and

WHEREAS, staff has received the requisite petitions with two-thirds of residents or greater in support of parking restrictions from residents of three (3) areas of the City and is recommending to the City Council adoption of a resolution to designate parking restrictions in those areas; and

WHEREAS, the City Council wishes to adopt a resolution, pursuant to Section 4-6.1019(c) on the Ontario Municipal Code, designating portions of North Elderberry Avenue, North Baker Avenue, and West Vesta Street, on certain dates and times, as restricted parking zones for street sweeping purposes.

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

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

SECTION 2. Regulation. The City Council hereby designates the following as restricted parking zones, on the days and times indicated, for street sweeping purposes:

A. North Elderberry Avenue between Fifth Street and Sixth Street: No parking on both sides of the street on Tuesdays from 6:00 A.M. to 10:00 A.M.;
B. North Baker Avenue between Olive Street to Sixth Street: No parking on both sides of the street on Wednesdays from 6:00 A.M. to 10:00 A.M.; and
C. West Vesta Street between Benson Avenue to the End: No parking on both sides of the street on Tuesdays from 2:00 P.M. to 6:00 P.M.

SECTION 3. Exceptions. Pursuant to Vehicle Code section 22507.6, in residential areas, the parking restrictions established by this resolution shall not apply to commercial vehicles making pickups or deliveries of goods, wares, or merchandise from or to any building or structure located on a restricted street, or for the purpose of delivering materials to be used in the repair, alteration, remodeling or reconstruction of any building or structure for which a building permit has previously been obtained.

SECTION 4. Signage. The City Manager shall cause appropriate signage to be posted on each street on which parking is restricted for the purpose of street sweeping. The signage shall be in accordance with the requirements of Vehicle Code section 22507.6 and shall set forth the days and hours during which parking is prohibited for the purpose of street sweeping. The parking restrictions established in this Resolution shall become effective upon posting of the signage.

SECTION 5. CEQA. The Council finds that this project is categorically exempt from the California Environmental Quality Act under Title 14 of the California Code of Regulations sections 15301 (existing facilities) and 15304 (minor alterations to existing public facilities) and no further environmental assessment is necessary.

SECTION 6. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City declares that the City Council could have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

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

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

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 2, 2021 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held November 2, 2021.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Police Department Prepared By: Zina Hullings Staff Member Presenting: Mike Lorenz, Chief of Police Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 8

SUBJECT: STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FY2021-22 ALCOHOL POLICING PARTNERSHIP PROGRAM

RECOMMENDATION: That the City Council authorize the City Manager or designee to accept and execute grant documents of an 11 month grant award for $20,000 from the State of California Department of Alcoholic Beverage Control (ABC) to fund overtime enforcement operations and to address alcohol-related problems in the community.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: The Ontario Police Department has been awarded $20,000 from the State of California Alcoholic Beverage Control (ABC) . The grant will reimburse the City for police overtime and training costs incurred while conducting minor decoy operations, shoulder tap operations, and retail inspections. The grant period is October 1, 2021 - August 31, 2022. The associated grant review and expenditure adjustments will be presented at the First Quarter Budget report to the City Council. The City is not required to provide matching funds for the grant award.

BACKGROUND & ANALYSIS: The Department of Alcoholic Beverage Control (ABC) is a special fund agency and the grant program is funded entirely by license fees from the alcoholic beverage industry. The ABC-OTS Local Enforcement Grant Program funds are distributed by ABC to assist law enforcement agencies in developing an effective, comprehensive and strategic approach to eliminating the crime and public nuisance problems associated with problematic alcoholic beverage outlets and then institutionalize those approaches within the local police agency. The grant requires a sworn officer to be appointed to the program, work directly with an ABC Investigator, and receive training in ABC alcohol enforcement strategies. Prior grant participation has led to higher rates of business compliance with alcohol-related laws and ordinances. It has also aided in the closure of habitual non-compliant business offenders, as well as demonstrating that the Ontario Police Department is a resource for law enforcement agencies throughout California.

A. Personnel Overtime (October 1, 2021 - August 31, 2022)	COST
Minor Decoy Operations (2 Ops@5 hours ea.)	**$4,600**
1-Sergeant @$130/hr	
4-Officers @$82/hr	
Shoulder Tap Operations (2 Ops @ 5 hours ea.)	**$4,600**
1-Sergeant @$130/hr	
4-Officers @$82/hr	
IMPACT Inspections (130 impact inspections within 66 hours)	**$10,800**
1-Sergeant @$130/hr	
4-Officers @$82/hr	
TOTAL BUDGET:	**$20,000**

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **CONSENT CALENDAR**
Department: Investments & Revenue Resources Prepared By: William B Quan Staff Member Presenting: Armen Harkalyan, Executive Director of Finance Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 9

SUBJECT: RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS WHO INVEST CITY FUNDS

RECOMMENDATION: That the City Council adopt Resolutions rescinding Resolution Nos. 2020-171 and 2020-172; and amending the list of Deputy City Treasurers authorized to invest City funds in the Local Agency Investment Fund (LAIF) and other eligible investment securities.

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

FISCAL IMPACT: There is not a direct fiscal impact associated with this action.

BACKGROUND & ANALYSIS:

Due to recent staff movements, there is a need to update the City Resolutions that identify the individuals who are authorized to invest City funds and transact with LAIF. All other Resolution provisions remain unchanged to ensure continuity in the City Treasury management operations. The authorized individuals will be as follows: City Treasurer, Executive Director of Finance, Departmental Administrator (Financial Services Agency), Revenue Manager, and the Investment Officer.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROVIDING FOR THE INVESTMENT OF INACTIVE FUNDS IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY AND HEREBY RESCINDING RESOLUTION NO. 2020-171.

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

SECTION 1. The California State Legislature has, pursuant to Chapter 730 of the Statutes of 1976, Sections 16429.1 et seq., added to the Government Code and created the Local Agency Investment Fund as a special fund in the California State Treasury. The pooling of funds by many California local agencies will create a fund allowing for high rates of return due to the use of large denomination instruments.

SECTION 2. The City of Ontario has money in its treasury not required for immediate needs and it is in the best interest of the city to place said money in approved investments yielding maximum returns.

SECTION 3. The City of Ontario, 303 East "B" Street, Civic Center, Ontario, California 91764-4196, will participate in the Local Agency Investment Fund of the California State Treasury.

SECTION 4. The City of Ontario agrees to deposit or withdraw money in the Local Agency Investment Fund in the California State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein.

SECTION 5. The following persons are authorized to order the deposit or withdrawal of money in the Local Agency Investment Fund or their successors.

James R. Milhiser, City Treasurer
Armen Harkalyan, Deputy City Treasurer
Michelle Nguyen, Deputy City Treasurer
William Quan, Deputy City Treasurer
Cecilia House, Deputy City Treasurer

SECTION 6. Resolution No. 2020-171 is hereby rescinded.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 2, 2021 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held November 2, 2021.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INVESTMENT OF CITY FUNDS AND HEREBY RESCINDING RESOLUTION NO. 2020-172.

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

SECTION 1. That the City Treasurer and/or any duly-appointed Deputy City Treasurers whose names appear in this resolution are hereby authorized to open investment accounts for the City of Ontario with any bank, savings and loan association, broker dealer or other financial institution, hereinafter referred to as "broker", to purchase, sell and or deal in such notes, bonds, bills, certificates of indebtedness, warrants or registered warrants and/or other investments as are authorized for general law cities in the State of California by Chapter 4 of Part 1 Division 2 of Title 5 of the Government Code (commencing with section 53600) (hereinafter "authorized investments"), and as limited by the current investment policy of the City Council of the City of Ontario, a copy of which is attached to and made a part of this resolution, and/or such other investment policy which may be adopted by said City Council, and that all orders and instructions, written or oral, which may be given by either the City Treasurer or a duly-appointed Deputy City Treasurer; and each of whom is hereby authorized and directed to purchase, sell and/or deal in authorized investment instruments through said broker on behalf of the City of Ontario, which they may deem necessary or advisable for the City of Ontario for cash and also to make payments and to sign checks or drafts drawn upon the funds of the City of Ontario and also, to withdraw from said broker from time to time, to deliver or accept delivery of, and/or to endorse, and/or to direct the transfer of record title of, all authorized investments, and/or assets or funds that may be carried by said broker for the account of the City of Ontario, and

SECTION 2. That each of the aforesaid officers of the City of Ontario be and hereby authorized and directed to execute and deliver on behalf of the City of Ontario any customer's agreement required by broker and to enter into, execute, and deliver, any and all other agreements, documents, releases, and writings that may be required by said broker for the opening and/or continuing of said account in connection with any transaction relating to said account or to any securities or moneys of the City of Ontario whether or not in said account, provided, however, that no customer's agreement shall authorize investment in other than authorized investments, and

SECTION 3. That until broker shall receive duly written notices of change or rescission of these resolutions, said broker may rely upon the authority contained in this resolution as continuing fully effective, and the said broker may rely upon any certified copy of resolutions, specimen signatures or other writings, signed on behalf of the City of Ontario by any officer thereof; the acceptance of any other form of notice shall not constitute a waiver, of this provision, nor shall the fact that any person hereby empowered ceases to be an officer or becomes an officer under some other title, in any way affect the powers hereby conferred, until broker shall receive due written notice of change or rescission, as aforesaid, and

SECTION 4. That in the event of any change in the office or powers of persons hereby empowered, the City Council shall certify those changes to broker in writing, in the manner herein above specified, which notification, when received, shall be adequate both to terminate the powers of the person theretofore authorized, and to empower the persons thereby substituted, and

SECTION 5. That any and all orders and instructions heretofore given to said broker on behalf of the City of Ontario by any officer of the City of Ontario, are hereby in all respects ratified, confirmed and approved, and

SECTION 6. That the foregoing resolutions and the certificates actually furnished to broker by any officer of the City of Ontario, be and they hereby are made irrevocable, and shall be fully effective as to any transaction for the account of the City of Ontario notwithstanding that the account may have been temporarily closed or inactive, until written notice of the revocation thereof shall have been received by broker.

SECTION 7. That Resolution No. 2020-172 is hereby rescinded.

SECTION 8. I DO FURTHER CERTIFY that the following are the signatures and titles of the persons authorized and empowered to act on behalf of the City of Ontario, pursuant to the foregoing resolutions, and this resolution is in accordance with and does not conflict with the existing ordinances and/or resolutions.

_____ _____
James R. Milhiser, City Treasurer Armen Harkalyan, Deputy City Treasurer

_____ _____
Michelle Nguyen, Deputy City Treasurer William Quan, Deputy City Treasurer

_____
Cecilia House, Deputy City Treasurer

SECTION 9. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

_____
BEST BEST & KRIEGER, LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 2, 2021 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held November 2, 2021.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

Investment Policy

December 1, 2020



City of Ontario
303 East B Street
Ontario, CA 91764
Phone: 909-395-2000
Web: www.ontarioca.gov

CITY OF ONTARIO

CITY OF ONTARIO
STATEMENT OF INVESTMENT POLICY

I. PURPOSE

This statement is intended to: (a) describe the policies and procedures utilized in the City's investment management system; (b) put in place guidelines for the prudent investment of the City's funds, and (c) list and describe suitable investments.

The goals of the City's investment policy and investment management function are enhancement of the economic status of the City and protection of the City's funds.

The investment policies and practices of the City of Ontario are based upon federal and state law and prudent money management principles. The primary goals of these policies are:

A. To assure compliance with all laws governing the investments under the control of the City Treasurer.

B. To protect the principal monies entrusted to this office.

C. To generate the maximum amount of investment income consistent with the parameters established in this Statement of Investment Policy.

II. SCOPE

This investment policy applies to all monies belonging to the City of Ontario, and proceeds from bonds or notes issued by the City of Ontario and any authorized special districts. Bond proceeds and any funds associated with bond issues and other monies arising from bond indebtedness are further restricted by the pertinent bond indenture. Funds described above are accounted for in the City's Comprehensive Annual Financial Report.

The City will comply with all applicable sections of the Internal Revenue Code of 1986, Arbitrage Rebate Regulations and bond covenants with regards to the investment of bond proceeds.

All monies entrusted to the City Treasurer will be pooled in an actively managed portfolio and will be referred to as the "fund" or the "portfolio" throughout the remainder of this document.

III. DELEGATION OF AUTHORITY

In accordance with State law (see California Government Code Sec. 53607) and under the authority granted by the City Council in its resolutions 2020-171 and 2020-172 dated October 20, 2020, the City Treasurer and Deputy City Treasurer(s) are authorized to invest the unexpended cash in the City treasury. The responsibility for the day-to-day investment of the City's funds is delegated to the Investment Officer. In the absence of the Investment Officer, the Deputy City Treasurers will be responsible for the investment function.

The City may engage the services of one or more external investment advisers, who are registered under the Investment Advisers Act of 1940, to assist in the management of the City's investment portfolio in a manner consistent with the City's objectives. External investment advisers may be

granted discretion to purchase and sell investment securities in accordance with this investment policy.

IV. PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (California Government Code Section 53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers, acting in accordance with written procedures and the investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

V. OBJECTIVES

A. Safety of Principal

Safety of principal is the foremost objective of the investment policies and practices of the City of Ontario. Investment decisions shall seek to minimize net capital losses on a portfolio basis. This policy recognizes that market conditions may warrant the sale of individual securities incurring losses in order to protect against further and more substantial capital losses. The intent of this policy is to ensure that capital losses are minimized on a portfolio level rather than on each transaction. The City shall seek to preserve principal by mitigating credit risk and market risk.

1) Credit Risk – Defined as the risk of loss due to failure or insolvency of an issuer; shall be mitigated by diversifying the fund so that the failure of any one issuer would not unduly harm the City's cash flow. No more than 5% of the portfolio may be invested (at time of purchase) in the securities of any one single issuer except the U.S. Government, its agencies, supranational organizations, or the State of California Local Agency Investment Fund.

2) Market Risk – Defined as the risk of market value fluctuations due to changes in the general level of interest rates. Because longer maturity fixed-income securities have greater market risk than shorter maturity securities, market risk will be mitigated by limiting the weighted average maturity of the fund to 2 ½ years. It is explicitly recognized that in an active portfolio, occasional losses are inevitable and must be considered within the context of the overall investment return.

B. Liquidity

The City's fund will be structured to ensure that the projected expenditure requirements of the City for the next six months can be met with a combination of anticipated revenues, maturing securities, principal and interest payments and liquid instruments as required by California Government Code Section 53646.

C. Performance Measurement

The performance of the City's investment portfolio will be measured on a total return basis. The portfolio's performance will be measured against a benchmark of the ICE BofAML1-3 year Treasury Index. The index's returns are reported monthly on the City's current portfolio report.

VI. ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. Thus employees and officials involved in the investment process shall refrain from personal business activity that could create a conflict of interest or the appearance of a conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Employees and investment officials shall disclose to the Investment Officer any material interests in financial institutions with which they conduct business, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the City.

VII. INTERNAL CONTROLS

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Periodically, as deemed appropriate by the City, an independent analysis by an external auditor shall be conducted to review internal controls, account activity and compliance with policies and procedures.

VIII. SAFEKEEPING OF SECURITIES

With the exception of insured Certificates of Deposit and the Local Agency Investment Fund of the State of California, all securities owned by the City, including collateral for repurchase agreements, shall be held in safekeeping by the City's custodial bank or a third party bank trust department acting as agent for the city under terms of a custody or trustee agreement executed by the bank and the City. All securities will be received and delivered using standard delivery versus payment (DVP) procedures and in accordance with State Code.

IX. REPORTING

The City Treasurer is required to submit an investment report on a quarterly basis to the City Manager, the Internal Auditor, and the City Council, in accordance with California Government Code, Section 53646. The report is required to be submitted within 30 days of the end of the quarter. The City Treasurer has elected to provide this report monthly. This report will include the following information:

- Type of investment instrument (i.e. Treasury Bill, CD)
- Issuer name (i.e. US Treasury Note)

- Purchase date (trade and settlement date)
- Maturity date
- Par value
- Purchase price
- Current market value and source of valuation
- Overall portfolio yield based on cost
- Statement of compliance of the portfolio to the investment policy or an explanation of the manner in which the portfolio is not in compliance
- Description of any of the City's funds that are under the management of contracted parties.
- Statement denoting the ability of the City to meet its expenditure requirements for the next six months, or an explanation as to why sufficient money may not be available.

X. QUALIFIED DEALERS

The Investment Officer shall maintain a list of financial institutions qualified to do business with the City. Banks and broker/dealers will be selected on the basis of creditworthiness, experience, and capitalization. Prior to approval, they must read and sign the City's Broker/Dealer Questionnaire and Certification. In accordance with California Government Code, Section 53601, a bank or broker/dealer must be qualified as a dealer regularly reporting to the New York Federal Reserve Bank (a "primary dealer") to conduct repurchase agreements with the City.

Selection of financial institutions and broker/dealers authorized to engage in transactions will be at the sole discretion of the City, except where the City utilizes an external investment adviser in which case the City may rely on the adviser for selection.

Selection of broker/dealers used by an external investment adviser retained by the City will be at the sole discretion of the adviser. Where possible, transactions with broker/dealers shall be selected on a competitive basis and their bid or offering prices shall be recorded. If there is no other readily available competitive offering, best efforts will be made to document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

XI. COMPETITIVE BIDDING

It will be the policy of the City to transact all securities purchases and sales through a formal and competitive process requiring the solicitation and evaluation of at least three bids/offers whenever possible. The City will accept the offer, which provides (a) the highest rate of return; and (b) optimizes the investment objectives of the overall portfolio. On transactions where three bids/offers are not available, the Investment Officer shall make an evaluation regarding the relative attractiveness of various offer using factors such as maturity date, credit ratings, structure and other factors which influence pricing. It will be the responsibility of the City's staff involved to produce and retain written records, including the name of the financial institutions solicited, price/rate quoted, description of the security, bid/offer selected, and any special considerations that had an impact on their decision.

XII. PURCHASE AND SALE OF SECURITIES

Unless the services of an external investment adviser are used, purchases and sales of securities will be executed only by the Investment Officer and in his absence the Deputy City Treasurer. All transactions will be reviewed and approved by the City Treasurer.

XIII. POLICY REVIEW

The City Treasurer shall annually render to the City Council a statement of investment policy, which shall be considered at a public meeting. Any changes in the policy shall also be considered by the City Council at a public meeting.

XIV. AUTHORIZED INVESTMENTS

A. The City's Investment Portfolio is governed by California Government Code, Section 53600 et seq. Percentage holding limits listed in this section apply at the time the security is purchased. Within the context of these limitations, the following investments are authorized, as further limited herein:

1) United States Treasury Bills, Notes, and Bonds, or those securities for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no limitation as to the percentage of the fund, which can be invested in this category.

2) Obligations—including U.S. Government Agency Mortgage pass-through securities—issued by various agencies of the Federal Government including, but not limited to, the Federal Farm Credit Bank System, the Federal Home Loan Bank System, the Federal Home Loan Bank, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation as well as such agencies or enterprises which may be created. There is no percentage limitation on the dollar amount which can be invested in Agency issues in total, no more than 20% of the cost value of the portfolio may be invested in the securities of any one issuer.

3) Bills of exchange or time drafts drawn on and accepted by a commercial bank, commonly known as banker's acceptances. Banker's acceptances may not exceed 180 days to maturity. To be eligible for purchase, banker's acceptances must have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term debt obligations which are rated in a rating category of "A" or its equivalent or better by at least one NRSRO. No more than 40% of the cost value of the portfolio may be invested in banker's acceptances and no more than 5% of the cost value of the portfolio may be invested in banker's acceptances of any single bank.

4) Commercial paper rated "A-1" or its equivalent by at least two NRSROs and issued by a domestic corporation having assets in excess of $500 million and having at least an "A" or its equivalent rating on its long-term debentures as provided by a NRSRO. Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10% of the outstanding paper on an issuing corporation. Purchases of commercial paper may not exceed 15% of the portfolio, which may be invested pursuant to this section. An additional 15% or a total of 30% of the City's money may be invested pursuant to this

subdivision. The additional 15% may be so invested only if the dollar weighted average maturity of the entire amount does not exceed 31 days.

5) Negotiable certificates of deposit issued by a nationally or State chartered bank or a State or Federal savings institution, or a State licensed branch of a foreign bank ("Yankee"). Purchases of negotiable certificates of deposit may not exceed 30% of the cost value of the portfolio. To be eligible for purchase by the City, the certificate of deposit must be rated "A-1" or its equivalent by at least two NRSROs.

6) Repurchase Agreements – The City may invest in repurchase agreements with primary dealers of the Federal Reserve Bank of New York with which the City has entered into a master repurchase agreement. The Public Securities Association master repurchase agreement is the "master repurchase agreement". The maturity of repurchase agreements shall not exceed one year. The market value of securities used as collateral for repurchase agreements shall be valued at no less than 102% of the value of the repurchase agreement. Collateral pricing will be monitored no less than monthly by the investment staff and not be allowed to fall below 102% of the value of the repurchase agreement. In order to conform to provisions of the Federal Bankruptcy Code which provide for the liquidation of securities held as collateral for repurchase agreements, the only securities acceptable to the city as collateral shall be securities that are direct obligations of, or that are fully guaranteed as to principal and interest, by the United States or any agency thereof. Investments in repurchase agreements may not exceed 20% of the cost value of the fund.

7) Local Agency Investment Fund - The City may invest in the Local Agency Investment Fund ("LAIF") established by the State Treasurer for the benefit of local agencies up to the maximum permitted under Section 16429.1 of the California Government Code.

8) Time Deposits – The City may invest in non-negotiable time deposits collateralized in accordance with the California Government Code, which meet the requirements for investment in negotiable certificates of deposit. The City may invest in insured certificates of deposit with individual depository institutions up to the insured limit. No more than 25% of the fund may be invested in this category.

9) Medium-term notes of a maximum of five years maturity issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any State and operating within the United States. The issuing corporation must have a minimum rating of "A" or its equivalent by at least two NRSROs and have in excess of $500 million in shareholder equity. Purchase of medium-term notes may not exceed 30% of the cost value of the fund with no more than 15% of the cost value of the fund rated below "AA" or its equivalent by at least two NRSROs. No more than 5% of the fund (at time of purchase) may be invested in any one corporate name, including the parent corporation or subsidiaries.

10) Any collateralized mortgage obligations, mortgage-backed or other pay-through bond, equipment lease-backed certificate, or consumer receivable-backed bond. Securities eligible for investment under this section shall be rated in a rating category of "AA" by a

nationally recognized statistical rating organization and have a maximum remaining maturity of 5 years or less. Purchase of securities authorized by this subdivision may not exceed 20% of the cost value of the fund.

11) Bonds, notes, warrants or other evidences of indebtedness of any local agency of this state, including bonds payable solely out of the revenues from a revenue producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

12) Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the state or by a department, board, agency or authority of the state

13) United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated "AA" or better by an NRSRO and shall not exceed 10 percent of the City's moneys that may be invested pursuant to this section.

14) Mutual Funds and Money Market Mutual Funds that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940, provided that:

a. **Mutual Funds** that invest in the securities and obligations as authorized under California Government Code, Section 53601 (a) to (k) and (m) to (q) inclusive and that meet either of the following criteria:

    i. Attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
    ii. Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code, Section 53601 and with assets under management in excess of $500 million.
    iii. No more than 10% of the total portfolio may be invested in shares of any one mutual fund.

b. **Money Market Mutual Funds** registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and issued by diversified management companies and meet either of the following criteria:

    i. Have attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or

ii. Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience managing money market mutual funds with assets under management in excess of $500 million.
iii. No more than 20% of the total portfolio may be invested in the shares of any one Money Market Mutual Fund.

c. No more than 20% of the total portfolio may be invested in these securities.

B. In the event of a rating downgrade of security in the City's portfolio by any of the applicable rating agencies (Standard and Poor's or Moody's) to a rating category below the minimum required for purchase, the Investment Officer will document such downgrade in writing. The Investment Officer will also communicate to the City Treasurer a recommended course of action for said security.

The maximum allowable maturity for all securities purchased shall be no greater than 5 years from the settlement date if the maturity has not been further limited in subsections (1) through (12). The 5-year maturity limitation may be exceeded only when investing in securities referred to in section 11 above and only with prior City Council approval. Ineligible investments – investments not described herein-, are prohibited for purchase in the City's portfolio. Specifically prohibited as of January 1, 1996 are: Inverse floaters, range notes, interest-only strips derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity.

XV. INVESTMENT POOLS/MUTUAL FUNDS

The City shall conduct a thorough investigation of any pool or mutual fund prior to making an investment, and on a continual basis thereafter. The Treasurer shall develop a questionnaire which will answer the following general questions:

- A description of eligible investment securities, and a written statement of investment policy and objectives.
- A description of interest calculations and how it is distributed, and how gains and losses are treated.
- A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
- A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- A schedule for receiving statements and portfolio listings.
- Are reserves, retained earnings, etc. utilized by the pool/fund?
- A fee schedule, and when and how is it assessed.
- Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

XVI. COLLATERALIZATION

Certificates of Deposit (CDs). The City shall require any commercial bank or savings and loan association to deposit eligible securities with an agency of a depository approved by the State Banking Department to secure any uninsured portion of a Non-Negotiable Certificate of Deposit. The value of eligible securities as defined pursuant to California Government Code, Section 53651, pledged against a Certificate of Deposit shall be equal to 150% of the face value of the CD if the securities are classified as mortgages and 110% of the face value of the CD for all other classes of security.

Collateralization of Bank Deposits. This is the process by which a bank or financial institution pledges securities, or other deposits for the purpose of securing repayment of deposited funds. The City shall require any bank or financial institution to comply with the collateralization criteria defined in California Government Code, Section 53651.

Repurchase Agreements. The City requires that Repurchase Agreements be collateralized only by securities authorized in accordance with California Government Code:

1. The securities which collateralize the repurchase agreement shall be priced at Market Value, including any Accrued Interest plus a margin. The Market Value of the securities that underlie a repurchase agreement shall be valued at 102% or greater of the funds borrowed against those securities.
2. Financial institutions shall mark the value of the collateral to market at least monthly and increase or decrease the collateral to satisfy the ratio requirement described above.
3. The City shall receive monthly statements of collateral.

XVII. GLOSSARY OF INVESTMENT TERMS

Agencies. Shorthand market terminology for any obligation issued by a government-sponsored entity (GSE), or a federally related institution. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called "FreddieMac" issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as "FannieMae," issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as "GinnieMae," issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

Asset Backed Securities. Securities supported by pools of installment loans or leases or by pools of revolving lines of credit.

Average Life. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

Banker's Acceptance. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which "accepts" the obligation to pay the investor.

Benchmark. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

Broker. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

California Debt & Investment Advisory Commission (CDIAC). The California Debt and Investment Advisory Commission (CDIAC) provides information, education and technical assistance on debt issuance and public fund investments to local public agencies and other public finance professionals. The Commission was created in 1981 with the passage of Chapter 1088, Statutes of 1981 (Assembly Bill (AB) 1192, Costa). This legislation established the

California Debt Advisory Commission as the State's clearinghouse for public debt issuance information and required it to assist state and local agencies with the monitoring, issuance and management of public debt.

Callable. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline, the issuer will likely call its current securities and reissue them at a lower rate of interest.

Certificate of Deposit (CD). A time deposit with a specific maturity evidenced by a certificate.

Certificate of Deposit Account Registry SYSTEM (CDARS). A private placement service that allows local agencies to purchase more than $250,000 in CDs from a single financial institution (must be a participating institution of CDARS) while still maintaining FDIC insurance coverage. CDARS is currently the only entity providing this service. CDARS facilitates the trading of deposits between the California institution and other participating institutions in amounts that are less than $250,000 each, so that FDIC coverage is maintained.

Collateral. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

Collateralized Bank Deposit. A bank deposit that is collateralized at least 100% (principal plus interest to maturity). The deposit is collateralized using assets set aside by the issuer such as Treasury securities or other qualified collateral to secure the deposit in excess of the limit covered by the Federal Deposit Insurance Corporation.

Collateralized Mortgage Obligations (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

Collateralized Time Deposit. Time deposits that are collateralized at least 100% (principal plus interest to maturity). These instruments are collateralized using assets set aside by the issuer such as Treasury securities or other qualified collateral to secure the deposit in excess of the limit covered by the Federal Deposit Insurance Corporation.

Commercial Paper. The short-term unsecured debt of corporations.

Coupon. The rate of return at which interest is paid on a bond.

Credit Risk. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

Dealer. A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

Debenture. A bond secured only by the general credit of the issuer.

Delivery vs. Payment (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

Derivative. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

Discount. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

Diversification. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

Duration. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a security to changes interest rates.

Federal Deposit Insurance Corporation (FDIC). The Federal Deposit Insurance Corporation (FDIC) is an independent federal agency insuring deposits in U.S. banks and thrifts in the event of bank failures. The FDIC was created in 1933 to maintain public confidence and encourage stability in the financial system through the promotion of sound banking practices.

Federally Insured Time Deposit. A time deposit is an interest-bearing bank deposit account that has a specified date of maturity, such as a certificate of deposit (CD). These deposits are limited to funds insured in accordance with FDIC insurance deposit limits.

Leverage. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

Liquidity. The speed and ease with which an asset can be converted to cash.

Local Agency Investment Fund (LAIF). A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.

Local Agency Investment Guidelines (LAIG). Published by CDIAC, these guidelines are intended to aid local officials in their efforts to implement existing laws pertaining to the investment of public funds. Each year, CDIAC staff convenes a working group of public- and private-sector professionals to support its efforts to revise and update these Guidelines

Local Government Investment Pool. Investment pools that range from the State Treasurer's Office Local Agency Investment Fund (LAIF) to county pools, to Joint Powers Authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.

Make Whole Call. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

Margin. The difference between the market value of a security and the loan a broker makes using that security as collateral.

Market Risk. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

Market Value. The price at which a security can be traded.

Maturity. The final date upon which the principal of a security becomes due and payable.

Medium Term Notes. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

Modified Duration. The percent change in price for a 100-basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

Money Market. The market in which short-term debt instruments (T-bills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

Money Market Mutual Fund. A mutual fund that invests exclusively in short-term securities. Examples of investments in money market funds are certificates of deposit and U.S. Treasury securities. Money market funds attempt to keep their net asset values at $1 per share.

Mortgage Pass-Through Securities. A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

Municipal Securities. Securities issued by state and local agencies to finance capital and operating expenses.

Mutual Fund. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs

associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

Nationally Recognized Statistical Rating Organization (NRSRO). A credit rating agency that the Securities and Exchange Commission in the United States uses for regulatory purposes. Credit rating agencies provide assessments of an investment's risk. The issuers of investments, especially debt securities, pay credit rating agencies to provide them with ratings. The three most prominent NRSROs are Fitch, S&P, and Moody's.

Negotiable Certificate of Deposit (CD). A short-term debt instrument that pays interest and is issued by a bank, savings or federal association, state or federal credit union, or state-licensed branch of a foreign bank. Negotiable CDs are traded in a secondary market and are payable upon order to the bearer or initial depositor (investor).

Primary Dealer. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

Prudent Person (Prudent Investor) Rule. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as “Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes.”

Repurchase Agreement. Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller’s point of view, the same transaction is a reverse repurchase agreement.

Safekeeping. A service to bank customers whereby securities are held by the bank in the customer’s name.

Securities and Exchange Commission (SEC). The U.S. Securities and Exchange Commission (SEC) is an independent federal government agency responsible for protecting investors, maintaining fair and orderly functioning of securities markets and facilitating capital formation. It was created by Congress in 1934 as the first federal regulator of securities markets. The SEC promotes full public disclosure, protects investors against fraudulent and manipulative practices in the market, and monitors corporate takeover actions in the United States.

Securities and Exchange Commission SEC) Rule 15c3-1. An SEC rule setting capital requirements for brokers and dealers. Under Rule 15c3-1, a broker or dealer must have sufficient liquidity in order to cover the most pressing obligations. This is defined as having a certain amount of liquidity as a percentage of the broker/dealer's total obligations. If the percentage falls below a certain point, the broker or dealer may not be allowed to take on new clients and may have restrictions placed on dealings with current client.

Structured Note. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

Supranational. A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

Total Rate of Return. A measure of a portfolio's performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

U.S. Treasury Obligations. Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

Treasury Bills. All securities issued with initial maturities of one year or less are issued as discounted instruments and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues "cash management" bills as needed to smooth out cash flows.

Treasury Notes. All securities issued with initial maturities of two to ten years are called Treasury notes and pay interest semi-annually.

Treasury Bonds. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

Yield to Maturity. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **PUBLIC HEARINGS**
Department: Engineering Prepared By: Antonio Alejos Staff Member Presenting: Scott Murphy, Executive Director Community Development Reviewed By: Raymond Lee, Khoi Do Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 10

SUBJECT: A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO VACATE CEDAR STREET FROM CUCAMONGA AVENUE TO APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE

RECOMMENDATION: That the City Council conduct a public hearing to consider adoption of a Resolution to vacate Cedar Street from Cucamonga Avenue to approximately 600 feet east of Cucamonga Avenue.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner

FISCAL IMPACT: There is no direct fiscal impact associated with this action. The City did not pay to acquire the subject right-of-way and will not incur any cost for vacating this right-of-way. The applicant has paid the applicable processing fees to defray any City cost to process this request.

BACKGROUND & ANALYSIS: The applicant, Cucamonga Logistics, LLC, has requested that the City vacate Cedar Street from Cucamonga Avenue to approximately 600 feet east of Cucamonga Avenue, as shown on Exhibit A, to facilitate the development of the area. The subject street, neither now nor in the future, will be needed for traffic circulation or public necessity and there will be no impact on the Master Plan of Streets and Highways when vacated.

Currently, there are public utilities within the street. Therefore, a Public Utility Easement will be retained over the proposed vacated street.

On October 5, 2021, the City Council, at its regular meeting, adopted Resolution No. 2021-152 declaring the City's intent to vacate the subject street as shown on the attached exhibit and setting the date and time for this public hearing. Appropriate notice of intention to vacate, as required by law, has been posted as prescribed. Additionally, an announcement of this public hearing was published in the Inland Valley Daily Bulletin prior to this meeting and the full text of the adopted Resolution has been made available in the Records Management Department.

EXHIBIT A

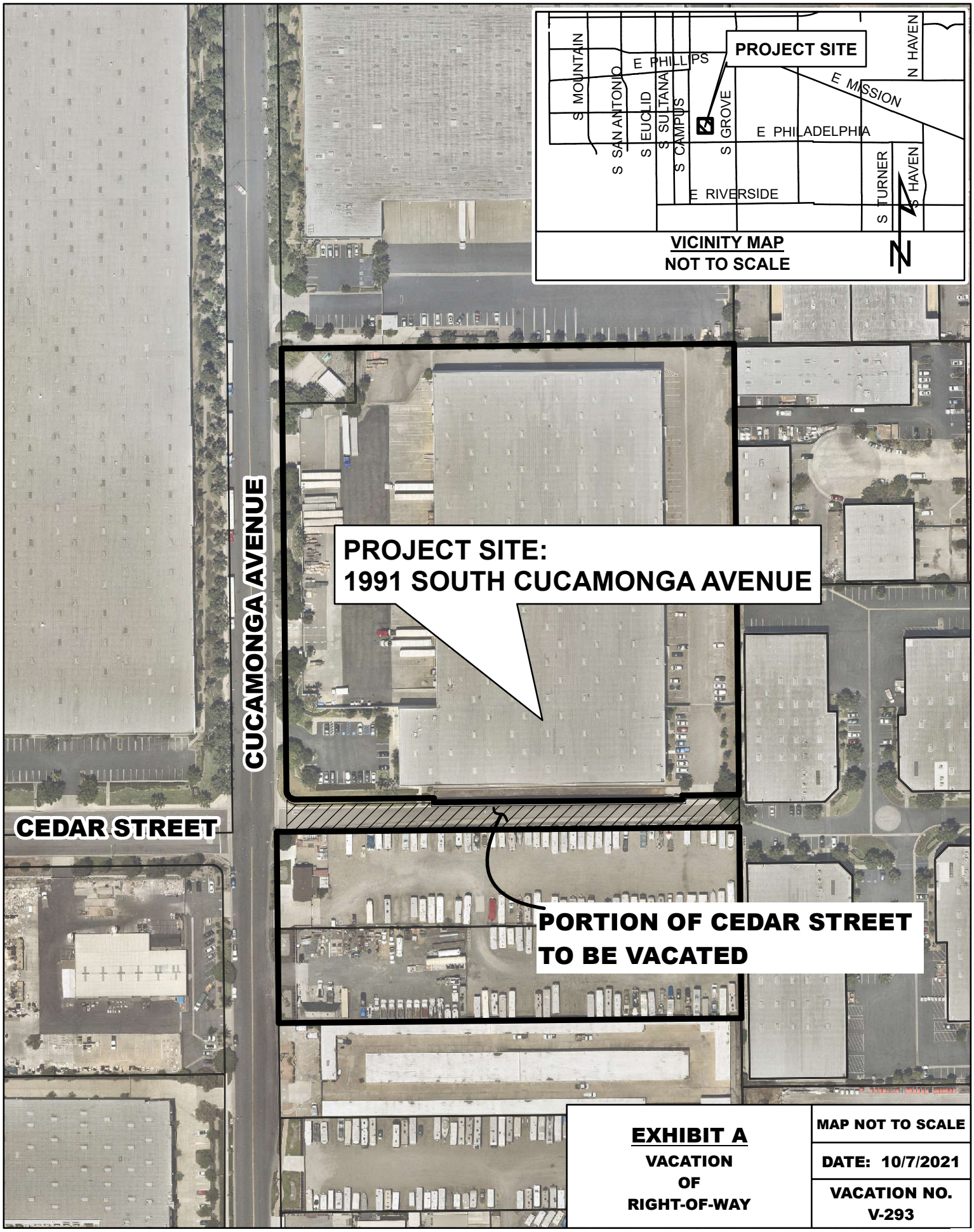


EXHIBIT A VACATION OF RIGHT-OF-WAY	MAP NOT TO SCALE DATE: 10/7/2021 VACATION NO. V-293

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE GENERAL VACATION OF CEDAR STREET FROM CUCAMONGA AVENUE TO APPROXIMATELY 600 FEET EAST OF CUCAMONGA AVENUE.

WHEREAS, on October 5, 2021, the City Council of the City of Ontario, California adopted its Resolution No. 2021-152, a Resolution of Intention to vacate Cedar Street from Cucamonga Avenue to approximately 600 feet east of Cucamonga Avenue and to set the date, time and place for a public hearing to consider said vacation; and

WHEREAS, notice of the date, time and place of hearing any and all persons interested in, or object to, the proposed vacation has been published and posted in the manner prescribed by law; and

WHEREAS, on November 2, 2021, the City Council of the City of Ontario, California conducted a duly noticed public hearing and concluded said hearing on that date. After considering all public testimony, the City Council determined that said street, as described in the Resolution of Intention, is no longer necessary for present or prospective traffic circulation or public necessity.

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

SECTION 1. That pursuant to the provisions of Division 9, Part 3, Chapter 3, Section 8320-8325 of the Streets and Highways Code of the State of California, the following described street is vacated and abandoned, except retaining an easement over the entire area for public utility purposes: (see Exhibits A and B).

SECTION 2. That title to the above described street shall revert to the owner of the underlying fee title thereof, free from use as a public street, subject to the retention of a public utility easement across the entire vacated area.

SECTION 3. That the City Clerk of the City of Ontario, California, shall cause a copy of this Resolution to be recorded in the office of the County Recorder of San Bernardino County, California.

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

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2021.

_____
PAUL S. LEON, MAYOR

ATTEST:

_____
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____
BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2021- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held November 2, 2021 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2021- duly passed and adopted by the Ontario City Council at their regular meeting held November 2, 2021.

_____
SHEILA MAUTZ, CITY CLERK

EXHIBIT A

STREET VACATION
V-293
LEGAL DESCRIPTIONS

PORTIONS OF LOT 2, BLOCK "J", BLACKBURN'S ADDITION TO ONTARIO, IN THE CITY OF ONTARIO, AS PER MAP RECORDED IN BOOK 12, PAGE 55, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, SAID PORTIONS BEING PARCEL A AND PARCEL C OF DOCUMENT NUMBER 1998012695 DATED 4/1/98 AND RE-RECORDED IN DOCUMENT NUMBER 19980150964, DESCRIBED AS FOLLOW:

PARCEL 1: THE SOUTHERLY 44.00 FEET OF SAID LOT 2.

EXCEPT THE NORTHERLY 6.00 FEET OF THE SOUTHERLY 44.00 FEET OF THE WESTERLY 338.50 FEET OF THE EASTERLY 415.50 FEET OF SAID LOT 2
EXCEPT THE WESTERLY 14.00 FEET OF SAID LOT 2

PARCEL 2: COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT; THENCE, NORTH 44.00 FEET; THENCE, EAST 14.00 TO THE TRUE POINT OF BEGINNING; THENCE, NORTH 20.00 FEET TO A TANGENT POINT OF A CURVE; THENCE, ALONG SAID CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 31.42 FEET, TO ANOTHER TANGENT POINT; THENCE, WEST 20.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS: 25073 SQUARE FEET OR 0.576 ACRES MORE OR LESS.

AS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART THEREOF.

LUCAS CORSBIE, P.L.S. 9073

L Cl 5 / 11 /2021

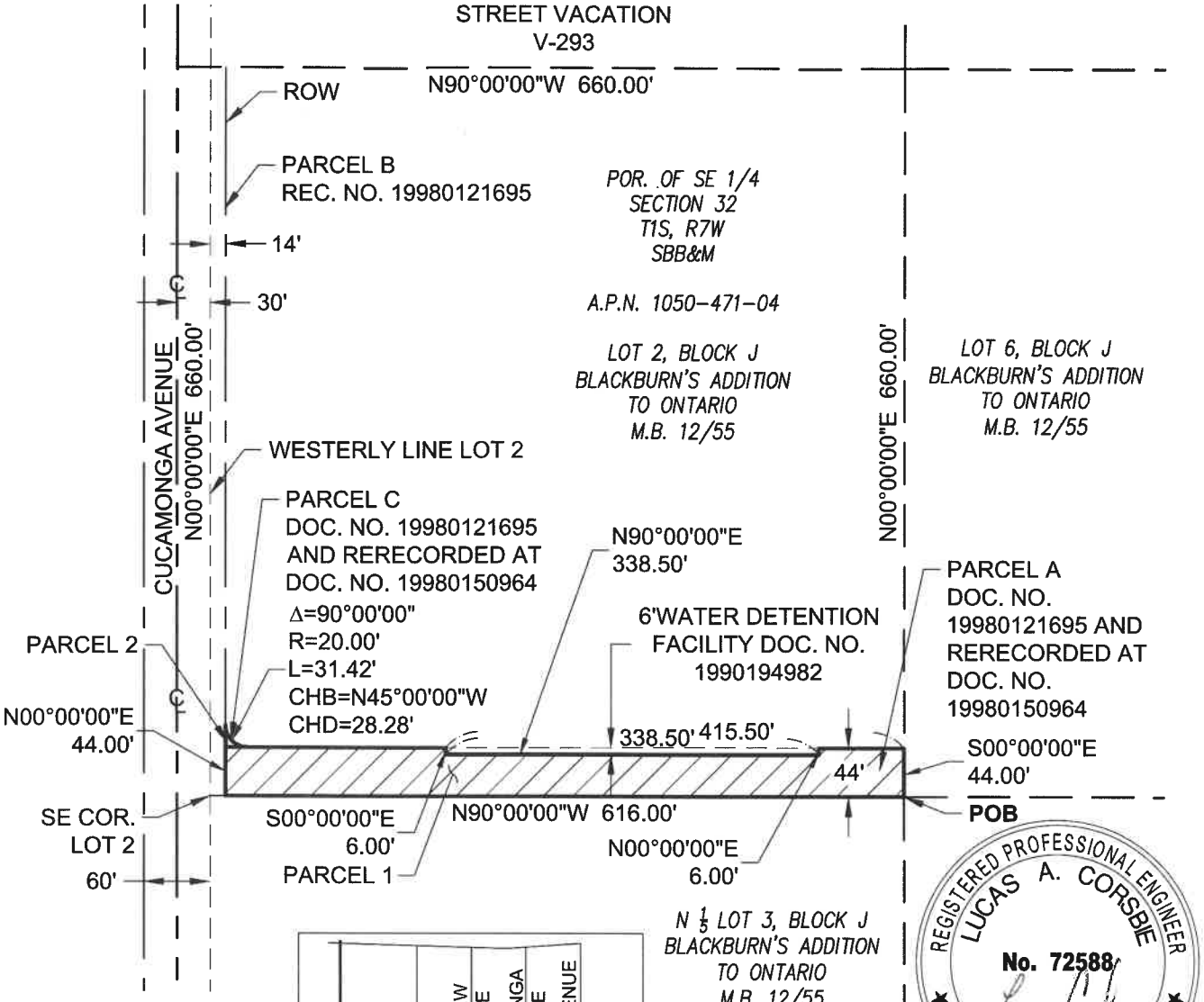
NAME DATE

REGISTERED PROFESSIONAL ENGINEER
LUCAS A. CORSBIE
No. 72588
CIVIL
STATE OF CALIFORNIA

May 11, 2021

EXHIBIT B

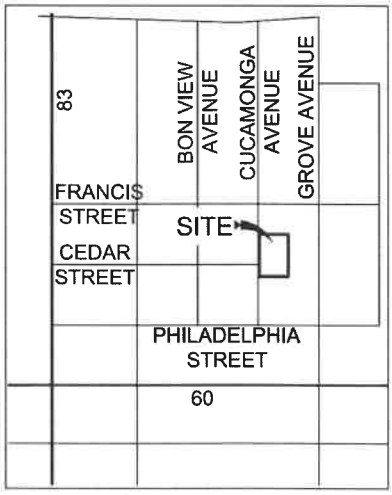
STREET VACATION
V-293



REGISTERED PROFESSIONAL ENGINEER
LUCAS A. CORSBIE
No. 72588
CIVIL
STATE OF CALIFORNIA

Jul 01, 2021

BASIS OF BEARINGS:
THE SOUTH LINE OF LOT 2, HAVING A BEARING OF N 90°00'00' W AS SHOWN ON MAP BOOK 12 PAGE 55 WAS USED AS THE BASIS OF BEARINGS FOR THIS EXHIBIT.



VICINITY MAP
NTS

LEGEND

ROW

EXISTING EASEMENT FOR STREET AND UTILITY PURPOSED TO THE CITY OF ONTARIO, PER DOC. NO. 19980150964, TO BE VACATED

SCALE : 1" = 150'

10 edelman
irvine, ca 92618
p 949.660.9128
waremalcomb.com
WARE MALCOMB
CIVIL ENGINEERING & SURVEYING

JOB NO.: IRV20-4013	DATE : 07/01/21		PAGE 1 OF 1
DRAWN: KEB	PA/PM: LAC	SCALE: 1" = 150'	

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **PUBLIC HEARINGS**
Department: Planning Prepared By: Charles Mercier Staff Member Presenting: Scott Murphy, Executive Director Community Development Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 11

SUBJECT: A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA20-002, REVISING CERTAIN PROVISIONS ADDRESSING PUBLIC HEARING NOTIFICATIONS, ALLOWED USES WITHIN THE CS (CORNER STORE) ZONING DISTRICT, MINIMUM RECREATION AMENITIES WITHIN COMMON ACTIVE OPEN SPACE AREAS, AND OFF-STREET PARKING REQUIREMENTS FOR SMALL LOT INFILL SUBDIVISIONS

RECOMMENDATION: That the City Council introduce and waive further reading of the ordinance approving File No. PDCA20-002, a Development Code Amendment proposing to revise certain provisions addressing public hearing notifications, allowed uses within the CS (Corner Store) zoning district, minimum recreation amenities within common active open space areas, and off-street parking requirements for small lot infill subdivisions.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Invest in the Growth and Evolution of the City's Economy
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: There is not a direct fiscal impact associated with this action.

BACKGROUND & ANALYSIS:

Staff has initiated several alterations to the Development Code that are necessary to adjust and clarify various provisions of the Development Code, which are described below. The proposed changes, as they would appear in the Development Code, are included as Exhibit A (Proposed Development Code Amendment).

Public Noticing Requirements. Staff is proposing changes to the public hearing notification procedures, established in the Development Code, to require supplemental public noticing that necessitates the posting of project sites with Large Public Notification Signs for certain project types, including:

- Projects proposed to be developed at a higher density or intensity than the existing surrounding neighborhood;

- Projects requiring a General Plan Amendment, Specific Plan Amendment, or Zone Change;
- Projects requiring the preparation of an environmental impact report; and
- Projects in which the Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the project.

Large Public Notification Signs will consist of a 6-foot-tall freestanding sign, with a sign face measuring 4 feet tall by 8 feet wide, which must be posted 300 lineal feet apart along each project site's street frontage. Sign locations are subject to Planning Director approval in conjunction with a Sign Plan application for a temporary sign.

The fabrication, installation, and removal of Large Public Notification Signs will be the responsibility of a project applicant. A project will not be scheduled for a public hearing until all required notification signs have been installed.

Allowed Uses in the CS (Corner Store) Zoning District. The CS zoning district is intended to accommodate pedestrian-oriented neighborhood retail and service establishments that would have few impacts to adjacent residential uses due to the types of uses allowed and their limited hours of operation. CS designated properties are within established neighborhoods, generally along residential collector streets, and are intended to provide their goods and services to a customer base that principally lives within walking distance.

In response to a property owner request, Staff has considered the list of permitted (uses allowed by correct zoning district) and conditionally permitted (uses requiring Conditional Use Permit approval) land uses in the CS zoning district and is proposing the addition of other certain land uses that are consistent with the purpose and intent of the zoning district, as follows:

Proposed Permitted Land Uses:

- Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site);
- Pharmacies and drug stores;
- Cosmetics, beauty supplies, and perfume stores;
- Local messengers and local delivery services;
- Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales);
- Hair, nail, and skin care services;
- Color consulting services;
- Hair removal services;
- Hair replacement services;
- Make-up salons (includes the application of permanent cosmetics); and
- Tanning salons.

Proposed Conditionally Permitted Land Uses:

- Farmers markets and certified farmer's markets;
- Clothing stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores);
- Shoe stores;
- Jewelry, luggage, and leather goods stores;

- Office supplies and stationery stores;
- Gift, novelty, and souvenir stores;
- Real estate renting or leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services);
- Real estate agents and brokers;
- Activities related to real estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers); and
- Fine arts schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a gross floor area of less than 2,000 square feet.

Minimum Requirements for Common Recreation Amenities. The Development Code establishes minimum recreation facilities requirements for multiple-family development projects, the multiple-family residential portion of mixed-use development projects, and residential common interest projects, such as townhome and cluster developments. The type and number of facilities required is based upon the number of dwellings proposed, as follows:

Minimum Requirements for Common Recreation Amenities

No. Dwelling Units	*No. Major Recreation Facilities Required*	*No. Minor Recreation Facilities Required*
4 to 10	0	1
10 to 25	1**	0
26 to 100	1	1
101 to 150	1	2
151 to 200	2	2
201 to 250	2	3
251 to 300	3	3
More than 300	1/100 dwelling units	1/50 dwelling units

** Projects consisting of 25 or fewer dwellings may provide 2 minor facilities in place of one major facility.

Currently, the Development Code allows projects consisting of 25 or fewer dwellings, to substitute two minor recreation facilities in place of one major recreation facility. Planning Department Staff is proposing that the maximum project size be increased to 45 or fewer dwellings, affording smaller residential projects requiring common recreation amenities, including small lot infill subdivisions, additional site design flexibility to aid in maximizing residential densities.

Off-Street Parking for Small Lot Infill Subdivisions. Development Code standards for Small Lot Infill Subdivisions were adopted by the City Council in December 2020. At the time of adoption, off-street parking standards for Small Lot Infill Subdivisions were inadvertently excluded from the ordinance. Consequently, Staff is now proposing the inclusion of the off-street parking standards, requiring that parking be provided at the minimum rate of one parking space per bedroom, with a minimum of one parking space per unit provided in a fully enclosed garage. Additionally, guest/visitor parking must be provided at the minimum rate of 0.2 parking space per bedroom.

The proposed off-street parking standard is based on the standard utilized for the newer multiple-family residential projects developed around the Downtown Civic Center area, which takes into consideration the availability of public transit and commercial services within the surrounding area. The following

table compares the current multiple-family off-street parking requirements to the proposed Small Lot Infill Subdivision off-street parking requirements, based on a 39-unit Small Lot Infill Subdivision approved by the Planning Commission on September 28, 2021.

Off-Street Parking Comparison Based on 39-Unit Small Lot Infill Subdivision

Type	*Current Multiple-Family Parking Requirements*	*Proposed Small Lot Infill Subdivision Parking Requirement*
(18) - One-Bedroom Units	27 (1.5 space/unit)	18 (1.0 space /bedroom)
(21) - Two-Bedroom Units	42 (2.0 spaces/unit)	42 (1.0 space /bedroom)
Guest/Visitor Spaces	10 (0.25 space/unit)	12 (0.2 space /bedroom)
TOTAL	**79**	**72**

The comparison above demonstrates an approximate 9.5 percent reduction in parking for the Small Lot Infill Subdivision. The parking reduction would be increased with the introduction of more one-bedroom units in place of two-bedroom units. Alternately, the parking reduction would decrease with the introduction of more two-bedroom units in place of one-bedroom units.

HOUSING ELEMENT COMPLIANCE: The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project furthers the purposes, principals, goals, and policies of the Housing Element in that it will provide smaller multiple-family development projects, as well as multiple-family residential portion of mixed-use development projects, and residential common interest projects, such as townhome and cluster developments. This adds flexibility in residential site design, thereby further promoting alternate forms of home rental and fee-simple homeownership.

AIRPORT LAND USE COMPATIBILITY PLAN COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, 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. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment 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 (general rule) 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.

Exhibit A: Proposed Development Code Additions/Revisions

PART I: Development Code Section 2.03.010 (Public Hearing Notification) is proposed to be amended, adding Subparagraph C.5 to read as follows:

5. Supplemental Public Noticing Requirements.

a. In addition to the requirements of paragraphs C.1 through C.4, above, supplemental public notice shall be provided, which consists of one or more large public notification signs consisting of a 6-foot-tall freestanding sign, having a sign face measuring 4 feet tall by 8 feet wide, which shall be posted on the project site for development related projects meeting any of the following criteria:

(1) The proposed project is planned to be developed at a higher density or intensity than the existing surrounding neighborhood; and/or

(2) The proposed project requires a General Plan Amendment, Specific Plan Amendment, or Zone Change; and/or

(3) The proposed project requires the preparation of an environmental impact report; and/or

(4) The Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the proposed project. For large projects, the planning director may determine that more than one sign is necessary.

b. A cash deposit is required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements, including maintenance and removal of the large notification sign.

c. In order to implement the large public notification signs as an effective form of public notification, the following rules and standards shall apply:

(1) Large public notification signs shall be constructed and installed pursuant to the specifications established and published by the Planning Director.

(2) Large public notification signs shall be posted 300 lineal feet apart along each project site's street frontage. Sign locations shall be approved by the Planning Director in conjunction with a Sign Plan for a temporary sign issued pursuant to the requirements of Division 8.01 (Sign Regulations) of this Development Code.

(3) The fabrication and installation of a large public notification sign shall be the responsibility of the project applicant. Once the project application is deemed complete and all notification signs installed per city standards, the proposed project will be scheduled for all required public hearings.

(4) Large public notification signs shall be maintained in good condition and shall remain in place until the final decision on the proposed project has been made or the application is withdrawn.

(5) Large public notification signs shall be removed by the applicant within 14 days following the final decision on the project or the date of application withdrawal. Failure to remove the sign within the prescribed period shall result in forfeiture of the cash deposit and removal of the sign by the City.

PART II: Development Code Table 5.02-1 (Land Use Matrix) is proposed to be amended, adding the following as permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	*Land Uses, Activities, and Facilities*
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)
446110	Pharmacies and Drug Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
492210	Local Messengers and Local Delivery Services
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)
812110	Hair, Nail, and Skin Care Services
812199	Color Consulting Services
812199	Hair Removal Services
812199	Hair Replacement Services
812199	Make-Up Salons (includes the application of permanent cosmetics)
812199	Tanning Salons

PART III: Development Code Table 5.02-1 (Land Use Matrix) is proposed to be amended, adding the following as conditionally permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	*Land Uses, Activities, and Facilities*
445230	Farmers Markets and Certified Farmer's Markets
448110 448120 448130 448140	Clothing Stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores)

2017 NAICS Code	*Land Uses, Activities, and Facilities*
448150 448190	
448210	Shoe Stores
448310 448320	Jewelry, Luggage, and Leather Goods Stores
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty, and Souvenir Stores
531110 531120 531190	Real Estate Renting or Leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)
531210	Real Estate Agents and Brokers
531311 531312 531320 531390	Activities Related to Real Estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers)
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 SF

PART IV: Development Code Table 6.01-5 (Minimum Requirements for Common Recreation Amenities) is proposed to be amended as follows:

Table 6.01-5: Minimum Requirements for Common Recreation Amenities

Recreation Facilities Type	*No. of Dwelling Units*							
	4-10	*10-25*	*26-100*	*101-150*	*151-200*	*201-250*	*251-300*	*> 300*
Major Facilities:	0	1**	1**	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

** Projects consisting of ~~25~~ **45** or fewer dwellings may provide two minor recreation facilities in place of one major recreation facility.

PART V: Development Code Section 6.01.010 (Residential Zoning Districts) is proposed to be amended, revising Subparagraph G.3.a(6) as follows:

(6) **Off-Street Parking.** ~~Refer to Division 6.03 (Off-Street Parking and Loading) for off-street parking requirements. For Small Lot Infill Subdivisions, there shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth.~~ Small Lot Infill Subdivisions shall provide off-street parking facilities pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) of this Development Code, except as follows:

(i) Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

(ii) There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used for guest/visitor parking.

CITY OF ONTARIO PLANNING DEPARTMENT

PLANNING COMMISSION STAFF REPORT

September 28, 2021

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

FILE NO.: PDCA20-002

SUBJECT: A Development Code Amendment revising certain provisions addressing public hearing notifications, allowed uses within the CS (Corner Store) zoning district, common active open space areas, and off-street parking requirements for small lot infill subdivisions. **City Initiated. City Council action is required.**

RECOMMENDED ACTION: That the Planning Commission consider and recommend approval of File No. PDCA20-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The proposed Development Code Amendment is of Citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. The City of Ontario is substantially built-out with a mix of residential, commercial, industrial, agricultural, airport, recreational, and institutional/public land uses. According to the California Department of Finance, the City of Ontario's 2021 estimated population is 193,594 persons and it is ranked the 25th largest city in the State in terms of population.

PROJECT ANALYSIS: The Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens. Staff has initiated several alterations to the Development Code that are necessary to adjust and clarify various provisions of the Development Code, which are described below. The proposed changes, as they would appear in the Development Code, are included as Exhibit A (Proposed Development Code Amendment) of this staff report.

(1) Public Noticing Requirements — Consistent with State law, the Development Code currently requires that notification of a public hearing must be made a minimum of 10 days in advance of the hearing, in the following ways:

Case Planner:	Charles Mercier
Planning Director Approval:	
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
PC	9/28/2021	Approval	Recommend
CC	11/2/2021		Introduction
CC	11/16/2021		Approval

- Publication of a legal notice in at least one newspaper of general circulation within the City; and
- Notification by delivery or first class mail to all property owners with a minimum 300-foot radius of a project site; however, if the number property owners that would be delivered or mailed a notice exceeds 1,000, in lieu of the delivered or mailed notice, a display advertisement of at least 1/8th page may be placed in at least one newspaper of general circulation within the City;

Staff is proposing changes to the public hearing notification procedures established in the Development Code, to require supplemental public noticing that necessitates the posting of project sites with Large Public Notification Signs for certain project types, including:

- Projects proposed to be developed at a higher density or intensity than the existing surrounding neighborhood;
- Projects requiring a General Plan Amendment, Specific Plan Amendment, or Zone Change;
- Projects requiring the preparation of an environmental impact report; and
- Projects in which the Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the project.

Large Public Notification Signs will consist of a 6-foot-tall freestanding sign, with a sign face measuring 4 feet tall by 8 feet wide, which must be posted 300 lineal feet apart along each project site's street frontage. Sign locations are subject to Planning Director approval in conjunction with a Sign Plan application for a temporary sign.

The fabrication, installation, and removal of Large Public Notification Signs is the responsibility of the project applicant. A project will not be scheduled for a public hearing until all required notification signs have been installed pursuant to city standards.

A cash deposit will be required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements. The cash deposit will be forfeited if a Large Public Notification Sign is not removed by the 14th day following the final action of the project.

(2) Allowed Uses in the CS (Corner Store) Zoning District — The CS zoning district was established to accommodate pedestrian-oriented neighborhood retail and service establishments that would have few impacts to adjacent residential uses due to the types of uses allowed and their limited hours of operation. CS zoning district locations are within established or planned neighborhoods, generally along residential collector streets, and are intended to provide their goods and services within walking distance to most of their customers. This zoning district provides for a scale and character of development that tends to attract and promote a walk-in clientele.

In response to a property owner request, Staff has reviewed the list of permitted (uses allowed by correct zoning district) and conditionally permitted (uses requiring Conditional Use Permit approval) land uses in the CS zoning district and is proposing the addition of other certain land uses, which Staff believes are consist with the purpose of the zoning district. Proposed permitted land uses consist of the following:

- Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site);
- Pharmacies and drug stores;
- Cosmetics, beauty supplies, and perfume stores;
- Local messengers and local delivery services;
- Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales);
- Hair, nail, and skin care services;
- Color consulting services;
- Hair removal services;
- Hair replacement services;
- Make-up salons (includes the application of permanent cosmetics); and
- Tanning salons.

Proposed conditionally permitted land uses consist of the following:

- Farmers markets and certified farmer's markets;
- Clothing stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores);
- Shoe stores;
- Jewelry, luggage, and leather goods stores;
- Office supplies and stationery stores;
- Gift, novelty, and souvenir stores;
- Real estate renting or leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services);
- Real estate agents and brokers;
- Activities related to real estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers); and
- Fine arts schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 square feet.

(3) Common Active Open Space Areas — The Development Code establishes minimum open space requirements for multiple-family development projects, the

multiple-family residential portion of mixed-use development projects, and residential common interest projects, such as traditional and cluster developments consisting of detached dwellings on small lots. Additionally, these projects must provide common active open space areas that contain major and minor recreation facilities. The type and number of facilities required is based upon the number of dwellings proposed, as shown in the table below.

Development Code Table 6.01-5: Minimum Requirements for Common Recreation Amenities

Type	***No. of Dwelling Units***							
	4-10	***10-25***	***26-100***	***101-150***	***151-200***	***201-250***	***251-300***	***> 300***
Major Facilities:	0	1	1	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

Major recreation facilities include but are not limited to recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant investment that are of appropriate to the size of the project. Minor recreation facilities include but are not limited to tot lots for ages 2 to 5, play areas and equipment for ages 5 to 12, spas or saunas, picnic and barbecue areas, cabanas and shade structures, basketball courts, volleyball courts, community gardens, and other similar amenities appropriate to the size of the project.

Currently, the Development Code allows projects consisting of 25 or fewer dwellings, to substitute two minor recreation facilities in place of one major recreation facility. Staff is proposing that the maximum project size be increased to 45 or fewer dwellings, thereby allowing the standard to apply to all Infill Small Lot Subdivision projects and allow for increased flexibility in site design.

(4) Off-Street Parking for Small Lot Infill Subdivisions — The development standards for Small Lot Infill Subdivisions were adopted in December 2020. At the time of adoption, off-street parking standards Small Lot Infill Subdivisions were inadvertently excluded from the ordinance. Consequently, Staff is now proposing the inclusion of the below-listed off-street parking requirements.

- Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

- There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used to fulfill the guest/visitor parking requirement.

The proposed parking standard reflects the urban infill off-street parking rate applied to residential projects in the Downtown Civic Center Planned Unit Development, which takes into consideration the availability of transit and proximity to services.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

(2) Vision.

Distinctive Development:

- Commercial and Residential Development

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

(3) Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.

➢ G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

(4) Policy Plan (General Plan).

Land Use Element:

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

- LU1-1: Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

- LU1-2 Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.

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

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

- LU1-6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

- LU1-7 Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.

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

- LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

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

- LU4-3 Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

Housing Element:

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

- H2-1 Corridor Housing. We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally, and aesthetically suited to corridors.

- H2-3 Ontario Airport Metro Center. We foster vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.

- H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices, and other best practices.

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

Community Economics Element:

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

- CE1-1 Jobs-Housing Balance. We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting.

- CE1-7 Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.

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

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

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

- CE2-6 Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly owned property.

Community Design Element:

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

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

➢ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

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

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

➢ CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide appropriate scale and proportion;
- A true architectural style which is carried out in plan, section, and elevation through all aspects of the building and site design and appropriate for its setting; and
- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

➢ CD2-2 Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity, and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.

➢ CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional, and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.

➢ CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity,

and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

- CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

- CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

- CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create, and define public and private spaces, and provide shade and environmental benefits.

- CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

- CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

- Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

➢ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways, and plazas for pedestrians.

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

- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.

➢ CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.

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

HOUSING ELEMENT COMPLIANCE: The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, 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. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment 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 (general rule) 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.

Exhibit A—Proposed Development Code Amendment

PART I: Development Code Section 2.03.010 (Public Hearing Notification) is hereby amended, adding Subparagraph C.5 to read as follows:

"5. Supplemental Public Noticing Requirements.

a. In addition to the requirements of paragraphs C.1 through C.4, above, supplemental public notice shall be provided, which consists of one or more large public notification signs consisting of a 6-foot-tall freestanding sign, having a sign face measuring 4 feet tall by 8 feet wide, which shall be posted on the project site for development related projects meeting any of the following criteria:

(1) The proposed project is planned to be developed at a higher density or intensity than the existing surrounding neighborhood; and/or

(2) The proposed project requires a General Plan Amendment, Specific Plan Amendment, or Zone Change; and/or

(3) The proposed project requires the preparation of an environmental impact report; and/or

(4) The Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the proposed project. For large projects, the planning director may determine that more than one sign is necessary.

b. A cash deposit is required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements, including maintenance and removal of the large notification sign.

c. In order to implement the large public notification signs as an effective form of public notification, the following rules and standards shall apply:

(1) Large public notification signs shall be constructed and installed pursuant to the specifications established and published by the Planning Director.

(2) Large public notification signs shall be posted 300 lineal feet apart along each project site's street frontage. Sign locations shall be approved by the Planning Director in conjunction with a Sign Plan for a temporary sign issued pursuant to the requirements of Division 8.01 (Sign Regulations) of this Development Code.

(3) The fabrication and installation of a large public notification sign shall be the responsibility of the project applicant. Once the project application is

deemed complete and all notification signs installed per city standards, the proposed project will be scheduled for all required public hearings.

(4) Large public notification signs shall be maintained in good condition and shall remain in place until the final decision on the proposed project has been made or the application is withdrawn.

(5) Large public notification signs shall be removed by the applicant within 14 days following the final decision on the project or the date of application withdrawal. Failure to remove the sign within the prescribed period shall result in forfeiture of the cash deposit and removal of the sign by the City."

PART II: Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	***Land Uses, Activities, and Facilities***
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)
446110	Pharmacies and Drug Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
492210	Local Messengers and Local Delivery Services
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)
812110	Hair, Nail, and Skin Care Services
812199	Color Consulting Services
812199	Hair Removal Services
812199	Hair Replacement Services
812199	Make-Up Salons (includes the application of permanent cosmetics)
812199	Tanning Salons

PART III: Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as conditionally permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	***Land Uses, Activities, and Facilities***
445230	Farmers Markets and Certified Farmer's Markets

2017 NAICS Code	*Land Uses, Activities, and Facilities*
448110 448120 448130 448140 448150 448190	Clothing Stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores)
448210	Shoe Stores
448310 448320	Jewelry, Luggage, and Leather Goods Stores
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty, and Souvenir Stores
531110 531120 531190	Real Estate Renting or Leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)
531210	Real Estate Agents and Brokers
531311 531312 531320 531390	Activities Related to Real Estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers)
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 SF

PART IV: Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph E.2.c(1)(a) to read as follows:

"(a) Major Recreation Facilities—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant investment and of appropriate size to serve the project residents, as determined by the city. (Note: For projects consisting of 45 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)"

PART V: Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph G.3.a(6) to read as follows:

"(6) Off-Street Parking. Small Lot Infill Subdivisions shall provide off-street parking facilities pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) of this Development Code, except as follows:

(i) Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

(ii) There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used for guest/visitor parking."

RESOLUTION NO. PC21-069

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PDCA20-002, A DEVELOPMENT CODE AMENDMENT REVISING CERTAIN PROVISIONS ADDRESSING PUBLIC HEARING NOTIFICATIONS, ALLOWED USES WITHIN THE CS (CORNER STORE) ZONING DISTRICT, COMMON ACTIVE OPEN SPACE AREAS AND OFF-STREET PARKING REQUIREMENTS FOR SMALL LOT INFILL SUBDIVISIONS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, THE CITY OF ONTARIO ("Applicant") has initiated a Development Code Amendment, File No. PDCA20-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which establishes long term principals, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario' s vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, certain minor changes are proposed to the City of Ontario Development Code, as follows:

- Section 2.03.010 (Public Hearing Notification) is to be amended, adding Subparagraph C.5 to require the posting of project sites with large public notification signs for certain proposed project types and establishing public notification sign standards; and

- Table 5.02-1 (Land Use Matrix) is to be amended, expanding upon the types of permitted and conditionally permitted land uses allowed in the CS (Corner Store) zoning district; and

- Section 6.01.010 (Residential Zoning Districts) is to be amended, revising Subparagraph E.2.c(1)(a) to allow two minor recreation facilities in place of each required major recreation facility, for projects consisting of 45 or fewer dwellings, and Subparagraph G.3.a(6) is to be added, establishing off-street parking standards for small lot infill subdivisions.

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 pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 28, 2021, 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.*** The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

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

SECTION 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 Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The Development Code Amendment proposes:

(a) Expansion of the type and method of public hearing notification, requiring the posting of a project site for certain types of legislative and discretionary applications. This change to the Development Code is intended to promote public participation and foster greater transparency in decision making as encouraged by The Ontario Plan; and

(b) Expansion of the list of allowed uses in the CS (Corner Store) zoning district, incorporating a variety of land uses and building types in the City's land use planning efforts, which result in a complete community, as promoted by Land Use Element Policy LU1-6, Complete Community. Furthermore, this proposed amendment will serve to encourage pedestrian friendly, functional, and vibrant commercial development with a range of businesses, places to gather, and connectivity to the neighborhoods they serve, as promoted by Community Design Element CD2-3, Commercial Centers; and

(c) Allows for more flexibility in the design of recreation amenities in common active open spaces areas, thereby providing for 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, have a wide spectrum of choices of where they can live and recreate, as promoted by Land Use Element Policy LU1-6, Complete Community; and

(d) Allows for a reduction in off-street parking and more overall site design flexibility for small lot infill subdivisions, which will serve to reduce reliance on the automobile and capitalize on multi-modal transportation opportunities, as promoted by Land Use Element Policy LU1-4, Mobility.

(2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The Development Code Amendment incorporates safeguards intended to ensure that the purposes of the Development Code are preserved; the project will not be contrary to or damage the public health, safety, convenience, or general welfare; the project will not result in any significant environmental impacts; and the project will be in full conformity with the Vision, City Council Priorities, and Policy Plan components of The Ontario Plan.

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 APPROVE the herein described Development Code Amendment, included as Attachment A of this resolution.

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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Rick Gage
Planning Commission Chairman

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. PC21-069, was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

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

NOES: None

ABSENT: None

ABSTAIN: None

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:
Development Code Amendment
File No. PDCA20-002

PART I: Development Code Section 2.03.010 (Public Hearing Notification) is hereby amended, adding Subparagraph C.5 to read as follows:

"5. Supplemental Public Noticing Requirements.

a. In addition to the requirements of paragraphs C.1 through C.4, above, supplemental public notice shall be provided, which consists of one or more large public notification signs consisting of a 6-foot-tall freestanding sign, having a sign face measuring 4 feet tall by 8 feet wide, which shall be posted on the project site for development related projects meeting any of the following criteria:

(1) The proposed project is planned to be developed at a higher density or intensity than the existing surrounding neighborhood; and/or

(2) The proposed project requires a General Plan Amendment, Specific Plan Amendment, or Zone Change; and/or

(3) The proposed project requires the preparation of an environmental impact report; and/or

(4) The Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the proposed project. For large projects, the planning director may determine that more than one sign is necessary.

b. A cash deposit is required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements, including maintenance and removal of the large notification sign.

c. In order to implement the large public notification signs as an effective form of public notification, the following rules and standards shall apply:

(1) Large public notification signs shall be constructed and installed pursuant to the specifications established and published by the Planning Director.

(2) Large public notification signs shall be posted 300 lineal feet apart along each project site's street frontage. Sign locations shall be approved by the Planning Director in conjunction with a Sign Plan for a temporary sign issued pursuant to the requirements of Division 8.01 (Sign Regulations) of this Development Code.

(3) The fabrication and installation of a large public notification sign shall be the responsibility of the project applicant. Once the project application is deemed complete and all notification signs installed per city standards, the proposed project will be scheduled for all required public hearings.

(4) Large public notification signs shall be maintained in good condition and shall remain in place until the final decision on the proposed project has been made or the application is withdrawn.

(5) Large public notification signs shall be removed by the applicant within 14 days following the final decision on the project or the date of application withdrawal. Failure to remove the sign within the prescribed period shall result in forfeiture of the cash deposit and removal of the sign by the City."

PART II: Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	***Land Uses, Activities, and Facilities***
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)
446110	Pharmacies and Drug Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
492210	Local Messengers and Local Delivery Services
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)
812110	Hair, Nail, and Skin Care Services
812199	Color Consulting Services
812199	Hair Removal Services
812199	Hair Replacement Services
812199	Make-Up Salons (includes the application of permanent cosmetics)
812199	Tanning Salons

PART III: Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as conditionally permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	***Land Uses, Activities, and Facilities***
445230	Farmers Markets and Certified Farmers Markets
448110 448120 448130 448140 448150 448190	Clothing Stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores)
448210	Shoe Stores
448310 448320	Jewelry, Luggage, and Leather Goods Stores
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty, and Souvenir Stores
531110 531120 531190	Real Estate Renting or Leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)
531210	Real Estate Agents and Brokers
531311 531312 531320 531390	Activities Related to Real Estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers)
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 SF

PART IV: Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph E.2.c(1)(a) to read as follows:

"(a) Major Recreation Facilities—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant

investment and of appropriate size to serve the project residents, as determined by the city. (Note: For projects consisting of 45 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)"

PART V: Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph G.3.a(6) to read as follows:

"(6) Off-Street Parking. Small Lot Infill Subdivisions shall provide off-street parking facilities pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) of this Development Code, except as follows:

(i) Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

(ii) There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used for guest/visitor parking."

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA20-002, A DEVELOPMENT CODE AMENDMENT REVISING CERTAIN PROVISIONS ADDRESSING PUBLIC HEARING NOTIFICATIONS, ALLOWED USES WITHIN THE CS (CORNER STORE) ZONING DISTRICT, MINIMUM RECREATION AMENITIES WITHIN COMMON ACTIVE OPEN SPACE AREAS AND OFF-STREET PARKING REQUIEMENTS FOR SMALL LOT INFILL SUBDIVISIONS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, THE CITY OF ONTARIO ("Applicant") has initiated a Development Code Amendment, File No. PDCA20-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which establishes long term principals, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario' s vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, certain minor changes are proposed to the City of Ontario Development Code, as follows:

- Section 2.03.010 (Public Hearing Notification) is to be amended, adding Subparagraph C.5 to require the posting of project sites with large public notification signs for certain proposed project types and establishing public notification sign standards;

- Table 5.02-1 (Land Use Matrix) is to be amended, expanding upon the types of permitted and conditionally permitted land uses allowed in the CS (Corner Store) zoning district; and

- Section 6.01.010 (Residential Zoning Districts) is to be amended, revising Subparagraph E.2.c(1)(a) to allow two minor recreation facilities in place of each required major recreation facility, for projects consisting of 45 or fewer dwellings, and Subparagraph G.3.a(6) is to be added, establishing off-street parking standards for small lot infill subdivisions.

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

WHEREAS, the Project is exempt from CEQA pursuant to a categorical exemption (listed in CEQA Guidelines Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan (ALUCP), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 28, 2021, 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. PC21-069 recommending the City Council approve the Development Code Amendment; and

WHEREAS, on November 2, 2021, as the first action on the Application, the City Council of the City of Ontario conducted a public hearing to consider the introduction of this Ordinance, and concluded said hearing on that date; and

WHEREAS, on November 2, 2021, as the final action on the Application, the City Council of the City of Ontario conducted a hearing to consider the adoption of this Ordinance, and concluded said hearing on that date.

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. *Housing Element Compliance.* The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

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

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

(1) The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

SECTION 5. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the City Council hereby APPROVES the herein described Development Code Amendment, File No. PDCA20-02, amending the City of Ontario Development Code as stipulated in "Attachment A", incorporated herein by this reference.

SECTION 6. *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7. *Severability.* If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 8. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 9. *Publication and Posting.* The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

_____
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 on November 2, 2021, and adopted at the regular meeting held _____, 2021, 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 _____, 2021, and that Summaries of the Ordinance were published on _____, 2021, and on _____,2021, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:
Development Code Amendment,
File No. PDCA20-002

PART I: Development Code Section 2.03.010 (Public Hearing Notification) is hereby amended, adding Subparagraph C.5 to read as follows:

"5. Supplemental Public Noticing Requirements.

a. In addition to the requirements of paragraphs C.1 through C.4, above, supplemental public notice shall be provided, which consists of one or more large public notification signs consisting of a 6-foot-tall freestanding sign, having a sign face measuring 4 feet tall by 8 feet wide, which shall be posted on the project site for development related projects meeting any of the following criteria:

(1) The proposed project is planned to be developed at a higher density or intensity than the existing surrounding neighborhood; and/or

(2) The proposed project requires a General Plan Amendment, Specific Plan Amendment, or Zone Change; and/or

(3) The proposed project requires the preparation of an environmental impact report; and/or

(4) The Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the proposed project. For large projects, the planning director may determine that more than one sign is necessary.

b. A cash deposit is required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements, including maintenance and removal of the large notification sign.

c. In order to implement the large public notification signs as an effective form of public notification, the following rules and standards shall apply:

(1) Large public notification signs shall be constructed and installed pursuant to the specifications established and published by the Planning Director.

(2) Large public notification signs shall be posted 300 lineal feet apart along each project site's street frontage. Sign locations shall be approved by the Planning Director in conjunction with a Sign Plan for a temporary sign issued pursuant to the requirements of Division 8.01 (Sign Regulations) of this Development Code.

(3) The fabrication and installation of a large public notification sign shall be the responsibility of the project applicant. Once the project application is deemed complete and all notification signs installed per city standards, the proposed project will be scheduled for all required public hearings.

(4) Large public notification signs shall be maintained in good condition and shall remain in place until the final decision on the proposed project has been made or the application is withdrawn.

(5) Large public notification signs shall be removed by the applicant within 14 days following the final decision on the project or the date of application withdrawal. Failure to remove the sign within the prescribed period shall result in forfeiture of the cash deposit and removal of the sign by the City."

PART II: Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	***Land Uses, Activities, and Facilities***
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)
446110	Pharmacies and Drug Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
492210	Local Messengers and Local Delivery Services
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)
812110	Hair, Nail, and Skin Care Services
812199	Color Consulting Services
812199	Hair Removal Services
812199	Hair Replacement Services
812199	Make-Up Salons (includes the application of permanent cosmetics)
812199	Tanning Salons

PART III: Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as conditionally permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	***Land Uses, Activities, and Facilities***
445230	Farmers Markets and Certified Farmers Markets
448110 448120 448130 448140 448150 448190	Clothing Stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores)
448210	Shoe Stores
448310 448320	Jewelry, Luggage, and Leather Goods Stores

2017 NAICS Code	*Land Uses, Activities, and Facilities*
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty, and Souvenir Stores
531110 531120 531190	Real Estate Renting or Leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)
531210	Real Estate Agents and Brokers
531311 531312 531320 531390	Activities Related to Real Estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers)
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 square feet

PART IV: Development Code Table 6.01-5 (Minimum Requirements for Common Recreation Amenities) is proposed to be amended as follows:

Table 6.01-5: Minimum Requirements for Common Recreation Amenities

Recreation Facilities Type	***No. of Dwelling Units***							
	4-10	***10-25***	***26-100***	***101-150***	***151-200***	***201-250***	***251-300***	***> 300***
Major Facilities:	0	1**	1**	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

** Projects consisting of 45 or fewer dwellings may provide two minor recreation facilities in place of one major recreation facility.

PART V: Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph G.3.a(6) to read as follows:

"(6) Off-Street Parking. Small Lot Infill Subdivisions shall provide off-street parking facilities pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) of this Development Code, except as follows:

(i) Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

(ii) There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used for guest/visitor parking."

CITY OF ONTARIO *Agenda Report* **November 2, 2021**	**SECTION:** **ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**
Department: Community Life & Culture Prepared By: Lacey A Marchese Staff Member Presenting: Helen McAlary, Executive Director Community Life and Culture Reviewed By: Matthew Hickey Approved By:	Submitted To: Council/OHA Approved: _____ Continued To: _____ Denied: _____ Item No: 12

SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 32 TO TITLE 5 OF VOLUME I TO THE ONTARIO MUNICIPAL CODE, RELATING TO ENFORCING VIOLATIONS OF CODES OF CONDUCT IN THE CITY LIBRARIES, MUSEUM OF HISTORY AND ART, AND RECREATION AND COMMUNITY SERVICES COMMUNITY CENTERS

RECOMMENDATION: That the City Council consider and take action to add Chapter 32 to Title 5 of Volume I to the Ontario Municipal Code relating to enforcing violations of Codes of Conduct in City libraries, the Museum of History and Art, and Recreation and Community Services community centers.

THE FOLLOWING COUNCIL GOALS ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT:

There is not a direct fiscal impact associated with this action.

BACKGROUND & ANALYSIS: The facilities under the jurisdiction of the Community Life & Culture ("CLC") Agency include the City of Ontario libraries, the Ontario Museum of History and Art, and the Recreation and Community Services Department community centers (individually a "Facility" and collectively the "Facilities"). Their mission and purpose includes providing free and open access to a broad range of educational, leisure, and general interest materials and services to people of all ages and backgrounds in a safe, clean, civil, respectful, and tranquil environment that is conducive to making everyone's visit at the Facilities a positive, productive, and enjoyable experience; whether one is engaged in reading, writing, researching, studying, learning, and/or attending and participating in the multitude of community programs and events offered therein.

At times, the Facilities receive patrons that are disruptive to the mission and purpose of the Facilities. During those times, when needed and appropriate, CLC staff may need to call Ontario Police Department to assist with removing an individual from a Facility and/or enforcing a period of suspension from a Facility to an individual.

The proposed draft ordinance would make it a violation of the Ontario Municipal Code for a person to continue violating a Code of Conduct duly adopted by the Library Board of Trustees, Ontario Museum of History and Art Board of Trustees, and/or the Recreation and Parks Commission after being given a warning. Each Code of Conduct will be clearly posted in the Facilities and each Code of Conduct will have a clear appeal procedure. Any appeal would be heard by the appropriate board or commission.

The penalty for refusing to comply would be a misdemeanor, punishable by fine, imprisonment, or both. The same penalty would apply for someone who has been suspended from one of the Facilities for a specified period of time and returns to the Facility during the suspension period.

The Codes of Conduct are adopted by reference into the Ontario Municipal Code, including whenever they are amended. The Library Board of Trustees, the Museum of History and Art Board of Trustees, and the Recreation and Parks Commission will be responsible for adopting and amending the Codes of Conduct for their facilities. The Codes of Conduct can be adopted and/or amended without going to the City Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 32 TO TITLE 5 OF VOLUME I TO THE ONTARIO MUNICIPAL CODE, RELATING TO ENFORCING VIOLATIONS OF CODES OF CONDUCT IN THE CITY LIBRARIES, MUSEUM OF HISTORY AND ART, AND RECREATION AND COMMUNITY SERVICES COMMUNITY CENTERS AND FINDING THE ACTION EXEMPT FROM CEQA.

WHEREAS, Education Code Section 18960 states that any person who violates any rule, regulation, or bylaw established by the City of Ontario's ("City") Board of Library Trustees may be fined or excluded from the privileges of the library, in this case applicable to all of the City's library facilities ("Library"); and

WHEREAS, Education Code Section 18960 is incorporated by reference as part of the Ontario Municipal Code ("OMC") at Volume I, Title 2, Chapter 5; and

WHEREAS, Government Code Section 37550 states that any person who violates any regulation established by the City's Museum Board may be fined or excluded from the privileges of the City's museum, in this case the Ontario Museum of History and Art ("Museum"); and

WHEREAS, Government Code Section 37550 is incorporated by reference as part of the OMC at Volume I, Title 2, Chapter 9; and

WHEREAS, Penal Code Section 602.1(b) states that "Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or a supervisor of the public agency, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars ($400), or by both that imprisonment and fine."; and

WHEREAS, members of the City's Police Department are authorized to enforce state laws and the City's Municipal Code and members of the Code Enforcement Department are authorized to enforce the City's Municipal Code; and

WHEREAS, the mission and purpose of the Library, the Museum, and the Recreation and Community Services Department (collectively, the "City Facilities") includes providing free and open access to a broad range of educational, leisure, and general interest materials and services to people of all ages and backgrounds in a safe, clean, civil, respectful, and tranquil environment that is conducive to making everyone's visit at the City Facilities a positive, productive, and enjoyable experience, whether one is engaged in reading, writing, researching, studying, learning, and/or attending and participating in the multitude of community programs and events offered at the City Facilities; and

WHEREAS, policies related to the use of the City Facilities are necessary for the following purposes: (1) to maintain peace and tranquility in the City Facilities; (2) to allow members of the public to visit the City Facilities without fearing for their safety; (3) to allow members of the public to use and enjoy the programs and services offered at the City Facilities; (4) to prevent theft, vandalism, and damage of City property; and (5) to prevent interference with staff's ability to perform their duties and provide services to members of the public visiting the City Facilities; and

WHEREAS, the City Facilities are limited public forums in that they offer a venue for members of the public to gather for purposes of reading, writing, researching, studying, learning, and/or attending and participating in the multitude of community programs and events focused on or centered around specific subject matters or topics and which allows the public to express themselves in an orderly and relevant manner; and

WHEREAS, the City Council finds that the ability of the general public to access and enjoy the City Facilities in a peaceful and tranquil manner and free from undue interference is a compelling governmental interest in that it enhances the public's access to free educational and other information material in a safe, secure, clean, and sanitary environment; and

WHEREAS, the City Council finds that certain conduct and activities should be specifically prohibited to prevent patrons of the City facilities from incurring personal injuries; and

WHEREAS, the City Council finds that the ability of City staff to perform their duties in the City Facilities in a peaceful manner and free from undue interference is a compelling governmental interest in that it allows staff to continue to provide excellent services and programs to the public in a safe, secure, clean, and sanitary environment; and

WHEREAS, the City Council recognizes the valuable role of each of the relevant City Boards and Commissions to regulate the conduct of the patrons that visit the various City facilities.

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

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

SECTION 2. Chapter 32 is hereby added to Title 5 of Volume I of the Ontario Municipal Code to read, in full, as follows:

"Chapter 32: City Libraries, Museum of History and Art, and Recreation and Community Services Community Facilities Rules

5-32.01 Purpose; Findings
5-32.02 Definitions
5-32.03 Codes of Conduct
5-32.04 Penalties

Section 5-32.01. Purpose; Findings.

(a) The mission and purpose of the City Library and Ontario Museum of History and Art includes providing free and open access to a broad range of educational, leisure, recreational, and general interest materials and services to people of all ages and backgrounds in a safe, clean, civil, respectful, and tranquil environment that is conducive to making everyone's visit at the Library and Museum of History and Art a positive, productive, and enjoyable experience, whether one is engaged in reading, writing, researching studying, learning, and/or attending and participating in the multitude of community programs and events offered therein.

(b) The mission and purpose of the Recreation and Community Services Department may differ slightly from that of the City Library and the Ontario Museum of History and Art in that it provides some recreational programs that do not necessarily involve quiet contemplation as reading in a library or attending a museum exhibit might involve, such playing a sport. Nonetheless, the Recreation and Community Services Department's mission includes providing people with a safe, clean, civil, and respectful environment within which patrons can enjoy a positive, productive, and enjoyable experience.

Section 5-32.02. Definitions.

For purposes of this chapter, the following definitions apply:

(a) "City" means the City of Ontario.

(b) "City facility" means any facility which hosts programs to the public under the jurisdiction of the Community Life & Culture Agency, which includes all Ontario libraries, the Ontario Museum of History and Art, and the community centers of the Recreation and Community Services Department.

(c) "Code of Conduct" means a policy establishing a patron code of conduct duly adopted by the Library Board of Trustees, the Ontario Museum of History and Art Board of Trustees, and/or the Recreation and Parks Commission.

Section 5-32.03. Codes of Conduct.

(a) The Library Board of Trustees may establish a code of conduct to govern the behavior of patrons who visit the City's libraries in order to protect and further the mission of the City Library. The code of conduct, as it may be established and/or amended from time to time, shall be considered part of this chapter by reference.

(b) The Ontario Museum of History and Art Board of Trustees may establish a code of conduct to govern the behavior of patrons who visit the Ontario Museum of History and Art to protect and further the mission of the Museum of History and Art. The code of conduct, as it may be established and/or amended from time to time, shall be considered part of this chapter by reference.

(c) The Recreation and Parks Commission may establish a code of conduct to govern the behavior of patrons who visit the City's community centers to protect and further the mission of the Recreation and Community Services Department. The code of conduct, as it may be established and/or amended from time to time, shall be considered part of this chapter by reference.

(d) Any Code of Conduct shall include an appeal procedure to the respective board or commission.

(e) Any Code of Conduct shall be conspicuously posted on the City facility's premises. Any person who violates the Code of Conduct shall be advised of the violation and the requirements of the Code of Conduct, and be advised that if he or she continues to violate the Code of Conduct, it may result in being required to leave the premises and being subject to criminal penalties.

5-32.04. Penalties.

(a) Any person who has violated any Code of Conduct may be subject to the suspension of his or her borrowing, visitation, and/or participation privileges for a period of time as provided by each respective code of conduct.

(b) Any person subject to suspension of his or her borrowing, visitation, and/or participation privileges, as authorized by subsection (a) above, shall remain subject to such suspension during the pendency of any administrative or judicial appeal.

(c) Any person who fails or refuses to leave the City facility after being given the requisite notice, warning, and direction to leave, shall be guilty of a misdemeanor which shall be punishable by a fine not exceeding one thousand dollars ($1,000) per violation, or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(d) Any person who returns to the City facility during any suspension period shall be guilty of a misdemeanor which shall be punishable by a fine not exceeding one thousand dollars ($1,000) per violation, or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. 9

(e) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of or failure to comply with any provision of this chapter, is committed, continued, or permitted by such person and shall be punishable accordingly.

(f) The penalties contained in this Section are cumulative."

SECTION 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 5. CEQA. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 6. 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 _____ 2021.

_____
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 November 2, 2021 and adopted at the regular meeting held _____, 2021 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 _____, 2021 and that Summaries of the Ordinance were published on _____, 2021 and _____, 2021, in the Inland Valley Daily Bulletin newspaper.

_____
SHEILA MAUTZ, CITY CLERK

(SEAL)