

***This Impartial Analysis of Measure W has been prepared by the City Attorney pursuant to Section 9280 of the California Elections Code.***

Measure "W" was placed on the ballot by an initiative petition signed by the requisite number of Ontario voters. If approved by a majority of the voters voting on it, Measure "W" would amend the Ontario Municipal Code to require that, in addition to all other required land use/development approvals, all "major hotel development projects" and "major event center development projects" must secure a statutory development agreement, as defined in State law, approved by the City Council after making additional local findings, and then subsequently approved by Ontario voters.

This measure defines a "major hotel development project" as a project resulting in the cumulative creation or addition of eighty (80) or more hotel guest rooms. It defines a "major event center development project" as a project cumulatively creating or adding facilities of more than 50,000 square feet or with a seating capacity of 1,000 seats or more that are used for public performances, sporting events, business meetings or similar events.

In addition to existing State law/Municipal Code requirements (e.g. CEQA environmental review), this measure requires the Council to make additional findings to approve a statutory development agreement, such as: compatibility with adjacent properties, enhancing the surrounding community or providing an essential service, sufficient market demand for the major development project, no undue or negative impact on demand for affordable housing, public transit, child-care and other social services, employment of local residents, encouraging public transportation, and no undue or negative impact on small businesses in the vicinity.

After Council approval, the City must place the agreement on a regular or special election ballot for voter consideration, with ballot materials clearly describing the scope and main features of the major development project. The agreement may not be considered by voters as an advisory ballot measure. The agreement requires approval by a majority of voters voting at the election.

This measure provides that the statutory development agreement and all approvals shall expire if construction fails to begin within 36 months of voter approval, if building permits expire or are revoked, or if the project is resubmitted, or modified, other than for a "minor modification" that does not materially affect the City Council findings above for the statutory development agreement. A "minor modification" is defined as minor adjustments/alterations listed in the City's Development Code but does not include modifications that require additional discretionary City approvals, or that increase the square footage, number of rooms or number of seats by more than 5%.

This measure requires subsequent City permits or approvals to implement the project to conform to the project description presented to voters for approval. It also provides that no certificate of occupancy shall be issued until all fees have been paid to the City of Ontario, and all mitigation measures required by the City Council have been implemented or an agreement has been entered into to implement the mitigation measures.

This measure provides that the City may not amend these provisions without subsequent majority voter approval.

**The above statement is an impartial analysis of Measure "W". If you desire a copy of the Measure, please call the City's elections official at (909) 395-2166 and a copy will be mailed at no cost to you.**

/s/ RUBEN DURAN

City Attorney