

Referendum Against an Ordinance Passed by the City Council

We, the undersigned, are duly registered and qualified voters in the City of Ontario, California. We hereby protest the adoption of City of Ontario Ordinance No. O3302:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA23-005, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND DIVERSIFIED PACIFIC DEVELOPMENT GROUP, LLC, TO ESTABLISH THE TERMS AND CONDITIONS ASSOCIATED WITH A DEVELOPMENT PLAN (FILE NO. PDEV23-039), FOR A 10.43 ACRE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF GUASTI ROAD AND HOLT BOULEVARD WITHIN THE PROPOSED PA1 (HOSPITALITY MIXED-USE) DISTRICT OF THE EMPIRE GROVES SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 110-322-33

We request that Ordinance No. O3302 that approves a Disposition and Development Agreement between the City and Diversified Pacific Development Group, LLC allowing for a 600-room hotel development project be repealed by the City Council or otherwise submitted to a vote of the people, pursuant to the provisions of the California Elections Code.

**Impartial Summary of Referendum Against an Ordinance of the City Council of the City of Ontario
Approving a Development Agreement for a 600-Room Hotel
(Elections Code § 9238(b)(2)(B).)**

OVERVIEW: The proposed measure is a referendum challenging Ordinance No. O3302 adopted by the City of Ontario ("City") approving a Development Agreement ("DA") between the City and Diversified Pacific Development Group, LLC ("Developer") that would allow the construction of a 554,000 square foot, 600-room hotel project ("Hotel Project") near the City's existing Convention Center ("Project Site"). On April 15, 2025, the City Council adopted the DA and related Empire Groves Specific Plan ("Specific Plan").

You are being asked to sign a referendum petition. If the required number of registered voters sign this petition (10% of Ontario voters) and the petition is timely filed, this referendum measure may qualify for the ballot. If placed on the ballot, a majority "Yes" vote on this proposed measure will approve the DA and grant vested rights to develop the Hotel Project as allowed under the DA. A majority "No" vote on this proposed measure will reject the DA and granting of vested rights to develop the Hotel Project.

BACKGROUND ON PROJECT APPROVALS: The Project Site is located on a 10.43-acre site located on the southeast corner of Guasti Road and Holt Boulevard near the City's Convention Center. As part of the local land use approvals, the City considered a Development Plan to authorize the construction of the Hotel Project. Additionally, the City considered the Specific Plan to establish a land use district, development standards, and guidelines allowing for the development of the Hotel Project. The City also approved an Addendum to The Ontario Plan ("TOP") 2050 Supplemental Environmental Impact Report (State Clearinghouse No. 2021070364), where it concluded no new significant environmental impacts were introduced by the Hotel Project. Furthermore, the City considered the DA, which would vest the Developer's right to build the Hotel Project subject to various obligations established by and incentives granted by the City, including:

- The City estimates that the Hotel Project would generate between \$4.5 - \$6.5 million per year in Transit Occupancy (Hotel) Tax ("TOT"). Under the DA, the City will reimburse/rebate the Developer its TOT and "Parking Taxes" for twenty (20) years up to 50 percent (50%) of the total cost of the Hotel Project. The total cost includes the Developer's expenses incurred to acquire, develop, construct, brand, and open the hotel, including management, franchise costs, fees, and other charges.

- The City agrees to size its future parking facility (related to the Convention Center expansion) to accommodate incremental overflow parking for employees of the Hotel Project and would provide parking access to the Developer on a first-come-first-served-basis, subject to the Developer or hotel guests paying parking fees and costs. The tax on renting parking spaces would be considered "Parking Taxes" which are subject to the above-referenced reimbursement incentive.
- The cost to construct a pedestrian bridge spanning Holt Boulevard connecting a future City parking facility to the Hotel Project is estimated to be \$6.5 million. Under the DA, the Developer will pay 50 percent (50%) of the construction costs if the pedestrian bridge is completed and open to the public by the end of 2026. Otherwise, the City would be responsible for 100 percent (100%) of the bridge's cost. The City will also pay all design and maintenance costs for the bridge.
- The Project is estimated to generate \$2.2 million in Development Impact Fees ("DIF") normally to be paid by the Developer. Per the DA, DIF payments owed by the Developer to the City will be subject to a future "DIF Credit Agreement," which shall include a credit for the Developer's cost of completing improvements to Guasti Road.
- The City would be responsible for road improvements on Holt Boulevard fronting the Hotel Project and constructing the Guasti Bridge widening improvement that connects the Project Site to the adjacent property to the east (referred to as the "Miller Property").
- The DA contemplates the potential for the City to acquire, through negotiation or eminent domain, other properties near the Project Site under certain circumstances, such as the "Miller Property" (adjacent to the Hotel Project) for a multi-modal transit hub or other public purpose. Or for example, if the Developer is unable to obtain "Offsite Property" necessary for public improvements for the Hotel Project, the City may use its eminent domain power to facilitate acquisition. In the event that a portion of the "Miller Property" is deemed unnecessary for a public purpose, the City may grant the Developer an option to purchase a portion of the "Miller Property" for future development, at the City's cost of acquisition, only if the Developer has substantially completed the Hotel Project. Furthermore, in the event that the City acquires additional "Surrounding Properties" located around the Ontario Convention Center, the City may offer the Developer purchase options under certain circumstances and terms.

PROPOSED APPROVALS: On April 1, 2025, the City Council approved the Hotel Project's various project approvals, including the first reading of Ordinance No. O3302 for the DA and Ordinance No. #O3303 for the Specific Plan. On April 15, 2025, the City approved the second reading of these ordinances, which authorizes the construction of the Hotel Project as allowed under the DA and Specific Plan.

A REFERENDUM ON ORDINANCE NO. O3302 (DA): The proposed referendum measure applies only to Ordinance No. O3302 adopted on April 15, 2025, which approved the DA and vests the Developer's right to build the Hotel Project subject to the obligations established by and incentives granted by the City. The full text of Ordinance No. O3302 and the DA can be found at the following City website hyperlink:

<https://url.us.mimecastprotect.com/s/SrJwC1wYLIfL3DkpsLf0cVkBnL?domain=acrobat.adobe.com>

A majority "Yes" vote on this proposed measure will approve the DA and vested rights to develop the 600-room Hotel Project as allowed under the DA. A majority "No" vote on this proposed measure will reject the DA and vested rights to develop the Hotel Project.

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DECLARATION OF CIRCULATOR

(to be completed in the circulator's own hand after above signatures have been obtained)

I, _____, am 18 years of age or older. My residence address is

(print name)

_____. I circulated this section of the
(street address, city, state, zip; if no such street number exists, adequate designation of residence so that the location may be readily ascertained)

petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my Information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of ____/____/____ and ____/____/____. I showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by Section 107. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on ____/____/____ at _____, California.
(month, day, year) (city or community where signed)

Signature of Circulator _____
(complete signature including full name of circulator)