

CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
OCTOBER 20, 2020

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

Ruben Duran
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

SPECIAL AND URGENT NOTICE

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at the upcoming meeting of the City of Ontario City Council and Housing Authority.

Members of the public may utilize alternative measures established by the City of Ontario to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting will be live broadcast on local cable Channel 3 as well as live streamed at: www.ontarioca.gov/Agendas/CityCouncil, [YouTube.com/CityofOntario](https://www.youtube.com/CityofOntario); or Zoom.

TO PROVIDE PUBLIC COMMENT: Those wishing to speak during the "Public Comment" portion of the meeting or any item on "Consent Calendar" must call 909-395-2900 between 6:00 p.m. and 6:30 p.m. the day of the meeting.

TO COMMENT BY E-MAIL: 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 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.

TO COMMENT BY MAIL: To submit your comments by mail, provide your name, agenda item you are commenting on, and your comments by mailing to Records Management, Ontario City Hall, 303 East “B” Street, Ontario, CA 91764. Comments by mail must be received in the Records Management Department no later than 4:00 p.m. on the day of the meeting. Postmarks are not accepted. All comments received by the deadline will be provided to the City Council for consideration before action is taken on the matter.

We appreciate your understanding during this unprecedented time of social distancing under the Emergency Declaration Order. These procedures may be modified in the future as social and public gathering protocols change.

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.
- 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.

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*)

5:30 p.m.

ROLL CALL

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

CLOSED SESSION PUBLIC COMMENT

Members of the public who wish to address a closed session agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 5:00 - 5:30 p.m. or by emailing PublicComments@ontarioca.gov no later than 4:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

CLOSED SESSION

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: Regarding the properties located generally west of Archibald Avenue, south of Ontario Ranch Road, north of Eucalyptus Avenue, east of Walker Avenue, and; the properties located generally west of Cleveland Avenue, south of Ontario Ranch Road, north of Eucalyptus Avenue, east of Haven Avenue; City/Authority Negotiator: Scott Ochoa, City Manager; Negotiating Parties: Struikmans Family Partnership, Parente Real Estate Investment Mngmnt, Parente Real Estate Investment Mgmnt, SC Ontario Development Company LLC, Dunnigan Ranch LLC, Legacy Land Partners LLC, WSI Ontario Properties LLC, Loyola Properties LLP, Chino Basin Desalter Authority, City Of Ontario; Under Negotiation: Price and terms of payment.
- GC 54956.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
Robles, et al. v. City of Ontario, et al., CIVDS 2007038

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

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

Members of the public who wish to provide a general comment or address a specific agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 6:00 – 6:30 p.m. for "Consent Calendar" items or by emailing PublicComments@ontarioca.gov no later than 4:00 p.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of September 15, 2020, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills September 11, 2020 through October 1, 2020 and **Payroll** August 30, 2020 through September 26, 2020, when audited by the Finance Committee.

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations and placing assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

4. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF20-010) BETWEEN THE CITY OF ONTARIO AND LENNAR HOMES OF CALIFORNIA, INC., FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAPS 19907 (FILE NO. PMTT14-024) AND 19909 (FILE NO. PMTT14-025), LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND MERRILL AVENUE WITHIN THE SUBAREA 29 SPECIFIC PLAN

That the City Council approve the Development Impact Fee Credit Agreement (File No. PDIF20-010) between the City of Ontario and Lennar Homes of California, Inc., for facility construction associated with Tract Maps 19907 (File No. PMTT14-024) and 19909 (File No. PMTT14-025), located at the northwest corner of Haven Avenue and Merrill Avenue within the Subarea 29 Specific Plan and authorize the City Manager to execute the agreement.

5. THIRD AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2019-20 PROGRAM YEAR

That the City Council approve the Third Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2019-20 (“Substantial Amendment”) and authorize the City Manager to take all actions necessary or desirable to implement the Substantial Amendment.

6. RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS

That the City Council adopt resolutions rescinding Resolution Nos. 2020-128 and 2020-129; 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.

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. 2020-128.

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. 2020-129.

7. AUTHORIZE THE PURCHASE OF FLEET VEHICLES

That the City Council take the following actions:

- (A) Authorize the cooperative purchase and delivery of two CNG Rear Loading Refuse Trucks in the amount of \$611,208 for the Parks and Maintenance and Integrated Waste Departments, one CNG Front Loading Refuse Truck in the amount of \$315,984, and one CNG Roll Off Refuse Truck in the amount of \$253,059 for the Integrated Waste Department from Rush Truck Center of Pico Rivera, California consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 081-716-PMC.
- (B) Authorize the cooperative purchase and delivery of two Chevrolet Colorado pick-up trucks in the amount of \$53,923 for the Integrated Waste Department, one Chevrolet Van in the amount of \$35,051 for the Police Department, one Chevrolet Tahoe in the amount of \$56,991 for the Police Department, one Ford Explorer XLT in the amount of \$36,306 for the Fire Department, and one Ford Van in the amount of \$76,997 for the Community Life & Culture Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.
- (C) Authorize the cooperative purchase and delivery of two Ford Bin Delivery Trucks in the amount of \$148,970 for the Integrated Waste Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

8. A COMMUNITY GARDEN USE AGREEMENT FOR PROPERTY AT ANTHONY MUNOZ PARK WITH CAMEL CONNECTION FOUNDATION

That the City Council authorize the City manager, or his designee, to execute a Use Agreement (on file in the Records Management Department) with Caramel Connection Foundation (“Caramel Connection”) for a portion of the unimproved real property located at Anthony Muñoz Park, generally located at 1240 W. Fourth Street (“the Property”), for agricultural purposes to enable community-supported healthy eating, active living, and education initiatives. The agreement also proposes the creation of a community garden through October 1, 2023, with three additional one-year terms.

9. ESTABLISHMENT OF POSITION CLASSIFICATION FOR EMERGENCY MEDICAL SERVICES (EMS) DIRECTOR AND MODIFY AND APPROVE SALARY RANGE COMPENSATION FOR FIRE ADMINISTRATIVE DIRECTOR AND POLICE ADMINISTRATIVE DIRECTOR

That the City Council approve the establishment of the new department head position classification of EMS Director and associated salary range to reflect expansion of job scope and responsibilities; and approve a proposed base salary range modification for the department head position classifications of Fire Administrative Director and Police Administrative Director to minimize disparity with salary ranges as compared to similarly situated classifications, as well as maintain the City's competitiveness in attracting and retaining highly qualified individuals.

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.

10. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING A LOCAL HISTORIC DISTRICT DESIGNATION OF THE GRABER OLIVE HOUSE HISTORIC DISTRICT, LOCATED AT 301 EAST FOURTH STREET, 315 EAST FOURTH STREET, 405 EAST FOURTH STREET AND 406 EAST HARVARD PLACE, AS A LOCAL HISTORIC DISTRICT

That the City Council consider and adopt a resolution approving File No. PHP18-028 designating the Graber Olive House Historic District as Local Historic District No. 8.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP18-028, THE DESIGNATION OF THE GRABER OLIVE HOUSE HISTORIC DISTRICT, PROPERTIES LOCATED AT 301 EAST FOURTH STREET, 315 EAST FOURTH STREET, 405 EAST FOURTH STREET, AND 406 EAST HARVARD PLACE, AS A LOCAL HISTORIC DISTRICT AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1047-543-01, 1047-543-31, 1047-543-30, AND 1047-543-20.

11. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE CLIFFORD C. GRABER HOUSE, LOCATED AT 301 EAST FOURTH STREET, AS A LOCAL LANDMARK (APN: 1047-543-01)

That the City Council consider and adopt a resolution approving File No. PHP18-029, designating 301 East Fourth Street as Local Landmark No. 99.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP18-029, THE DESIGNATION OF THE CLIFFORD C. GRABER HOUSE, LOCATED AT 301 EAST FOURTH STREET, AS A LOCAL HISTORIC LANDMARK AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1047-543-01.

12. A PUBLIC HEARING TO CONSIDER: [1] A GENERAL PLAN AMENDMENT (FILE NO. PGPA19-003) TO MODIFY THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01) COMPONENT OF THE ONTARIO PLAN, CHANGING THE LAND USE DESIGNATION ON 23.8 GROSS ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (2.1 - 5.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (11.1 - 25.1 DU/AC), IN CONJUNCTION WITH A MODIFICATION TO THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION CHANGE; AND [2] AN AMENDMENT TO THE ESPERANZA SPECIFIC PLAN (FILE NO. PSPA19-003) TO ESTABLISH ROW TOWNHOMES AS A PERMITTED LAND USE AND INCREASE THE MAXIMUM ALLOWED DENSITY WITHIN PLANNING AREA 4, FROM 6.26 TO 14.0 DWELLING UNITS PER ACRE AND UPDATES TO THE DEVELOPMENT STANDARDS, LAND USE MATRIX, AND VARIOUS EXHIBITS TO ACCOMMODATE THE TOWNHOME PRODUCT, FOR LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CLIFTON AND EUCALYPTUS AVENUES, WITHIN THE PA-4 LAND USE DISTRICT OF THE ESPERANZA SPECIFIC PLAN (APN: 0218-302-01)

That the City Council consider and adopt the following:

- [1] A resolution approving a General Plan Amendment (File No. PGPA19-003) to modify the Land Use Element of The Ontario Plan (General Plan), changing the land use designation assigned to 23.8 gross acres of land, as shown on the Land Use Plan Map (Exhibit LU-01), from Low Density Residential (2.1 – 5.0 du/ac) to Medium Density Residential (11.1 – 25.0 du/ac) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change; and

- [2] A resolution approving a Specific Plan Amendment (File No. PSPA19-003) to modify the Esperanza Specific Plan, establishing row townhomes as a permitted land use, increase the maximum allowed density within Planning Area 4 from 6.26 to 14.0 dwelling units per acre and updates to development standards, the land use matrix, and various exhibits to accommodate the townhome product.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA19-003, A GENERAL PLAN AMENDMENT TO MODIFY THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01) COMPONENT OF THE ONTARIO PLAN, CHANGING THE LAND USE DESIGNATION ON APPROXIMATELY 23.8 GROSS ACRES OF LAND, FROM LOW DENSITY RESIDENTIAL (2.1 – 5.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (11.1 – 25.0 DU/AC), IN CONJUNCTION WITH A MODIFICATION TO THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION CHANGE, FOR LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CLIFTON AND EUCALYPTUS AVENUES, WITHIN THE PA-4 LAND USE DISTRICT OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-302-01. (PART OF CYCLE 3 FOR THE 2020 CALENDAR YEAR).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-003, AN AMENDMENT TO THE ESPERANZA SPECIFIC PLAN TO ESTABLISH ROW TOWNHOMES AS A PERMITTED LAND USE AND INCREASE THE MAXIMUM ALLOWED DENSITY WITHIN THE PLANNING AREA 4 LAND USE DISTRICT FROM 6.26 TO 14.0 DWELLING UNITS PER ACRE, AND UPDATES TO DEVELOPMENT STANDARDS, THE LAND USE MATRIX, AND VARIOUS EXHIBITS TO ACCOMMODATE THE TOWNHOME PRODUCT ON 23.8 ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CLIFTON AND EUCALYPTUS AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-302-01.

13. A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA19-009) TO MODIFY THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01) COMPONENT OF THE ONTARIO PLAN, CHANGING THE LAND USE DESIGNATION ON 0.21 ACRES OF LAND FROM RURAL RESIDENTIAL (0-2.0 DU/AC) TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), IN CONJUNCTION WITH A MODIFICATION TO THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION CHANGE, LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE—APN 1050-061-16

That City Council consider and adopt the following:

- [1] A resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH # 2008101140); and
- [2] A resolution approving a General Plan Amendment (File No. PGPA19-009) to modify the Land Use Element of The Ontario Plan (General Plan), changing the land use designation assigned to 0.21 acres of land, as shown on the Land Use Plan Map (Exhibit LU-01), from Rural Residential (0-2.0 du/ac) to Low-Medium Density Residential (5.1-11.0 du/ac), and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.
Oral presentation.
Public hearing closed.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH# 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA19-009 AND PZC19-003 - APN: 1050-061-16.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA19-009, A GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION ON 0.21 ACRES OF LAND FROM RURAL RESIDENTIAL (0-2 DU/AC) TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), AFFECTING A LAND LOCKED PARCEL GENERALLY LOCATED WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE; AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1050-061-16. (LAND USE ELEMENT CYCLE 3 FOR THE 2020 CALENDAR YEAR).

14. A PUBLIC HEARING TO CONSIDER A ZONE CHANGE (FILE NO. PZC19-003) TO CHANGE THE ZONING DESIGNATION ON 0.21-ACRE OF LAND FROM AR-2 (AGRICULTURAL RESIDENTIAL – 0 TO 2.0 DU/AC) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL – 5.1 TO 11.0 DU/AC), LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE - APN 1050-061-16

That City Council introduce and waive further reading of an ordinance approving a zone change (File No. PZC19-003) to change the zoning designation from AR-2 to MDR-11 for a 0.21-acre parcel west of 1524 and 1526 South Euclid Avenue to create consistency between the zoning and the proposed General Plan land use designation of the subject property.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC19-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 0.21 ACRES OF LAND FROM AR-2, AGRICULTURAL RESIDENTIAL (0-2 DU/AC), TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), FOR A LAND LOCKED PARCEL LOCATED WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1050-061-16.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

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

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
October 20, 2020

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

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

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

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: Regarding the properties located generally west of Archibald Avenue, south of Ontario Ranch Road, north of Eucalyptus Avenue, east of Walker Avenue, and; the properties located generally west of Cleveland Avenue, south of Ontario Ranch Road, north of Eucalyptus Avenue, east of Haven Avenue; City/Authority Negotiator: Scott Ochoa, City Manager; Negotiating Parties: Struikmans Family Partnership, Parente Real Estate Investment Mngmnt, Parente Real Estate Investment Mgmnt, SC Ontario Development Company LLC, Dunnigan Ranch LLC, Legacy Land Partners LLC, WSI Ontario Properties LLC, Loyola Properties LLP, Chino Basin Desalter Authority, City Of Ontario; Under Negotiation: Price and terms of payment.

No Reportable Action Continue Approved

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Disposition: _____

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

- GC 54956.9(d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION
Robles, et al. v. City of Ontario, et al., CIVDS 2007038

No Reportable Action Continue Approved

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Disposition: _____

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS


RECOMMENDATION: That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations and placing assessments on the San Bernardino County Tax Rolls.

COUNCIL GOALS: Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: The levy of special assessments will result in the recovery of \$55,471 in costs that the City has expended for inspection or abatement of property violations, as well as the collection of \$19,450 associated with civil penalties and/or fines for continued violations, for a total of \$74,921 related to 127 parcels. When received, these reimbursements will be deposited into the General Fund. The special assessment revenue is included in the Fiscal Year 2020-21 Adopted Budget.

BACKGROUND: The City has established revolving funds to cover City costs for abatement of property and dangerous building violations as a result of community improvement activities, as well as the generation of fines associated with administrative citations for property maintenance violations and fees and penalties associated with the Systematic Health and Safety Inspection Program, Abandoned and Distressed Property Program, and Weed and Refuse Abatement Program. These costs, fines, fees, and penalties are recovered through placement of special tax assessments upon the properties. The placement of special assessments and collection of revenue is done under Ordinance 3046, Property Appearance (Title 5, Chapter 22 of the Ontario Municipal Code); Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings; and Ordinance 2920 for civil penalties for continued violations of the Ontario Municipal Code and fines associated with administrative citations (Title 1, Chapters 2 and 5 of the Ontario Municipal Code). The City and County currently have a contractual agreement regarding implementation of special assessments; however, a resolution authorizing the placement of the specific assessments is required.

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Erin Bonett
Department: Community Improvement
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

3

During this assessment cycle, the Community Improvement Department has billed property owners for the abatement of violations, the issuance of fines associated with administrative citation, the issuance of fees and penalties associated with the Systematic Health and Safety Inspection Program, the issuance of registration fees and civil penalties associated with the Abandoned and Distressed Property Program, and the issuance of notice and re-inspection fees as well as civil penalties for the Weed and Refuse Abatement Program on 192 parcels. Of these, there are remaining amounts due on 127 parcels. Attached are itemized accounts of: (1) costs associated with inspection or abatement as shown in Exhibit A of the resolution; (2) civil penalties and/or fines for continued violations as shown in Exhibit B of the resolution; and (3) total amounts per parcel as shown in Exhibit C of the resolution. The expenditure list, with any necessary corrections and adjustments, will be submitted to the County prior to August 2021 for its 2021-2022 tax rolls.

All affected property owners were given notice of the imposition of special assessments via certified mail as provided in Ontario Municipal Code Section 1-4.05(a) and have either not requested an appeal or have exhausted the appellate procedure in Ontario Municipal Code Section 1-4.05(b).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

WHEREAS, Ordinance No. 3046, Property Appearance (Title 5, Chapter 22, of the Ontario Municipal Code) and Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings provide for the abatement of property nuisances by repair, rehabilitation, demolition or removal; and

WHEREAS, under Resolution 94-112, Resolution ORA-499, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November, 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under a first amendment to the Cooperation and Reimbursement Agreement entered into on the 16th day of July 1996, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made an additional advance to the City of One Hundred Thousand Dollars (\$100,000) to continue to repair or abate dangerous buildings and properties throughout the City; and

WHEREAS, under Resolution 94-113, Resolution ORA-500, and the Cooperation and Reimbursement Agreement entered into on the 15th day of November 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of Thirty Thousand Dollars (\$30,000) to repair or abate dangerous buildings and properties in the 6th and Grove area; and

WHEREAS, under Resolution 94-12, Resolution ORA-464, and the Cooperation and Reimbursement Agreement entered into on the 22nd day of February 1994, by the City of Ontario and the Ontario Redevelopment Agency, the Ontario Redevelopment Agency made a one-time advance to the City of One Hundred Fifty Thousand Dollars (\$150,000) to repair or demolish dangerous buildings throughout the City; and

WHEREAS, Ordinance No. 2894, Systematic Health and Safety Inspection Program (Title 8, Chapter 17, of the Ontario Municipal Code), provides for the collection of unpaid service fees, plus any penalties and accrued interest by Special Assessment; and

WHEREAS, Ordinance No. 2920, provides for the assessment of civil penalties for continued violations of the Ontario Municipal Code (Title 1, Chapter 2 of the Ontario Municipal Code), and for fines associated with administrative citations to be collected by Special Assessment (Title 1, Chapter 5 of the Ontario Municipal Code), and establishes a uniform procedure before imposing such Special Assessments (Title 1, Chapter 4 of the Ontario Municipal Code); and

WHEREAS, the above said ordinances, resolutions and agreements provide for recovery of costs incurred in the abatement of violations by means of a Special Assessment placed on the tax rolls; and

WHEREAS, the City has incurred costs involved in the abatement of violations under the Ontario Municipal Code and Uniform Code for the Abatement of Dangerous Buildings, issuing Notices of Violation, and administering the Systematic Health and Safety Program and wishes to recover said costs; and

WHEREAS, the owners of all parcels listed in Exhibit A, B, and C were given notice of imposition of such Special Assessment as provided in Ontario Municipal Code Section 1-4.05(a), and either have not requested an appeal, or have exhausted the appellate procedure provided in Ontario Municipal Code Section 1-4.05(b); and

WHEREAS, the City has an executed contract with the San Bernardino County Board of Supervisors for collection of said assessments;

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Confirmed the costs associated with inspection or abatement on the properties as set forth in the report in Exhibit A; and
2. Confirmed the civil penalties and/or fines for continued violations on the properties as set forth in the report in Exhibit B; and
3. Confirmed that Exhibit C contains the total amount assessed for both confirmed costs and confirmed civil penalties and/or fines for each of the properties; and
4. Found and determined that the report, and Exhibits contained therein are true and accurate; and
5. Adopts the above said report and finds that the costs of inspection or abatement on the properties listed are the costs set forth in Exhibit A, the civil penalties and/or fines for continued violations are the penalties and/or fines as set forth in Exhibit B, and the same are hereby charged and placed as special assessments upon the respective properties; and
6. Directs Exhibit C shall be sent to the Auditor-Controller of San Bernardino County and shall be collected on the County tax roll.

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

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

City of Ontario
Community Improvement Department
2021/2022 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
0108-362-08	1524 E OLIVE ST, Ontario, CA 91764	369.52
0108-404-01	1316 E SEVENTH ST, Ontario, CA 91764	91.00
0108-541-04	1205 N CORONA AV, Ontario, CA 91764	105.50
0108-601-69	1503 N LASSEN AV, Ontario, CA 91764	4,313.06
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	148.00
0110-071-02	1389 E HOLT BL, Ontario, CA 91761	91.00
0110-071-06	1381 E HOLT BL, Ontario, CA 91761	148.00
0110-071-07	1381 E HOLT BL, Ontario, CA 91761	148.00
0110-111-11	1654 E HOLT BL, Ontario, CA 91761	288.00
0110-111-12	1660 E HOLT BL, Ontario, CA 91761	288.00
0110-131-01	1224 E HOLT BL, Ontario, CA 91761	148.00
0110-131-09	1328 E HOLT BL, Ontario, CA 91761	148.00
0110-202-46	1440 E FOURTH ST, Ontario, CA 91764	231.00
0110-296-14	1386 E F ST, Ontario, CA 91764	722.00
0110-322-33	2236 E HOLT BL, Ontario, CA 91761	288.00
0110-332-02	1808 E FOURTH ST, Unit:A, Ontario, CA 91764	2,413.18
0110-412-12	1642 E FLORA ST, Ontario, CA 91764	2,065.16
0110-424-08	927 N LASSEN AV, Ontario, CA 91764	638.50
0110-513-19	751 N BAKER AV, Ontario, CA 91764	235.50
0110-514-03	716 N BAKER AV, Ontario, CA 91764	3,207.30
0113-221-25	1234 E AIRPORT DR, Ontario, CA 91761	91.00
0113-361-54	1401 S GROVE AV, Ontario, CA 91761	231.00
0113-394-31	1650 S VINEYARD AV, Ontario, CA 91761	231.00
0113-451-27	0 E FRANCIS ST, Ontario, CA 91761	91.00
0113-551-17	2809 E DORAL CT, Ontario, CA 91761	91.00
0113-564-26	2929 S VINEYARD AV, Building:1, Unit:F, Ontario, CA 91761	161.50
0209-331-18	1902 E DEODAR ST, Ontario, CA 91764	367.40
0210-204-04	3519 E CONCOURS ST, Ontario, CA 91764	231.00
0210-204-26	0 E FOURTH ST, Ontario, CA 91764	288.00
0210-204-37	0 E FOURTH ST, Ontario, CA 91764	140.00
0210-204-40	945 N VIA ALBA, Ontario, CA 91764	288.00
0210-212-60	0 E GUAISTI RD, Ontario, CA 91761	288.00
0210-301-04	1927 E LA DENEY CT, Ontario, CA 91764	91.00
0210-331-56	1306 N DEL RIO WY, Ontario, CA 91764	3,719.20
0210-431-26	992 N TURNER AV, Building:21, Unit:119, Ontario, CA 91764	99.00
0211-232-38	0 S MILLIKEN AV, Ontario, CA 91761	288.00
0216-213-07	13575 S WALKER AV, Ontario, CA 91761	91.00
0218-151-11	13210 S HAVEN AV, Ontario, CA 91761	148.00
0218-843-18	3501 S CLOVER WY, Ontario, CA 91761	91.00
0218-891-15	3142 S CLOVER LN, Ontario, CA 91761	1,481.38
0218-961-07	3389 S EDENGLLEN AV, Ontario, CA 91761	91.00
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	239.00
1008-421-09	1312 N BENSON AV, Ontario, CA 91762	1,152.73
1008-421-10	1318 N BENSON AV, Ontario, CA 91762	825.88

City of Ontario
Community Improvement Department
2021/2022 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
1008-531-17	1120 W PRINCETON ST, Ontario, CA 91762	91.00
1008-572-16	1410 W FOURTH ST, Ontario, CA 91762	1,020.56
1010-455-03	1116 W D ST, Ontario, CA 91762	948.23
1010-481-08	823 W G ST, Ontario, CA 91762	91.00
1010-551-06	1444 W STONERIDGE CT, Ontario, CA 91762	140.00
1011-112-44	0 W BROOKS ST, Ontario, CA 91762	140.00
1011-134-05	234 S MOUNTAIN AV, Building:1, Ontario, CA 91762	300.50
1011-361-05	1559 W MISSION BL, Ontario, CA 91762	91.00
1011-361-08	1517 W MISSION BL, Ontario, CA 91762	105.50
1011-361-19	1411 W MISSION BL, Ontario, CA 91762	148.00
1011-361-23	0 W MISSION BL, Ontario, CA 91762	148.00
1011-371-08	0 W MISSION BL, Ontario, CA 91762	91.00
1011-421-11	0 S ELDERBERRY AV, Ontario, CA 91762	91.00
1011-421-12	0 S ELDERBERRY AV, Ontario, CA 91762	148.00
1011-421-17	1317 W RALSTON ST, Ontario, CA 91762	91.00
1011-582-03	1329 W PHILLIPS ST, Ontario, CA 91762	222.50
1014-472-94	1017 W FRANCIS ST, Ontario, CA 91762	105.50
1014-561-40	0 S OAKS AV, Ontario, CA 91762	231.00
1014-591-04	1608 W PHILADELPHIA ST, Ontario, CA 91762	91.00
1014-591-05	1624 W PHILADELPHIA ST, Ontario, CA 91762	91.00
1046-511-17	0 E EIGHTH ST, Ontario, CA 91764	148.00
1046-511-18	0 E EIGHTH ST, Ontario, CA 91764	1,223.50
1047-251-02	1521 N EUCLID AV, Ontario, CA 91762	91.00
1047-341-01	427 W SIXTH ST, Ontario, CA 91762	91.00
1048-052-14	132 W J ST, Ontario, CA 91762	91.00
1048-064-18	329 E J ST, Ontario, CA 91764	125.00
1048-131-24	1066 E FOURTH ST, Ontario, CA 91764	91.00
1048-161-17	834 N PARKSIDE AV, Ontario, CA 91764	476.00
1048-441-05	1110 E E ST, Ontario, CA 91764	91.00
1048-511-01	136 N CAMPUS AV, Ontario, CA 91761	995.46
1048-512-02	124 N CAMPUS AV, Ontario, CA 91761	91.00
1048-522-09	523 E HOLT BL, Ontario, CA 91764	1,042.68
1048-581-28	301 N VINE AV, Ontario, CA 91762	140.00
1049-011-09	767 W BROOKS ST, Ontario, CA 91762	91.00
1049-131-04	918 E HOLT BL, Ontario, CA 91761	986.00
1049-131-08	958 E HOLT BL, Ontario, CA 91761	1,158.57
1049-141-24	1194 E HOLT BL, Ontario, CA 91761	148.00
1049-202-09	411 S CALDWELL AV, Ontario, CA 91761	91.00
1049-202-11	750 E ONTARIO BL, Ontario, CA 91761	140.00
1049-203-03	0 S TAYLOR AV, Ontario, CA 91761	91.00
1049-204-05	840 E ONTARIO BL, Ontario, CA 91761	288.00
1049-204-08	844 E ONTARIO BL, Ontario, CA 91761	140.00
1049-204-09	854 E ONTARIO BL, Ontario, CA 91761	91.00
1049-212-04	713 S TAYLOR AV, Ontario, CA 91761	148.00

City of Ontario
Community Improvement Department
2021/2022 Tax Roll Year Special Assessments
Exhibit A - Costs Associated with Inspection or Abatement

Parcel Number	Address	Amount Due
1049-232-18	550 E PARK ST, Ontario, CA 91761	288.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	148.00
1049-233-04	684 E STATE ST, Building:1, Ontario, CA 91761	527.12
1049-233-10	645 E PARK ST, Ontario, CA 91761	527.11
1049-245-01	302 E STATE ST, Ontario, CA 91761	91.00
1049-251-01	629 S EUCLID AV, Ontario, CA 91761	91.00
1049-251-02	625 S EUCLID AV, Ontario, CA 91761	91.00
1049-257-10	417 E NEVADA ST, Ontario, CA 91761	99.00
1049-271-15	419 S VINE AV, Ontario, CA 91762	140.00
1049-312-05	745 W MISSION BL, Ontario, CA 91762	921.00
1049-362-03	736 E CALIFORNIA ST, Ontario, CA 91761	148.00
1049-392-04	1030 S GROVE AV, Ontario, CA 91761	148.00
1049-431-16	1050 E BELMONT ST, Ontario, CA 91761	91.00
1049-591-27	612 W PHILLIPS ST, Ontario, CA 91762	456.50
1050-272-01	1658 S EUCLID AV, Ontario, CA 91762	140.00
1050-272-20	1652 S EUCLID AV, Ontario, CA 91762	140.00
1050-301-12	453 W LOCUST ST, Ontario, CA 91762	710.00
1050-431-29	0 S BON VIEW AV, Ontario, CA 91761	91.00
1050-431-30	0 S BON VIEW AV, Ontario, CA 91761	91.00
1050-632-33	2045 S CYPRESS AV, Ontario, CA 91762	3,635.58
1051-331-67	2621 S MARIGOLD AV, Ontario, CA 91761	911.50
1051-561-73	2842 S PARKSIDE AV, Ontario, CA 91761	345.34
1052-191-03	7716 E CHINO AV, Ontario, CA 91761	164.00
1053-071-02	13813 S EUCLID AV, Ontario, CA 91761	379.00
1053-281-03	0 E EDISON AV, Ontario, CA 91761	239.00
1083-071-19	0 S ARCHIBALD AV, Ontario, CA 91761	288.00
1083-071-20	0 S ARCHIBALD AV, Ontario, CA 91761	288.00
1083-262-44	2620 S MONTEGO AV, Unit:D, Ontario, CA 91761	99.00
1083-331-32	2592 S COLD SPRINGS PL, Ontario, CA 91761	1,798.47
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	2,928.00
1083-481-51	2874 S MCCLOUD RIVER LN, Ontario, CA 91761	99.00
		55,471.43

City of Ontario
Community Improvement Department
2021/2022 Tax Roll Year Special Assessments
Exhibit B - Civil Penalties and/or Fines for Continued Violations

Parcel Number	Address	Amount Due
0108-412-18	1722 N DEL NORTE AV, Ontario, CA 91764	800.00
0108-573-04	1735 N CORONA AV, Ontario, CA 91764	120.00
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	500.00
0110-071-06	1381 E HOLT BL, Ontario, CA 91761	500.00
0110-071-07	1381 E HOLT BL, Ontario, CA 91761	500.00
0110-111-11	1654 E HOLT BL, Ontario, CA 91761	500.00
0110-111-12	1660 E HOLT BL, Ontario, CA 91761	500.00
0110-131-01	1224 E HOLT BL, Ontario, CA 91761	500.00
0110-131-09	1328 E HOLT BL, Ontario, CA 91761	500.00
0110-322-33	2236 E HOLT BL, Ontario, CA 91761	500.00
0210-204-26	0 E FOURTH ST, Ontario, CA 91764	500.00
0210-204-40	945 N VIA ALBA, Ontario, CA 91764	500.00
0210-212-60	0 E GUASTI RD, Ontario, CA 91761	500.00
0211-232-38	0 S MILLIKEN AV, Ontario, CA 91761	500.00
0218-151-11	13210 S HAVEN AV, Ontario, CA 91761	500.00
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	500.00
1010-481-08	823 W G ST, Ontario, CA 91762	200.00
1011-361-19	1411 W MISSION BL, Ontario, CA 91762	500.00
1011-361-23	0 W MISSION BL, Ontario, CA 91762	500.00
1011-421-12	0 S ELDERBERRY AV, Ontario, CA 91762	500.00
1046-511-17	0 E EIGHTH ST, Ontario, CA 91764	500.00
1046-511-18	0 E EIGHTH ST, Ontario, CA 91764	500.00
1048-181-25	921 E H ST, Ontario, CA 91764	120.00
1048-481-07	935 E HOLT BL, Ontario, CA 91761	120.00
1049-131-04	918 E HOLT BL, Ontario, CA 91761	500.00
1049-141-24	1194 E HOLT BL, Ontario, CA 91761	500.00
1049-204-05	840 E ONTARIO BL, Ontario, CA 91761	500.00
1049-212-04	713 S TAYLOR AV, Ontario, CA 91761	500.00
1049-232-18	550 E PARK ST, Ontario, CA 91761	500.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	500.00
1049-257-10	417 E NEVADA ST, Ontario, CA 91761	1,000.00
1049-312-05	745 W MISSION BL, Ontario, CA 91762	500.00
1049-333-04	209 W CARLTON ST, Unit:A, Ontario, CA 91762	120.00
1049-362-03	736 E CALIFORNIA ST, Ontario, CA 91761	500.00
1049-392-04	1030 S GROVE AV, Ontario, CA 91761	500.00
1050-291-07	431 W MAPLE ST, Ontario, CA 91762	150.00
1050-551-06	645 E SPRUCE ST, Ontario, CA 91761	400.00
1051-011-15	751 W MONTICELLO ST, Ontario, CA 91762	420.00
1053-071-02	13813 S EUCLID AV, Ontario, CA 91761	500.00
1053-281-03	0 E EDISON AV, Ontario, CA 91761	500.00
1083-071-19	0 S ARCHIBALD AV, Ontario, CA 91761	500.00
1083-071-20	0 S ARCHIBALD AV, Ontario, CA 91761	500.00

19,450.00

City of Ontario
Community Improvement Department
2021/2022 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
0108-362-08	1524 E OLIVE ST, Ontario, CA 91764	369.52
0108-404-01	1316 E SEVENTH ST, Ontario, CA 91764	91.00
0108-412-18	1722 N DEL NORTE AV, Ontario, CA 91764	800.00
0108-541-04	1205 N CORONA AV, Ontario, CA 91764	105.50
0108-573-04	1735 N CORONA AV, Ontario, CA 91764	120.00
0108-601-69	1503 N LASSEN AV, Ontario, CA 91764	4,313.06
0110-061-01	1375 E HOLT BL, Ontario, CA 91761	648.00
0110-071-02	1389 E HOLT BL, Ontario, CA 91761	91.00
0110-071-06	1381 E HOLT BL, Ontario, CA 91761	648.00
0110-071-07	1381 E HOLT BL, Ontario, CA 91761	648.00
0110-111-11	1654 E HOLT BL, Ontario, CA 91761	788.00
0110-111-12	1660 E HOLT BL, Ontario, CA 91761	788.00
0110-131-01	1224 E HOLT BL, Ontario, CA 91761	648.00
0110-131-09	1328 E HOLT BL, Ontario, CA 91761	648.00
0110-202-46	1440 E FOURTH ST, Ontario, CA 91764	231.00
0110-296-14	1386 E F ST, Ontario, CA 91764	722.00
0110-322-33	2236 E HOLT BL, Ontario, CA 91761	788.00
0110-332-02	1808 E FOURTH ST, Unit:A, Ontario, CA 91764	2,413.18
0110-412-12	1642 E FLORA ST, Ontario, CA 91764	2,065.16
0110-424-08	927 N LASSEN AV, Ontario, CA 91764	638.50
0110-513-19	751 N BAKER AV, Ontario, CA 91764	235.50
0110-514-03	716 N BAKER AV, Ontario, CA 91764	3,207.30
0113-221-25	1234 E AIRPORT DR, Ontario, CA 91761	91.00
0113-361-54	1401 S GROVE AV, Ontario, CA 91761	231.00
0113-394-31	1650 S VINEYARD AV, Ontario, CA 91761	231.00
0113-451-27	0 E FRANCIS ST, Ontario, CA 91761	91.00
0113-551-17	2809 E DORAL CT, Ontario, CA 91761	91.00
0113-564-26	2929 S VINEYARD AV, Building:1, Unit:F, Ontario, CA 91761	161.50
0209-331-18	1902 E DEODAR ST, Ontario, CA 91764	367.40
0210-204-04	3519 E CONCOURS ST, Ontario, CA 91764	231.00
0210-204-26	0 E FOURTH ST, Ontario, CA 91764	788.00
0210-204-37	0 E FOURTH ST, Ontario, CA 91764	140.00
0210-204-40	945 N VIA ALBA, Ontario, CA 91764	788.00
0210-212-60	0 E GUAISTI RD, Ontario, CA 91761	788.00
0210-301-04	1927 E LA DENEY CT, Ontario, CA 91764	91.00
0210-331-56	1306 N DEL RIO WY, Ontario, CA 91764	3,719.20
0210-431-26	992 N TURNER AV, Building:21, Unit:119, Ontario, CA 91764	99.00
0211-232-38	0 S MILLIKEN AV, Ontario, CA 91761	788.00
0216-213-07	13575 S WALKER AV, Ontario, CA 91761	91.00
0218-151-11	13210 S HAVEN AV, Ontario, CA 91761	648.00
0218-843-18	3501 S CLOVER WY, Ontario, CA 91761	91.00
0218-891-15	3142 S CLOVER LN, Ontario, CA 91761	1,481.38
0218-961-07	3389 S EDENGLLEN AV, Ontario, CA 91761	91.00
0238-012-30	5060 E FOURTH ST, Ontario, CA 91764	739.00

City of Ontario
Community Improvement Department
2021/2022 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
1008-421-09	1312 N BENSON AV, Ontario, CA 91762	1,152.73
1008-421-10	1318 N BENSON AV, Ontario, CA 91762	825.88
1008-531-17	1120 W PRINCETON ST, Ontario, CA 91762	91.00
1008-572-16	1410 W FOURTH ST, Ontario, CA 91762	1,020.56
1010-455-03	1116 W D ST, Ontario, CA 91762	948.23
1010-481-08	823 W G ST, Ontario, CA 91762	291.00
1010-551-06	1444 W STONERIDGE CT, Ontario, CA 91762	140.00
1011-112-44	0 W BROOKS ST, Ontario, CA 91762	140.00
1011-134-05	234 S MOUNTAIN AV, Building:1, Ontario, CA 91762	300.50
1011-361-05	1559 W MISSION BL, Ontario, CA 91762	91.00
1011-361-08	1517 W MISSION BL, Ontario, CA 91762	105.50
1011-361-19	1411 W MISSION BL, Ontario, CA 91762	648.00
1011-361-23	0 W MISSION BL, Ontario, CA 91762	648.00
1011-371-08	0 W MISSION BL, Ontario, CA 91762	91.00
1011-421-11	0 S ELDERBERRY AV, Ontario, CA 91762	91.00
1011-421-12	0 S ELDERBERRY AV, Ontario, CA 91762	648.00
1011-421-17	1317 W RALSTON ST, Ontario, CA 91762	91.00
1011-582-03	1329 W PHILLIPS ST, Ontario, CA 91762	222.50
1014-472-94	1017 W FRANCIS ST, Ontario, CA 91762	105.50
1014-561-40	0 S OAKS AV, Ontario, CA 91762	231.00
1014-591-04	1608 W PHILADELPHIA ST, Ontario, CA 91762	91.00
1014-591-05	1624 W PHILADELPHIA ST, Ontario, CA 91762	91.00
1046-511-17	0 E EIGHTH ST, Ontario, CA 91764	648.00
1046-511-18	0 E EIGHTH ST, Ontario, CA 91764	1,723.50
1047-251-02	1521 N EUCLID AV, Ontario, CA 91762	91.00
1047-341-01	427 W SIXTH ST, Ontario, CA 91762	91.00
1048-052-14	132 W J ST, Ontario, CA 91762	91.00
1048-064-18	329 E J ST, Ontario, CA 91764	125.00
1048-131-24	1066 E FOURTH ST, Ontario, CA 91764	91.00
1048-161-17	834 N PARKSIDE AV, Ontario, CA 91764	476.00
1048-181-25	921 E H ST, Ontario, CA 91764	120.00
1048-441-05	1110 E E ST, Ontario, CA 91764	91.00
1048-481-07	935 E HOLT BL, Ontario, CA 91761	120.00
1048-511-01	136 N CAMPUS AV, Ontario, CA 91761	995.46
1048-512-02	124 N CAMPUS AV, Ontario, CA 91761	91.00
1048-522-09	523 E HOLT BL, Ontario, CA 91764	1,042.68
1048-581-28	301 N VINE AV, Ontario, CA 91762	140.00
1049-011-09	767 W BROOKS ST, Ontario, CA 91762	91.00
1049-131-04	918 E HOLT BL, Ontario, CA 91761	1,486.00
1049-131-08	958 E HOLT BL, Ontario, CA 91761	1,158.57
1049-141-24	1194 E HOLT BL, Ontario, CA 91761	648.00
1049-202-09	411 S CALDWELL AV, Ontario, CA 91761	91.00
1049-202-11	750 E ONTARIO BL, Ontario, CA 91761	140.00
1049-203-03	0 S TAYLOR AV, Ontario, CA 91761	91.00

City of Ontario
Community Improvement Department
2021/2022 Tax Roll Year Special Assessments
Exhibit C - Total Amounts per Parcel

Parcel Number	Address	Amount Due
1049-204-05	840 E ONTARIO BL, Ontario, CA 91761	788.00
1049-204-08	844 E ONTARIO BL, Ontario, CA 91761	140.00
1049-204-09	854 E ONTARIO BL, Ontario, CA 91761	91.00
1049-212-04	713 S TAYLOR AV, Ontario, CA 91761	648.00
1049-232-18	550 E PARK ST, Ontario, CA 91761	788.00
1049-232-20	560 E PARK ST, Ontario, CA 91761	648.00
1049-233-04	684 E STATE ST, Building:1, Ontario, CA 91761	527.12
1049-233-10	645 E PARK ST, Ontario, CA 91761	527.11
1049-245-01	302 E STATE ST, Ontario, CA 91761	91.00
1049-251-01	629 S EUCLID AV, Ontario, CA 91761	91.00
1049-251-02	625 S EUCLID AV, Ontario, CA 91761	91.00
1049-257-10	417 E NEVADA ST, Ontario, CA 91761	1,099.00
1049-271-15	419 S VINE AV, Ontario, CA 91762	140.00
1049-312-05	745 W MISSION BL, Ontario, CA 91762	1,421.00
1049-333-04	209 W CARLTON ST, Unit:A, Ontario, CA 91762	120.00
1049-362-03	736 E CALIFORNIA ST, Ontario, CA 91761	648.00
1049-392-04	1030 S GROVE AV, Ontario, CA 91761	648.00
1049-431-16	1050 E BELMONT ST, Ontario, CA 91761	91.00
1049-591-27	612 W PHILLIPS ST, Ontario, CA 91762	456.50
1050-272-01	1658 S EUCLID AV, Ontario, CA 91762	140.00
1050-272-20	1652 S EUCLID AV, Ontario, CA 91762	140.00
1050-291-07	431 W MAPLE ST, Ontario, CA 91762	150.00
1050-301-12	453 W LOCUST ST, Ontario, CA 91762	710.00
1050-431-29	0 S BON VIEW AV, Ontario, CA 91761	91.00
1050-431-30	0 S BON VIEW AV, Ontario, CA 91761	91.00
1050-551-06	645 E SPRUCE ST, Ontario, CA 91761	400.00
1050-632-33	2045 S CYPRESS AV, Ontario, CA 91762	3,635.58
1051-011-15	751 W MONTICELLO ST, Ontario, CA 91762	420.00
1051-331-67	2621 S MARIGOLD AV, Ontario, CA 91761	911.50
1051-561-73	2842 S PARKSIDE AV, Ontario, CA 91761	345.34
1052-191-03	7716 E CHINO AV, Ontario, CA 91761	164.00
1053-071-02	13813 S EUCLID AV, Ontario, CA 91761	879.00
1053-281-03	0 E EDISON AV, Ontario, CA 91761	739.00
1083-071-19	0 S ARCHIBALD AV, Ontario, CA 91761	788.00
1083-071-20	0 S ARCHIBALD AV, Ontario, CA 91761	788.00
1083-262-44	2620 S MONTEGO AV, Unit:D, Ontario, CA 91761	99.00
1083-331-32	2592 S COLD SPRINGS PL, Ontario, CA 91761	1,798.47
1083-461-04	3881 E ANTELOPE CREEK DR, Ontario, CA 91761	2,928.00
1083-481-51	2874 S MCCLOUD RIVER LN, Ontario, CA 91761	99.00
127		74,921.43

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
CONSENT CALENDAR

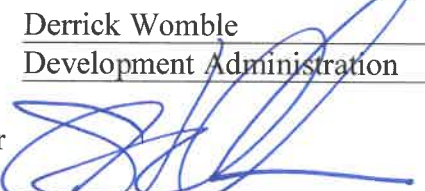
SUBJECT: A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF20-010) BETWEEN THE CITY OF ONTARIO AND LENNAR HOMES OF CALIFORNIA, INC., FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAPS 19907 (FILE NO. PMTT14-024) AND 19909 (FILE NO. PMTT14-025), LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND MERRILL AVENUE WITHIN THE SUBAREA 29 SPECIFIC PLAN

RECOMMENDATION: That the City Council approve the Development Impact Fee Credit Agreement (File No. PDIF20-010) between the City of Ontario and Lennar Homes of California, Inc., for facility construction associated with Tract Maps 19907 (File No. PMTT14-024) and 19909 (File No. PMTT14-025), located at the northwest corner of Haven Avenue and Merrill Avenue within the Subarea 29 Specific Plan and authorize the City Manager to execute the agreement.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods
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: Approval of the proposed Development Impact Fee ("DIF") Credit Agreement (File No. PDIF20-010) will result in no fiscal impact to the City's General Fund. The project's Development Agreements (File Nos. PDA15-005 and PDA15-006) and related conditions requires Lennar Homes of California, Inc. ("Developer") to construct DIF program infrastructure with an estimated cost of \$2,582,266. The proposed DIF Credit Agreement defines the amount of DIF Credit that the Developer may be eligible to receive for construction of these improvements. The DIF Credit that the Developer will receive upon completion of the improvements may be exchanged for a refund of DIF that was paid by the Developer (up to the Developer's maximum DIF obligation) in the respective DIF category.

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Derrick Womble
Department: Development Administration
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

4

BACKGROUND: On June 7, 2016, the City Council approved separate Development Agreements (File Nos. PDA15-005 and PDA15-006) between the City of Ontario and BrookCal Ontario, LLC., and Roseville NMC, LLC., respectively, the original owners for Tract Maps 19907 and 19909. On December 12, 2019, both Development Agreements were assigned to the Developer and included the construction of necessary infrastructure to serve the development for both tracts.

Per the Development Agreements and related conditions, the Developer is required to construct DIF Program infrastructure to serve Tract Maps 19907 and 19909. Improvements include the installation of water, recycled water, street improvements, a traffic signal, and fiber optic facilities generally located along Haven Avenue and Merrill Avenue within the Subarea 29 Specific Plan development area.

Pursuant to the City's adopted DIF Credit policies, construction of DIF Program facilities requires the Developer and the City to enter into a DIF Credit Agreement ("Agreement"). The terms of the proposed Agreement specify the defined portion of the infrastructure to be constructed by the Developer in the Local Adjacent or Regional DIF categories and includes an estimate of the maximum DIF Credit (not reimbursement) that may be applied in the respective Local Adjacent or Regional DIF category. This infrastructure is within Ontario Ranch Local Water, Streets, and Fiber Optic System categories. Since the maximum eligible costs in the Agreement for the required infrastructure exceeds the Developer's DIF obligation, the Developer is eligible to receive DIF Credit under the proposed Agreement.

The proposed Agreement complies with the City's DIF policies and is in conformance with the approved Development Agreements and related conditions. Under the provisions of the City's DIF Program, the City Manager is authorized to execute such agreements upon approval by the City Council.

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF ONTARIO
CITY CLERK / RECORDS MANAGEMENT
303 EAST "B" STREET
ONTARIO, CA 91764-4196

Space above this line for Recorder's Use

Exempt from Fees Per Gov. Code §6103

FILE NO. PDIF20-010

**DEVELOPMENT IMPACT FEE CREDIT AGREEMENT
FOR FACILITY CONSTRUCTION**

By and Between

**City of Ontario
a California municipal corporation**

and

**Lennar Homes of California, Inc.,
a California Corporation**

_____, 2020

San Bernardino County, California

**DEVELOPMENT IMPACT FEE CREDIT AGREEMENT FOR FACILITY
CONSTRUCTION BY AND BETWEEN THE CITY OF ONTARIO AND
LENNAR HOMES OF CALIFORNIA, INC.
(FILE NO. PDIF20-010)**

This DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (“Fee Credit Agreement”), entered into this _____ day of _____, 2020, between the CITY OF ONTARIO, a California municipal corporation, hereinafter referred to as the “City,” and LENNAR HOMES OF CALIFORNIA, INC. a California Corporation, hereinafter referred to as the “Developer.”

RECITALS

A. Developer is the owner and developer of property located within the City, which property has received development approvals from the City, including the Subarea 29 Specific Plan (“Specific Plan”) and Tract Map Nos. 19907 and 19909 (collectively the “Tract Map”). A legal description of the property is attached as Exhibit 1 (the “Property”). A map of the Property is attached as Exhibit 2.

B. As a condition of the development approvals for the Property, including the Specific Plan and Tract Map approvals, the Developer is required to construct those public improvements identified on Exhibit 3, consisting of certain master planned public infrastructure and Improvements, (hereinafter referred to as the “Improvements”) The estimated costs for the design and construction of the Improvements are set forth in Exhibit 4.

C. On July 1, 2003, City Ordinance No. Ordinance No. 2779 was adopted establishing certain development impact fees (“DIF Fees”) to be paid as a condition to the issuance of certain entitlements within the City. Section 7 of Ordinance 2779 authorizes the City Manager, when he or she determines that the public interest among other reasons would be served by such an agreement, to execute agreements on behalf of the City with applicants in order to provide a credit to the applicant against certain DIF Fees in exchange for the applicant’s construction and dedication of public improvements, upon reasonable terms and conditions as may be determined on a case by case basis.

D. City and the previous owner of the Property have previously entered into a statutory Development Agreements (File Nos. PDA15-005 and PDA15-006), pursuant to Section 65864, et seq., of the Government Code, (the “Development Agreement”) and such Development Agreement has been assigned to Developer and Developer has assumed all rights, responsibilities and obligations of the Development Agreement, including the design and construction of the Improvements identified in Exhibit 3 and such improvements are included in the City’s Development Impact Fee (DIF) Program as a project, or a portion of a project and eligible for credit against DIF Fees.

E. City and Developer have agreed that the costs to design and

construct the Improvements shall be eligible for DIF Credit in accordance with the City's [Ontario Ranch] DIF Credit policies as contained in the City's DIF Program and Resolution No. 2019-135.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual promises contained herein, it is agreed as follows:

1. Definitions. For purposes of this Agreement, the terms below shall be defined as follows:

"Acceptable Title" means title to land or an interest therein required for the construction, operation and maintenance of an Improvement, in form acceptable to the City Manager, free and clear of all liens, taxes, assessments, leases, easements and encumbrances, whether or not recorded, but subject to any exceptions determined by the City Manager as not materially interfering with the actual or intended use of the land or interest therein required for the operation of an Improvement. Notwithstanding the foregoing, an irrevocable offer of dedication may constitute "Acceptable Title."

"Acceptance Date" means the earlier of (i) date the City Manager or his/her designee takes final action, in writing, to accept dedication or transfer of an Improvement or (ii) the date determined pursuant to Section 3 below.

"Bid Documents" means all designs, bid documents, construction plans and specifications, system layout drawings and other construction documents and permits approved by the City relating to an Improvement.

"Certificate of DIF Credit" means a City certificate for the issuance of DIF Credit to Developer in the form attached hereto as Exhibit 5.

"City DIF Program and Policies" or "DIF Program" means Ordinance Nos. 2779 and 2780 and Resolution No. 2019-135, as -it may be amended from time to time and as DIF Fees and the capital improvement projects and public infrastructure identified therein may be revised by Resolution.

"City Manager" means the City Manager of the City or his or her designee.

"City Engineer" means the City's City Engineer or his or her designee.

"Completed", "Complete" and "Completion" with respect to an Improvement mean that such Improvement has been completed in accordance with its Bid Documents, including any final "punch list" items, as approved in writing by the City Engineer, which approval shall not be unreasonably withheld, and that such Improvement is Usable. Notwithstanding the foregoing, if an Improvement which

Developer is obligated to construct pursuant to the applicable conditions of approval for a portion of the Property is only a portion of a larger work of improvement, then a determination of “Completed” or “Completion” with respect to that Improvement shall be made only as to that Improvement and not with respect to the larger work of improvement of which it is a portion.

“Credit Request” means a document, substantially in the form of Exhibit 6, to be used by Developer in requesting DIF Credits with respect to one or more Improvements.

“Days” shall mean business days unless otherwise stated.

“Developer Contract” means a contract between the Developer and a qualified contractor awarded to the qualified contractor for the construction of the Improvements at the direction of Developer.

“Development Agreement” has the meaning set forth in Recital D above.

“DIF” or “DIF Fees” means the development impact fees imposed within the [Ontario Ranch] area pursuant to City Ordinance Nos. 2779 and 2780 and City Resolution No. 2019-135 and any subsequent City ordinances and resolutions lawfully adopted by the City Council to update or modify such development impact fees.

“DIF Credit” means credits earned against the payment of DIF pursuant to this Agreement.

“DIF Obligation” means the amount of Developer’s total obligation for Development Impact Fees in either the Regional or Local Adjacent portion of a DIF category for the Property. Developer’s DIF Obligation Amounts for each DIF Category shall be as provided in Exhibit 4.

“Effective Date” means the date set forth in the first paragraph of this Agreement.

“Eligible Cost” means the substantiated cost of an Improvement to be used in calculating DIF Credit amounts, which costs may include: (i) the costs for the construction (including grading) of such Improvement, (ii) costs directly related to the construction and/or acquisition of the Improvement, such as costs of payment, performance and/or maintenance bonds, the professional costs of material testing, and insurance costs (including costs of any title insurance required); (iii) the cost of acquiring any real property or interest therein in order to construct or operate the Improvement, (iv) the fees paid to the City and any other governmental agencies for, and all other costs incurred in connection with obtaining permits, licenses or other governmental approvals for such Improvement, (v) the costs incurred in preparing Bid Documents and the related costs of geotechnical and environmental evaluations of the Improvement, (vi) costs of construction and project management,

administration and supervision (but only up to five percent (5%) of the costs described in clause (i) above) incurred for the construction of such Improvement, (vii) professional costs associated with such Improvement, such as design, engineering, accounting, inspection, construction staking, and similar professional services including legal services related to the review of construction contracts. The maximum amount of Eligible Costs described in clauses (v) through (vii) shall be limited to a total of fifteen percent (15%) of the costs described in clause (i).

“Improvement” or “Improvements” means the public improvements required to support the development of the Property as described in Exhibit 3 to the extent required by the applicable conditions of approval.

“Program Cost” or “DIF Program Cost” means the estimated cost of an Improvement identified in the “Nexus Study” referenced in City Resolution No. 2019-135 as it may be modified, supplemented or superseded from time to time. The Program Cost to be applied shall be the Program Cost in effect at the time the DIF Credit Request is submitted to the City.

“Usable” shall mean that, with respect to any particular Improvement, the Improvement is actually usable for its intended purposes, and includes, for water Improvements, connection to the applicable water supply, for sewer Improvements connection to an applicable disposal system, and for recycled water Improvements connection to a treated water supply and distribution system as those connections are set out in the project approvals. Notwithstanding the foregoing, if an Improvement which Developer is obligated to construct pursuant to the applicable conditions of approval for a portion of the Property is only a portion of a larger work of improvement, then a determination by the City Engineer of whether that Improvement is “Usable” shall be made only with respect to that Improvement and not with respect to the larger work of improvement of which it is a portion.

2. Construction and Funding of Improvements by Developer.

(a) Construction of Improvements by Developer. Developer shall commence each Improvements in accordance with the terms of the conditions of approval, Development Agreement and individual Tract or Parcel Maps, including any extension thereof. In the event of any conflict between these documents, the soonest date of commencement shall apply. Upon commencement of the Improvement(s), Developer shall proceed expeditiously with the construction of the Improvement(s) under the terms herein.

(b) For the purposes of this Agreement, commencement of the Improvements shall mean when Developer receives the first permit from City for any grading of the Property.

(c) City and Developer agree that Developer shall award, or cause to be awarded, all contracts for the construction and Completion of the Improvements as necessary to assure the timely and satisfactory completion of such Improvements.

The Developer shall perform all of its obligations hereunder and shall conduct all operations with respect to the construction of the Improvements in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken.

(d) The Developer shall not be relieved of its obligation to construct the Improvements and shall cause title to the Improvements to be conveyed to the City even if the DIF Credit Amount is less than the actual cost of the Improvements.

(e) If Developer is unable or unwilling to proceed with, and Complete, the construction of the Improvement(s) for any reason, and subject to the provisions in Section 14 below, Developer shall be considered to be in default of this Agreement.

3. Inspection and Acceptance of Completed Improvement by City. City shall make or shall cause to be made periodic site inspections of Developer's construction work. The Acceptance Date for each Improvement constructed by Developer shall be no later than twenty (20) Days following the last to occur of the following requirements:

(a) the City Engineer's determination the Improvement is Complete;

(b) the City Engineer's determination that Acceptable Title with respect to the Improvement is available for acceptance;

(c) Developer's provision of one (1) set of "as-built" or record drawings or plans for the Improvement, certified and reflecting the condition of the Improvement as constructed; and

(d) Developer's provision of such evidence or proof as the City Manager shall require that all persons, firms and corporations supplying work, labor, materials, supplies and equipment to the construction of the Improvement have been paid and that no claims or liens have been recorded by or on behalf of any such person, firm or corporation. Alternatively, rather than await the expiration of the time for the recording of claims of liens, Developer may elect to provide a title insurance policy or other security acceptable to the City Manager guaranteeing that no such claims of liens will be recorded or become a lien upon any of the real property required for the Improvement.

4. Conveyance of Acceptable Title to City. Acceptable Title to all property on, in or over which the Improvement is located, shall, prior to and as a condition precedent to the City's acceptance of any Improvement, be conveyed to City by way of dedication of such property on the Tract or Parcel Map or by a separate recorded instrument, to permit the City to properly own, operate and maintain such Improvement. Developer shall assist the City in obtaining such documents as are

required to obtain Acceptable Title. Completion of the transfer of Acceptable Title shall be evidenced by recordation of the acceptance thereof by the City Engineer.

5. Maintenance and Warranties to be provided to City. Developer shall maintain the Improvement in good and safe condition until the Acceptance Date of the Improvement. Prior to the Acceptance Date, Developer shall, at its sole cost and expense, be responsible for performing any required maintenance on the Improvement. On or before the Acceptance Date of the Improvement, Developer shall assign to the City all of Developer's rights in any warranties, guarantees, maintenance obligations or other evidence of contingent obligations of third persons with respect to such Improvement. All warranties, guarantees or other evidences of contingent obligations of third persons with respect to the Improvement shall be delivered to the City Engineer, in writing, as part of the transfer of title.

(a) After the Acceptance Date, City shall be solely responsible for maintenance of the Improvement.

(b) With respect to the Improvement, Developer shall warrant that the Improvement is free from defects in materials and construction defects (and shall correct or cause to be corrected any such defects at Developer's expense) for a period of one year from the Acceptance Date thereof (the "Warranty Period") and Developer shall provide a bond or other security reasonably acceptable in form and substance to the City for such period and such purpose to insure that such defects that appear within said period will be repaired, replaced or corrected by Developer, at its own cost and expense, to the reasonable satisfaction of the City Manager. During the Warranty Period, Developer shall continue to repair, replace or correct any such defects within thirty (30) Days after written notice thereof by the City Engineer to Developer, and shall complete such repairs, replacement or correction as soon as practicable.

(c) In the event that Developer does not repair, replace or correct defects after such written notice, in addition to the provisions of Section 14 below, City may repair, replace or correct the defects in the Improvement and charge the Developer for the cost of such repair, replacement or correction plus City staff time and overhead.

6. Issuance of DIF Credit to Developer. Developer shall receive DIF Credits based upon the verified Eligible Costs of the Improvement (or accepted portion of the Improvement). Issued DIF Credits shall specify the DIF Credit infrastructure category and whether the DIF Credit is for construction of a Regional or Local Adjacent DIF Program Improvement.

7. Limitations on the Issuance of DIF Credit to Developer upon Completion of an Improvement. The amount of DIF Credit to be issued by City shall be limited to the amount of the DIF Program Costs for the Improvement or segment cost for the percentage of the Program Costs proportional to the segment of improvement constructed or accepted. The DIF Program Costs identified in the City's

DIF Program shall be subject to change, from time to time, as part of the continuing update of the City's DIF Program. The DIF Program Costs for the Improvement (or accepted portion of the Improvement) shall be those in effect at the time the DIF Credit Request is submitted to the City.

(a) To the extent that NMC Builders LLC incurred the costs for the design of the Improvements, Developer agrees that the DIF Credit, up to ten (10%) of the DIF Program Costs, for those design costs portion of the Improvements shall be issued to NMC Builders LLC.

8. Issuance of a DIF Credit Certificate. When an Improvement is Complete, Developer shall submit a DIF Credit Request to City with all supporting documentation evidencing the total actual Eligible Costs of the Improvement at the time of submittal. The City Manager shall determine the completeness of the DIF Credit Request and notify Developer of whether the DIF Credit Request is considered complete or if additional information is needed from Developer. Once the DIF Credit Request is considered complete, the City Manager shall use his or her best efforts to determine the total actual Eligible Costs of the Improvements and provide Developer with a Certificate of DIF Credit within twenty (20) Days following receipt of the completed DIF Credit Request.

9. DIF Program Modifications. The estimated cost in the City's DIF Program for DIF Improvements (or defined portions of DIF Improvements) as listed in Exhibit 4 and Developer's total DIF Obligation amount may be modified from time to time based on modifications to the City's DIF Program.

10. Assignment of DIF Credits. Developer shall have the right to sell, transfer or assign DIF Credits provided for herein, to any person, partnership, limited liability company, joint venture, firm or corporation; provided, however, that any such sale, transfer or assignment shall only be made in strict compliance with the following:

(a) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, Developer (i) shall notify the City Manager, in writing, of such sale, transfer or assignment and (ii) shall provide the City with an executed agreement between Developer and the purchaser, transferee or assignee that identifies the amount of DIF Credits transferred, as provided in Exhibit 8 of this Agreement.

(b) Except for the limited assignment of DIF Credits under subsection 10 (a) above, any assignment by Developer of any of the obligations of Developer under this Agreement (a "DIF Improvement Assignment") with regards to the Improvements listed in Exhibit 3, shall identify the Improvements that are the subject of the Assignment Agreement and require the prior written approval of the City Manager, which approval shall not be unreasonably withheld so long as adequate security as determined by City in its sole discretion, is in place to secure the Completion of the subject Improvements. Any DIF Improvement Assignment not made in strict compliance with the foregoing conditions (other than a transfer under

Section 23 below) shall, unless such obligations are performed by Developer when required by this Agreement notwithstanding such assignment, constitute a default by Developer under Section 14 below. In such event, City shall have no further obligations with regard to acceptance of Certificates of DIF Credit issued to Developer, including any DIF Credit assigned or transferred by Developer.

(c) If Developer enters into a DIF Improvement Assignment with a successor in interest with respect to all or a part of the Property (a "Successor Developer") in accordance with subsection 10(b) above, and the Successor Developer obtains DIF Credit pursuant to this Agreement upon its completion of the Improvements identified in the DIF Improvement Assignment, then

(i) such Successor Developer shall have the right to sell, transfer or assign to Developer, and Developer shall have the right to acquire from such Successor Developer, all or a portion of such DIF Credit by complying only with Section 10(a) above, and

(ii) Developer shall have the right to sell, transfer or assign all or a portion of such DIF Credit to other Successor Developers who acquire other portions of the Property by complying only with Section 10(a) above, if the sale, transfer or assignment of such DIF Credit occurs concurrently with the conveyance of another portion of the Property to the other Successor Developer.

11. Additional Documents/Actions. The City Manager is authorized to approve and execute any documents and to take any actions necessary to effectuate the purposes of this Agreement.

12. Integration. This Agreement reflects the complete understanding of the parties with respect to the subject matter hereof. In all other respects, the parties hereto re-affirm and ratify all other provisions of the Development Agreement.

13. Prevailing Wages. Developer is aware of the requirements of California Labor Code Section 1720, et seq. (as amended by Stats 2001 ch. 938 § 2 (S.B. 975)), through 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq. and Labor Code Sections 1810, 1811, 1813, 1814; (collectively, the "Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. The Bid Documents and each Developer's Contract shall require all contractors for the construction of Improvements to register with the Department of Industrial Relations and to pay and report prevailing wages in accordance with the applicable provisions of the Labor Code. Developer shall obtain from the City and make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the services available to interested parties upon request, and shall post copies at the Developer's principal place of business and at the project site. Developer shall defend, indemnify and hold the City, its officials, officers, employees, agents, contractors, attorneys and volunteers free and harmless from any fine,

penalty claim or liability of any kind arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

14. Default and Force Majeure.

(a) Default. Failure or delay by Developer or City to perform any of its obligations under this Agreement constitutes a default by such party under this Agreement. The party alleged to be in default shall have thirty (30) Days after the date of the written notice by the other party to commence to cure such default. The party alleged to be in default shall diligently pursue such cure to completion within a reasonable timeframe as established in the written notice provided by the party asserting the default. If the party alleged to be in default has not cured its default within the cure period set forth therein, the defaulting party shall be deemed in breach. Any failure or delay in giving such notice or in asserting any rights and remedies as to any default shall not constitute a waiver of any default, nor shall it change the time of default, nor shall it deprive the party not in default of its rights to institute and maintain any actions or proceeding which it may deem necessary to protect, assert or enforce any of its rights or remedies. If any default by Developer is not cured within the time period provided by the City, City shall be entitled to terminate this Agreement in its entirety and thereafter, the City shall be under no obligation to perform any of City's obligations hereunder, including, but not limited to, the issuance of DIF Credits and DIF Reimbursements that Developer may claim.

(b) Force Majeure. Notwithstanding the provisions contained in the foregoing paragraph, performance by either party hereunder shall not be deemed to be in default where delay or defaults are due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation brought by a third party, unusually severe weather, reasonably unforeseeable property conditions, acts of the other party, acts or failure to act of the other party or any other public or governmental agency or entity, or any causes beyond the control or without the failure of the party claiming an extension of time to perform (a "Force Majeure Event"). An extension of time for any such cause (an "Excusable Delay") shall be for the time period of the delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of knowledge of the commencement of the cause or from the date of the notice if provided after such thirty-day period. Notwithstanding the foregoing, none of the foregoing events shall constitute an Excusable Delay unless and until the party claiming such delay and interference delivers to the other party written notice describing the event, its cause, when and how such party obtained knowledge, the date the event commenced, and the estimated delay resulting therefrom. Any party claiming an Excusable Delay shall make a good faith effort to deliver such written notice within thirty (30) Days after it obtains actual knowledge of the event. Times of performance under this Agreement may also be extended in writing by City and Developer. The Parties hereto expressly acknowledge and agree that changes in either general economic conditions or changes in the economic assumptions of any

of them (unless such conditions were caused by a Force Majeure Event) that may have provided a basis for entering into this Agreement and that occur at any time after the execution of this Agreement are not Force Majeure Events and do not provide any Party with grounds for asserting the existence of a delay in the performance of any covenant or undertaking that may arise under this Agreement. Each Party expressly assumes the risk that changes in general economic conditions or changes in such economic assumptions relating to the terms and covenants of this Agreement could impose an inconvenience or hardship on the continued performance of such Party under this Agreement, but that such inconvenience or hardship is not a force majeure event and does not excuse the performance by such Party of its obligations under this Agreement. Without limiting the nature of the foregoing, the parties agree that the inability of Developer to obtain a satisfactory commitment from a construction lender for the improvement of the Property or to satisfy any other condition of this Agreement relating to the development of the Property shall not be deemed to be a force majeure event or otherwise provide grounds for the assertion of the existence of a delay under this Section 14.

15. Licenses and Permits. The Developer shall secure (or shall cause to be secured) any and all permits that may be required by the City or any other governmental agency for the construction of the Improvements. The Developer shall be responsible for paying all applicable fees and charges to the City or other governmental agency to obtain any land use entitlements and permits that are necessary to construct the Improvements, although a portion of such costs may be recoverable as DIF credits.

16. Indemnification. The Developer shall protect, indemnify, defend and hold the City, and its respective officials, officers, employees, agents, contractors, attorneys and volunteers, and each of them, harmless from and against any and all claims, losses, expenses, suits, actions, fines, penalties, decrees, judgments, awards, attorney's fees (to Counsel chosen by City), expert and court costs (collectively "Damages") that the City, or its respective officers, officials, employees, agents, contractors and volunteers or any combination thereof, may suffer or that may be sought against or recovered or obtained from the City, or its respective officers, officials, employees, agents, contractors, attorneys or volunteers or any combination thereof, as a result of or by reason of or arising out of or in consequence of (a) the acquisition, construction, or installation of the Improvements; (b) the untruth or inaccuracy of any representation or warranty made by the Developer in this Agreement or in any certifications delivered by the Developer hereunder; or (c) any act or omission of the Developer or any of its subcontractors, or their respective officers, employees, agents, or contractors in connection with the Improvements. If the Developer fails to do so, the City shall have the right, but not the obligation, to defend the same and charge all of the direct, indirect and incidental costs of such defense, including any reasonable attorney fees, expert or court costs, to and recover the same from the Developer. Notwithstanding the foregoing, neither the City nor its respective officers, officials, employees, agents, contractors, attorneys or volunteers shall be indemnified, defended or held harmless against such Damages to the extent that such Damages have been caused by their sole active negligence or sole willful

misconduct. The parties acknowledge and agree that the Developer shall be released from the indemnity, defense and hold harmless obligations set forth herein upon the acceptance of the Completed Improvements by the City and completion of the Warranty Period for such Improvements.

17. Developer as a Private Developer. In performing under this Agreement, it is mutually understood that the Developer is acting as a private developer, and not as an agent of the City or as a joint venturer with City. The City shall have no responsibility for payment to any contractor, subcontractor or supplier of the Developer. Accordingly, this Agreement does not constitute a debt or liability of the City. The City shall not be obligated to advance any of its own funds or any other costs incurred in connection with the Project. No member, official, employee, agent, contractor, attorney or volunteer of the City shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the City or for any amount that may become due to the Developer or its successors, or on any obligations under the terms of this Agreement.

18. Other Obligations. Nothing contained herein shall be construed as affecting the Developer's respective duty to perform its respective obligations under other agreements, land use regulations or subdivision requirements relating to the development of the Property, which obligations are and shall remain independent of the Developer's rights and obligations, and the City's rights and obligations, under this Agreement; provided, however, that the Developer shall use its reasonable and diligent efforts to perform each and every covenant to be performed by it under any lien or encumbrance, instrument, declaration, covenant, condition, restriction, license, order, or other agreement, the nonperformance of which could reasonably be expected to materially and adversely affect the design, acquisition, construction and installation of the Improvements. This Agreement is not, and shall not be construed as, a statutory development agreement as authorized by Government Code sections 65864 et seq., and this Agreement shall not be interpreted as limiting the authority of the City to adopt and amend regulations concerning permitted uses of property, the density or intensity of use, the maximum height and size of proposed buildings, provisions for the reservation or dedication of land or the payment of impact fees for public purposes.

19. Binding on Successors and Assigns. Except as set forth in Section 10 or Section 23 hereof, neither this Agreement nor the duties and obligations of the Developer hereunder may be assigned to any person or legal entity other than an affiliate of the Developer without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. Neither this Agreement nor the duties and obligations of the City hereunder may be assigned to any person or legal entity, without the written consent of the Developer, which consent shall not be unreasonably withheld or delayed. The agreements and covenants included herein shall be binding on and inure to the benefit of any partners, permitted and accepted assigns, and successors-in-interest of the parties hereto.

20. Amendments. This Agreement can only be amended by an instrument in writing executed and delivered by the City and the Developer.

21. Waivers. No waiver of, or consent with respect to, any provision of this Agreement by a party hereto shall in any event be effective unless the same shall be in writing and signed by such party, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which it was given.

22. No Third Party Beneficiaries. No person or entity, other than the City, shall be deemed to be a third party beneficiary hereof, and nothing in this Agreement (either express or implied) is intended to confer upon any person or entity, other than the City and the Developer (and their respective successors and assigns), any rights, remedies, obligations or liabilities under or by reason of this Agreement.

23. Mortgagee Protection. The parties hereto agree that this Agreement shall not prevent or limit Developer, at Developer's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. Developer shall have the right to encumber and assign its rights and interests hereunder to the lenders providing such financing as security for such financing without the consent of the City and without complying with Section 10 hereof. City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with Developer and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. A mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust on the Property made in good faith and for value, unless otherwise required by law.

(b) The mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which mortgagee has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from City of any default by Developer in the performance of Developer's obligations under this Agreement.

(c) If City timely receives a request from a mortgagee requesting a copy of any notice of default given to Developer under the terms of this Agreement, City shall provide a copy of that notice to the mortgagee within ten (10) Days following the sending of the notice of default to Developer. The mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no mortgagee shall have an obligation or duty under this Agreement to perform any of Developer's obligations or other affirmative covenants of Developer hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by Developer is a condition precedent to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder, and further provided that any sale, transfer or assignment by any mortgagee in possession shall be subject to the provisions of Section 10 of this Agreement.

24. Notices. Any written notice, statement, demand, consent approval, authorization, offer, designation, request or other communication to be given hereunder shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other party in writing from time to time, namely:

Developer:

Lennar Homes of California, Inc.
980 Montecito Drive, Suite 206
Corona, CA 92879
Attn: Geoff Smith, Vice President
Email: Geoffrey.Smith@Lennar.com
Phone: (951) 817-3517

City:

City of Ontario
Attn: City Manager
303 East "B" Street
Ontario, CA 91764
Phone: (909) 395-2000

with a copy to:

Ruben Duran, City Attorney
Best Best & Krieger, LLP
2855 East Guasti Road, Suite 400
Ontario, CA 91761

Each such notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication hereunder shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery; (b) if given by electronic communication, whether by telex, or telecopy, upon the sender's receipt of an appropriate answerback or other written acknowledgment; (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is

deposited with the United States mail; (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier; or (e) if given by any other means, upon delivery at the address specified in this Section.

25. Jurisdiction and Venue. City and the Developer (a) agree that any suit, action or other legal proceeding arising out of or relating to this Agreement shall be brought in state or local court in the County of San Bernardino or in the Courts of the United States of America in the district in which the City is located, (b) each consents to the jurisdiction of each such court in any suit, action or proceeding, and (c) each waives any objection that it may have to the venue or any suit, action or proceeding in any of such courts and any claim that any such suit, action or proceeding has been brought in an inconvenient forum. Each of the City and the Developer agrees that a final and non-appealable judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

26. Attorneys' Fees. If any action is instituted to interpret or enforce any of the provisions of this Agreement, the prevailing party in such action shall be entitled to recover from the other party thereto reasonable attorney's fees and costs of such suit (including both prejudgment and post judgment fees and costs) as determined by the court as part of the judgment.

27. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California.

28. Usage of Words. As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine and the non-gender specific.

29. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

30. Severability. If any section, sentence, clause or phrase of this Agreement 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 Agreement that can be given effect without the invalid provision of application, and to this end the provisions of this Agreement are severable. The City Council hereby declares that they would have adopted this Agreement 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.

31. Incorporation by Reference. The following Exhibits attached hereto and the Recitals of this Agreement are hereby incorporated by reference as though fully set forth herein:

- Exhibit 1 – Legal Description of Property
- Exhibit 2 – Map of Property
- Exhibit 3 – Description of Improvements
- Exhibit 4 – Estimated Costs of Improvements
- Exhibit 5 – Certificate of DIF Credit
- Exhibit 6 - DIF Credit Request
- Exhibit 7 none referenced
- Exhibit 8 DIF Improvement Assignment

[Signatures On Next Page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the respective dates set forth below.

“CITY”

CITY OF ONTARIO, a California
municipal corporation

Dated: _____, 2020 By: _____
Scott Ochoa, City Manager

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:
BEST BEST & KRIEGER, LLP

By: _____
City Attorney

“DEVELOPER”

LENNAR HOMES OF CALIFORNIA, INC.
a California Corporation

Dated: _____, 2020

By: _____

Name: _____

Its: _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, 20____, before me, _____,
Date *Insert Name and Title of the Officer*

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

Exhibit 1

Legal Description of Property

Tract Map 19907

THE MAP HEREINBEFORE REFERRED TO IS A PROPOSED SUBDIVISION OF: IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCEL "B" OF CERTIFICATE APPROVING LOT LINE ADJUSTMENT NO. LLA18-006 RECORDED AUGUST 7, 2019 AS DOCUMENT NO. 2019-0269171, OF OFFICIAL RECORDS OF SAID COUNTY AND LYING WITHIN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN.

Tract Map 19909

THE MAP HEREIN BEFORE REFERRED TO IS A PROPOSED SUBDIVISION OF: IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCEL "C" OF CERTIFICATE APPROVING LOT LINE ADJUSTMENT NO.LLA18-006 RECORDED AUGUST 7, 2019 AS DOCUMENT NO. 2019-0269171, OF OFFICIAL RECORDS OF SAID COUNTY AND A PORTION OF HAVEN AVENUE PER GRANT OF EASEMENT RECORDED MARCH 8, 1966 IN BOOK 6584, PAGE 463 OF OFFICIAL RECORDS OF SAID COUNTY AND LYING WITHIN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN.

Exhibit 2
Map of Property

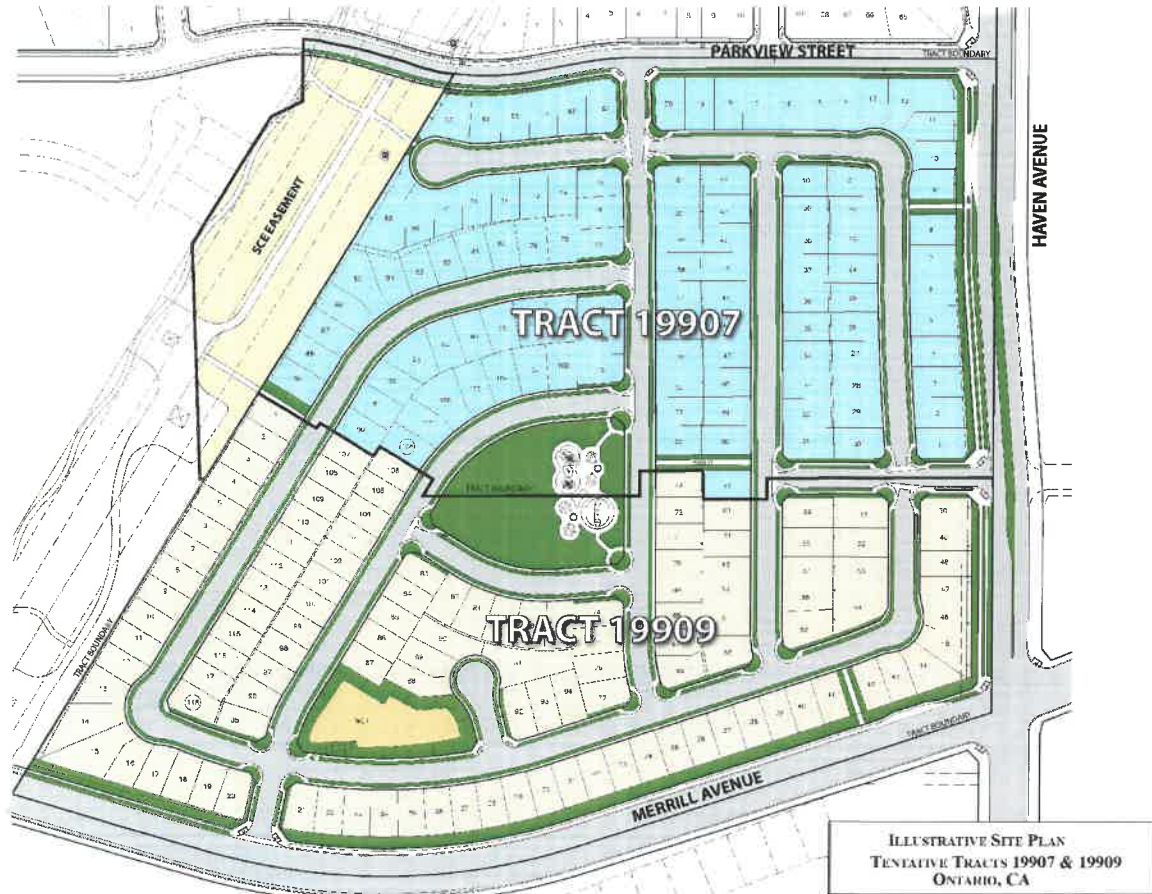


Exhibit 3

Description of Improvements

DIF Eligible Facilities: The DIF Eligible Facilities consist of the following Components and Segments; provided, however, that each such Segment described below shall constitute a Segment for purposes of this Agreement only if such Segment was constructed by or on behalf of the Developer.

Water and Recycled Water Facilities					
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length [LF]</u>
TM 19907 & TM 19909	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12-inch Water line in Haven Avenue from Eucalyptus Avenue to Merrill Avenue	2,600
TM 19907 & TM 19909	Local Adjacent Water	WT-016	Recycled Water System	Construction of 8-inch Recycled Water line in Haven Avenue from Park View Street to Merrill Avenue	1,160
TM 19907 & TM 19909	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12-inch Water line in Merrill Avenue from SCE Easement to Haven Avenue	2,050
TM 19907 & TM 19909	Local Adjacent Water	WT-16	Recycled Water System	Construction of 8-inch Recycled Water line in Merrill Avenue from SCE Easement to Haven Avenue	2,050

Exhibit 3 Continued

Description of Improvements

Streets and Bridges Facilities					
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length [LF]</u>
TM 19907 & TM 19909	Local Adjacent Streets	ST-014	Haven Avenue from Riverside to Merrill Avenue	Construction of Haven Avenue Full Half width Street improvements beyond the curb adjacent lanes, from Park View Street to Merrill Avenue	1,225
TM 19907 & TM 19909	Local Adjacent Streets	ST-003	Bellevue (Merrill) Avenue from Archibald to Milliken	Construction of Full Street Improvements beyond the curb adjacent lanes, on Merrill Avenue from SCE Easement to Haven Avenue	2,010
TM 19907 & TM 19909	Local Adjacent Streets	ST-024	Ontario Ranch Traffic Control System	Construction of a Traffic Signal at the intersection of Bellevue Avenue and Haven Avenue	N/A
TM 19907 & TM 19909	Local Adjacent Streets	ST-011*	Eucalyptus Avenue, from Euclid to Milliken	Abandonment of the existing municipal water well site on Eucalyptus Avenue in the public right-of-way	N/A

Fiber Optic Communications Facilities					
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length [LF]</u>
TM 19907 & TM 19909	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber optic conduit in Haven Avenue from Eucalyptus Avenue to Merrill Avenue	2,578
TM 19907 & TM 19909	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber optic conduit in Merrill Avenue from Haven Avenue to SCE Easement	2,010

Exhibit 4

Estimated Costs of Improvements

Water and Recycled Water Facilities								
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length [LF]</u>	<u>Total DIF Project Costs</u>	<u>Segment Cost Percentage</u>	<u>Maximum Eligible Costs</u>
TM 19907 & TM 19909	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12-inch Water line in Haven Avenue from Eucalyptus Avenue to Merrill Avenue	2,600	\$ 40,033,253	1.1831%	\$ 473,616
TM 19907 & TM 19909	Local Adjacent Water	WT-016	Recycled Water System	Construction of 8-inch Recycled Water line in Haven Avenue from Park View Street to Merrill Avenue	1,160	\$ 64,340,694	0.2189%	\$ 140,870
TM 19907 & TM 19909	Local Adjacent Water	WT-011	Francis Zone Water Distribution Mains	Construction of 12-inch Water line in Merrill Avenue from SCE Easement to Haven Avenue	2,050	\$ 36,563,560	1.0213%	\$ 373,428
TM 19907 & TM 19909	Local Adjacent Water	WT-16	Recycled Water System	Construction of 8-inch Recycled Water line in Merrill Avenue from SCE Easement to Haven Avenue	2,050	\$ 64,340,694	0.3869%	\$ 248,952
Subtotal Local Adjacent Water and Recycled Water								\$ 1,236,866

Streets and Bridges Facilities								
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length [LF]</u>	<u>Total DIF Project Costs</u>	<u>Segment Cost Percentage</u>	<u>Maximum Eligible Costs</u>
TM 19907 & TM 19909	Local Adjacent Streets	ST-014	Haven Avenue from Riverside to Merrill Avenue	Construction of Haven Avenue Full Half width Street improvements beyond the curb adjacent lanes, from Park View Street to Merrill Avenue	1,225	\$ 6,013,772	9.28%	\$ 558,096
TM 19907 & TM 19909	Local Adjacent Streets	ST-003	Bellevue (Merrill) Avenue from Archibald to Milliken	Construction of Full Street Improvements beyond the curb adjacent lanes, on Merrill Avenue from SCE Easement to Haven Avenue	2,010	\$ 2,556,547	18.44%	\$ 471,437
TM 19907 & TM 19909	Local Adjacent Streets	ST-024	Ontario Ranch Traffic Control System	Construction of a Traffic Signal at the intersection of Bellevue Avenue and Haven Avenue	N/A	\$ 27,201,323	0.61%	\$ 165,678
TM 19907 & TM 19909	Local Adjacent Streets	ST-011*	Eucalyptus Avenue, from Euclid to Milliken	Abandonment of the existing municipal water well site on Eucalyptus Avenue in the public right-of-way	Lump Sum	\$ 24,845	100.0000%	\$ 24,845
Subtotal Local Adjacent Streets and Bridges Facilities								\$ 1,220,056

Exhibit 4 Continued

Estimated Costs of Improvements

Fiber Optic Communications Facilities								
<u>Project</u>	<u>DIF Category</u>	<u>DIF Program Project No.</u>	<u>DIF Project Description</u>	<u>Segment Description</u>	<u>Project Scope/Length (LF)</u>	<u>Total DIF Project Costs</u>	<u>Segment Cost Percentage</u>	<u>Maximum Eligible Costs</u>
TM 19907 & TM 19909	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber optic conduit in Haven Avenue from Eucalyptus Avenue to Merrill Avenue	2,578	\$ 9,230,197	0.7630%	\$ 70,431
TM 19907 & TM 19909	Local Adjacent Fiber Optic Communications	FO-04	Fiber Optic System Distribution Network	Construction of Fiber optic conduit in Merrill Avenue from Haven Avenue to SCE Easement	2,010	\$ 9,230,197	0.5949%	\$ 54,913
Subtotal Local Adjacent Fiber Optic Communications								\$ 125,344

Total DIF Eligible Facilities - Lennar Homes of California, Inc.			
Tract Maps 19907 & 19909	DIF Eligible Improvements to be Constructed		
Infrastructure Category	Total DIF Eligible Costs	DIF Obligations - Maximum DIF Credit	DIF Credit Exceeding Obligations
Local Adjacent Water and Recycled Water Facilities	\$ 1,236,866	\$ 609,974	\$ 626,892
Local Adjacent Streets and Bridges Facilities	\$ 1,220,056	\$ 657,208	\$ 562,848
Local Adjacent Fiber Optic Facilities	\$ 125,344	\$ 194,360	\$ -
Totals	\$ 2,582,266	\$ 1,461,542	\$ 1,189,740

*To be included as part of the 2021 DIF Update, contingent upon City Council approval.

Exhibit 5

FORM OF CERTIFICATE OF REGIONAL OR LOCAL ADJACENT DIF CREDIT

Pursuant to Section 6 of the Development Impact Fee Credit Agreement for Facility Construction by and between the City of Ontario and _____ dated _____, 20__, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Fee Credit Agreement", the City of Ontario hereby certifies that Developer is entitled to the following amount and nature of DIF Credits:

Amount of Credit: \$ _____
Infrastructure Category of DIF: _____
Local Adjacent or Regional Category of DIF: _____

Scott Ochoa, City Manager

Dated: _____

Exhibit 6

FORM OF DIF CREDIT REQUEST

DIF Project Name & Number: _____

The undersigned (the "Developer"), hereby requests DIF Credits in the DIF categories and amounts specified in Attachment 1 hereto, attached and incorporated. In connection with this Credit Request, the undersigned hereby represents and warrants to the City as follows:

1. He (she) is a duly authorized officer or representative of the Developer, qualified to execute this Credit Request on behalf of the Developer and is knowledgeable as to the matters set forth herein.

2. All costs of the Improvements for which credit is requested hereby are Eligible Costs (as defined in the Fee Credit Agreement) and have not been inflated in any respect. The Eligible Costs for which credit is requested have not been the subject of any prior credit request submitted to the City.

3. Supporting documentation (such as the applicable Developer Contract, third party invoices, lien releases and cancelled checks or other evidence of payment) is attached with respect to each cost for which credit is requested.

4. The Improvement for which credit is requested was constructed in accordance with the requirements of the Fee Credit Agreement.

5. Please issue a Certificate of DIF Credit to the Developer in the amount requested.

I declare under penalty of perjury that the above representations and warranties are true and correct.

DEVELOPER:

CITY:

[INSERT ENTITY]

Credit Request Approved

By: _____
Authorized Representative of Developer
Date: _____

Scott Ochoa, City Manager
Date: _____

ATTACHMENT 1 to Form of DIF Credit Request

SUMMARY OF IMPROVEMENTS AND REQUESTED DIF CREDITS

Improvement	Eligible Costs/Contract Amount	DIF Credit Requested
-------------	--------------------------------	----------------------

[List here all Improvements for
which credit is requested, and attach support documentation]

Exhibit 8

FORM OF ASSIGNMENT, SALE, OR TRANSFER OF DIF CREDIT

FROM _____ **to** _____

This Sale or Transfer of DIF Credit ("DIF Credit Transfer") is entered into as of _____, 20__, between _____, a _____
"Transferor")
and _____ ("Transferee").

A. NMC Builders, LLC is a limited liability company formed under the laws of the state of California, the business affairs of which are governed by that certain Amended and Restated Limited Liability Company Agreement of NMC Builders, LLC dated as of March 31, 2005, as amended ("NMC Agreement").

B. Transferor is a Member of the NMC Builders, LLC.

C. Pursuant to that certain Certificate of DIF Credit (the "Certificate") issued by the City of Ontario to NMC Builders, LLC, dated _____, an amount of DIF Credit was made available to the Transferor for use in the eastern portion of the New Model Colony. A copy of the Certificate is DIF Credit issued to NMC Builders, LLC by CITY is attached hereto and incorporated herein as Exhibit "C-2".

D. Transferee is owner of real property within the eastern portion of the New Model Colony of the City of Ontario and further described as Tract Map No. _____. (*or other description of the property*).

D. Pursuant to the terms of this DIF Credit Assignment, Transferee desires to receive from the Transferor, a share of the DIF Credit issued to Transferor by NMC Builders LLC.

For good, valuable and sufficient consideration received, the receipt of which is hereby acknowledged, the Transferor and Transferee hereby agree as follows:

1. TRANSFER

The Transferor hereby assigns, transfers and conveys to Transferee the DIF Credit of:

DIF Credit Category

DIF Credit Amount

2. ACCEPTANCE

Transferee hereby accepts and assumes DIF Credit as listed above. Transferee and CITY shall track DIF Credit as it is redeemed, and the remaining balance to be used, by completing, dating and initialing Exhibit "D-3" attached hereto and incorporated herein. The original Exhibit "C-2" shall not be removed from this Transfer Agreement.

3. EFFECTIVE DATE.

This Transfer Agreement shall become effective as of the date first above written.

4. TRANSFEROR'S REPRESENTATIONS AND WARRANTIES.

The Transferor makes the following representations and warranties, which representations and warranties shall survive this DIF Credit Transfer:

The Transferor has the full power and authority to enter into this DIF Credit Transfer.

The execution, delivery and performance of this DIF Credit Transfer will not result in any violation or default under its organizational documents or any instruments to which the Transferor is a party.

From and after the date of this DIF Credit Transfer, the Transferor shall have no further rights, title or interest in or to the DIF Credit.

5. TRANSFEREE'S REPRESENTATION AND WARRANTIES.

Transferee makes the following representations and warranties, which representations and warranties shall survive this Transfer:

Transferee is the owner of Tract No. _____ (*or other property description*) in the eastern portion of the New Model Colony, City of Ontario.

Transferee has the full power and authority to enter into this DIF Credit Transfer.

This DIF Credit Transfer, when executed, shall constitute a valid and legal obligation binding as to Transferee.

6. NOTICES.

All notices, consents, waivers and other communications under this DIF Credit Transfer must be in writing and will be deemed to have been duly given when (a) delivered by hand (with written confirmation of receipt), (b) when received by the addressee, if sent by a nationally recognized overnight delivery service (receipt requested), in each case to the appropriate addresses set forth below (or to such other addresses as a party may designate by notice to the other parties); (c) when received by the addresses as confirmed by a confirmation receipt, if sent by facsimile to the appropriate facsimile number designated below (or to such other facsimile number as the parties may designate by notice to the other parties).

If to the Transferor: Entity Name: _____
Address: _____

Attention: _____
Phone: _____
Email: _____

If to Transferee: Entity Name: _____
Address: _____

Attention: _____
Phone: (____) _____
Email: _____

7. GENERAL PROVISIONS.

Severability. In the event that the application of any of the provisions of this DIF Credit Transfer are held to be unenforceable or invalid, the validity and enforceability of other applications of that provision and of the remaining provisions shall not be affected.

Counterparts. This DIF Credit Transfer may be executed in counterparts.

Entire Agreement. This DIF Credit Transfer contains the entire final understanding of and between the parties and supersedes any prior written or oral agreements between them respecting the subject matter of this DIF Credit Transfer. There are no representations, agreements, arrangements or understandings, oral or written, between the parties that are not fully set forth herein.

Construction. Every covenant, term and provision of this DIF Credit Transfer shall be construed simply according to its fair meaning and not strictly for or against any party.

No Modifications. No supplement, modifications or amendment to this DIF Credit Transfer shall be binding unless executed in writing by both parties.

Further Assurances. The Transferor and Transferee each agree to execute such other documents and perform such other acts as may be necessary or desirable to effectuate this DIF Credit Transfer.

Effect of NMC Agreement and Certificate. This DIF Credit Transfer Agreement is, and shall remain, subject to the terms and conditions of the DIF Credit Certificate and the NMC Agreement, as may be amended by the parties thereto from time to time.

No Third Party Beneficiaries. This DIF Credit Transfer Agreement is made and entered into for the sole protection and benefit of the parties hereto, the City of Ontario, and their respective successors and assigns. No other person or entity shall have any right of action based upon any provision of this DIF Credit Transfer Agreement.

IN WITNESS WHEREOF, the Transferor and Transferee have duly executed this DIF Credit Transfer as of the date first written above.

TRANSFEROR:

Entity Name (NMC Builders Member) a _____

By: _____

By: _____

TRANSFEE:

Entity Name _____ a, _____

By: _____

By: _____

(All Signatures must be notarized)

EXHIBIT “C-2” to Transfer of DIF Credit

(Certificate of DIF Credit)

(Original DIF Credit Certificate issued by City must be attached).

EXHIBIT "D-3" to Transfer of DIF Credit

Available DIF Credit Reconciliation

DIF Credit Category _____

Assigned to: _____ (NMC Member)

Date Assigned to NMC Member: _____

Transferee: _____

Date Transferred: _____

Starting DIF Credit Balance	Amount Redeemed	Date	Remaining DIF Credit Balance	City's Initials	Transferee's Initials

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: THIRD AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2019-20 PROGRAM YEAR

RECOMMENDATION: That the City Council approve the Third Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2019-20 (“Substantial Amendment”) and authorize the City Manager to take all actions necessary or desirable to implement the Substantial Amendment.

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

FISCAL IMPACT: The Substantial Amendment allocates \$1,246,263 in Community Development Block Grant Coronavirus (CDBG-CV) funds to the City of Ontario authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). These funds include \$249,252 for eligible administration costs. There is no impact to the General Fund. If approved, the associated revenue and expenditures will be included in the Fiscal Year 2020-21 Second Quarter Budget Update to the City Council.

BACKGROUND: On June 4, 2019, the City Council approved the Fiscal Year 2019-20 One-Year Annual Action Plan as part of the Consolidated Plan. The CARES Act was signed by President Trump on March 27, 2020 to respond to the growing effects of the coronavirus health crisis. The CARES Act made available CDBG-CV funds to entitlement jurisdictions. In addition, the CARES Act provides some flexibility and waivers with regard to CDBG-CV.

On April 2, 2020, the City received a notification of federal CARES Act funding from the U.S. Department of Housing and Urban Development (HUD). Per the notification, the City received \$1,096,879 in CDBG-CV funds and \$552,724 in Emergency Solutions Grant Coronavirus (ESG-CV). These funds were submitted as the first amendment to the 2019-20 One-Year Annual Action Plan and approved by the City Council on May 5, 2020. On June 9, 2020, the City received a second notification

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Hannah Mac Kenzie
Department: Housing and Neighborhood Preservation

City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020

Approved: _____

Continued to: _____

Denied: _____

5

of allocation of federal CARES Act funding from HUD indicating that the City will receive an additional \$1,584,528 in ESG funding, referred to as ESG-CV2. These funds were submitted as the second amendment to the 2019-20 One-Year Annual Action Plan and approved by the City Council on August 18, 2020.

On September 11, 2020, the City received a third notification of allocation of federal CARES Act funding from HUD indicating that the City will receive an additional \$1,246,263 in CDBG funding, referred to as CDBG-CV3. The funding is to be utilized in a way that prevents, prepares for, and responds to COVID-19 impacts.

On March 31, 2020, HUD published a memorandum of available waivers of Community Planning and Development (CPD) Grant Program as well as Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts caused by COVID-19. Among the waivers authorized was the reduction of the required public comment period for substantial amendments from 30 days to 5 days. In addition, CDBG-CV3 funds are not bound by the 15% cap for public service activities specifically related to the prevention, response, or recovery related to coronavirus.

A summary of the programs recommended are as follows:

Program	Description	Funding Amount
CDBG-CV COVID-19 RECOVERY PROGRAMS		
Short-Term Rental and Utility Assistance Program	Enhance the current program to provide emergency grants, for up to six months. Eligible households would be restricted to low-income renters (80% or below of Area Median Income) that had a documented loss in household income related to COVID-19. Eligible uses of funds include deferred rent payments to prevent eviction and deferred utility payments to prevent utility shut off. Payments will be paid directly to property owner and/or utility companies. Maximum assistance per household is \$10,000.	\$822,011
Business Utility Assistance Program	This program will provide emergency grants for short-term utility assistance payments to small businesses (less than 20 employees and annual gross revenue below \$500,000) employing at least one low-and-moderate income person. Assistance will be restricted to cure deferred utility payments (water, sewer, trash, electric, and gas service) that occurred during the City’s emergency declaration related to the coronavirus. Maximum assistance per business is \$5,000.	\$175,000
Administration	Administer the grant in compliance with federal requirements. Administration costs are capped at 20% of the grant amount.	\$249,252
TOTAL CDBG-CV		\$1,246,263

The Third Amendment to the Fiscal Year 2019-20 One-Year Action Plan was advertised in the Inland Valley Daily Bulletin on October 15, 2020. The draft document was made available for public review via the City’s website from October 15, 2020, to October 19, 2020. Subsequent to City Council approval, the plan will be submitted to the U.S. Department of Housing and Urban Development.

Staff recommends approval of the Substantial Amendment to program the CARES Act (CDBG-CV3) special allocation.

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS

RECOMMENDATION: That the City Council adopt resolutions rescinding Resolution Nos. 2020-128 and 2020-129; 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.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: None.

BACKGROUND: Recent staff movements have necessitated the need to update resolutions identifying those individuals authorized to invest City funds and to 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), and the Investment Officer.

STAFF MEMBER PRESENTING: Armen Harkalyan, Executive Director of Finance

Prepared by: Jason M. Jacobsen
Department: Investments & Revenue Resources

City Manager
Approval: 

Submitted to Council/O.H.A. 10/20/2020

Approved: _____

Continued to: _____

Denied: _____

6

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. 2020-128.

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
Jason M. Jacobsen, Deputy City Treasurer
William Quan, Deputy City Treasurer

SECTION 6. Resolution No. 2020-128 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 20th day of October 2020.

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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

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. 2020-129.

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. 2020-129 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

Jason M. Jacobsen, Deputy City Treasurer

William Quan, 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 20th day of October 2020.

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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FLEET VEHICLES

RECOMMENDATION: That the City Council take the following actions:

- (A) Authorize the cooperative purchase and delivery of two CNG Rear Loading Refuse Trucks in the amount of \$611,208 for the Parks and Maintenance and Integrated Waste Departments, one CNG Front Loading Refuse Truck in the amount of \$315,984, and one CNG Roll Off Refuse Truck in the amount of \$253,059 for the Integrated Waste Department from Rush Truck Center of Pico Rivera, California consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 081-716-PMC.
- (B) Authorize the cooperative purchase and delivery of two Chevrolet Colorado pick-up trucks in the amount of \$53,923 for the Integrated Waste Department, one Chevrolet Van in the amount of \$35,051 for the Police Department, one Chevrolet Tahoe in the amount of \$56,991 for the Police Department, one Ford Explorer XLT in the amount of \$36,306 for the Fire Department, and one Ford Van in the amount of \$76,997 for the Community Life & Culture Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.
- (C) Authorize the cooperative purchase and delivery of two Ford Bin Delivery Trucks in the amount of \$148,970 for the Integrated Waste Department from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

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

FISCAL IMPACT: The Fiscal Year 2020-21 Adopted Budget includes appropriations of \$1,190,000 in the Equipment Services Fund for the purchase of replacement vehicles, \$345,000 in the Integrated Waste Enterprise Fund for two additional refuse trucks, \$64,500 in the CDBG Fund and

STAFF MEMBER PRESENTING: Tito Haes, Executive Director Public Works

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

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

7

\$13,380 in the Grant Supplies Fund GR1924 for the Community Life & Culture additional Van. The total cost of the vehicles recommended for purchase is \$1,588,489.

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

The two vehicle additions requested for Integrated Waste are a result of route growth throughout the City. The vehicle addition requested by Community Life and Culture is to support the Ontario on the GO! recreation program that will supply homework help, games, educational activities and library services to neighborhoods with limited access to community programs.

In general conformance with the provisions of Government Code Section 54201 through 54204, Ontario Municipal Code Section 2-6.11(b)(3), allows the purchase of supplies and equipment through cooperative purchasing with another governmental agency. Cooperative purchasing allows the city to pool its procurement power with other public agencies to obtain pricing lower than otherwise might be possible.

QUANTITY	TYPE	DEPARTMENT	PRICE
2	CNG Rear Loading Refuse Truck	IW & PKS/MT	\$611,208
1	CNG Front Loading Refuse Truck	IW	\$315,984
1	CNG Roll Off Refuse Truck	IW	\$253,059
2	Chevrolet Colorado Pick Up Trucks	IW	\$53,923
1	Chevrolet Van	PD	\$35,051
1	Chevrolet Tahoe SUV	PD	\$56,991
1	Ford Explorer SUV	FD	\$36,306
1	Ford Van	Rec	\$76,997
2	Bin Delivery Trucks	IW	\$148,970
12			\$1,588,489

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: A COMMUNITY GARDEN USE AGREEMENT FOR PROPERTY AT ANTHONY MUÑOZ PARK

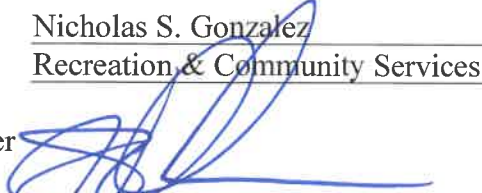
RECOMMENDATION: That the City Council authorize the City manager, or his designee, to execute a Use Agreement (on file in the Records Management Department) with Caramel Connection Foundation (“Caramel Connection”) for a portion of the unimproved real property located at Anthony Muñoz Park, generally located at 1240 W. Fourth Street (“the Property”), for agricultural purposes to enable community-supported healthy eating, active living, and education initiatives. The agreement also proposes the creation of a community garden through October 1, 2023, with three additional one-year terms.

COUNCIL GOALS: Focus Resources in Ontario’s Commercial and Residential Neighborhoods
Invest in the City’s Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

FISCAL IMPACT: Total project cost for creation of the community garden is estimated at \$137,546. The City has allocated \$80,000 of CDBG funding in FY 2019-20 for costs related to installation of fencing and an irrigation system. Caramel Connection is required to provide the additional \$57,546 for the remaining project cost, which will be completed with in-kind contributions. The City shall pay for the maintenance of utility lines and water meter to the site for the life of the Agreement and pay for electric utility, water utility and waste disposal service for the Property for the first three years of this Agreement. At the end of the three year period, responsibility for the payment of the utilities will be renegotiated. Expenditure appropriations carryover will be included in the First Quarterly Budget Report to the City Council.

BACKGROUND: The Recreation & Community Services Department recommends the City enter into an agreement with Caramel Connection for the creation of a community garden at Anthony Muñoz Park. Caramel Connection will utilize a portion of the park (Exhibit “A”) for agricultural purposes to enable community supported healthy eating, active living, and educational initiatives. Additionally, it will

STAFF MEMBER PRESENTING: Helen McAlary, Executive Director Community Life & Culture

Prepared by: Nicholas S. Gonzalez
Department: Recreation & Community Services
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

8

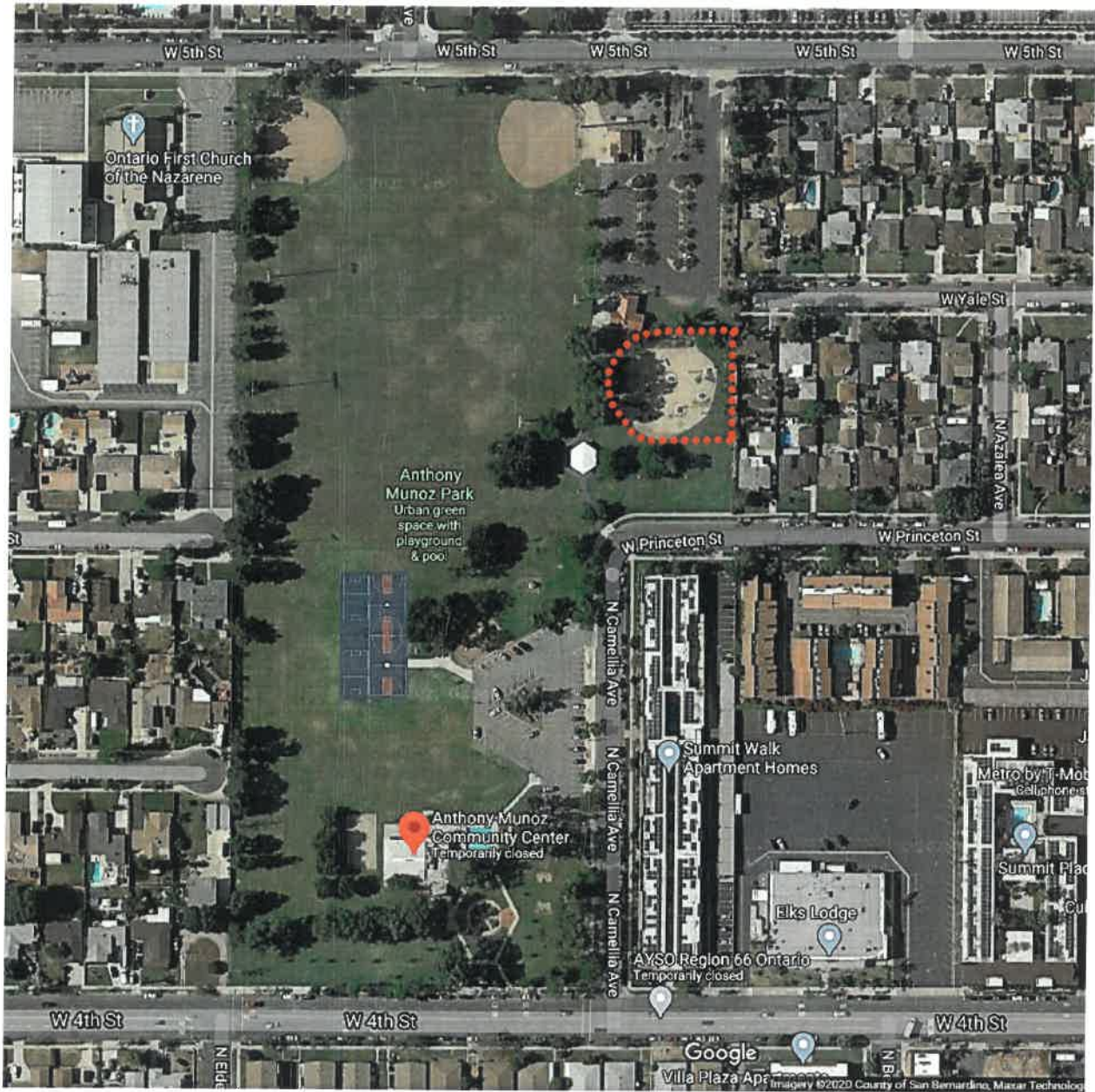
include the creation of a community garden, and the erection of certain structures to support the community garden. Through their efforts, Caramel Connection will promote increased consumption of healthy food and beverages. The intent is to educate citizens regarding fresh, healthy food access and develop increased awareness, knowledge, skills, motivation and utilization among community members towards healthy eating and active living.

The community garden will be open seven days a weeks during daylight hours and may be extended for special events. Events at the property will range from educational events/trainings, film screenings, art events, food events, community dialogues, presentations, urban farming/sustainable agriculture networking groups, and harvest festivals. All events will be coordinated with the City to ensure safety and coordination with other events at Anthony Muñoz Park/Community Center.

Caramel Connection will also be responsible to provide the City with an annual report that summarizes project activities taking place on the property. The community garden will have the capacity for twenty-seven raised bed plots within the garden area; ten raised bed plots will be designated for Housing Authority Residents, ten for local homeowners, four for Earth2Fork Gardening & Cooking Club, and three for Mercy House. All participants using the community garden will be required to sign a participant waiver and a beneficiary qualification statement.

Anthony Muñoz Park is experiencing many new developments. With the current community center expansion project underway and now the potential use of this community garden, Ontario residents will have an opportunity to take part in a wide variety of healthy, cultural, educational and recreational programs in the coming year.

Exhibit "A"



CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
CONSENT CALENDAR

SUBJECT: ESTABLISHMENT OF POSITION CLASSIFICATION FOR EMERGENCY MEDICAL SERVICES (EMS) DIRECTOR AND MODIFY AND APPROVE SALARY RANGE COMPENSATION FOR FIRE ADMINISTRATIVE DIRECTOR AND POLICE ADMINISTRATIVE DIRECTOR

RECOMMENDATION: That the City Council approve the establishment of the new department head position classification of EMS Director and associated salary range to reflect expansion of job scope and responsibilities; and approve a proposed base salary range modification for the department head position classifications of Fire Administrative Director and Police Administrative Director to minimize disparity with salary ranges as compared to similarly situated classifications, as well as maintain the City's competitiveness in attracting and retaining highly qualified individuals.

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

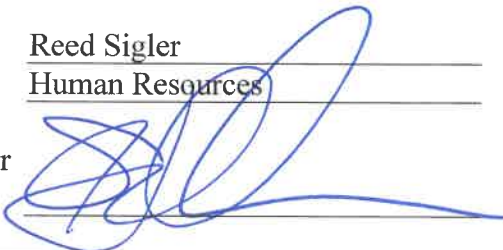
FISCAL IMPACT: There is no net fiscal impact directly associated with the creation of the EMS Director position nor the modification to the base salary range for the Fire Administrative Director or Police Administrative Director. These items are part of a larger organizational realignment and the consolidation of position classifications. This will result in an overall budgetary savings in the General Fund.

BACKGROUND: As part of a budget-reduction process due to the financial impact of the COVID-19 pandemic, the City offered a retirement incentive, including a two-year of service credit, to eligible employees. As a result of this offering, a reduction in the workforce has created the need for personnel and organizational changes to the Fire Department. Among these organizational changes is the consolidation of the administrative oversight and management of Fire Department's Emergency Medical Services functions under a single classification. The incumbent will direct the Department's EMS Bureau. The new department head position classification of EMS Director will reflect the considerable expansion of scope and complexity in responsibilities created by the consolidation of the administration

STAFF MEMBER PRESENTING: Angela C. Lopez, Executive Director Human Resources

Prepared by: Reed Sigler
Department: Human Resources

City Manager
Approval:



Submitted to Council/O.H.A. 10/20/2020

Approved: _____

Continued to: _____

Denied: _____

9

of the Fire Department's EMS functions. The proposed base salary range for EMS Director is \$10,803 - \$13,130/month.

Subsequently, staff proposes adjusting the salary range for the Fire Administrative Director and Police Administrative Director to \$10,803 - \$13,130/month to align with the new EMS Director base salary range. This adjustment will alleviate the gap in salary ranges between the classifications that are similar in their broad scope and complexity in responsibility.

The City recognizes the importance of maintaining its fiscally conservative approach while attempting to provide a competitive compensation and benefits package to its employees intended to attract and retain a highly qualified and productive workforce committed to serving our community. The appropriations associated with the new classification and salary range adjustment are offset by the salary savings created by the retirement of incumbents in the respective departments. It is recommended that the new position classification and the modification to the salary ranges be adjusted retro-actively to August 30, 2020. The funding allocation will be previewed and presented in the First Quarter Budget Report to the City Council.

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING A LOCAL HISTORIC DISTRICT DESIGNATION OF THE GRABER OLIVE HOUSE HISTORIC DISTRICT, LOCATED AT 301 EAST FOURTH STREET, 315 EAST FOURTH STREET, 405 EAST FOURTH STREET AND 406 EAST HARVARD PLACE, AS A LOCAL HISTORIC DISTRICT

RECOMMENDATION: That the City Council consider and adopt a resolution approving File No. PHP18-028 designating the Graber Olive House Historic District as Local Historic District No. 8.


COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND: Clifford Graber II (property owner) has requested the Graber Olive House Historic District, located at 301 East Fourth Street, 315 East Fourth Street, 405 East Fourth Street, and 406 East Harvard Place, be designated a Local Historic District. Established in 1894, the Graber Olive House Historic District is one of the City's oldest continuously operating companies. The District is also one of the last remaining agricultural land use areas within the City. If approved, this would be the City's eighth designated local historic district.

The Graber Olive House Historic District ("District") is comprised of the Clifford C. Graber House and the Graber Olive House Company on a total of 2.58 acres of land. An historic resource evaluation was prepared for the property. The historic significance is derived under 2 research themes: 1) the Olive Canning Industry from 1894-Present, and 2) Architecture from 1894-1975. The findings concluded in identifying 26 Contributing Historic Resources. Historic Resources include a total of 11 buildings with various usage (single family residence, office commercial, general commercial, light industrial, museum space, gift shop, and sales room) and architectural styles (Craftsman Bungalow, Utilitarian, and Vernacular/Ranch), seven natural resources (two cultural landscapes and five tree species), and

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Monica Carranza
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

10

eight objects (a water standpipe and seven canning machinery) and are depicted in *Attachment A: Graber Olive House Historic District Contributing Resource List* of the Resolution.

HISTORIC SIGNIFICANCE: On September 22, 2020, the Historic Preservation Commission voted unanimously (6-0) to recommend that the City Council designate the Graber Olive House Historic District as a Local Historic District pursuant to the following designation criteria as contained in Section 4.02.040 of the City's Development Code:

- 1) *The historic resource is a geographically definable area possessing a concentration of historic resources or a thematically related grouping of structures that contribute to each other and are unified by plan, style, or physical development, and embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;*

The District is directly related to the Graber Olive House Company business, one of the oldest olive curing and processing facilities in the region. The District, geographically defined by the Graber Olive House Company and the Clifford C. Graber House (Resource No. 1), contains a total of 26 Contributing Historic Resources (11 buildings, two landscapes, five tree species, and eight objects) significant to the olive canning industry advancement and relation to Clifford C. Graber. Clifford C. Graber focused the business on the production of preserving and canning olives through the help of his machinery invention, the Graber's Original Olive Grader (Resource No. 18). The modernization of the cannery in the 1934 brought about larger facilities for production and additional modern-time machinery (Resource Nos.19, 21-24) in use every harvest season. By 1962, the company opened an individual sales and retail room, La Casita Gift Shop (Resource No. 4), replacing a portion of the canning and curing room. A museum was later created in the corner of the Vat Room displaying photographs and tools of Ontario's earlier history. Currently, the Graber Olive Company continues running operations, canning, and shipping olives throughout the nation and worldwide.

- 2) *The historic resource reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning; and*

The District is associated with Ontario's early agriculture period as it stands as one of the last agricultural operations located on an original "Model Colony" 10-acre agricultural subdivision. The District reflects the growth in the company with the expansion of buildings constructed, yet the use as an olive canning and curing company has not changed or been impacted by the surrounding development of the College Park neighborhood. The City of Ontario's early agricultural history is evident within the District through its buildings, spatial layout, and use of property.

- 3) *The historic resource is, or the contributing resources are, associated with the lives of persons important to the City, State or National history.*

Early town residents that provided essential services were often considered leaders of the community promoting and contributing to the settlement of Ontario. These leaders were often early citrus pioneers, bankers, clergymen, teachers, doctors, and business owners. Listed below are important people who are associated with the District and are important to the City, State, and National history:

- (a) **Clifford C. Graber I** – Founder and first president of Graber Olive House Company, Ontario Councilmen, and member of the Chaffey High School Board of Trustees. Clifford marketed olives by diameter size numbers distinguishing his company from the others that marketed words like “jumbo” or “colossal.” He was responsible for starting a mail-order system taking advantage of the new postal services and modernizing the Graber Olive House Company in 1934.
- (b) **Georgia Noe Bell Graber** - Wife of Clifford C. Graber I and mother of their four children. Georgia became a partner of Clifford after Charles left the business, helping Clifford drive the Graber Olive House Company to its early success.
- (c) **Robert Graber I** – Son of Clifford C. Graber I, second president of Graber Olive House Company. Robert was responsible for reinventing the company to comply with market demands adding the gifts basket and moving olive crop locations to the San Joaquin Valley.
- (d) **Mary E. ‘Betty’ Graber** – Wife of Robert Graber I, Member of Executive Women International, Shakespeare Club, Soroptimist Club, Jamboreers, Chaffey Community Art Association, Republican Women and the San Antonio Hospital Foundation. Betty added the museum to the Graber Olive House Historic District, drawing more attention to the company and providing a unique sales experience in purchasing olives.

ENVIRONMENTAL REVIEW: The application was reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). Per Section 21065 of the CEQA Guidelines, the local historic district designation is not considered a project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP18-028, THE DESIGNATION OF THE GRABER OLIVE HOUSE HISTORIC DISTRICT, PROPERTIES LOCATED AT 301 EAST FOURTH STREET, 315 EAST FOURTH STREET, 405 EAST FOURTH STREET, AND 406 EAST HARVARD PLACE, AS A LOCAL HISTORIC DISTRICT AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1047-543-01, 1047-543-31, 1047-543-30, AND 1047-543-20.

WHEREAS, Clifford Graber II ("Applicant") has filed an Application for the approval of a Local Historic District Designation, File No. PHP18-028, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage, with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Design element of The Ontario Plan (General Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Graber Olive House Historic District is comprised of 2.58 acres of land with 26 Historic Resource Contributors that represents an early agricultural business and operation located at 301 East Fourth Street, 315 East Fourth Street, 405 East Fourth Street, and 406 East Harvard Place (APNs: 1047-543-01, 1047-543-31, 1047-543-30, and 1047-543-20), and is legally described as: Ontario Colony Lands East 105 Feet West 138 Feet South 236 Feet Lot 800; Ontario Colony Lands Point North Lot 800 Commencing 138 Feet East of Southwest Corner Lot 800 Thence North 236 Feet Thence East 30 Feet Thence North 66 Feet Thence East 39 Feet Thence North 100 Feet Thence East 140.49 Feet To East Line West ½ Said Lot Thence South 402 Feet Thence West 209.49 Feet To Point of Beginning Exempt Street; Ontario Colony Lands West 50 Feet South 132.54 Feet East ½ Lot 800 Exempt Street; and Tract 2591 West 50 Feet Lot 10; and

WHEREAS, on September 15, 2020, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider a Tier Determination and concluded said hearing on that date, voting to issue Decision No. HPSC20-010 determining that it met Historic Resource Tiering Criteria as a Tier I historic resource as set forth in Section 4.02.040 (Historic Preservation-Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of the Ontario Development Code; and

WHEREAS, on September 15, 2020, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue Decision No. HPSC 20-011 recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on September 22, 2020, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date and unanimously (6-0) recommended approval, adopting Resolution No. PC20-059; and

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED 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 designation is not considered a project pursuant to Section 21065 of the CEQA Guidelines.

SECTION 2. *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, above, the City Council hereby concludes that the Graber Olive House Historic District meets the criteria for local district designation as contained in Section 4.02.040 (Historic Preservation-Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of the Ontario Development Code as follows:

- 1) ***The historic resource is a geographically definable area possessing a concentration of historic resources or a thematically related grouping of structures that contribute to each other and are unified by plan, style, or physical development, and embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.*** The District is directly related to the Graber Olive House Company business, one of the oldest olive curing and processing facilities in the region. The District, geographically defined by the Graber Olive House Company and the Clifford C. Graber House (Resource No. 1), contains a total of 26 Contributing Historic Resources (11 buildings, two landscapes, five tree species, and eight objects) significant to the olive canning industry advancement and relation to Clifford C. Graber. Clifford C. Graber focused the business on the production of preserving and canning olives through the help of his machinery invention, the Graber's Original Olive Grader (Resource No. 18). The modernization of the cannery in the 1934, brought about larger facilities for production and additional modern-time machinery (Resource Nos.19, 21-24) in

use every harvest season. By 1962, the company opened an individual sales and retail room La Casita Gift Shop (Resource No. 4), replacing a portion of the canning and curing room. A museum was later created in the corner of the Vat Room displaying photographs and tools of Ontario's earlier history. Currently, the Graber Olive Company continues running operations, canning, and shipping olives throughout the nation and worldwide;

- 2) ***The historic resource reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning*** The District is associated with Ontario's early agriculture period as it stands as one of the last agricultural operations located on an original "Model Colony" 10-acre agricultural subdivision. The District reflects the growth in the company with the expansion of buildings constructed, yet the use as an olive canning and curing company has not changed or been impacted by the surrounding development of the College Park neighborhood. The City of Ontario's early agricultural history is evident within the District through its buildings, spatial layout, and use of property; and
- 3) ***The historic resource is, or the contributing resources are, associated with the lives of persons important to the City, State or National history.*** Early town residents that provided essential services were often considered leaders of the community promoting and contributing to the settlement of Ontario. These leaders were often early citrus pioneers, bankers, clergymen, teachers, doctors, and business owners. Listed below are important people who are associated with the District and are important to the City, State, and National history:
 - (a) **Clifford C. Graber I** – Founder and first president of Graber Olive House Company, Ontario Councilmen, and member of the Chaffey High School Board of Trustees. Clifford marketed olives by diameter size numbers distinguishing his company from the others that marketed words like "jumbo" or "colossal." He was responsible for starting a mail-order system taking advantage of the new postal services and modernizing the Graber Olive House Company in 1934.
 - (b) **Georgia Noe Bell Graber**- Wife of Clifford C. Graber I and mother of their 4 children. Georgia became a partner of Clifford after Charles left the business, helping Clifford drive the Graber Olive House Company to its early success.
 - (c) **Robert Graber I** – Son of Clifford C. Graber I, second president of Graber Olive House Company. Robert was responsible for reinventing the company to comply with market demands adding the gifts basket and moving olive crop locations to the San Joaquin Valley.
 - (d) **Mary E. 'Betty' Graber** – Wife of Robert Graber I, Member of Executive Women International, Shakespeare Club, Soroptimist Club, Jamboleers, Chaffey Community Art Association, Republican Women and the

San Antonio Hospital Foundation. Betty added the museum to the Graber Olive House Historic District, drawing more attention to the company and providing a unique sales experience in purchasing olives.

SECTION 3. City Council Action. Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby APPROVES and designates the Graber Olive House Historic District, located at 301 East Fourth Street, 315 East Fourth Street , 405 East Fourth Street , and 406 East Harvard Place, as Local Historic District No. 8 and that it is subject to the provisions of the Historic Preservation Ordinance.

SECTION 4. 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 5. 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 6. Certification to Recordation. 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.

SECTION 7. Certification to Adoption. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

File No. PHP18-028

**Graber Olive House Historic District Contributing
Resource List**

(Document follows this page)

The Graber Olive House Historic District

Site Plan



KEY

- | | | | |
|---|-------------------------------------|---|--------------------------------|
| 1 1-Clifford C. Graber House | 10 10-The Graber Barn | Palm trees | Driveway |
| 2 2-Vat, Grading, Filling, Canning and Museum Rooms | 11 11-The Graber Shed | Deodars | Parcel/
District Boundaries |
| 3 3-Casa del Olivo | Breezeways | 25 Coast Redwoods | Non-Contributors |
| 4 4-La Casita Gift Shop | 12 12-Front Yard | 17 Water Standpipe | Machinery |
| 5 5-Original Barn, Olive Sheds, Boiler, and Labeling Rooms | 13 13-Graber's Horseshoe Pit | 18 18-Graber's Original Olive Grader | |
| 6 6-Warehouse Packing and Shipping | 14 14-C.C. Oak | 19 19-Graber's Olive Grader | |
| 7 7-Warehouse A | 15 15-Graber's Pyracantha | 20 20-Vat | |
| 8 8-Warehouse B | 16 16-Olive Trees | 21 21-The Filling Wheel | |
| 9 9-Warehouse C | 26 26-Camphor Tree | 22 22-Panama Paddle Packers | |
| | | 23 23-The Boiler Machine | |
| | | 24 24-Labeling Machine | |

Graber Olive House Historic District Contributors

Resource No. 1: The Clifford C. Graber House

Year Built: 1907

Architectural Style: Craftsman Bungalow

Description: The 2 1/2-story residence is rectangular in plan with a composition shingle covered gable roof with exposed eaves, horizontal wood siding, and a stone (rock) foundation. It features multi-paned double-hung windows, shed-roofed dormer windows, purlins, a brick chimney, two rear balconies and an enclosed front porch. The residence includes a detached 3-car garage with a unique triple-gable roof design; a central front facing gable flanked by two shorter front facing gables. The garage is clad in horizontal wood siding with a composition shingle roof.



Image 1: Resource No. 1 South Elevation



Image 2: Resource No. 1 East Elevation



Image 3: Resource No. 1 view of residence's North Elevation and Garage's East Elevation

Resource No. 2: Vat, Grading, Filling, Canning, and Museum Room

Year Built: 1934

Architectural Style: Utilitarian

Description: It is a one-story board and batten barn structure created to modernize the canning facility. It is square in plan with a stucco finish on the west and south facades. The exterior west elevation has two mosaics depicting farmers picking olives at each side of the museum room's entrance. In 1972 Mrs. Betty Graber converted a portion of non-used space in the Vat Room into a museum room. The north and east facades are of a wood board and batten siding material. It has a saw-tooth roof with an asphalt finish that allows natural light to come through the windows. The interior rooms consist of the olive grading room, the filling and canning rooms, the vat rooms, the museum room and an office room. The spatial layout of the barn shows the 1930s early most advanced methods of canning production and spatial usage within the industry. Today the rooms store machinery (Resources No. 18-22) Machinery is still used for canning and sorting of olives.



Image 4: West elevation of building, looking at the Museum entrance.



Image 5: Interior of Museum Room showcasing Graber's Original Olive Grader (Resource No. 18).



Image 6: Grading Room showing Graber's Olive Grader (Resource No. 19).



Image 7: Vat Room showing Vats (Resource No. 20).



Image 8: Filling Room showcasing the Filling Machine (Resource No. 21).



Image 9: Canning Room showcasing the Panama Paddle Packer (Resource No. 22).

Resource No.3: Casa Del Olivio

Year Built: 1965

Architectural Style: Vernacular/Ranch

Description: A one-story building rectangular in plan, with a side gable roof covered in asphalt shingles, is clad in board and batten siding and features wood hung windows. The entry features three front-side French doors. The building has a full width front porch with 5 simple wood stud columns supported by metal t-hardware. The porch is enclosed with a simple metal railing and has two points of access: an ADA ramp and a stair entrance. The porch has tiled flooring joined by red brick closer to the driveway.



Image 10: Southwest Elevation



Image 11: East Elevation

Resource No. 4: La Casita Gift Shop

Year Built: 1962

Architectural Style: Utilitarian

Description: The one-story building square in plan with a stucco finish and brick-capping trim. It has a flat roof with wood shingles, and fixed style windows along the west façade. The entry features an incorporated wooden door covered with a small front facing gable patio supported by wood brackets.



Image 12: Southwest Elevation

Resource 5: Original Barn, Olive Sheds, Boiler, and Labeling Rooms

Year Built: 1894-1906

Architectural Style: Utilitarian

Description: The one-story has an overall irregular plan with board and batten exterior and interior siding. The first section constructed was the Original Barn, a board and batten barn, with 2 large barn doors, and a set of 2 central wood panel single hung cased windows on the south façade. On the west façade there were wooden barn windows near the top of the barn, which can still be seen in the next room (the labeling room). The Original Barn today is used as a storage room. The other rooms appear to have been constructed at the same time and include the labeling room, boiler room, olive sheds, and office rooms. This was constructed in accordance with the Original Barn style with wood batten and board design, and similar barn doors and openings.



Image 13: Southwest Elevation



Image 14: Boiler Machine at the Boiler Room (Resource No. 23)



Image 15: Labeling Machine at the Labeling Room (Resource No. 24)

Resource No. 6: Warehouse Packing and Shipping

Year Built: 1938-1946

Architectural Style: Utilitarian

Description: A one-story rectangular plan board form concrete building. It has a flat roof with brick capped parapet. This building is used for storing the sales rooms merchandise and crafting gifts baskets used inside the shop.



Image 16: Northwest Elevation

Resource No. 7: Warehouse A

Year Built: 1932

Architectural Style: Utilitarian

Description: A one-story rectangular in plan board form concrete building. It has a flat roof with brick capped parapet.



Image 17: West Elevation

Resource No. 8: Warehouse B

Year Built: 1932

Architectural Style: Utilitarian

Description: A one-story rectangular plan board form concrete building. It has a flat roof. It has steel awning windows. The warehouse is used for shipping and handling of merchandise during the olive picking season.



Image 18: West Elevation

Resource No. 9: Warehouse C

Year Built: 1932

Architectural Style: Utilitarian

Description: A one-story square in plan concrete block building. It has a flat roof with brick capped parapet. The warehouse is used for shipping and handling of merchandise during the olive picking season.



Image 19: East Elevation

Resource No. 10: The Graber Barn

Year Built: Prior to 1938

Architectural Style: Vernacular Ranch

Description: A one-story rectangle-plan wood framed building has a corrugated metal finish. It has a gabled roof with covered in sheet metal and large overhanging eaves. The entry features a corrugated vertical rolling door.



Image 20: Northeast Elevation

Resource No. 11: The Graber Shed

Year Built: Prior to 1938

Architectural Style: Vernacular Ranch

Description: A one- story rectangle-plan wood framed structure with a board and batted wood finish. The building has a small porch attached with simple wood columns. The entry features a front carriage style door.



Image 21: South Elevation

Resource No. 12: Front Yard

Description: The yard functions as the entrance for the company. It is a spacious grassy area frequently used by customers to relax or have a picnic. The yard has additional plants such as: ivy along the sidewalk, two rows of olive trees, and an old olive mill on display. This yard is shady with an open design.



Resource No. 13: Graber's Horseshoe Pit

Description: This area is enclosed by trees and contains an irregular rectangular dirt covered ground surrounded by a grass border. It is used as a horseshoe pit and for passive recreation.



Resource No. 14: C.C Graber Oak Tree

Scientific Name: *Quercus agrifolia*

Description: The C.C Graber Oak Tree is a matured 100-year-old Coast Live Oak

located at the northeastern corner of the District.



Resource No. 15: Graber's Pyracantha or Graberi

Scientific Name: *Pyracantha crenatoserrata* 'Graber'

Description: The Graber's Pyracantha is a located on the northeastern border of the District said to have been gifted to the Graber family by Mr. Armstrong himself. The name of this species of tree seems to have derived in honor of the Graber family.



Resource No. 16: Olive trees

Scientific Name: *Olea europaea*

Description: The olive trees are located in the Front Yard area of the business and are planted in two rows, framing the Casa del Olivo building. The exact age of the trees are unknown, however aerial views indicate the front yard area was used as an orchard through 1948.



Resource No. 17: Water standpipe

Description: It is an early infrastructure mechanism for agricultural irrigation. It is

made of concrete with sliding metal gates on the sides that control the flow of water into furrows paths leading to nearby crops. Found at its original location, this flood irrigation standpipe remains as one of the earliest forms of crop irrigational technology of the late 1800s and early 1900s.



Resource No. 25: Coast Redwood Trees

Scientific Name: *Sequoia sempervirens*

Description: The coast redwoods are located west of the Front Yard area (along the driveway). The trees appear to have been planted at the early stages of the company probably along with the construction of the house. The trees are some of the first to have been planted in the neighborhood as depicted on some areal maps from the 1930s.



Resource No. 26: Camphor Tree

Scientific Name: *Cinnamomum camphora*

Description: The Camphor Tree is one of the earliest trees planted in the District along North Columbia Street adding to the unique setting.



CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE CLIFFORD C. GRABER HOUSE, LOCATED AT 301 EAST FOURTH STREET, AS A LOCAL LANDMARK (APN: 1047-543-01)

RECOMMENDATION: That the City Council consider and adopt a resolution approving File No. PHP18-029, designating 301 East Fourth Street as Local Landmark No. 99.


COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: None.

BACKGROUND: Clifford Graber II (property owner) has requested Local Landmark Designation of the Clifford C. Graber House, located at 301 East Fourth Street. The Clifford C. Graber House was constructed in 1907 in the Craftsman Bungalow architectural style. The Craftsman Bungalow residence is among one of the first residences built in that style in Ontario's College Park historic neighborhood, predating its 1920s development. The history of the Craftsman Bungalow architectural style developed as a contradiction of the Victorian era and sought to emphasize natural material and functionality through the elaborate wood moldings and trim designs, large porches, and rock foundation. The Craftsman Bungalow architectural style became a popular choice in Ontario neighborhoods for its affordability to the workforce developing in the area. The residence retains many character-defining features of the architectural style including the stone (rock) foundation, roof form, horizontal wood siding, and rear balconies.

HISTORIC SIGNIFICANCE: On September 22, 2020, the Historical Preservation Commission voted unanimously (6-0) to recommend that the City Council designate the Clifford C. Graber House as Local Historic Landmark No. 99 pursuant to the following designation criteria as contained in Section 4.02.040 of the City's Development Code:

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Monica Carranza
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

11

- 1) *The historic resource is identified with persons or events significant in local, state, or national history;*

The residence was built for Clifford C. Graber, who founded and managed the Graber Olive House Company. Mr. Graber was an early Ontario agricultural pioneer. Mr. Graber harvested citrus and other short-term crops, although found success selling olives. Mr. Graber's olives are cured using his family secret recipe. The Graber Olive Company has been continuously family-owned and operated since 1894. Mr. Graber also served as a City Councilmember from 1918 until 1925. He was a longtime member of the Chaffey Joint Union High School District. The residence has remained in the Graber family for over 100 years.

- 2) *The historic resource embodies distinguishing architectural characteristics of a style, type, period, or method of construction; and*

The Clifford C. Graber House is one of the finest examples of the Craftsman Bungalow architectural style in the City, which is evident by survival of the building's character-defining features. The residence retains the original distinctive roof form, horizontal wood siding, wood windows, rear balconies, and a detached three-car garage with high front-facing gable flanked with two shorter facing gables.

- 3) *The historic resource is one of the few remaining examples in the City, region, state or nation, possessing distinguishing characteristics of an architectural or historical type or specimen.*

The Clifford C. Graber House was built in 1907, making it an early example of the Craftsman Bungalow architectural style in Ontario. It is also one of the few remaining examples of the 2 1/2-story Craftsman Bungalow in the City.

ENVIRONMENTAL REVIEW: The application was reviewed pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). Per Section 21065 of the CEQA Guidelines, the local landmark designation is not considered a project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP18-029, THE DESIGNATION OF THE CLIFFORD C. GRABER HOUSE, LOCATED AT 301 EAST FOURTH STREET, AS A LOCAL HISTORIC LANDMARK AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1047-543-01.

WHEREAS, Clifford Graber II ("Applicant") has filed an Application for the approval of a Local Historic Landmark Designation, File No. PHP18-029, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City's character and history are reflected in its cultural, historical, and architectural heritage, with an emphasis on the "Model Colony" as declared by an act of the Congress of the United States and presented at the St. Louis World's Fair in 1904; and

WHEREAS, the City's historical foundations should be preserved as living parts of community life and development in order to foster an understanding of the City's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understand Ontario's rich heritage; and

WHEREAS, the Community Design element of The Ontario Plan (General Plan) sets forth Goals and Policies to conserve Ontario's historic buildings and districts; and

WHEREAS, the Clifford C. Graber House, a Craftsman Bungalow single-family residence constructed in 1907, located at 301 East Fourth Street (APN: 1047-543-01) and is legally described as: Ontario Colony Lands East 105 Feet West 138 Feet South 236 Feet Lot 800; and

WHEREAS, on July 9, 2020, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider a Tier Determination and concluded said hearing on that date, voting to issue Decision No. HPSC20-007 determining that the Clifford C. Graber House met the Tier I Historic Resource Criteria as set forth in Section 4.02.040 (Historic Preservation-Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of the Ontario Development Code; and

WHEREAS, on July 9, 2020, the Historic Preservation Subcommittee of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date, voting to issue Decision No. HPSC20-006 recommending the Historic Preservation Commission recommend to the City Council approval of the Application; and

WHEREAS, on September 22, 2020, the Historic Preservation Commission of the City of Ontario conducted a hearing to consider the Project and concluded said hearing on that date and recommended approval, adopting Resolution No. PC20-060; and

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Historic Preservation Commission 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 designation is not considered a project pursuant to Section 21065 of the CEQA Guidelines.

SECTION 2. *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, above, the City Council hereby concludes that the Clifford C. Graber House meets local landmark designation criteria as contained in Section 4.02.040 (Historic Preservation-Local Historic Landmark and Local District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of the Ontario Development Code as follows:

- (1) ***The historic resource is identified with persons or events significant in local, state, or national history.*** The residence was built for Clifford C. Graber who founded and managed the Graber Olive House Company. Mr. Graber was an early Ontario agricultural pioneer. Mr. Graber harvested citrus and other short-term crops, although found success selling olives. Mr. Graber's olives are cured using his family secret recipe. The Graber Olive Company has been continuously family owned and operated since 1894. Mr. Graber also served as a City Councilmember from 1918 until 1925. He was a longtime member of the Chaffey Joint Union High School District. The residence has remained in the Graber family for over 100 years;
- (2) ***The historic resource embodies distinguishing architectural characteristics of a style, type, period, or method of construction.*** The Clifford C. Graber House is one of the finest examples of the Craftsman Bungalow architectural style in the City, which is evident by survival of the building's character-defining features. The residence retains the original distinctive roof form, horizontal wood siding, wood windows, and rear balconies, and a detached three-car garage with high front-facing gable flanked with two shorter facing gables; and
- (3) ***The historic resource is one of the few remaining examples in the City, region, state or nation, possessing distinguishing characteristics of an architectural or historical type or specimen.*** The Clifford C. Graber House was built in 1907 making it an early example of the Craftsman Bungalow architectural style in Ontario. It is also one of the few remaining examples of the 2 1/2-story Craftsman Bungalow in the City.

SECTION 3. City Council Action. Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby APPROVES and designates the Clifford C. Graber House, located at 301 East Fourth Street, as Local Historical Landmark No. 99.

SECTION 4. 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 5. 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 6. Certification to Recordation. 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.

SECTION 7. Certification to Adoption. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
October 20, 2020

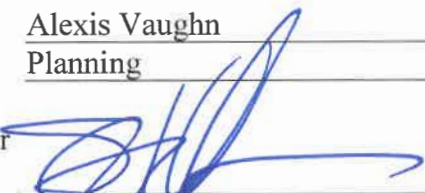
SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER: [1] A GENERAL PLAN AMENDMENT (FILE NO. PGPA19-003) TO MODIFY THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01) COMPONENT OF THE ONTARIO PLAN, CHANGING THE LAND USE DESIGNATION ON 23.8 GROSS ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (2.1 - 5.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (11.1 - 25.1 DU/AC), IN CONJUNCTION WITH A MODIFICATION TO THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION CHANGE; AND [2] AN AMENDMENT TO THE ESPERANZA SPECIFIC PLAN (FILE NO. PSPA19-003) TO ESTABLISH ROW TOWNHOMES AS A PERMITTED LAND USE AND INCREASE THE MAXIMUM ALLOWED DENSITY WITHIN PLANNING AREA 4, FROM 6.26 TO 14.0 DWELLING UNITS PER ACRE AND UPDATES TO THE DEVELOPMENT STANDARDS, LAND USE MATRIX, AND VARIOUS EXHIBITS TO ACCOMMODATE THE TOWNHOME PRODUCT, FOR LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CLIFTON AND EUCALYPTUS AVENUES, WITHIN THE PA-4 LAND USE DISTRICT OF THE ESPERANZA SPECIFIC PLAN (APN: 0218-302-01)

RECOMMENDATION: That the City Council consider and adopt the following:

- [1] A resolution approving a General Plan Amendment (File No. PGPA19-003) to modify the Land Use Element of The Ontario Plan (General Plan), changing the land use designation assigned to 23.8 gross acres of land, as shown on the Land Use Plan Map (Exhibit LU-01), from Low Density Residential (2.1 – 5.0 du/ac) to Medium Density Residential (11.1 – 25.0 du/ac) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change; and
- [2] A resolution approving a Specific Plan Amendment (File No. PSPA19-003) to modify the Esperanza Specific Plan, establishing row townhomes as a permitted land use, increase the maximum allowed density within Planning Area 4 from 6.26 to 14.0 dwelling units per acre and

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Alexis Vaughn
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

12

updates to development standards, the land use matrix, and various exhibits to accommodate the townhome product.

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

FISCAL IMPACT: No fiscal impacts are anticipated with the adoption of the proposed General Plan Amendment and proposed Amendment to the Esperanza Specific Plan (ESP). The proposed General Plan Amendment would result in the increase of residential units from 149 to 333. The increase in residential units would increase ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development. To offset the future increase in service expenditures, an operations and maintenance Community Facilities District (CFD) will be established through the tract map entitlement process for the project site to cover the additional costs of Police and Fire services, landscape maintenance of medians, neighborhood edges, and street light operations and maintenance along the public streets.

BACKGROUND: The Ontario Plan ("TOP") Policy Plan provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch.

The Esperanza Specific Plan (File No. PSP05-002) was approved, and the related Environmental Impact Report ("EIR"; SCH# 2002061047) was certified by the City Council on February 6, 2007. The ESP established the land use designations, development standards, and design guidelines on 223 acres of land, which included the potential development of 1,410 dwelling units and a 10.02-acre elementary school.

On May 29, 2019, the Applicant submitted four applications to facilitate the construction of a residential development, which included a General Plan Amendment (File No. PGPA19-003), an amendment to the Esperanza Specific Plan (File No. PSPA19-003), a Tentative Tract Map (File No. PMTT19-010/TT 20285) to subdivide 8.57 acres of land into 11 numbered lots and 6 lettered lots, and a Development Plan (File No. PDEV19-030) to construct 126 multiple-family dwelling units and associated recreational facilities.

GENERAL PLAN AMENDMENT: The proposed General Plan Amendment will revise Policy Plan Exhibit LU-01 (Land Use Plan), changing the land use designation on approximately 23.8 acres of land from Low-Density Residential to Medium-Density Residential. In addition, the Policy Plan (Figure LU-03) Future Buildout Table will be updated to reflect the proposed land use designation changes, as shown in Exhibit B (Amended Future Buildout Table) attached. The General Plan Amendment will provide a logical expansion and continuance of the Medium Density Residential land use designation to the north of the project site south to Eucalyptus Avenue, as shown in Exhibit A - General Plan Amendment of this report.

ESPERANZA SPECIFIC PLAN AMENDMENT: The proposed Amendment to the Esperanza Specific Plan includes changes to the Esperanza Specific Plan Land Use Summary Table, as shown in Exhibit C (Esperanza Land Use Summary Table). The revisions to the Land Use Summary Table will reflect the proposed changes to the maximum allowable density within Planning Area 4 (PA-4) of the Specific Plan from 6.26 to 14.0 dwelling units per acre, resulting in the increase of residential units from 149 to 333. The maximum 14.0 dwelling unit per acre density was established for PA-4 in order to maintain

consistency with TOP Policy Plan's previously analyzed maximum overall density for the Specific Plan area.

In addition, the Specific Plan Amendment will introduce a row townhome product for PA-4. To accommodate the row townhome product, certain updates to development standards, the land use matrix, and various exhibits of the Specific Plan have been proposed (see Attachment A: Resolution for the Esperanza Specific Plan Amendment). All changes and additions to the Specific Plan (exhibits, tables, and development standards) are contained within the revised Specific Plan document and are highlighted in red.

PLANNING COMMISSION REVIEW: On September 22, 2020, the Planning Commission conducted a duly noticed public hearing on the subject applications and voted unanimously (6-0) to recommend that the City Council approve the proposed General Plan Amendment and Amendment to the Esperanza Specific Plan. Additionally, the Planning Commission approved the related Tentative Tract Map and Development Plan, subject to City Council approval of the General Plan and Specific Plan Amendments.

HOUSING ELEMENT COMPLIANCE: The Project is consistent with the Housing Element of the Policy Plan (General Plan) component of TOP. The Project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed Project is consistent with the number of dwelling units (333) and density (14 du/ac) specified in the Available Land Inventory, which designates a total unit count of 1,410 units and an overall density range of 13 - 24 du/ac for the Project area.

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 near the airport are included in the conditions of approval provided with the attached Resolution.

ENVIRONMENTAL REVIEW: The environmental impacts of the Project were previously reviewed in conjunction with TOP, for which an EIR (SCH# 2008101140) was certified by the City Council on January 27, 2010. This Application introduces no new significant environmental impacts, as the overall dwelling unit count for the Esperanza Specific Plan remains under the previously reviewed and approved threshold set forth by TOP EIR (1,636.51 units assumed and analyzed, 1,594 units proposed). All previously adopted mitigation measures are a condition of Project approval.

EXHIBIT A – GENERAL PLAN AMENDMENT MAP



- Low Density (2.1 - 5 du / ac)
- Low-Medium Density (5.1 - 11 du / ac)
- Medium Density (11.1 - 25 du / ac)

Existing General Plan



- Low Density (2.1 - 5 du / ac)
- Low-Medium Density (5.1 - 11 du / ac)
- Medium Density (11.1 - 25 du / ac)

Proposed General Plan

EXHIBIT B – AMENDED FUTURE BUILDOUT TABLE

Land Use	Acres²	Assumed Density/Intensity³	Units	Population⁴	Non-Residential Square Feet	Jobs⁵
Residential						
Rural	529	2.0 du/ac	1,058	4,231		
Low Density ⁶	7,255	4.0 du/ac (OMC)	30,584	122,244		
	7,231	4.5 du/ac (NMC)	30,477	121,816		
Low-Medium Density ⁶	982	8.5 du/ac	8,343	33,348		
Medium Density	1,897	18.0 du/ac (OMC)	38,200	133,791		
	1,921	22.0 du/ac (NMC)	38,724	135,508		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,846		84,601 85,017	315,084 316,372		
Mixed Use						
• Downtown	113	<ul style="list-style-type: none"> 60% of the area at 35 du/ac 40% of the area at 0.80 FAR for office and retail 	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	<ul style="list-style-type: none"> 25% of the area at 30 du/ac 50% of the area at 1.0 FAR office 25% of area at 0.80 FAR retail 	428	856	1,740,483	3,913
• Meredith	93	<ul style="list-style-type: none"> 47% of the area at 39.46 du/ac 48% at 0.35 FAR for office and retail uses 5% at 0.75 FAR for Lodging 	1,725	3,450	832,497	975
• Transit Center	76	<ul style="list-style-type: none"> 10% of the area at 60 du/ac 90% of the area at 1.0 FAR office and retail 	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> 50% of the area at 20 du/ac 30% of area at 0.50 FAR office 20% of area t 0.35 FAR retail 	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> 20% of the area at 30 du/ac 30% of area at 1.0 FAR retail 50% of area at 0.70 FAR office 	465	929	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> 30% of area at 40 du/ac 50% of area at 1.0 FAR office 20% of area at 0.50 FAR retail 	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> 5% of area at 40 du/ac 20% of area at 0.75 FAR office 75% of area at 0.50 FAR retail 	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> 30% of area at 35 du/ac 70% of area at 0.70 FAR office and retail 	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> 30% of area at 25 du/ac 30% of area at 0.35 FAR for office 40% of area at 0.30 FAR for retail uses 	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> 50% of the area at 30 du/ac 50% of area at 0.8 FAR retail 	156	312	181,210	419
• SR-60/ Hamner Tuscana Village	41	<ul style="list-style-type: none"> 18% of the area at 25 du/ac 57% of the area at 0.25 FAR retail 25% of the area at 1.5 FAR office 	185	369	924,234	2,098
Subtotal	1,668		16,054	32,107	34,582,545	71,896

EXHIBIT B – AMENDED FUTURE BUILDOUT TABLE (CONTINUED)

Land Use	Acres²	Assumed Density/Intensity³	Units	Population⁴	Non-Residential Square Feet	Jobs⁵
Retail/Service						
Neighborhood Commercial ⁶	281	0.30 FAR			3,671,585	8,884
General Commercial	477	0.30 FAR			6,229,385	5,787
Office/Commercial	479	0.75 FAR			15,650,564	34,707
Hospitality	142	1.00 FAR			6,177,679	7,082
Subtotal	1,379				31,729,213	56,461
Employment						
Business Park	1,531	0.40 FAR			26,676,301	46,803
Industrial	6,457	0.55 FAR			154,698,172	135,921
Subtotal	7,988				181,374,472	182,724
Other						
Open Space–Non-Recreation	1,232	Not applicable				
Open Space–Parkland ⁶	950	Not applicable				
Open Space–Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
Subtotal	9,906					
Total	31,786		100,654 101,071	347,190 348,479	247,686,231	311,080

- Notes
- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
 - Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
 - Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
 - Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
 - To view the factors used to generate the number of employees by land use category, access the Methodology report.
 - Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

EXHIBIT C – ESPERANZA LAND USE SUMMARY TABLE

Existing

LAND USE	UNITS	GROSS ACRES	UNITS/ GROSS ACRES	NET ACRES	UNITS/ NET ACRES
Residential Uses					
PA-1 (RD-7 / Row Townhomes)	258 DU	21.48 AC	12.01 DU/AC	18.62 AC	13.86 DU/AC
PA-2 (RD-4 / SFD Cottages)	165 DU	24.68 AC	6.69 DU/AC	20.81 AC	7.93 DU/AC
PA-3 (RD-8 / Motocourt Townhomes)	238 DU	19.84 AC	12.00 DU/AC	17.38 AC	13.69 DU/AC
PA-4 (RD-6 / 6 Pack Courtyard)	149 DU	23.81 AC	6.26 DU/AC	19.92 AC	7.48 DU/AC
PA-5 (RD-5 / 4 Pack Courtyard)	157 DU	23.78 AC	6.60 DU/AC	17.64 AC	8.90 DU/AC
PA-6 (RD-4 / SFD Cottages)	78 DU	13.64 AC	5.72 DU/AC	10.00 AC	7.80 DU/AC
PA-7 (RD-1 / SFD 50' wide lots)	76 DU	14.36 AC	5.29 DU/AC	12.56 AC	6.06 DU/AC
PA-8 (RD-2 / SFD 55' wide lots)	107 DU	23.72 AC	4.51 DU/AC	19.26 AC	5.56 DU/AC
PA-9 (RD-1 / SFD 50' x 80')	82 DU	17.75 AC	4.62 DU/AC	13.27 AC	6.18 DU/AC
PA-10 (RD-3 / SFD 2 Pack)	100 DU	19.92 AC	5.02 DU/AC	14.62 AC	6.84 DU/AC
Park		6.92 AC			
Residential Land Use Total	1,410 DU	209.90 AC	6.72 DU/AC	164.08 AC	8.59 DU/AC
Parks				9.89 AC	
Neighborhood Edge Buffers				6.62 AC	
Roadways				28.25 AC	
SCE Easements and Well Sites				4.14 AC	
Community Facilities Use					
PA-11 (School)		13.10 AC		10.02 AC	
PROJECT TOTAL	1,410 DU	223.00 AC		223.00 AC	

NOTES:

- 1) Gross residential acres do not include the 13.10 gross acres for a school site.
- 2) Net residential acres are gross acres less parks, neighborhood edge buffers, roadway, easements and net area for school site.

EXHIBIT C – ESPERANZA LAND USE SUMMARY TABLE (CONTINUED)

Proposed

LAND USE	UNITS	GROSS ACRES	UNITS/ GROSS ACRES	NET ACRES	UNITS/ NET ACRES
Residential Uses					
PA-1 (RD-7 / Row Townhomes)	258 DU	21.48 AC	12.01 DU/AC	18.62 AC	13.86 DU/AC
PA-2 (RD-4 / SFD Cottages)	165 DU	24.68 AC	6.69 DU/AC	20.81 AC	7.93 DU/AC
PA-3 (RD-8 / Motorcourt Townhomes)	238 DU	19.84 AC	12.00 DU/AC	17.38 AC	13.69 DU/AC
PA-4 (RD-6/6 Pack Courtyard & Rowtowns)	133 DU	23.81 AC	14.0 DU/AC	19.92 AC	16.72 DU/AC
PA-5 (RD-5 / 4 Pack Courtyard)	157 DU	23.78 AC	6.60 DU/AC	17.64 AC	8.90 DU/AC
PA-6 (RD-4 / SFD Cottages)	78 DU	13.64 AC	5.72 DU/AC	10.00 AC	7.80 DU/AC
PA-7 (RD-1 / SFD 50' wide lots)	76 DU	14.36 AC	5.29 DU/AC	12.56 AC	6.05 DU/AC
PA-8 (RD-2 / SFD 55' wide lots)	107 DU	23.72 AC	4.51 DU/AC	19.26 AC	5.56 DU/AC
PA-9 (RD-1 / SFD 50' x 80')	82 DU	17.75 AC	4.62 DU/AC	13.27 AC	6.18 DU/AC
PA-10 (RD-3 / SFD 2 Pack)	100 DU	19.92 AC	5.02 DU/AC	14.62 AC	6.84 DU/AC
Park		6.92 AC			
Residential Land Use Total	1,594 DU	209.90 AC	7.65 DU/AC	164.08 AC	9.36 DU/AC
Parks				9.89 AC	
Neighborhood Edge Buffers				6.62 AC	
Roadways				28.25 AC	
SCE Easements and Well Sites				4.14 AC	
Community Facilities Use					
PA-11 (School)		13.10 AC		10.02 AC	
PROJECT TOTAL	1,594 DU	223.00 AC		223.00 AC	

NOTES:

(2019:8)

- 1) Gross residential acres do not include the 13.10 gross acres for a school site.
- 2) Net residential acres are gross acres less parks, neighborhood edge buffers, roadways, easements and net area for school site.

EXHIBIT D – ESPERANZA SPECIFIC PLAN DEVELOPMENT CHARACTERISTICS

<i>Existing Esperanza Specific Plan</i>			
<i>Planning Area</i>	<i>Gross Acres</i>	<i>Units/Gross Acres</i>	<i>Units</i>
PA 1	21.48	12.01	258
PA 2	24.68	6.69	165
PA 3	19.84	12	238
PA 4	23.81	6.26	149
PA 5	23.78	6.6	157
PA 6	13.64	5.72	78
PA 7	14.36	5.29	76
PA 8	23.72	4.51	107
PA 9	17.75	4.62	82
PA 10	19.92	5.02	100
Park	6.92	0.0	0
Total	209.9	6.87	1410.00

<i>Proposed Esperanza Specific Plan</i>			
<i>Planning Area</i>	<i>Gross Acres</i>	<i>Units/Gross Acres</i>	<i>Units</i>
PA 1	21.48	12.01	258
PA 2	24.68	6.69	165
PA 3	19.84	12	238
PA 4	23.81	14	333
PA 5	23.78	6.6	157
PA 6	13.64	5.72	78
PA 7	14.36	5.29	76
PA 8	23.72	4.51	107
PA 9	17.75	4.62	82
PA 10	19.92	5.02	100
Park	6.92	0.0	0
Total	209.9	7.65	1594.00

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA19-003, A GENERAL PLAN AMENDMENT TO MODIFY THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01) COMPONENT OF THE ONTARIO PLAN, CHANGING THE LAND USE DESIGNATION ON APPROXIMATELY 23.8 GROSS ACRES OF LAND, FROM LOW DENSITY RESIDENTIAL (2.1 – 5.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (11.1 – 25.0 DU/AC), IN CONJUNCTION WITH A MODIFICATION TO THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION CHANGE, FOR LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CLIFTON AND EUCALYPTUS AVENUES, WITHIN THE PA-4 LAND USE DISTRICT OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-302-01. (PART OF CYCLE 3 FOR THE 2020 CALENDAR YEAR).

Patrick McCabe for Christopher Development Group, Inc. ("Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA19-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario adopted the Policy Plan (General Plan) as part of The Ontario Plan ("TOP") in January 2010. Since the adoption of TOP, the City has evaluated Policy Plan Exhibits LU-01: Official Land Use Plan and LU-03: Future Buildout and is proposing certain modifications; and

WHEREAS, the General Plan Amendment (File No. PGPA19-003) proposes to modify the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) component of TOP, changing the land use designation on approximately 23.8 gross acres of land from Low-Density Residential (2.1 - 5 du/ac) to Medium-Density Residential (11.1 - 25 du/ac), as shown on Attachment 1 of this resolution. The GPA will provide a logical expansion and continuance of the Medium Density Residential land use designation to the north of the project site south to Eucalyptus Avenue; and

WHEREAS, Policy Plan Exhibit LU-03 (Future Buildout) specifies the expected buildout for the City of Ontario, incorporating the adopted land use designations. The proposed changes to Exhibit LU-01 (Official Land Use Plan) will require that Exhibit LU-03 (Future Buildout) is modified to be consistent with Exhibit LU-01 (Official Land Use Plan), as depicted on Attachment 2 of this Resolution; and

WHEREAS, a Specific Plan Amendment, Tentative Tract Map, and Development Plan, File Nos. PSPA19-003, PMTT19-010, and PDEV19-030, respectively, were filed in conjunction with the proposed General Plan Amendment. The three applications consist of: 1) an amendment to the Esperanza Specific Plan to increase the maximum density of the PA-4 land use district, from 6.26 to 14.0 dwelling units per acre; 2) a Tentative Tract

Map (File No. PMTT19-010/TPM 20285) to subdivide 8.57 acres of land into 11 numbered parcels and 6 lettered lots; and 3) a Development Plan (File No. PDEV19-030) to construct 126 multiple-family residential dwellings; and

WHEREAS, the Application applies to 23.8 gross acres of land generally located at the northeast corner of Clifton and Eucalyptus Avenues, within the PA-4 land use district of the Esperanza Specific Plan, and is presently partially vacant and partially improved with dairy/agricultural land uses; and

WHEREAS, the Policy Plan Land Use Map designates the property to the north of the Project site for Medium-Density Residential (11.1 – 25.0 du/ac) land uses, the parcel to the west of the Project site is designated Public School and Open Space, and the parcels to the south of the Project site are designated for Low-Density Residential (2.1 - 5.0 du/ac) land uses. The parcels to the east of the Project site are located within the City of Eastvale and are designated for development with industrial land uses; and

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

WHEREAS, the environmental impacts of this Project were previously reviewed in conjunction with TOP Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts, as the overall dwelling unit count for the Esperanza Specific Plan remains under the previously reviewed and approved threshold as set forth by The Ontario Plan EIR (1,636.51 units assumed and analyzed, 1,594 units proposed). All previously adopted mitigation measures are a condition of Project approval and are incorporated herein by this reference; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; 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 has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan

("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 22, 2020, 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. PC20-064 recommending the City Council approve the Application; and

WHEREAS, on October 20, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED 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 previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this Project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report — State Clearinghouse No. 2008101140 ("Certified EIR"), which was certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001; and

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the City Council; and

(5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2. *Subsequent or Supplemental Environmental Review Not Required.* Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The Project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed Project is consistent with the number of dwelling units (333) and density (14 du/ac) specified in the Available Land Inventory, which designates a total unit count of 1,410 units and an overall density range of 13 - 24 du/ac for the Project area.

SECTION 4. *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 5. 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 4, above, the City Council hereby concludes as follows:

(1) The proposed General Plan 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, as the Project will contribute to providing “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” (Goal LU1). In addition, the Project will further “[d]iversity in 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 (Goal H2). Moreover, the Project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to 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” (Policy LU1-6 *Complete Community*); and

(2) The proposed General Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and

(3) The Land Use Element is a mandatory element allowed four general plan amendments per calendar year and this general plan amendment is the third amendment to the Land Use Element for the 2020 calendar year, consistent with Government Code Section 65358; and

(4) The Project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The Project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed Project is consistent with the number of dwelling units (333) and density (14 du/ac) specified in the

Available Land Inventory, which designates a total unit count of 1,410 units and an overall density range of 13 - 24 du/ac for the Project area; and

(5) During the amendment of the general plan, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with Government Code Section 65351.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Application, as shown on Attachments 1 and 2 of this resolution.

SECTION 7. 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 8. 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.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

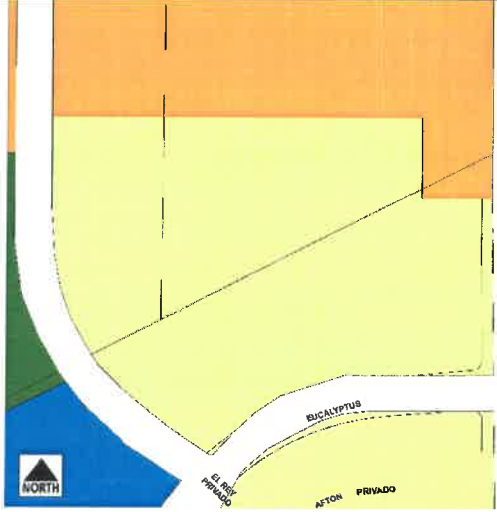

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Attachment 1: Policy Plan Land Use Plan (Exhibit LU-01) Revision

Existing Policy Plan Land Use	Assessor Parcel Number(s) Involved	Proposed Policy Plan Land Use
 <p align="center">Low-Density Residential (2.1-5 du/ac)</p>	<p align="center">0218-302-01</p>	 <p align="center">Medium-Density Residential (11.1-25 du/ac)</p>

Attachment 2: Future Buildout (Exhibit LU-03) Revision

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,058	4,231		
Low Density ⁶	7,255 7,231	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584 30,477	122,244 121,816		
Low-Medium Density ⁶	982	8.5 du/ac	8,343	33,348		
Medium Density	1,897 1,921	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200 38,724	133,791 135,508		
High Density	183	35.0 du/ac	6,415	21,470		
<i>Subtotal</i>	10,846		84,601 85,017	315,084 316,372		
Mixed Use						
• Downtown	113	<ul style="list-style-type: none"> 60% of the area at 35 du/ac 40% of the area at 0.80 FAR for office and retail 	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	<ul style="list-style-type: none"> 25% of the area at 30 du/ac 50% of the area at 1.0 FAR office 25% of area at 0.80 FAR retail 	428	856	1,740,483	3,913
• Meredith	93	<ul style="list-style-type: none"> 47% of the area at 39.46 du/ac 48% at 0.35 FAR for office and retail uses 5% at 0.75 FAR for Lodging 	1,725	3,450	832,497	975
• Transit Center	76	<ul style="list-style-type: none"> 10% of the area at 60 du/ac 90% of the area at 1.0 FAR office and retail 	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> 50% of the area at 20 du/ac 30% of area at 0.50 FAR office 20% of area at 0.35 FAR retail 	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> 20% of the area at 30 du/ac 30% of area at 1.0 FAR retail 50% of area at 0.70 FAR office 	465	929	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> 30% of area at 40 du/ac 50% of area at 1.0 FAR office 20% of area at 0.50 FAR retail 	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> 5% of area at 40 du/ac 20% of area at 0.75 FAR office 75% of area at 0.50 FAR retail 	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> 30% of area at 35 du/ac 70% of area at 0.70 FAR office and retail 	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> 30% of area at 25 du/ac 30% of area at 0.35 FAR for office 40% of area at 0.30 FAR for retail uses 	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> 50% of the area at 30 du/ac 50% of area at 0.8 FAR retail 	156	312	181,210	419
• SR-60/Hammer Toscana Village	41	<ul style="list-style-type: none"> 18% of the area at 25 du/ac 57% of the area at 0.25 FAR retail 25% of the area at 1.5 FAR office 	185	369	924,234	2,098
<i>Subtotal</i>	1,668		16,054	32,107	34,582,545	71,896

Exhibit B: Future Buildout (Exhibit LU-03) Revision Continued

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood Commercial ⁶	281	0.30 FAR			3,671,585	8,884
General Commercial	477	0.30 FAR			6,229,385	5,787
Office/Commercial	479	0.75 FAR			15,650,564	34,707
Hospitality	142	1.00 FAR			6,177,679	7,082
<i>Subtotal</i>	1,379				31,729,213	56,461
Employment						
Business Park	1,531	0.40 FAR			26,676,301	46,803
Industrial	6,457	0.55 FAR			154,698,172	135,921
<i>Subtotal</i>	7,988				181,374,472	182,724
Other						
Open Space-Non-Recreation	1,232	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
<i>Subtotal</i>	9,906					
<i>Total</i>	31,786		100,654 101,071	347,190 348,479	247,686,231	311,080

Notes

- 1 Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- 2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- 3 Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- 4 Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- 5 To view the factors used to generate the number of employees by land use category, access the Methodology report.
- 6 Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-003, AN AMENDMENT TO THE ESPERANZA SPECIFIC PLAN TO ESTABLISH ROW TOWNHOMES AS A PERMITTED LAND USE AND INCREASE THE MAXIMUM ALLOWED DENSITY WITHIN THE PLANNING AREA 4 LAND USE DISTRICT FROM 6.26 TO 14.0 DWELLING UNITS PER ACRE, AND UPDATES TO DEVELOPMENT STANDARDS, THE LAND USE MATRIX, AND VARIOUS EXHIBITS TO ACCOMMODATE THE TOWNHOME PRODUCT ON 23.8 ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF CLIFTON AND EUCALYPTUS AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-302-01.

WHEREAS, Patrick McCabe for Christopher Development Group, Inc. ("Applicant"), has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA19-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 23.8 gross acres of land generally located at the northeast corner of Clifton and Eucalyptus Avenues, within the PA-4 land use district of the Esperanza Specific Plan, and is presently partially vacant and partially improved with dairy/agricultural land uses; and

WHEREAS, the Esperanza Specific Plan designates the parcels to the north of the Project site as PA-4 (RD-6 / 6 Pack Courtyard), the parcels to the west of the Project site as PA-11 (School), and the parcels to the south of the Project site as PA-5 (RD-5 / 4 Pack Courtyard). The parcels to the east of the Project site are located within the City of Eastvale and are designated for development with industrial land uses; and

WHEREAS, the Esperanza Specific Plan Amendment includes changes to the Esperanza Land Use Summary. The revisions to the Land Use Summary will reflect the proposed changes to the Project site's density, from 6.26 to 14.0 dwelling units per acre; and

WHEREAS, the Esperanza Specific Plan Amendment includes updates to development standards, the land use matrix, and various exhibits, along with text/map changes to accommodate the row townhome product within PA-4; and

WHEREAS, a General Plan Amendment, Tentative Tract Map, and Development Plan, File Nos. PGPA19-003, PMTT19-010, and PDEV19-030, respectively, were filed in conjunction with the proposed Specific Plan Amendment. The three applications consist of: 1) an amendment to The Ontario Plan ("TOP") to change the land use designation from Low-Density Residential (2.1 – 5.0 du/ac) to Medium-Density Residential (11.1 - 25.0 du/ac); 2) a Tentative Tract Map (File No. PMTT19-010/TPM 20285) to subdivide 8.57 acres of land into 11 numbered lots and 6 lettered lots; and 3) a Development Plan (File No. PDEV19-030) to construct 126 multiple-family residential dwellings in a row town configuration; and

WHEREAS, TOP (File No. PGPA06-001) Environmental Impact Report (State Clearinghouse No. 2008101140) was certified on January 27, 2010 (hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed; and

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

WHEREAS, the environmental impacts of this Project were previously reviewed in conjunction with TOP Environmental Impact Report (State Clearinghouse No. 2008101140), certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts, as the overall dwelling unit count for the Esperanza Specific Plan remains under the previously reviewed and approved threshold as set forth by TOP EIR (1,636.51 units assumed and analyzed, 1,594 units proposed). All previously adopted mitigation measures are a condition of Project approval and are incorporated herein by this reference; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; 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 has been reviewed for consistency with the Housing Element of the Policy Plan component of TOP, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("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 22, 2020, 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. PC20-065 recommending the City Council approve the Application; and

WHEREAS, on October 20, 2020, the City Council of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED 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 previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this Project were reviewed in conjunction with an Addendum to TOP Environmental Impact Report — State Clearinghouse No. 2008101140 (“Certified EIR”), which was certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001; and

(2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous Certified EIR reflects the independent judgment of the City Council; and

(5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2. *Subsequent or Supplemental Environmental Review Not Required.* Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The Project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the Project is consistent with the Housing Element of the Policy Plan (General Plan) component of TOP. The Project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed Project is consistent with the number of dwelling units (333) and density (14 du/ac) specified in the Available Land Inventory, which designates a total unit count of 1,410 units and an overall density range of 13 - 24 du/ac for the Project area.

SECTION 4. *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 5. 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 4, above, the City Council hereby concludes as follows:

(1) *The proposed Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of TOP.* The proposed Esperanza Specific Plan Amendment will provide land use consistency with the related proposed General Plan Amendment (File No. PGPA19-003) that will change the land use on 23.8 acres of land from Low-Density Residential (2.1 – 5.0 du/ac) to Medium-Density Residential (11.1 - 25.0 du/ac). The proposed amendments will accommodate a proposed residential development on the subject site that is consistent with goals, policies, plans and City Council priorities of TOP.

(2) *The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.* The proposed amendments to the Esperanza Specific Plan will establish consistency with the related proposed General Plan Amendment (File No. PGPA19-003). The proposed Specific Plan Amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The land use changes will continue to provide residential land uses within the Esperanza Specific Plan, which is consistent with the type and intensity of development specified in TOP and evaluated by TOP Environmental Impact Report.

(3) *In the case of an application affecting specific property(ies), the proposed Specific Plan, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.* The Project site is currently zoned for residential land uses and is surrounded by other residentially designated properties to the north, west, and south of the Project site. The proposed Specific Plan Amendment will not adversely affect the harmonious relationship with adjacent properties and land uses, because it will remain consistent with said properties and land uses. The proposed Specific Plan Amendment will facilitate a related Development Plan application (File No. PDEV19-030), which will provide additional housing and recreational facilities for the neighborhood, as well as tract improvements such as public street and utilities infrastructure, and landscaping.

(4) *In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.* The subject site is

physically suitable to accommodate the proposed residential land uses that are a result of the Specific Plan Amendment and related files. The Esperanza Specific Plan amendment includes development standards to facilitate the proposed land uses, which will be developed with adequate lot sizes, access, and utilities to serve the Project site.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Esperanza Specific Plan Amendment, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 7. 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 8. 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.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020, 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**File No. PSPA19-003;
Esperanza Specific Plan Amended Pages**

(Document follows this page)

9/9/2020 10:43:46 AM

Compare Results

Summary of Comments on Esperanza Sect 1.indd

This page contains no comments

Old File:

Esperanza Sect 1.pdf

6 pages (2.43 MB)

9/4/2020 11:13:32 AM

versus

New File:

Esperanza Sect 1R.pdf

7 pages (2.43 MB)

9/8/2020 4:31:21 PM

Total Changes

20

Content

11 Replacements

6 Insertions

3 Deletions

Styling and Annotations

0 Styling

0 Annotations

[Go to First Change \(page 1\)](#)

SECTION 1. EXECUTIVE SUMMARY

The Esperanza Specific Plan is a proposal for the development of approximately 223 acres located within the City of Ontario New Model Colony (NMC). The master plan for Esperanza will provide for development of a distinctive residential planned community offering a variety of housing types within walking distance to parks and an elementary school. The regional context and local setting of the Esperanza Specific Plan are illustrated in Exhibit 1, "Regional Location Map" and Exhibit 2, "Vicinity Map."

The Esperanza Specific Plan comprises all of Planning Subarea 25 as depicted on the City of Ontario New Model Colony (NMC) General Plan Land Use Map. The Specific Plan is bounded by Bellegrave Avenue to the south, Milliken Avenue to the east, and Mill Creek Avenue to the west. Planning Subarea 19 abuts the Specific Plan area on the north. Approximately 164.08 net acres of Esperanza are proposed for residential uses along with 9.89 net acres of park uses to be developed by Armada, LLC, Amberhill Development, and the Pietersma Family Trust and Bidart Family Trust. As part of the Esperanza Specific Plan, a 10.02 net acre site will be reserved for the development of an elementary school.

The Esperanza Specific Plan establishes the regulations and guidelines which will govern development of the master planned community within Planning Subarea 25 of the NMC General Plan. The development plan as illustrated in Exhibit 3 "Land Use Plan," is consistent with the goals and policies of the NMC General Plan combining livable residential neighborhoods served by public and recreational facilities as well as active open space offering opportunities for social interaction among residents.

Pedestrian accessibility is provided throughout Esperanza, through a system of sidewalks separated from the street by landscaped parkways and landscaped buffer areas. Bicycle mobility is provided within the community through a system of on-street bicycle trails.

The NMC General Plan, adopted by the City of Ontario in 1998, designates Planning Subarea 25 for development of up to 1,456 residential dwelling units, however, 46 residential dwelling units will be transferred to another Planning Subarea in order to accommodate development of a 10.02 acre school site within Esperanza. On XX-XX-2020, a request to increase PA4 to 14DU/AC was approved in order to accommodate a more efficient, economical sized design, and more appropriate product type. The increase allows for the development of up to 1,640 units. The development of the elementary school within Esperanza will limit the total number of dwelling units permitted within Planning Subarea 25 to 1,594. In the event the elementary school site is not purchased by the Mountain View School District, the total number of dwelling units permitted within Planning Subarea 25 may revert to 1,640 subject to approval by the City of a Specific Plan Amendment.

GOVERNING DOCUMENTS

Development of Esperanza will be governed by the following:

- The City of Ontario NMC General Plan (January 1998), as amended, which establishes policies governing land use, circulation, housing, conservation and open space, noise, safety, and public facilities within the Esperanza Specific Plan area.
- The Esperanza Specific Plan which includes a Land Use Plan, Infrastructure Plan, Design Guidelines, and Development Regulations. Where the Esperanza Specific Plan is silent,

Text Replaced
[Old]: "The development of the elementary school within Esperanza will limit the total number of dwelling units permitted within Planning Subarea 25 to 1,410."
[New]: "On XX-XX-2020, a request to increase PA4 to 14DU/AC was approved in order to accommodate a more efficient, economical sized design, and more appropriate product type. The increase allows for the development of up to 1,640 units. The development of the elementary school within Esperanza will limit the total number of dwelling units permitted within Planning Subarea 25 to 1,594."

Text Replaced
[Old]: "1,456"
[New]: "1,640"

Text Inserted
"1"

- the City of Ontario Development Code shall govern.
- The City of Ontario Subdivision Ordinance regulating the subdivision of land within the Esperanza Specific Plan area.
 - A development agreement to include methods for financing, acquisition, and construction of infrastructure, acquisition and development of parks and schools, as well as the provision for housing opportunities consistent with the regional housing needs assessment.
 - Covenants, Conditions, and Restrictions (CC&R's) to be established by the developers of Esperanza as a means of ensuring and enforcing quality design and development of the master planned community.

SPECIFIC PLAN COMPONENTS

The Esperanza Specific Plan is organized into the following sections in addition to Section 1, Executive Summary.

**SECTION 2
INTRODUCTION**

The Introduction serves to acquaint the reader with:

- Community vision and objectives,
- The project setting,
- A general description of the project proposal,
- The goals and policies of the Esperanza Specific Plan,
- The entitlements to accompany the Esperanza Specific Plan; and
- The relationship of the Esperanza Specific Plan to the City of Ontario NMC General Plan, and the City of Ontario Development Code.

**SECTION 3
EXISTING CONDITIONS**

The physical setting for Esperanza is described in this section outlining the existing physical conditions on and around the Specific Plan area.

**SECTION 4
LAND USE**

The Land Use Section describes residential planning areas and residential types, allocations of residential dwelling units per planning area as well as the system of parks and public facilities planned within the community.

**SECTION 5
INFRASTRUCTURE AND SERVICES**

This section provides information on circulation improvements, planned backbone water, sewer, and storm drain systems, the grading concept for the development of the project, and a discussion of public utilities and services to serve the Specific Plan.

**SECTION 6
DEVELOPMENT REGULATIONS**

Development Regulations established in this section will govern the permitted uses and the standards regulating the development of various residential types within the Esperanza Specific Plan area. The relationship of the Esperanza Specific Plan development regulations to the City of Ontario Development Code is also provided. The policies and procedures for the City's review and approval of specific development proposals within Esperanza are presented in this section as well as the methods and procedures for interpreting and amending the Esperanza Specific Plan as necessary.

Graphic Element Inserted
Text Inserted "SECTION 3 EXISTING CONDITIONS The physical setting for Esperanza is described in this section outlining the existing physical conditions on and around the Specific Plan area."
Image Deleted
Graphic Element Deleted
Text Deleted "SECTION 3 EXISTING CONDITIONS The physical setting for Esperanza is described in this section outlining the existing physical conditions on and around the Specific Plan area."
Image Inserted

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**SECTION 7
IMPLEMENTATION**

The policies and procedures for the City's review and approval of specific development proposals, within Esperanza, are presented in this section. This section provides the methods and procedures for interpreting and amending the Esperanza Specific Plan as necessary. A summary of project financing and project maintenance responsibilities for new development within the Specific Plan area is provided in this section.

**SECTION 8
DESIGN GUIDELINES**

The Esperanza Design Guidelines are intended to direct the site planning, landscaping, and architectural quality of the development. Streetscapes, entries, edge treatments, walls and fencing, lighting, signage, and architectural design are some of the features to be addressed in the Design Guidelines.



Exhibit 1
Regional Location Map

SECTION 9
GENERAL PLAN CONSISTENCY

This section includes the City of Ontario General Plan consistency matrix describing the relationship of the Esperanza Specific Plan to each policy of the NMC General Plan.



Exhibit 2
Vicinity Map

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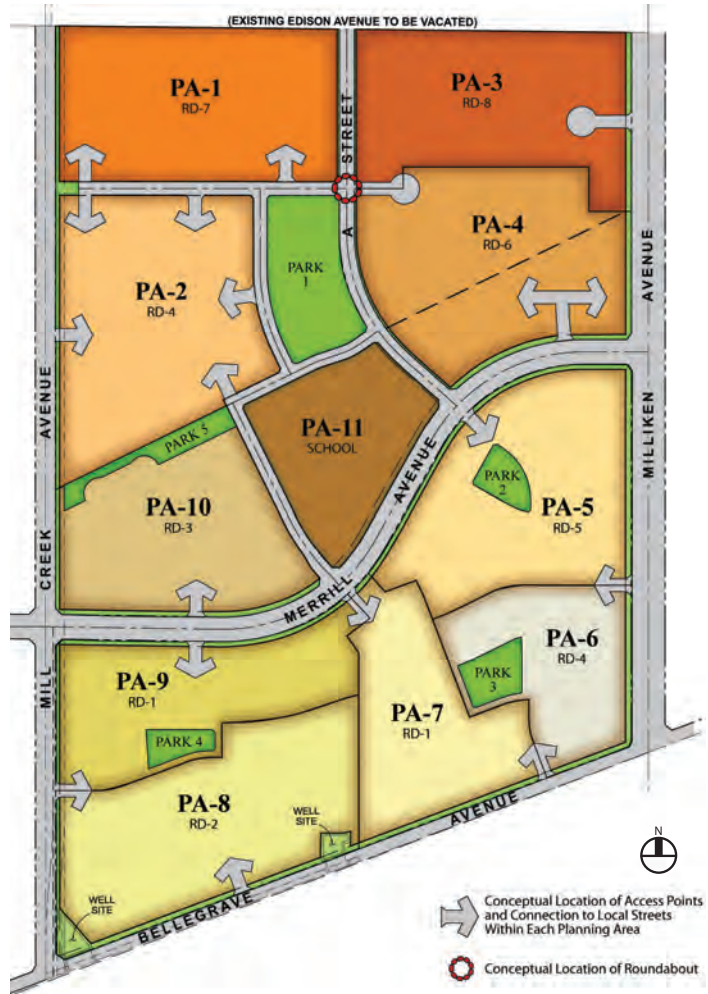










Exhibit 3
Land Use Plan

LAND USE	UNITS	GROSS ACRES	UNITS/GROSS ACRES	NET ACRES	UNITS/NET ACRES
Residential Uses					
PA-1 (RD-7 / Row Townhomes)	258 DU	21.48 AC	12.01 DU/AC	18.62 AC	13.86 DU/AC
PA-2 (RD-4 / SFD Cottages)	165 DU	24.68 AC	6.69 DU/AC	20.81 AC	7.93 DU/AC
PA-3 (RD-8 / Motorcourt Townhomes)	238 DU	19.84 AC	12.00 DU/AC	17.38 AC	13.69 DU/AC
PA-4 (RD-6 / 6 Pack Courtyard, Row-towns)	333 DU	23.81 AC	14.0 DU/AC	19.92 AC	16.72 DU/AC ²
PA-5 (RD-5 / 4 Pack Courtyard)	157 DU	23.78 AC	6.60 DU/AC	17.64 AC	8.90 DU/AC
PA-6 (RD-4 / SFD Cottages)	78 DU	13.64 AC	5.72 DU/AC	10.00 AC	7.80 DU/AC
PA-7 (RD-1 / SFD 50' wide lots)	76 DU	14.36 AC	5.29 DU/AC	12.56 AC	6.05 DU/AC
PA-8 (RD-2 / SFD 55' wide lots)	107 DU	23.72 AC	4.51 DU/AC	19.26 AC	5.56 DU/AC
PA-9 (RD-1 / SFD 50' x 80')	82 DU	17.75 AC	4.62 DU/AC	13.27 AC	6.18 DU/AC
PA-10 (RD-3 / SFD 2 Pack)	100 DU	19.92 AC	5.02 DU/AC	14.62 AC	6.84 DU/AC
Park		6.92 AC			
Residential Land Use Total	1,594 DU	209.90 AC	7.65 DU/AC	164.08 AC	9.36 DU/AC³
Parks				9.89 AC	
Neighborhood Edge Buffers				6.62 AC	
Roadways				28.25 AC	
SCE Easements and Well Sites				4.14 AC	
Community Facilities Use					
PA-11 (School)		13.10 AC		10.02 AC	
PROJECT TOTAL	1,594 DU	223.00 AC		223.00 AC	

-  Text Replaced
[Old]: "7.48 DU/AC"
[New]: "16.72 DU/ AC 2"
-  Text Replaced
[Old]: "Courtyard"
[New]: "Courtyard, Row-towns"
-  Text Replaced
[Old]: "149"
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[New]: "14.0"
-  Text Replaced
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-  Text Replaced
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-  Text Replaced
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[New]: "1,594"
-  Text Inserted
.....
-  Text Replaced
[Old]: "neighborhood"
[New]: "neighborhood"

NOTES:
 1) Gross residential acres do not include the 13.10 gross acres for a school site.
 2) Net residential acres are gross acres less parks, neighborhood edge buffers, roadways, easements and net area for school site.

Exhibit 3 (cont.)
Land Use Table

Endnotes

- 1 Inserted language referencing increase, revision made to total number of units allowed.
- 2 Revision to total number of units and density.
- 3 Updated totals.

9/9/2020 10:47:50 AM

Compare Results

Summary of Comments on Esperanza Sect 2.indd

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Old File:

Esperanza Sect 2.pdf

8 pages (84 KB)

9/4/2020 11:15:41 AM

versus

New File:

Esperanza Sect 2R.pdf

9 pages (86 KB)

9/8/2020 4:32:33 PM

Total Changes

14

Content

7 Replacements

4 Insertions

3 Deletions

Styling and Annotations

0 Styling

0 Annotations

[Go to First Change \(page 3\)](#)

SECTION 2. INTRODUCTION

The Esperanza Specific Plan (Specific Plan) includes 223 acres of land designated as Planning Subarea 25 of the NMC within the City of Ontario. The Esperanza Specific Plan is a comprehensive plan proposed by Amberhill Development, Armada, LLC and Pietersma Family Trust / Bidart Family Trust, for the development of a residential planned community with a traditional neighborhood design similar to that found in older established communities.

2.1 COMMUNITY VISION AND OBJECTIVES

The community vision for the Esperanza Specific Plan is implemented through the application of key design objectives guiding the development of the Specific Plan as discussed below.

Objective: Create a Livable Environment

The Esperanza Specific Plan combines residential, recreation and public facilities designed to create a livable community and includes features such as:

- A design which allows for alternative modes of travel such as biking and walking.
 - Opportunities for informal neighborhood interaction.
 - Diverse architectural design of a high quality.
 - Connectivity among neighborhoods.
 - Diversity and choice of housing types and opportunities to address a variety of lifestyles and economic segments of the marketplace.
 - Residential neighborhoods developed at a human scale oriented to pedestrian activities with connectivity among residential neighborhoods, parks, and schools.
- A simple and well-designed street system providing street separated sidewalks and active and passive recreational opportunities allowing residents to experience increased outdoor living opportunities.
 - A variety of housing types incorporated into the land use plan addressing lifestyle considerations of singles, families, and empty nesters.
 - Residential neighborhoods designed around a network of centrally located parks, promoting outdoor activity and casual social interaction among neighbors.

Objective: Plan for a Circulation System Serving Motorists, Bicyclists and Pedestrians

The circulation plan for the Esperanza Specific Plan provides a comprehensive system of arterial, collector, and local streets accommodating bicycle and pedestrian travel as well as the safe and efficient movement of automobiles within the Specific Plan area:

- Street design includes landscaped buffer areas and pedestrian walkways, separated from the street, to create an intimate environment promoting social interaction.
- Internal project streets are designed to slow vehicular traffic through the use of traffic calming devices such as a roundabout at "A" Street adjacent to the neighborhood park, landscaped areas adjacent to local streets, and narrowed intersections to influence a driver's peripheral vision and encourage drivers to proceed more slowly.
- A system of bikeways is integrated into the design of the community to encourage bicycle travel as an alternative to the automobile.

Objective: Provide for Adequate Public Community Facilities

The Esperanza Specific Plan provides for the development of needed public facilities to serve the community as follows:

- Reservation of an approximately 10.02 acre site suitable for development of a public elementary school.
- New water, sewer, and storm drain facilities to serve the Specific Plan area.
- New planned bike paths connecting to the City of Ontario bikeway master plan bike paths.

Objective: Provision of New Parks and Open Space

New public park and open space amenities are provided to enhance outdoor recreational opportunities to residents of Esperanza and the surrounding community.

- Provision of approximately 9.89 acres of public parks, distributed throughout the community, will offer active and passive recreational opportunities within walking distance of all residential areas.
- Approximately 4.4 acres adjacent to Mill Creek Avenue, including a Southern California Edison Easement, will be landscaped for use as linear open space.
- Approximately 6.62 acres of landscaped open space to include pedestrian trails adjacent to public arterial and collector streets will be provided.
- A bicycle/pedestrian trail system will be developed within the street system of the Specific Plan area connecting the residential areas of the Specific Plan to parks, the school and points surrounding the community providing accessibility to bicyclists and pedestrians throughout the community.

Objective: Promote Exceptional Architecture and Site Planning

Diverse and varied architecture combined with comprehensive site planning within the Esperanza Specific Plan will produce neighborhoods that have aesthetic and functional harmony, preserve residents privacy, and encourage neighborhood interaction.

- Streets will be linked together in a manner, which is pedestrian friendly, but also auto-accessible connecting homes with other neighborhoods, open space, public facilities, and recreational areas for residents to either walk, bike, or drive to.
- A variety of housing types, including attached and detached single family homes, will be provided within the Specific Plan area, all of which are located close to the elementary school, parks, and open space.
- Residential planning areas include a variety of housing types oriented toward the street adding interest and encouraging neighborhood interaction along the street.
- Residential neighborhoods are designed with houses addressing the street by:
 - Designing homes to a more human level with porches, stoops, and walkways creating opportunities for neighborly interaction.
 - Homes fronting the street with garages accessed from rear alleys.
 - Minimizing views of garage doors through setback requirements, location, design elements, and landscaping.
 - Incorporating varied architectural styles and elements within each neighborhood.

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2.2 SPECIFIC PLAN PURPOSE

The City of Ontario will adopt the Esperanza Specific Plan by ordinance thereby establishing the land use plan, development standards, infrastructure requirements, and implementation requirements for the Specific Plan area. The Esperanza Specific Plan establishes the type and distribution of residential land uses, defines the development regulations and design guidelines for residential land use, establishes appropriate locations for development of an elementary school and public parks, and describes the infrastructure requirements and the level of improvements necessary to support development of the Specific Plan area. The Esperanza Specific Plan establishes the procedures and requirements to approve new development within the Specific Plan area and identifies, where applicable, City of Ontario Development Code requirements.

2.3 SPECIFIC PLAN PROPOSAL

2.3.1 Project Summary

The Esperanza Land Use Plan is described below and in the Specific Plan "Statistical Summary," Table 1.

2.3.1.1 Residential Uses

Esperanza will provide for development of a variety of residential housing types oriented toward open space amenities and designed to promote walkability and interaction among residents. Residential development within the approximately 23 acre Specific Plan area will contain up to 1,594¹ residential dwelling units, providing a mix of single family detached and single family attached housing types as described below. In the event Planning Area 11, reserved as for a 10.02 acre school site, is not purchased by the Mountain View School District Planning Area 11 may revert to a residential

zoning district for development of up to 46 additional dwelling units subject to approval by the City of a Specific Plan Amendment.

2.3.1.2 Residential Detached

Esperanza offers six different types of single family detached residential products for development within the Specific Plan area.

- SFD Conventional – Conventional single family detached residential units are proposed on lots ranging from 3,900 square feet to 4,900 square feet in size. Vehicular access is provided from interior streets and garages are set back from the front of the residence emphasizing the architectural elements forming the streetscene. These residential types will be developed at density levels between 5.56 to 6.18 dwelling units per net acre.
- SFD Cottage – Alley served single family detached residential dwelling units will be developed in two planning areas designed with an architectural orientation to the street by locating garages to the rear of residential units. Alley loaded residential areas will be developed at an average density of 7.89 dwelling units per net acre with a minimum lot size of 2,400 square feet.
- SFD 2 Pack – Residential single family detached development on minimum lots of 3,400 square feet in size will be developed in a 2 Pack configuration. Residential 2 Pack housing will be developed at a density of 6.84 dwelling units per net acre. Garages within this housing type are alternately placed to the rear of the lot or placed a significant distance from the street maintaining an architecture forward streetscene.

Text Replaced
[Old]: "1410"
[New]: "1,594 1"

- SFD Courtyard – Two types of single family detached courtyard housing types are planned for Esperanza. Courtyard single family residential consisting of four units per courtyard will be developed at approximately 8.9 dwelling units per net acre. This type of housing will be developed around a 1 acre public park and will be served by public streets with private drive aisles accessing residential units developed around a common motorcourt. Courtyard single family residential courts of six units per courtyard will be developed at approximately 7.48 dwelling units per net acre. This type of courtyard housing will be developed around private streets and parks with private drive aisles serving residential units developed around a common motorcourt. The courtyard design planned for both housing types places garages in alternating side on and street facing conditions either minimizing or eliminating visibility of garages from the street.

2.3.1.3 Residential Attached

Two types of single family attached residential development products are planned within Esperanza. Alley loaded row townhomes designed around a private common green will be developed at approximately 16.72² dwelling units per net acre. Single family attached motorcourt townhomes will be developed at approximately 13.76 dwelling units per net acre. The motorcourt townhome residential housing type will be served by private streets with drive aisles providing access to a motorcourt serving 10 to 12 residential dwelling units. Both the alley loaded row townhome and the motorcourt townhome residential housing types are designed with garages located to the rear or turned to side on to the street preserving an architecturally interesting streetscene.

2.3.1.4 Parks, Trails, and Open Space

A centrally located 5.36 acre neighborhood park is planned to serve the Specific Plan area providing opportunities for informal active recreation such as soccer and baseball. Four additional parks ranging in size from .84 to 1.39 acres are provided offering opportunities for active and passive recreation and informal gathering among neighbors. Approximately 6.62 acres of the Specific Plan area will be developed as enhanced landscaped parkways along major streets serving the community. These enhanced parkways will include pedestrian walkways providing connectivity to and from the Specific Plan area and to the pedestrian network to be developed within the community, connecting all residential neighborhoods to parks and to the elementary school. Within the townhome residential areas, private open space as well as private active recreation centers, including swimming pools and spas, will be provided.

2.4 AUTHORITY AND REQUIREMENTS

2.4.1 Authority

State of California Government Code, Title 7, Division 1, Chapter 3, Article 8, Section 65450-57 grants authority to cities to adopt Specific Plans for purposes of implementing the goals and policies of their General Plans. The Government Code specifies that Specific Plans may be adopted either by resolution or by ordinance and that the Specific Plan is required to be consistent with the General Plan. The City of Ontario will adopt the Esperanza Specific Plan by ordinance thereby establishing the zoning regulations for development of the Specific Plan area. The requirements of the Esperanza Specific Plan shall take precedence over the City of Ontario Development Code. In instances where the Esperanza Specific Plan is silent, the City of Ontario Development Code shall prevail.

Text Replaced
[Old]: "13.87"
[New]: "16.72 2"

Text Replaced
[Old]: "motor-court"
[New]: "motorcourt"

LAND USE	ACRES
Residential Detached	Residential Acres are Net ⁽¹⁾
• RD 1 - 50 foot wide lots/PA-7 and PA-9	25.83
• RD 2 - Typical 55 foot wide lots/ PA-8	19.26
• RD 3 - 2 Pack lots/PA-10	14.62
• RD 4 - Cottages 2,640 sf lots/PA-2 and PA-6	30.81
• RD 5 - 4 Pack Courtyard/ PA-5	17.64
• RD 6 - 6 Pack Courtyard & Rowtowns/ PA-4 ³	19.92
Residential Attached	
• RD 7 - Row Townhomes/ PA-1	18.62
• RD 8 - Motorcourt Townhomes / PA-3	17.38
Subtotal Residential:	164.08
Other	
Neighborhood Park	5.36
Pocket Parks	4.53
Edge Buffer	6.62
Roadways ⁽²⁾	28.25
School Site	10.02
SCE Easements and Utilities	4.14
Subtotal Other:	58.92
TOTAL	223 Acres

Text Replaced
 [Old]: "Courtyard/ PA-4"
 [New]: "Courtyard & Rowtowns/ PA-43"

1) Net acres excludes all streets and uses listed as "Other Uses" but includes interior local streets and drive aisles.
 2) Includes all Master Plan Streets, Street A' and Local Streets serving the Neighborhood Park and School Site.

Table 1
 Specific Plan Statistical Summary

2.4.2 Requirements of the Specific Plan

California Government Code Section 65451 sets forth the minimum requirements and review procedures for Specific Plans as follows.

A Specific Plan shall include a text and a diagram or diagrams, which specify all of the following in detail:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;

2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
3. Standards and criteria by which improvements will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

4. A program of implementation measures including regulations, programs, public works projects and the financing measures necessary to carry out paragraphs 1, 2, and 3 above.
5. A statement of the relationship of the Specific Plan to the General Plan.

The Esperanza Specific Plan meets the requirements of the State of California Government Code.

2.5 DEVELOPMENT APPROVAL COMPONENTS

The components of the development approval process for Esperanza are discussed below.

2.5.1 Specific Plan

The Esperanza Specific Plan, when adopted, provides the zoning for the Specific Plan area. It serves as a “blueprint” for development by establishing the distribution of land use and criteria for development as set forth herein. The Esperanza Specific Plan also serves as the legal document to implement the City’s General Plan for Planning Subarea 25.

2.5.2 Development Agreement

Unless done in a coordinated manner and with adequate fiscal planning, development projects within the NMC are likely to present a challenge in their implementation because of the lack of existing public facilities including street, sewerage, transportation, drinking water, school and utility facilities. California law has established a mechanism for ensuring the adequate provision of such facilities while at the same time providing assurances to applicants that, upon approval of the project, the applicants can proceed with their projects. Approval of this Specific Plan without a development agreement may result in a waste of resources, escalate the cost of housing to the consumer, and discour-

age investment in and commitment to comprehensive planning as envisioned by the City, which seeks to make maximum efficient utilization of resources at the least economic cost to the public.

Therefore, a statutory development agreement, authorized pursuant to California Government Code sections 65864 et seq., shall be required as part of the approval of this Specific Plan. For the above-mentioned reasons, the development agreement for this Specific Plan shall include, among other things, methods for financing acquisition and construction of infrastructure, acquisition and development of adequate levels of parkland, and schools, as well as the provision of adequate housing opportunities for various segments of the community consistent with the regional housing needs assessment. Such development agreement shall have been fully approved before the issuance of the first building permit for this project.

2.5.3 Subdivision Maps

A tentative tract map(s) will be approved by the City of Ontario for the Specific Plan area indicating the approximate location of lot lines, streets, and proposed grading. Following approval by the City of the tentative tract map(s), a final map(s) will be prepared. The final map(s) becomes a legal document that is recorded and defines legal parcels and lots that can be sold for development.

2.5.4 Development Plan Review

All development proposals for individual Planning Areas within the Specific Plan will be subject to the Development Plan Review process pursuant to Article 8 of the City’s Development Code.

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2.6 CEQA COMPLIANCE

A Project Environmental Impact Report (EIR) prepared by the City of Ontario for the Esperanza Specific Plan, in accordance with the California Environmental Quality Act (CEQA), addresses impacts associated with the Specific Plan and subdivision map(s). The EIR recommends mitigation measures to reduce impacts of the project to a less than significant level. The EIR has been prepared as a basis for the environmental review for all subsequent discretionary and ministerial actions.

2.7 RELATIONSHIP TO GENERAL PLAN AND ZONING

The City of Ontario NMC General Plan designates the Specific Plan area as Planning Subarea 25 for development of the following land uses:

Land Use Designation	Approximate Acres (Gross)
Residential – Low Density (4.6 d.u. per gross acre)	163
Residential – Medium Density (12.0 d.u. per gross acre)	20
Residential – High Density (18.0 d.u. per gross acre)	40
Total	223

The General Plan establishes a target development capacity for Planning Subarea 25 of 1,456 residential dwelling units as further described below:

Single Family	736 dwelling units
Multi-Family	720 dwelling units
Total	1,456 dwelling units

The Esperanza Specific Plan proposes the development of a 10.02 acre site for an elementary school. The elementary school site was originally located within Planning Subarea 29. At the request of the Mountain View School District, the school site was relocated to Planning Subarea 25. To accommodate the school site, 46 residential units, representing 10 acres of development area at a density of 4.6 dwelling units per acre, were transferred to Planning Subarea 29. The exchange resulted in a maximum of 1,410 dwelling units to be permitted in Planning Subarea 25. As a result the General Plan target development capacity for Planning Subarea 25 described in the table below has been established. The table below also provides a summary of how the Esperanza Specific Plan land use plan implements the General Plan target development capacity.

GENERAL PLAN TARGET DEVELOPMENT CAPACITY			
Land Use	Target DUs	Gross Acres	Gross Density
Residential High Density	720	40.0	18.0 du/ac
Residential Medium Density	240	20.0	12.0 du/ac
Residential Low Density	450	149.9	3.0 du/ac
Total	1,410	209.9	6.72 du/ac

ESPERANZA SPECIFIC PLAN LAND USE DISTRIBUTION			
Land Use	Dwelling Units	Gross Acres	Gross Density
Residential High Density	576	40.36	14.2 du/ac
Residential Medium Density	333	19.94	14.0 du/ac
Residential Low Density	688	149.6	4.59 du/ac
Total	1,594	209.9	7.65 du/ac

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The General Plan allows for development of multi-family residential units as small lot, single family detached units with a variety of parcel sizes and product types on property designated for multi-family uses, including "Residential-Medium" and "Residential-High" density housing.

The City of Ontario has pre-zoned the Specific Plan area as SP/AG (Specific Plan AG preserve). The zoning designation of "SP" requires the Specific Plan area to implement the objectives of the NMC General Plan land uses.

The Esperanza Specific Plan is designed to meet the requirements of the State of California Government Code and the City of Ontario NMC General Plan. The City of Ontario will adopt the Esperanza Specific Plan by ordinance, thereby establishing the zoning regulations for the development of the Specific Plan area. The requirements of the Specific Plan shall take precedence over the City of Ontario Development Code. In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

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Endnotes

- 1 Revised total number of residential units.
- 2 Revised net acreage.
- 3 Revised to include Rowtowns.
- 4 Revised table to show increase in PA4 lots.

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Compare Results

Summary of Comments on Esperanza Sect 3.indd

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8 pages (11.38 MB)

9/4/2020 11:17:27 AM

versus

New File:

Esperanza Sect 3R.pdf

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9/8/2020 4:33:18 PM

Total Changes

19

Content

3 Replacements

9 Insertions

7 Deletions

Styling and Annotations

0 Styling

0 Annotations

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**SECTION 3.
EXISTING CONDITIONS**

This section describes the existing physical conditions within and surrounding the Esperanza Specific Plan area.

3.1 PROPERTY OWNERSHIPS

The Specific Plan area is comprised of approximately 223 gross acres. Armada, LLC, owns approximately 74 gross acres, Amberhill Development, LTD owns approximately 64 gross acres, and the Pietersma Family Trust/ Bidart Family Trust own the remaining 85 gross acres of the Specific Plan area. Exhibit 4, “Existing Property Ownerships and Williamson Act Contract Status” illustrates the property ownerships within the Esperanza Specific Plan boundary.

3.2 WILLIAMSON ACT CONTRACTS

The Ronald and Kristine Pietersma Family Trust and Bidart Family Trust properties are currently under a Williamson Act Contract that expires in 2011. A portion of the property owned by Amberhill Development, LTD (APN: 0218-252-03) is currently under cancellation of this Williamson Act contract. Amberhill Development, LTD, has filed application for cancellation of a Williamson Act Contract that expires on January 1, 2015. Exhibit 4, “Existing Property Ownerships and Williamson Act Contract Status” illustrates the status of Williamson Act Contracts within the Esperanza Specific Plan boundary.

3.3 EXISTING IMPROVEMENTS

The Specific Plan area historically has been used for agricultural purposes, primarily dairy and crop farming, and is generally undeveloped with existing agricultural operations scattered throughout the northern and eastern portions of

the Specific Plan area as illustrated on Exhibit 5, “Existing and Surrounding Land Uses.” Existing improvements within that portion of the Specific Plan area controlled by Armada, LLC and Amberhill Development, LTD, include single-family residences and row crops. All dairy related structures in this area have been demolished and removed. Existing agricultural related facilities such as modular structures and feedlots are located within the properties owned by the Pietersma Family Trust / Bidart Family Trust.

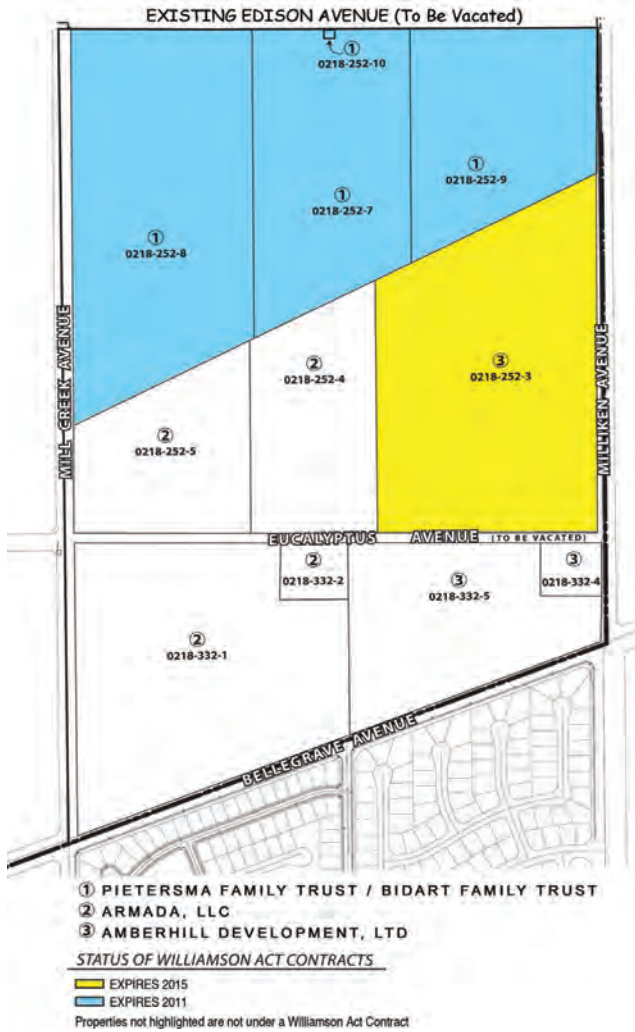
3.4 SURROUNDING LAND USE CHARACTERISTICS

Land uses adjacent to the Specific Plan area include:

North	Rural Residential and Agricultural Operations
West	Rural Residential and Dairy Operations
South	Planned Residential Communities
East	Vacant Land

The City of Ontario NMC General Plan designates the undeveloped areas located to the west of the Specific Plan area as “Residential – Low Density” and “Golf Course” and the undeveloped areas located to the north of the Specific Plan as “Major Center” and “Residential High-Density.” Land adjacent to the Specific Plan area to the east is located within Riverside County and is zoned “Very High Density Residential” / “Community Center.” This area will be developed by Lewis Operating Corp. as the “Resort at Eastvale.” The 200 acre project includes development of 1,700 homes, a school, a park and 10 acres of commercial land. Land south of the Specific Plan area is also located in Riverside County and developed with single-family and low density residential land uses. Exhibit 6, “Land Use Designations” illustrates the proposed land uses adjacent to the Specific Plan area within the NMC and the County of Riverside.

Section 3. EXISTING CONDITIONS



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Exhibit 4
 Existing Property Ownerships and Williamson Act Contract Status

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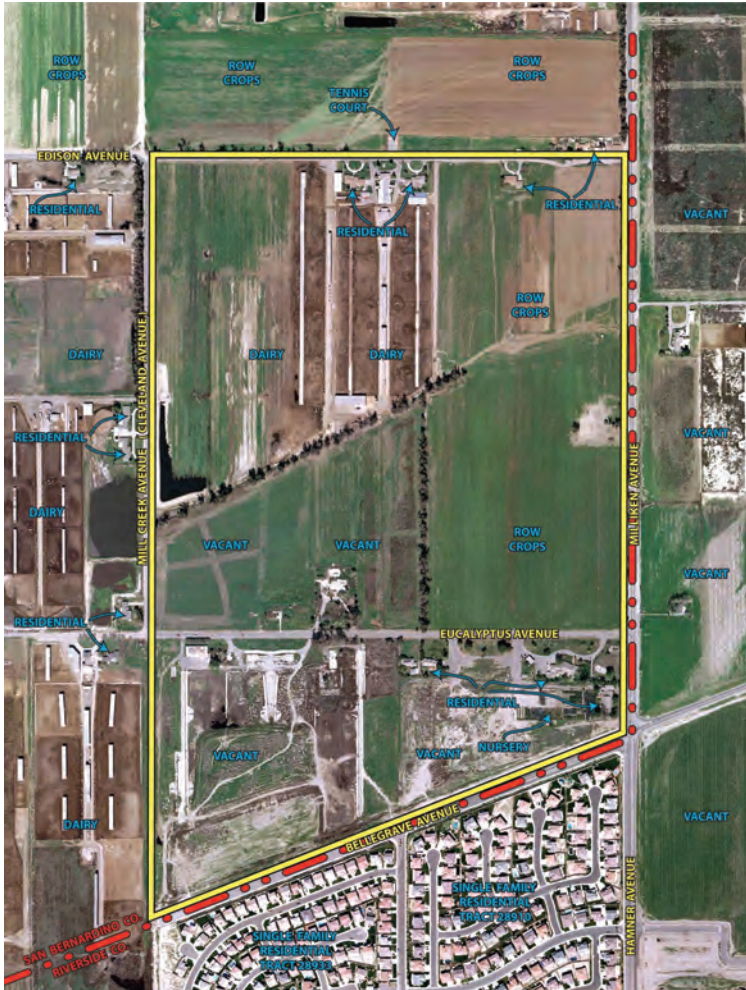


Exhibit 5
Existing and Surrounding Land Uses



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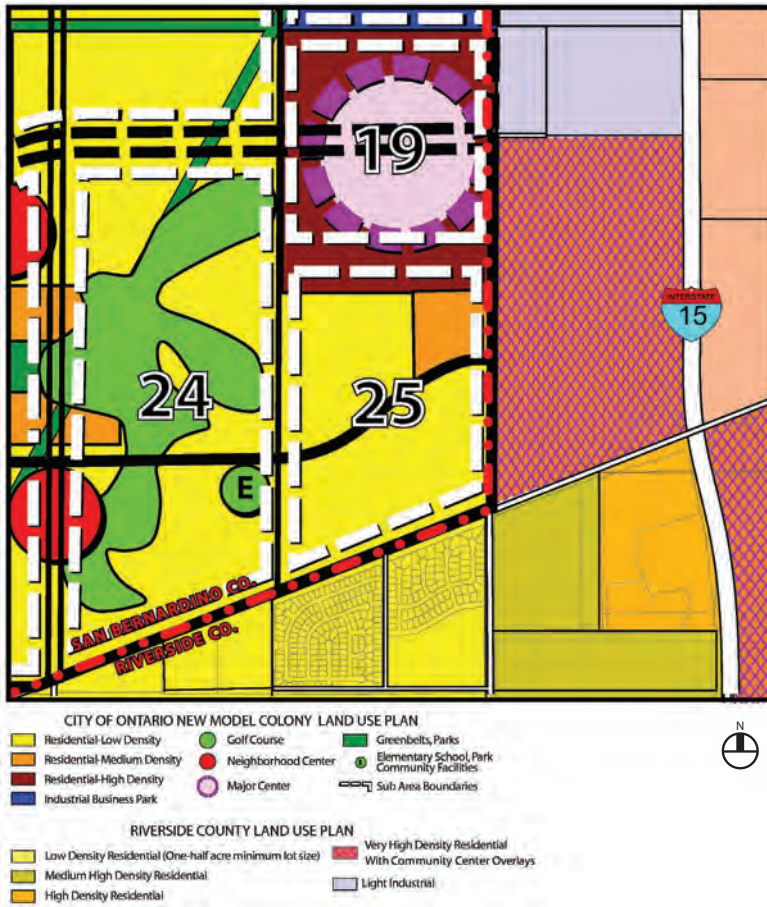


Exhibit 6
Land Use Designations

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3.5 TOPOGRAPHY

The Specific Plan area is relatively flat and generally slopes from the northeast to southwest as illustrated on Exhibit 7, "Existing Site Topography and Well Locations." The site falls at an average slope of approximately two percent (2%). There is an existing earthen drainage interceptor ditch paralleling the southerly boundary of the site and an existing drainage basin located in the southwest corner of the Specific Plan area.

3.6 EXISTING CIRCULATION AND ACCESS

Interstate 15 (I-15) is located one-half mile east of the Specific Plan area. Access to I-15 is located approximately 1.5 miles southeast of the Specific Plan area, via Hamner and Limonite Avenues. The Specific Plan area is approximately 1.8 miles south of State Route 60.

Bellegrave Avenue, designated as a "Standard Arterial" in the City of Ontario's NMC General Plan, borders the Specific Plan on the south. The south half of Bellegrave Avenue within Riverside County has been improved with 55 feet of paving and a 21-foot parkway as part of the residential development to the south. Milliken Avenue, designated as a "Divided Arterial Parkway 1-1" borders the Specific Plan area on the east. Milliken Avenue is partially improved with two lanes for traffic and 38 feet of paving. Mill Creek Avenue, designated as a "Collector" street, borders the Specific Plan area to the west. Mill Creek Avenue is partially improved, north of Eucalyptus Avenue with two lanes for traffic and 20 feet of paving. Existing Edison Avenue borders the Specific Plan to the north and is partially improved with two lanes for traffic and 20 feet of paving. Existing Eucalyptus Avenue bisects the Specific Plan area and is partially improved with two lanes for traffic and 20 feet of paving.

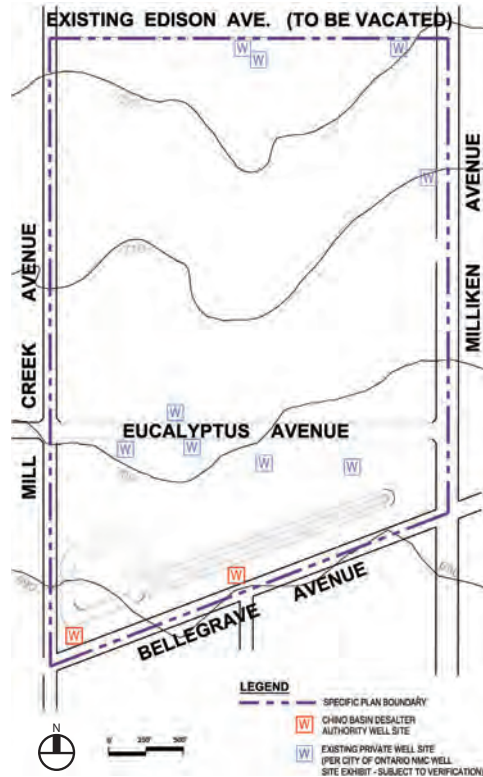


Exhibit 7
Existing Site Topography and Well Locations

3.7 EXISTING INFRASTRUCTURE / UTILITIES / PUBLIC SERVICES

3.7.1 Water

The Specific Plan area is located within the 925' Zone. The City of Ontario does not have water facilities in the vicinity of the project. The nearest City of Ontario water mains are in Riverside Drive, approximately 1.5 miles north of the Specific Plan area. These existing water mains have not been sized to serve development in the 925' Zone. On site residential use on the site are served by private wells. Existing well locations within the Specific Plan area are illustrated on Exhibit 7, "Existing Site Topography and Well Locations." A well use/destruction plan and schedule for all existing private or agricultural wells shall be submitted prior to issuance of permits for any construction activity. If a private well is actively used for water supply, the developer shall submit a plan to abandon the well and connect residential users to the City's domestic water system and agricultural users to the City's recycled water system when available. Well destruction requires permitting from the County Health Department. A copy of the permit and Well Completion Report DWR Form 188 shall be provided to the City's Development Engineering Department and the Utilities Engineering Department prior to issuance of grading and/or building permits.¹ If the developer proposes temporary use of an existing agricultural well for purposes other than agriculture, such as grading or dust control during project construction, the developer shall make a formal request to the City of Ontario for such use prior to issuance of permits for the construction activity. Upon approval, the developer shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by the agreement.

An existing 16" high-pressure water main is located along the east side of Milliken Avenue, ad-








present to the Specific Plan area, in the County of Riverside, and is owned by Jurupa Community Services District, (JCSD). JCSD also owns a 30" water main in Bellegrave Avenue east of Milliken Avenue and a 30" water main in Hamner Avenue south of Bellegrave Avenue which provides water to the existing residential areas on the south side of Bellegrave Avenue.

3.7.2 Sewer

The City of Ontario does not have sewer facilities in the vicinity of the Specific Plan area. Existing on site residences utilize private septic systems. Prior to grading operations, existing septic tanks and subsurface disposal fields will need to be abandoned in accordance with Department of Health Services requirements. An existing 42" Santa Ana Regional Interceptor (SARI) sewer main extends southerly in Hamner Avenue south of Bellegrave Avenue. The SARI line is primarily available for industrial wastewater, which is conveyed to Orange County for treatment and disposal. JCSD is currently utilizing the SARI line for the disposal of residential wastewater, and has excess capacity for this purpose.

3.7.3 Drainage

The County Line Channel is located within Bellegrave Avenue. The channel is a City of Ontario Master Plan facility intended to carry urban runoff from those properties tributary to the north, to the Cucamonga Creek Channel. With the exception of the County Line Channel, the existing storm drain system throughout the Specific Plan area, is generally unimproved and consists primarily of open earthen swales along area roadways and the earthen drainage interceptor ditch paralleling the southerly boundary of the Specific Plan area which outlets into the existing drainage basin located at the southwest corner of the site. The drainage basin outlets into an existing Riverside

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County storm drain line in Mill Creek Avenue, formerly known as Cleveland Avenue. The on-site basin and the connection to the Riverside County storm drain line are interim improvements. Upon development of the Specific Plan area the basin will be eliminated and the storm flows from the Specific Plan area will be tributary to the County Line Channel.

3.7.4 Recycled Water

The Specific Plan area is located within the 930 Zone. The City of Ontario does not have recycled water facilities in the vicinity of the project. As a part of the development of the Specific Plan area, the construction of new recycled water system facilities will be required by the developer consistent with the City's approved Recycled Water Master Plan.

3.7.5 Electricity

The Esperanza Specific Plan is located within the service territory of Southern California Edison Company.

3.7.6 Natural Gas

The Southern California Gas Company provides natural gas service within the Specific Plan area. Facilities in this area include an existing 6-inch main on Milliken Avenue; an existing 2-inch main on Eucalyptus Avenue; and an existing 2-inch main on Cleveland Avenue (future Mill Creek Avenue).

3.7.7 Communication Systems

Verizon provides telephone service within the Specific Plan area.

3.7.8 Solid Waste

The City of Ontario Public Works Agency currently, by request, provides solid waste collection and disposal to the NMC.

3.8 HYDROLOGY







Since most of the Specific Plan area has been in agricultural use, only a limited portion of the Specific Plan area is now covered with impervious surfaces. Normal rainfall to the area is able to percolate through on-site soils and does not result in high volumes of surface runoff as is typically associated with urban use. During periods of heavy rainfall, when ground surfaces are saturated, surface runoff is collected in the existing storm drains, culverts, and retention basins located within the Specific Plan area.

With the exception of major regional flood control channels such as the Cucamonga Creek Channel, intended primarily to carry urban runoff, the existing storm drain system throughout the Specific Plan area is generally unimproved and consists primarily of open earthen swales along area roadways or curbed roadway surfaces.

Ground waters within the NMC, as a whole, contain high concentrations of salt, attributable to historic agricultural activities such as dairy farming. The high organic content of on-site soils has contributed incrementally to the degradation of surface and groundwater quality. Removal of the organic materials, which constitute by-products of those dairy operations, and compliance with National Pollution Discharge Elimination System (NPDES) and other storm water permit requirements, will beneficially impact regional water quality.

3.9 GEOLOGY AND SOILS

The City of Ontario NMC General Plan EIR identifies the Specific Plan area as underlain by Pleistocene age (older than 12,000 years)

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and Holocene age (less than 12,000 years old) alluvial deposits. The youngest surficial deposit is eolian sands (Qhs), comprising wind-blown sands having fine- to medium-sized grains.

These loose sands form sheets and low-dune deposits that have been stabilized by vegetation. These deposits are exposed in the eastern portion of the NMC area and extend westward to an area defined generally by a diagonal line extending from Harrison Avenue, within Riverside County, on the south to Vineyard Avenue on the north.

It is expected that most of these materials will be uncemented and subject to consolidation when saturated under structural loads. Erosion potential is considered high. Foundation and back-fill suitability should be satisfactory with proper over-excavation, mixing with a finer-grained binder material, and compaction.

The Specific Plan area contains delhi series soils, as mapped by the United States Department of Agriculture, Soil Conservation Service in 1971 and 1980. Delhi series soils have been used for agriculture, primarily for grapes and citrus, since the 1800's. As part of the EIR prepared for the Esperanza Specific Plan additional geologic and soils information for the Specific Plan area will be provided.

3.10 SEISMICITY

The City of Ontario NMC General Plan EIR identified numerous earthquake faults within a 50-mile radius of the Specific Plan area. Major mapped faults include, but are not limited to, the Chino, Whittier and North Elsinore, and Cucamonga Faults. For the "maximum probable earthquake" (MPE), defined as the 100-year event normally considered in the design of non-critical structures, the values range from about 0.13 to 0.20 g (i.e., the unit force of gravity). In the design of certain critical or important facilities such as hospitals and dams, the "maxi-






imum probable earthquake" (MPE) event is considered. For the three faults, the MPE should yield an estimated peak horizontal acceleration in the range of 0.33 to 0.52 g.

A zone of concentrated, relatively low-magnitude seismicity extends to the southwest from the San Jacinto fault zone (Rialto-Colton branch) along what is referred to an "inferred fault near Fontana." Where the "inferred fault" (Fontana trend) stops, this zone of micro-seismicity continues in a southwesterly to westerly direction terminating in the Sphere of Influence area. It is expected that the MPE for this fault structure could produce horizontal accelerations in the range of 0.3 to 0.5g. More distant faults are capable of larger earthquakes with a higher probability of occurrence. The San Andreas fault is expected to generate a MCE event every 150 to 200 years, yielding a peak horizontal ground acceleration of approximately 0.21 to 0.26 g in the NMC.

In accordance with the "Uniform Building Code" (UBC), the Esperanza Specific Plan area is located within Seismic Zone No. 4. UBC procedures have been designed to ensure that all subsequent development occurs in a safe manner relative to those known hazards. As part of the EIR prepared for the Esperanza Specific Plan, additional seismicity analysis will be prepared.

3.11 VEGETATION

The Specific Plan area has been extensively used for agricultural operations including dairy use. Those areas not in active agricultural production are occupied by rural residential housing. The natural vegetation and soils conditions that once occurred throughout the Specific Plan area have been significantly altered through agricultural uses, leaving little or no native vegetation. As part of the EIR prepared for the Esperanza Specific Plan, additional vegetation analysis will be prepared.

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Endnotes

1 Revision per OMUC.

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Compare Results

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New File:

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9/8/2020 4:34:18 PM

Total Changes

33

Content

17 Replacements

12 Insertions

4 Deletions

Styling and Annotations

0 Styling

0 Annotations

[Go to First Change \(page 1\)](#)

SECTION 4. LAND USE

4.1 INTRODUCTION

The Esperanza Specific Plan offers a variety of residential housing types within a community designed around a system of parks and an elementary school located within easy walking distance from each residential Planning Area. Pedestrian and bicycle connectivity is provided through a system of street separated walkways and on-street bicycle trails linking each residential Planning Area and connecting to parks and an elementary school centrally located within Esperanza.

Residential development, comprised of approximately 164.08 net acres, is designed to address a variety of lifestyles, such as singles, families, executives and "empty nesters." Single family detached housing types will include conventional detached homes on lots varying between 3,900 and 4,900 square feet in size, homes designed in a 2-Pack configuration, alley loaded cottage homes, and two types of courtyard homes. Attached housing will include row townhomes and motorcourt townhomes designed around a common motorcourt.

Parks comprise approximately 9.89 net acres of Esperanza and are distributed throughout the community offering recreational opportunities within close proximity to each residential neighborhood. A centrally located school site of approximately 10.02 net acres is designated for elementary school development.

The Land Use Plan shown in Exhibit 8, "Land Use Plan" depicts the proposed land uses for Esperanza. The "Land Use Summary," Table 2, provides a tabulation of land uses by acreage and residential density.

4.2 RESIDENTIAL USE

The Esperanza Specific Plan permits the development of up to 1,594 residential dwelling units providing single-family detached homes and single family attached homes. Residential land use areas are contained within 10 distinctive Planning Areas linked by a network of street separated sidewalks and on-street bicycle paths connecting all the Planning Areas to a centrally located park and school site.

4.2.1 Variety of Housing Types

Esperanza provides a mix of housing types to address a variety of lifestyle choices and economic segments. Single family detached and single family attached residential products, with a variety of architectural styles, will be offered within Esperanza. Altogether, a total of 1,594 residential dwelling units will be developed at an overall average density of 7.65 dwelling units per gross acre.

4.2.1.1 Single Family Detached – RD-1 (50' wide lots)

The Esperanza Specific Plan allows for the development of approximately 158 conventional single-family detached dwelling units at an average density of approximately 6.12 dwelling units per net acre. The RD-1 neighborhoods will be designed with access to homes from the local street with an emphasis on architectural orientation toward the street. Garage configurations will include shallow recessed garages, mid or deep recessed garages, split garages, and tandem garages, to highlight the home's architecture and create a more attractive streetscene. RD-1 homes are located within Planning Areas 7 and 9.

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Section 4. LAND USE

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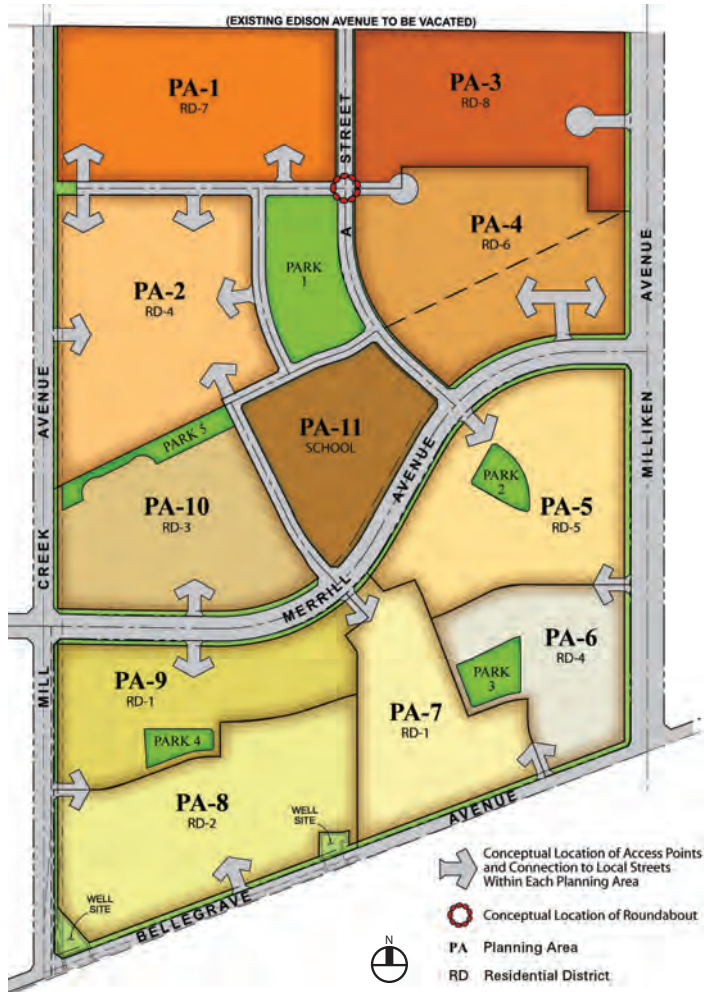











Exhibit 8
Land Use Plan

LAND USE	UNITS	GROSS ACRES	UNITS/ GROSS ACRES	NET ACRES	UNITS/ NET ACRES
Residential Uses					
PA-1 (RD-7 / Row Townhomes)	258 DU	21.48 AC	12.01 DU/AC	18.62 AC	13.86 DU/AC
PA-2 (RD-4 / SFD Cottages)	165 DU	24.68 AC	6.69 DU/AC	20.81 AC	7.93 DU/AC
PA-3 (RD-8 / Motorcourt Townhomes)	238 DU	19.84 AC	12.00 DU/AC	17.38 AC	13.69 DU/AC
PA-4 (RD-6/6 Pack Courtyard & Rowtowns)	333 DU	23.81 AC	14.0 DU/AC	19.92 AC	16.72 DU/AC ³
PA-5 (RD-5 / 4 Pack Courtyard)	157 DU	23.78 AC	6.60 DU/AC	17.64 AC	8.90 DU/AC
PA-6 (RD-4 / SFD Cottages)	78 DU	13.64 AC	5.72 DU/AC	10.00 AC	7.80 DU/AC
PA-7 (RD-1 / SFD 50' wide lots)	76 DU	14.36 AC	5.29 DU/AC	12.56 AC	6.05 DU/AC
PA-8 (RD-2 / SFD 55' wide lots)	107 DU	23.72 AC	4.51 DU/AC	19.26 AC	5.56 DU/AC
PA-9 (RD-1 / SFD 50' x 80')	82 DU	17.75 AC	4.62 DU/AC	13.27 AC	6.18 DU/AC
PA-10 (RD-3 / SFD 2 Pack)	100 DU	19.92 AC	5.02 DU/AC	14.62 AC	6.84 DU/AC
Park		6.92 AC			
Residential Land Use Total	1,594 DU	209.90 AC	7.65 DU/AC	164.08 AC	9.36 DU/AC⁴
Parks				9.89 AC	
Neighborhood Edge Buffers				6.62 AC	
Roadways				28.25 AC	
SCE Easements and Well Sites				4.14 AC	
Community Facilities Use					
PA-11 (School)		13.10 AC		10.02 AC	
PROJECT TOTAL	1,594 DU	223.00 AC		223.00 AC	

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NOTES:

- 1) Gross residential acres do not include the 13.10 gross acres for a school site.
- 2) Net residential acres are gross acres less parks, neighborhood edge buffers, roadways, easements and net area for school site.

Table 2
Land Use Summary

4.2.1.2 Single Family Detached – RD-2 (55' wide lots)

The Esperanza Specific Plan allows for the development of approximately 107 conventional single-family dwelling units at a density of approximately 5.56 dwelling units per net acre. The RD-2 neighborhood is designed with access from the local street with garage configurations which include recessed garages, mid or deep recessed garages, split garages and tandem garages to present an architecture forward streetscene. RD-2 homes are planned within Planning Area 8.

4.2.1.3 Single Family Detached – RD-3 (2-Pack)

Approximately 100 residential 2-Pack dwelling units will be developed on approximately 14.62 acres at a density of 6.84 dwelling units per net acre with a minimum lot size of 3,400 square feet. By configuring the units in a 2 Pack design, a larger usable sideyard area is provided for each unit and garages can be either located to the rear of the lot or set back from the front of the homes at a distance, which preserves the streetscene for home frontage. Residential housing in a 2 Pack design is planned for Planning Area 10.

4.2.1.4 Single Family Detached – RD-4 (Cottage Homes)

Esperanza will allow for approximately 243 single family detached cottage home residential dwelling units developed on approximately 30.81 acres on lots of approximately 2,400 minimum square feet at an average density of 7.89 dwelling units per net acre. This alley loaded residential development will be designed to embrace the street and maintain an architectural orientation for the street. Cottage single family detached residential dwelling units are proposed for Planning Areas 2 and 6 within Esperanza.

4.2.1.5 Single Family Detached or Attached – RD-5 and RD-6 (Courtyard & Row-Townhomes)

Two types of single family detached housing in a courtyard design are proposed for Esperanza. A total of 157 dwelling units will be developed as RD-5 residential housing within a module comprised of 4 residential units surrounding a common motorcourt. RD-5 residential products are proposed for 17.64 acres of Esperanza within Planning Area 5 at a density of 8.90 dwelling units per net acre. A total of 333 dwelling units will be developed as RD-6 residential housing within a module comprised of 6 residential units surrounding a common motorcourt or row townhomes. RD-6 residential products are proposed for 19.92 acres of Esperanza within Planning Area 4 at a density of 16.72 dwelling units per net acre. Garages are accessed from the motorcourt or alley, which allows for the fronts of garages to be turned away from the street or set back far enough from the street that the residential architecture is the predominant streetscene feature.

4.2.1.6 Single Family Attached – RD-7 (Row Townhomes)

RD-7 residential product proposed for Esperanza consists of 258 units of attached row townhomes to be developed on approximately 18.6 acres at density of 13.87 dwelling units per net acre within Planning Area 1. RD-7 residential product is designed with alley access maintaining an architectural streetscene.

4.2.1.7 Single Family Attached – RD-8 (Motorcourt Townhomes)

RD-8 residential product proposed for Esperanza consists of 238 units of attached townhomes designed around a common motorcourt. RD-8 residential product will be developed on approximately 17.38 acres at a density of 13.76 dwelling units per net acre within Planning Area 3.

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4.2.2 Neighborhood Design

The community plan for Esperanza offers a neighborhood design reminiscent of older traditional Southern California neighborhoods. The design features described below are intended to create a strong identity and sense of neighborhood for the residents of Esperanza.

A “modified grid” style of street design in residential neighborhoods with sidewalks separated by landscaped parkways provide visual interest, slow traffic on each street by providing alternate routes, and enhance a pedestrian orientation for neighborhoods. Sidewalks separated from streets by landscaped parkways promote pedestrian mobility and encourage opportunities for neighbors to meet and greet each other along the street.

A human scale of architecture within Esperanza will enhance the pedestrian friendly character of the community. Architectural features such as front porches, railings, enhanced entries, a mix of materials and textures, and authentic detailing on elements such as windows and doors, columns, balconies, and lighting combine to create a human scale of residential architecture.

Innovative garage designs will be utilized in order to de-emphasize the visual impact of garage doors on the streetscene. Such design techniques will include shallow, mid, or deep recessed garages, split-garages, turn-in garages, tandem garages, garages located on rear alleys, and garages located around a common courtyard in order to de-emphasize their view from the street.

4.3 PARKS

Parks are provided throughout the Esperanza Specific Plan area within easy walking distance to any residential neighborhood. Exhibit 9, “Master Plan of Parks,” illustrates the types and locations of parks planned for Esperanza.

4.3.1 Neighborhood Park

An approximately 5.39 net acre centrally located neighborhood park will be developed as part of Esperanza. The neighborhood park will include picnic areas, tot lots, trails, and open play fields.

4.3.2 Pocket Parks

An approximately .84 net acre park will be provided for recreational use within Planning Area 9. An approximately 1.29 net acre park will be located within Planning Area 6, a one acre park will be provided within Planning Area 5, and an approximately 1.39 net acre linear park will be provided in Planning Area 10. Private open space areas of approximately ½ acre in size will be provided as part of the development of Planning Areas 1, 3 and 4. The exact size and locations of these private open space areas will be determined as part of the final site design for these neighborhoods.

4.4 SCHOOL SITE

A 10.02 net acre site will be reserved within the Esperanza Specific Plan for the development of an elementary school to serve the K-5 school age needs of the Ontario community. The school site will be large enough to accommodate all school related parking and circulation requirements on site including employee parking and bus and student drop off and pick up areas. The school site is located within walking distance from all residential neighborhoods within Esperanza. Recreational activities for the elementary school will be augmented by the proximity of the 5.36 acre neighborhood park planned for development adjacent to the elementary school site. In the event the school site in Esperanza is not purchased by the Mountain View School District the 10.02 acre site may revert to a residential zone for the development of an additional 46 single-family residential dwelling units pursuant to the provisions established in Section 7, “Implementation.”

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Section 4. LAND USE

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Exhibit 9
Master Plan of Parks

Endnotes

- 1 Revised total unit count.
- 2 Revised Title to include Townhomes, revised unit totals.
- 3 Revised table unit count and DU/AC.
- 4 Revised total unit count and DU/AC.
- 5 Revised PA4 unit count, density and project totals.

9/9/2020 10:55:38 AM

Compare Results

Summary of Comments on Esperanza Sect 5.indd

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Old File:

Esperanza Sect 5.pdf

29 pages (9.11 MB)
9/4/2020 11:26:31 AM

versus

New File:

Esperanza Sect 5R.pdf

30 pages (6.83 MB)
9/8/2020 5:14:18 PM

Total Changes

119

Content

56 Replacements
30 Insertions
33 Deletions

Styling and Annotations

0 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

**SECTION 5.
INFRASTRUCTURE AND SERVICES**

The infrastructure, utilities, and public services to be provided as part of the development of the Esperanza Specific Plan are discussed in this section.

5.1 CIRCULATION

The circulation plan for Esperanza reinforces the objectives of providing a traditional neighborhood design. In addition to providing safe and efficient movement of vehicular traffic through the project, the Circulation Plan also provides a safe environment for pedestrian movement and bicycle traffic reducing the reliance on the automobile as a means of travel. In addition, transit stops and bus turnouts will be provided as required by Omnitrans, along the Master Plan streets, which are a part of the Esperanza community. The "Master Circulation Plan," Exhibit 10 establishes the hierarchy and general location of roadways within Esperanza.

The minimum design speeds to be used for centerline curve radii, super elevation, corner sight distance; vertical and horizontal alignment and sight distance, etc. are listed below:

Hamner Avenue	50 m.p.h.
Eucalyptus Avenue	40 m.p.h.
Bellevue Avenue	45 m.p.h.
Mill Creek Avenue	40 m.p.h.
"A" Street	45 m.p.h.

5.1.1 Master Planned Roadways

The Esperanza Specific Plan is bounded on the east, south, west, and is bisected by four City of Ontario Master Plan roadways, which will provide access to and from the Specific Plan area. Additional rights of way may be needed

at critical intersections to accommodate additional left and right turn lanes pursuant to the recommendations of the traffic study prepared for the Ontario Ranch. Hamner Avenue bounds the Specific Plan area to the east and is the county line between San Bernardino and Riverside Counties; Bellevue Avenue bounds the Specific Plan area to the south and is also the county line between San Bernardino and Riverside Counties; Mill Creek Avenue bounds the Specific Plan area to the west, and Eucalyptus Avenue bisects the Specific Plan area in an east/west direction.

Where the Specific Plan limits extend to the centerline of any roadway, the development project shall construct the full half-width street improvement, plus a 14-foot travel lane with a 5-foot paved shoulder beyond the centerline. If the roadway includes a raised median, the project shall construct the full median, and the additional 14-foot travel lane with a 5-foot paved shoulder. The 14-foot travel lane is a minimum that may be increased as necessary pursuant to the requirements of the City Engineer.

5.1.1.1 Hamner Avenue

Hamner Avenue bounds the Specific Plan area on the east. Hamner Avenue is a designated Divided Arterial Parkway 1-1 roadway with a total right-of-way of 148 feet. Hamner Avenue will carry regional traffic to and from Esperanza and will provide access to the specific plan area along the eastern boundary of the specific plan area. Exhibit 11, "Hamner Avenue" illustrates the improvements for Hamner Avenue. The developer of the Specific Plan area adjacent to Hamner Avenue will be responsible for all on site improvements for the westerly half of Hamner Avenue as determined by the City Engineer and pursuant to the mitigation measures identified in the EIR and the Conditions of Approval established on the approved tentative maps for the project. Bus turnouts will be

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Exhibit 10
Master Circulation Plan

required along Hamner Avenue to the satisfaction of the City Engineering Department and Omnitrans. Parking will be prohibited on Hamner Avenue.

5.1.1.2 Bellegrave Avenue

Bellegrave Avenue, a Standard Arterial roadway, abuts the Specific Plan area on the south and carries regional east/west traffic to and from Esperanza. Improvements to the south side of Bellegrave Avenue currently exist. Exhibit 12, "Bellegrave Avenue" illustrates the half-street improvements for Bellegrave Avenue. The developer will be responsible for all on site improvements for the northerly half of Bellegrave Avenue. Phasing of the improvements will be determined by the City Engineer and pursuant to the mitigation measures identified in the EIR and the Conditions of Approval established on the approved tentative maps for the project. Bus turnouts will be required along Bellegrave Avenue to the satisfaction of the City and Omnitrans.

5.1.1.3 Mill Creek Avenue

Mill Creek Avenue abuts the Specific Plan area on the west. Mill Creek Avenue is a designated Collector Street with an ultimate right-of-way of 88 feet, with 64 feet of paved area and a 12-foot parkway on each side of the street, to include a 5-foot sidewalk separated from the street by a 7-foot landscaped area. In addition a landscaped buffer of 18 feet in width will be provided between the back of the sidewalk and the residential community wall. The right-of-way improvements required to Mill Creek Avenue are illustrated in Exhibit 13, "Mill Creek Avenue." The developer(s) will be responsible for the off site improvements as determined by the City Engineer and pursuant to the mitigation measures identified in the EIR and the Conditions of Approval established on the approved tentative maps for the project. Bus turn-

outs will be required along Mill Creek Avenue to the satisfaction of the City and Omnitrans. Parking will be prohibited on Mill Creek

Avenue. Exhibit 13, "Mill Creek Avenue" illustrates these improvements.

5.1.1.4 Eucalyptus Avenue

Eucalyptus Avenue bisects the Specific Plan area and is designated as a Standard Arterial roadway. Exhibit 14, "Eucalyptus Avenue" illustrates the Eucalyptus Avenue full-street improvements. The developer will be responsible for all improvements to Eucalyptus Avenue. The phasing of these improvements will be determined by the City Engineer and pursuant to the mitigation measures identified in the EIR and the Conditions of Approval established on the tentative maps for the project. Parking will be prohibited on Eucalyptus Avenue.

5.1.2 Local Streets and Alleys

Within the Specific Plan area neighborhood streets of varying design will provide access and circulation through the community. Many of the neighborhoods will be served by private alleys, which are located in the rear of residences, in order to maintain a traditional, "architecture forward" streetscape for the community. Public and private local streets within residential areas are designed to distribute vehicular traffic from the public arterial and collector streets adjacent to the Specific Plan area into and through residential neighborhoods. Local streets and private alleys proposed for Esperanza are illustrated on Exhibit 15, "A Street" – Primary Local Street" Exhibit 16, "Local Streets and Cul-De-Sac Sections;" Exhibit 17, "Private Neighborhood Streets;" and Exhibit 18, "Private Alley and Drive Aisle Sections;" and discussed below.

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5.1.2.1 "A Street"

"A Street" bisects the Specific Plan area in a north/south direction and is designated as a Primary Local Street. "A Street" will provide internal access and connectivity between residential areas and the Neighborhood Park and school site. Exhibit 15, "A Street" – Primary Local Street" illustrates the improvements planned for "A Street."

5.1.2.2 Local Neighborhood Streets and Cul-De-Sac Streets

A network of local public neighborhood streets and cul-de-sac streets will provide internal circulation throughout Esperanza for residents. Exhibit 16, "Local Streets and Cul-de-sac Sections" illustrates these street concepts.

5.1.2.3 Private Neighborhood Streets

Private neighborhood streets will provide internal circulation within single family attached and single family courtyard product areas. Water, recycled water, and sewer utilities may be designated as "public utilities" if located within public or private streets. All public utilities within private streets shall be designed per City standards and contained within acceptable easements. The CC&Rs for the project shall contain language requiring all work proposed by the HOA within such easements to be plan checked and inspected by the City, including applicable fees. Generally, utilities will not be accepted as public within alleys, parking areas or driveways. The extent to which said utilities will be accepted as public utilities shall be at the full discretion of the City during final design review. Private Neighborhood Streets planned for Esperanza are illustrated in Exhibit 17, "Private Neighborhood Streets."

5.1.2.4 Private Alleys

Private alleys within the residential development will have a minimum of 20 feet of paved area with 5 feet of landscaping on each side. In areas where fire access is required, the minimum paved area will be 24 feet with 3 feet of landscaping on each side. Alleys with "dead end" conditions will be a maximum length of 150 feet. Parking is prohibited along alleys. Tapers will be incorporated at the point where private alleys intersect with public streets. The taper width will be determined per the approval of City of Ontario Fire Department, Engineering Department and Planning Department.

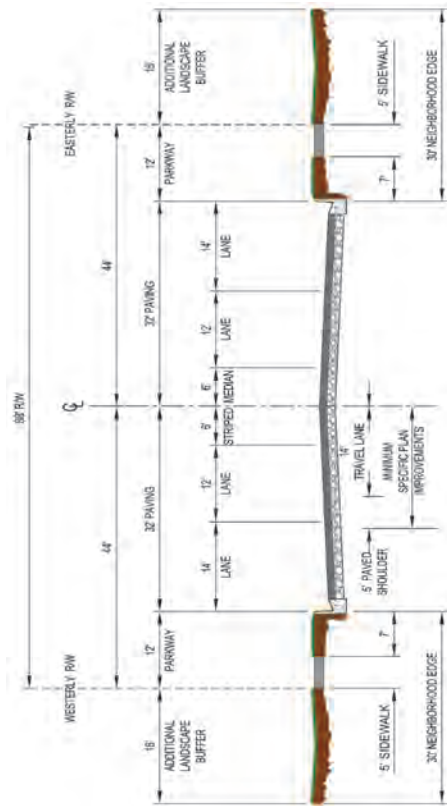
5.1.2.5 Private Drive Aisles

Private drive aisles are planned with a total paved width of 24 feet and an 18 foot deep parking area on each side.

Water, recycled water, and sewer utilities may be designated as "public utilities" if located within public or private streets. All public utilities within private streets shall be designed per City standards and contained within acceptable easements. The CC&Rs for the project shall contain language requiring all work proposed by the HOA within such easements to be plan checked and inspected by the City, including applicable fees. Generally, utilities will not be accepted as public within alleys, parking areas or driveways. The extent to which said utilities will be accepted as public utilities shall be at the full discretion of the City during final design review. Private Alleys and Private Drive Aisles planned for Esperanza are illustrated in Exhibit 18, "Private Alley and Drive Aisle Sections."

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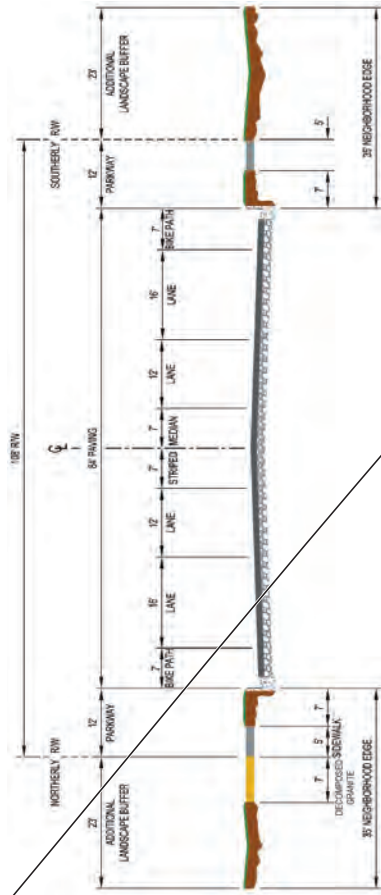
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Collector
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(On Street Parking is Prohibited)

Exhibit 13
Mill Creek Avenue

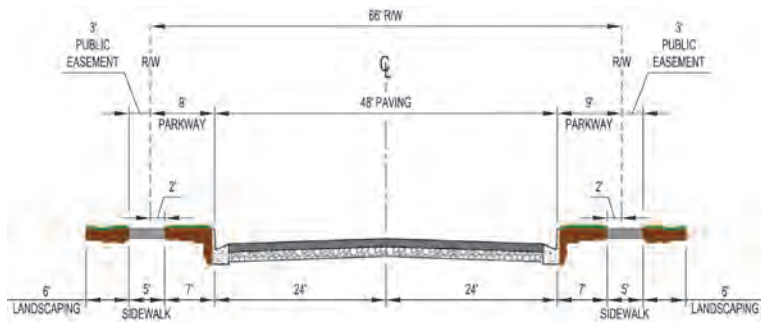
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Collector
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Exhibit 14
Merrill Avenue⁵

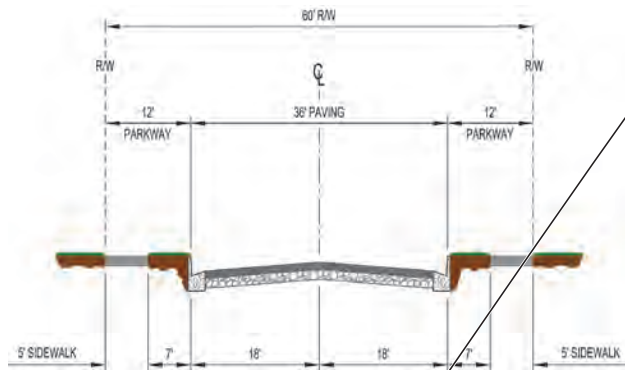
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"A Street"
(Parking Permitted)

Exhibit 15
"A Street" – Primary Local Street

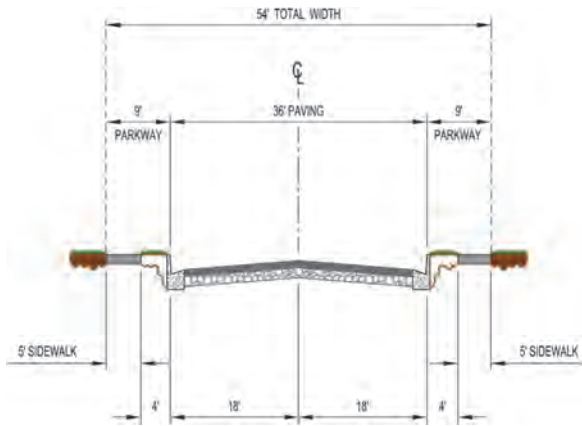
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Note: Parking may be restricted within 100-150 feet of Merrill Avenue, A Street, Mill Creek Avenue and Hamner Avenue Intersections.

Exhibit 16
Local Streets and Cul-De-Sac Sections

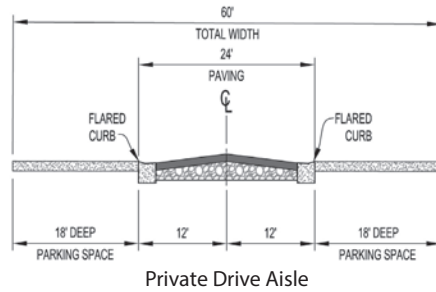
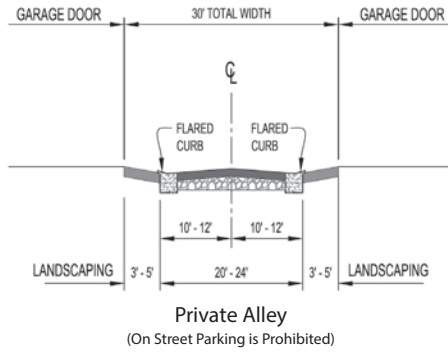
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Private Neighborhood Streets
(Located in Planning Areas 1, 3, 4 & 5)

Note: All public utilities within private streets shall be designed per City standards and contained within acceptable easements. The extent to which said utilities will be accepted as public utilities shall be determined at the full discretion of the City during final design review.

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Notes:

1. Final Alley Design is subject to approval by the City Engineer, Fire Department and Planning Department.
2. All public utilities within private streets shall be designed per City standards and contained within acceptable easements. The extent to which said utilities will be accepted as public utilities shall be determined at the full discretion of the City during final design review.

Exhibit 18
Private Alley and Drive Aisle Sections

5.1.3 Traffic Calming

The Esperanza Specific Plan includes design features within residential neighborhoods to encourage drivers to proceed slowly and reduce traffic noise on streets contributing to safe and livable neighborhoods in which to walk, bike, and drive.

Traffic calming within the Esperanza Specific Plan is designed to address the following goals:

- Reduction in traffic speeds.
- Reduction in traffic related noise.
- A safe and pedestrian friendly circulation system to encourage walking.

The following design features will be implemented in the roadways within Esperanza.

Local Neighborhood Street Design

Neighborhood streets within Esperanza are designed in a “modified grid” with landscaping on either side within parkways to add interest in the street encouraging drivers to slow their travel speed and observe their surroundings. Incorporating tapered intersections for local streets as illustrated in Exhibit 19, “Neighborhood Street Tapers,” may reduce traffic speeds on local residential streets.

Alleys Tapers

Private alleys within Esperanza will consist of 20-24 feet of paved travel area with 3-5 feet of landscaping on each side. Speeds for traffic entering the alleys and cut through traffic can be reduced by incorporating tapers at the entrance to these alleys as illustrated on Exhibit 20, “Alley Tapers.”

Landscaping

Landscaping adjacent to streets within the Specific Plan area will combine the use of shade trees, shrubs, and groundcover adjacent to sidewalks to create a more intimate streetscape encouraging drivers to reduce driving speeds. The landscape concept for Esperanza is designed to contribute to a sense of the street system as a pedestrian protected area to promote slower traffic speeds.

Roundabouts

A roundabout will be incorporated into the street design at the intersection of two local streets as illustrated in Exhibit 10, “Master Circulation Plan.” The use of a roundabout rather than a conventional all-way stop at this intersection will maintain traffic flow by requiring traffic entering the roundabout to yield to traffic traveling within the roundabout. The lack of a stop sign allows entering traffic to merge with the flow of traffic.

5.1.4 Pedestrian Circulation

Off-street pedestrian circulation will be available throughout Esperanza by means of the interconnected, paved sidewalk system within the roadway right-of-way, separated from vehicular travel lanes by a landscaped parkway. The Esperanza pedestrian system provides connectivity among residential neighborhoods to the Neighborhood Park, pocket parks, and the elementary school within the Specific Plan area.

5.1.5 Bicycle Trails

Bicycle trails are an integral element to creating accessibility and mobility within Esperanza. A Class 1 bike trail will be provided within the parkway on the north side of Eucalyptus Avenue and an on-street bike trail will be provided on both sides of Eucalyptus Avenue connecting to

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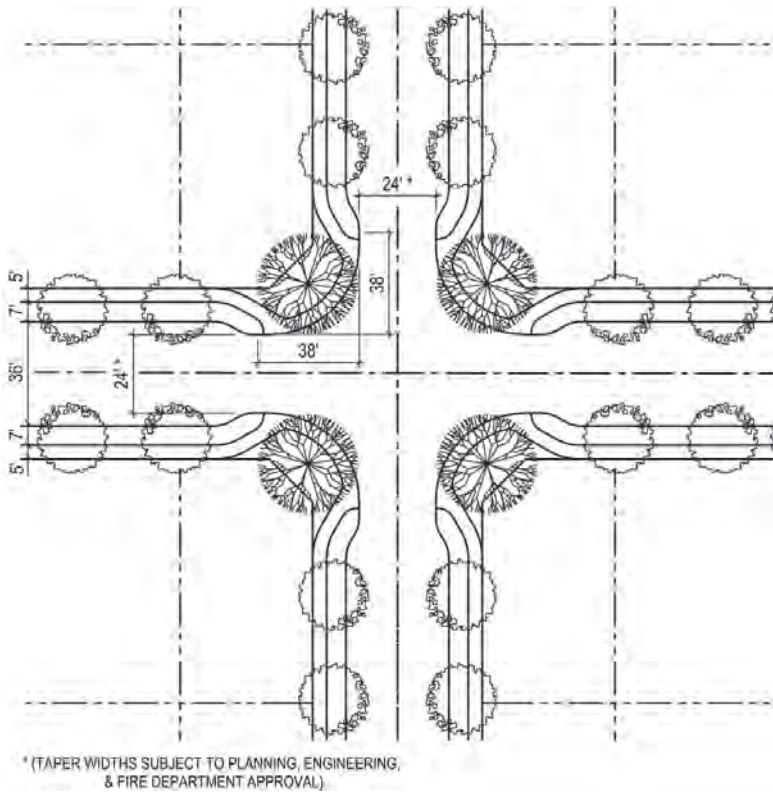


Exhibit 19
Neighborhood Street Tapers

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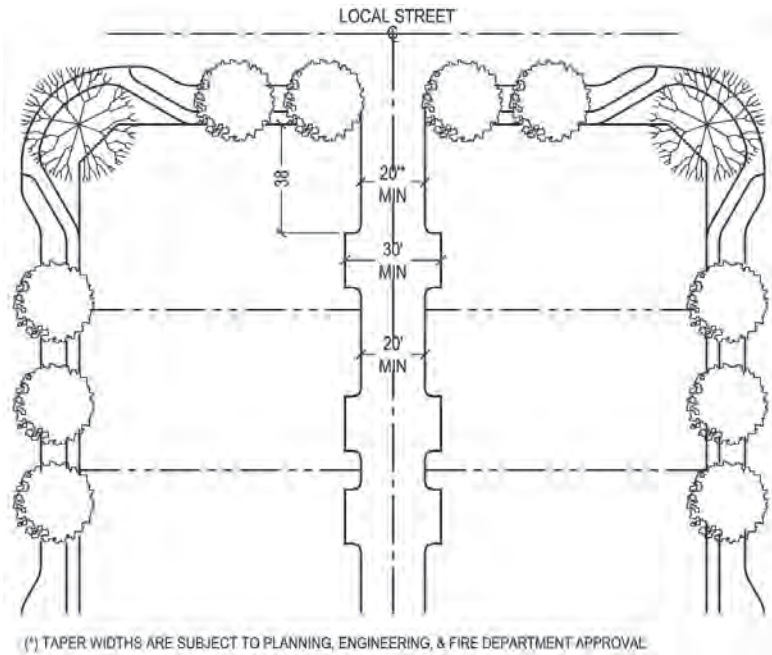


Exhibit 20
Alley Tapers

Section 5. INFRASTRUCTURE AND SERVICES

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Exhibit 21
Pedestrian and Bicycle Circulation Plan

on-street bike trails provided on local residential streets within the Specific Plan to connect all residential neighborhoods to one another, to the Neighborhood Park and to the elementary school located toward the center of the Specific Plan boundary.

Class II on-street striped bike lanes shall be provided on roadways within the Esperanza Specific Plan area as determined by City Engineer.²

The Master Plan for pedestrian and bicycle circulation for Esperanza is illustrated on Exhibit 21, "Pedestrian and Bicycle Circulation Plan."

5.2 DOMESTIC AND RECYCLED WATER MASTER PLAN

Domestic water will be provided by the City of Ontario. The Ontario Ranch Water Master Plan Phase 1 (Phases 1a-1d) identifies new water facilities to include one reservoir, three groundwater wells and potable and reclaimed transmission water lines. Construction of the on site and off site Master Plan water service improvements shall be the responsibility of the developer(s) and is required prior to issuance of building permits for Esperanza. Two of the waterlines included in the Phase 1 improvements are a 24 inch water line in Hamner Avenue, adjacent to the site on the east, and a 24-inch water main in Eucalyptus Avenue, which goes through the center of the project.

5.2.1 Domestic Water

The project lies within the 925 Zone. New domestic water mains to be constructed as part of the development of Esperanza will include a 12-inch Master Plan water main in Mill Creek Avenue, from the northerly boundary of the Specific Plan to Eucalyptus Avenue. Within the Specific Plan area, a network of 8-inch and 12' inch water lines will be installed. The On Site







water system will include connections to two different transmission mains.

The City is in the process of updating the Water Master Plan. Any changes resulting from the updated Master Plan will be incorporated into the Esperanza Water Master Plan.

There are two groundwater wells located adjacent to Bellegrave Avenue to the north. These wells and water transmission lines in Bellegrave Avenue, are owned and operated by the Chino Basin Desalter Authority (CDA). As part of the development of the Specific Plan area, improvements shall be made, to the satisfaction of the CDA and the City of Ontario, surrounding the two existing well sites located at the north side of the ultimate right of way of Bellegrave Avenue. Improvements shall include, but are not limited to, perimeter fencing, relocation of existing utilities within the ultimate right of way, street landscaping within the right of way fronting the project, and driveway approaches. The Master Plan for domestic water for Esperanza is illustrated on Exhibit 22, "Conceptual Domestic Water Master Plan." The conceptual on site domestic water system is illustrated on Exhibit 23 "On Site Domestic Water Plan."

5.2.2 Recycled Water System

The Inland Empire Utilities Agency (IEUA) will ultimately provide recycled water from IEUA's RP-1 and RP-1 outfall parallel located in Carpenter Avenue via City of Ontario recycled water mains as presented in the Water Master Plan for the Ontario Ranch. The Specific Plan area is located within the 930 Zone. The construction phase source of recycled water to serve the Specific Plan area will be conveyed to the 930 Zone from the 1050 Zone via a Master Plan pressure reducing station located in Archibald Avenue north of Chino Avenue. The master planned recycled water mains to be constructed

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as part of the development of Esperanza will include the following:

- A 12-inch recycled water line in Mill Creek Avenue from the northerly boundary of the Specific Plan area to Eucalyptus Avenue.
- An 8-inch recycled water line in Hamner Avenue from the northern boundary of the Specific Plan area to Eucalyptus Avenue.
- An 8-inch recycled water line in Eucalyptus Avenue from Hamner Avenue to Mill Creek Avenue.
- A 12-inch line in Eucalyptus Avenue from Mill Creek Avenue to Haven Avenue.
- A 16-inch line in Eucalyptus Avenue from Haven Avenue to Archibald Avenue.
- A 16-inch line in Archibald Avenue from Eucalyptus Avenue to Edison Avenue.
- A 20-inch line in Archibald Avenue from Edison Avenue to Schaefer Avenue.
- A 36-inch line in Archibald Avenue reducing to a 24-inch line from Schaefer Avenue to Chino Avenue.
- Utilization of the existing 10-inch main which extends from the IEUA facility adjacent to Westwind Park to the intersection of Archibald Avenue and Schaefer Avenue.

The developer will provide all recycled water lines required to serve the Specific Plan area.

Within the Specific Plan area, 8-inch recycled water mains are proposed to serve the development. The City's goal is to maximize the use of recycled water including but not limited to irrigation of parks, schools, street landscaping, recreation trails, common area residential landscaping and commercial/industrial landscaping edges. The parks, school, and landscaped areas that will be irrigated with recycled water and the calculated recycled water demand are contained in the report titled, "Esperanza Water and Recycled Water Hydraulic Analysis." An Engineer's Report approved by the City and

the Department of Health is required prior to the use of recycled water.

The conceptual Master Plan for recycled water for Esperanza is illustrated on Exhibit 24, "Conceptual Recycled Water Plan." The conceptual on site recycled water system is illustrated on Exhibit 25, "Conceptual On Site Recycled Water System."

5.3 SEWER MASTER PLAN

Sewer service for Esperanza will be provided by the City of Ontario. The City's Sewer Master Plan identifies ultimate sewer facilities from the Specific Plan area to the Eastern Trunk Sewer. These Master Planned facilities include a 15-inch sewer main extending from the northerly boundary of the Specific Plan area, along Mill Creek Avenue increasing to a 21-inch sewer main at Eucalyptus Avenue and a 24-inch sewer main along Beltgrave Avenue westerly to the Master Planned Eastern Trunk Sewer. Completion of these Master Plan improvements is required to provide the ultimate sewer service to Esperanza. Within the Specific Plan area a network of 8-inch and 15-inch sewer lines will be installed. The sizing and alignment of all off-site sewer improvements necessary for mitigation of impacts shall follow the results of the approved Sanitary Sewer Technical Study.³

The Conceptual Sewer Master Plan for Esperanza is illustrated on Exhibit 26, "Sewer Master Plan." The conceptual on site sewer lines are illustrated on Exhibit 27, "Conceptual On Site Sewer."

5.4 DRAINAGE

The City's Storm Drain Master Plan identifies new storm drain facilities to serve the Specific Plan area extending northerly from the County Line Channel within Mill Creek Avenue. Completion of these Master Plan improvements

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"The parks, school, and landscaped areas that will be irrigated with recycled water and the calculated recycled water demand are contained in the report titled, "Esperanza Water and Recycled Water Hydraulic Analysis." An Engineer's Report approved by the City and the Department of Health is required prior to the use of recycled water."
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"The Conceptual Sewer Master Plan for Esperanza is illustrated on Exhibit 26, "Sewer Master Plan." The conceptual on site sewer lines are illustrated on Exhibit 27, "Conceptual On Site Sewer." The developer will provide all recycled water lines required to serve the Specific Plan area. Within the Specific Plan area, 8-inch recycled water mains are proposed to serve the development. The City's goal is to maximize the use of recycled water including but not limited to irrigation of parks, schools, street landscaping, recreation trails, common area residential landscaping and commercial/industrial landscaping edges."
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"The developer will provide all recycled water lines required to serve the Specific Plan area. Within the Specific Plan area, 8-inch recycled water mains are proposed to serve the development. The City's goal is to maximize the use of recycled water including but not limited to irrigation of parks, schools, street landscaping, recreation trails, common area residential landscaping and commercial/industrial landscaping edges."
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"The Conceptual Sewer Master Plan for Esperanza is illustrated on Exhibit 26, "Sewer Master Plan." The conceptual on site sewer lines are

as part of the development of Esperanza will include the following:

- A 12-inch recycled water line in Mill Creek Avenue from the northerly boundary of the Specific Plan area to Eucalyptus Avenue.
- An 8-inch recycled water line in Hamner Avenue from the northern boundary of the Specific Plan area to Eucalyptus Avenue.
- An 8-inch recycled water line in Eucalyptus Avenue from Hamner Avenue to Mill Creek Avenue.
- A 12-inch line in Eucalyptus Avenue from Mill Creek Avenue to Haven Avenue.
- A 16-inch line in Eucalyptus Avenue from Haven Avenue to Archibald Avenue.
- A 16-inch line in Archibald Avenue from Eucalyptus Avenue to Edison Avenue.
- A 20-inch line in Archibald Avenue from Edison Avenue to Schaefer Avenue.
- A 36-inch line in Archibald Avenue reducing to a 24-inch line from Schaefer Avenue to Chino Avenue.
- Utilization of the existing 10-inch main which extends from the IEUA facility adjacent to Westwind Park to the intersection of Archibald Avenue and Schaefer Avenue.

The developer will provide all recycled water lines required to serve the Specific Plan area.

Within the Specific Plan area, 8-inch recycled water mains are proposed to serve the development. The City's goal is to maximize the use of recycled water including but not limited to irrigation of parks, schools, street landscaping, recreation trails, common area residential landscaping and commercial/industrial landscaping edges. The parks, school, and landscaped areas that will be irrigated with recycled water and the calculated recycled water demand are contained in the report titled, "Esperanza Water and Recycled Water Hydraulic Analysis." An Engineer's Report approved by the City and

the Department of Health is required prior to the use of recycled water.

The conceptual Master Plan for recycled water for Esperanza is illustrated on Exhibit 24, "Conceptual Recycled Water Plan." The conceptual on site recycled water system is illustrated on Exhibit 25, "Conceptual On Site Recycled Water System."

5.3 SEWER MASTER PLAN

Sewer service for Esperanza will be provided by the City of Ontario. The City's Sewer Master Plan identifies ultimate sewer facilities from the Specific Plan area to the Eastern Trunk Sewer. These Master Planned facilities include a 15-inch sewer main extending from the northerly boundary of the Specific Plan area, along Mill Creek Avenue increasing to a 21-inch sewer main at Eucalyptus Avenue and a 24 inch sewer main along Bellegrave Avenue westerly to the Master Planned Eastern Trunk Sewer. Completion of these Master Plan improvements is required to provide the ultimate sewer service to Esperanza. Within the Specific Plan area a network of 8-inch and 15-inch sewer lines will be installed. The sizing and alignment of all off-site sewer improvements necessary for mitigation of impacts shall follow the results of the approved Sanitary Sewer Technical Study.³

The Conceptual Sewer Master Plan for Esperanza is illustrated on Exhibit 26, "Sewer Master Plan." The conceptual on site sewer lines are illustrated on Exhibit 27, "Conceptual On Site Sewer."

5.4 DRAINAGE

The City's Storm Drain Master Plan identifies new storm drain facilities to serve the Specific Plan area extending northerly from the County Line Channel within Mill Creek Avenue. Completion of these Master Plan improvements

illustrated on Exhibit 27, "Conceptual On Site Sewer."

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will provide permanent storm drain service to Esperanza.

That portion of the Master Planned line, which lies within Esperanza, will be constructed as a part of the development of the project. These improvements include a 90-inch storm drain in Mill Creek Avenue transitioning to a 102-inch storm drain, connecting to the County Line Channel.

On site storm drains will be constructed to convey the on site flows to the proposed Master Planned storm drain line in Mill Creek Avenue. The locations and size of on site storm drains within Esperanza will be established in accordance with City requirements as part of the approval by the City of Ontario of tentative tract maps for the Esperanza Specific Plan area.

The Drainage Master Plan for Esperanza is illustrated in Exhibit 28, "Storm Drain Master Plan." The size and location of the proposed storm drain may change based on the final design.

5.4.1 NPDES Compliance

The grading and drainage of the Esperanza Specific Plan area shall be designed to detain, filter and treat surface runoff, in a manner and combination which is practical, to comply with the most recent requirements of the San Bernardino County NPDES Storm Water Program's Quality Management (WQMP) for significant new development projects. The objective of the WQMP for this project is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants and changes in hydrology. These effects may be minimized through the implementation of site designs that reduce runoff and pollutant transport by minimizing impervious surfaces and maximizing on-site infiltration, Source Control Best

Management Practices (BMP's) and/or either on-site Structural Treatment Control BMP's, or participation in regional or watershed-based Treatment Control BMP's.

Prior to the issuance of a grading or construction permit, a Storm Water Pollution Prevention Plan (SWPPP) will also be prepared. The SWPPP will be prepared to comply with the California State Water Resources Control Board's (State Water Board) current, "General Permit to Discharge Storm Water Associated With Construction Activity" and the current Area Wide Urban Storm Water Runoff (Regional NPDES Permit). The SWPPP will identify and detail all appropriate Best Management Practices (BMP's) to be implemented or installed during construction of the project.

In addition to the preparation of a SWPPP for construction-related activities, and as part of the approval of any grading plans within the Specific Plan Area, the applicant will be required to submit a Water Quality Management Plan (WQMP) on the regional model form provided by the City. The WQMP shall identify and detail all Site Design BMP's, Source Control BMP's and Treatment Control BMP's to be implemented or installed at this site in order to reduce storm water pollutants and site runoff.

An off site regional stormwater runoff treatment facility with capacity to accept and treat drainage from portions of the Specific Plan Area has been constructed. This regional treatment facility will be part of an overall solution for storm water treatment within this planned development area. Projects with reserved treatment capacity allocation in the regional facility will utilize this off-site facility as their primary BMP for addressing urban runoff water quality and hydro-modification impacts, in their respective WQMPs. If a project cannot obtain treatment capacity in the regional stormwater treatment facility, alter-

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[Old]: "A proposed regional runoff treatment facility for the sub-watershed area that this project lies within is being considered for construction. This regional treatment facility would be part of an overall solution for storm water treatment. If an approved regional storm water treatment facility is not completed and operational prior to construction of this project, all necessary on-site treatment control BMP's and/or temporary water control devices"
 [New]: "An off site regional stormwater runoff treatment facility with capacity to accept and treat drainage from portions of the Specific Plan Area has been constructed. This regional treatment facility will be part of an overall solution for storm water treatment within this planned development area. Projects with reserved treatment capacity allocation in the regional facility will utilize this off site facility as their primary BMP for addressing urban runoff water quality and hydro-modification impacts, in their respective WQMPs. If a project cannot obtain treatment capacity in the regional stormwater treatment facility, alter-

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native on-site or off-site Low Impact Design BMBs will be required based on the must current MS4 Permit requirements.⁴

5.5 SCHOOLS

The Mountain View School District is the school district serving the K-8 school needs of Esperanza. The Chaffey Joint Union High School District serves the 9-12 school age needs of the Specific Plan area. Additional elementary, middle, and high schools are needed to serve the needs of school age children within the Ontario Ranch. An elementary school site has been proposed within the Esperanza Specific Plan and a middle school site has been proposed in Planning Subarea 24. Colony High School is located at the southwest intersection of Mill Creek Avenue and Riverside Drive and a future high school has been proposed in Planning Subarea 23. Development of the Esperanza Specific Plan area will generate an estimated student population as follows (based on student generation numbers supplied by the City of Ontario, "School Generation for Ontario Ranch Subareas," July 2, 2004. The developer(s) of Esperanza will be required to pay school fees as required by State of California.

Grades K- 5
Generation Factor 0.38/D.U.
$0.38 \times 1594 = 606$

Grades 6-8
Generation Factor 0.22/D.U.
$0.22 \times 1594 = 351$

Grades 9-12
Generation Factor 0.20/D.U.
$0.20 \times 1594 = 319$

5.6 PUBLIC UTILITIES

5.6.1 Natural Gas

The Gas Company will provide natural gas to the Specific Plan area. Gas mains will be installed to the Specific Plan area by the Gas Company as necessary.

5.6.2 Electricity

Southern California Edison will provide electricity to the Specific Plan area from existing facilities in the vicinity of the Specific Plan area. Proposed new facilities to serve the project will be owned and operated by the City of Ontario and located underground. Existing lines within the Specific Plan area shall be placed underground by developer and according to the City of Ontario adopted ordinance.

5.6.3 Telecommunications

The City of Ontario will be providing OntarioNet, fiber-to-the-home. OntarioNet is a fiber optic telecommunications system capable of providing advanced Internet/data services to all homes and businesses within the Ontario Ranch. OntarioNet will provide community related services including: traffic management; on-line civic services; meter reading; educational services; and a variety of other community services. Based on the demographics of the Ontario Ranch and the traffic issues in Orange and Los Angeles Counties, the demand for telecommuting in the Ontario Ranch is anticipated to be significant. OntarioNet and the high-speed data services it provides will allow residents of the Esperanza Specific Plan to effectively telecommute to their jobs and in general provide a significant economic benefit to Ontario. Verizon currently provides telephone service within the Specific Plan area and can provide telecommunication service if they choose to do so.

5.6.4 Solid Waste

The City of Ontario provides solid waste collection services for the Ontario Ranch and

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"5.6 PUBLIC UTILITIES 5.6.1 Natural Gas The Gas Company will provide natural gas to the Specific Plan area."
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[Old]: "will be installed pursuant to the requirements of the current regional NPDES Permit and the approved Water Quality Management Plan for this project."
[New]: "native on -site or off -site Low Impact Design BMBs will be required based on the must current MS4 Permit requirements. 4"
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[New]: "Ontario Ranch."
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"if retaining walls are required, the following criteria shall be used:"
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- Text Deleted
"Section 5. INFRASTRUCTURE AND SERVICES"
- Graphic Element Deleted
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[New]: "Ontario Ranch"
- Text Inserted
"Ontario Esperanza Specific Plan 5.48"
- Text Deleted
"The Gas Company will provide natural gas to the Specific Plan area."
- Text Deleted
"5.6 PUBLIC UTILITIES 5.6.1 Natural Gas"
- Image Inserted

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5.6.4 Solid Waste

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will service the Specific Plan area. The project will comply with Municipal Code Section 6-3.314, "Commercial Storage Standards" and Section 6-3.601, "Business Recycling Plan" for the use of any commercial bin service for apartment development. All residential development shall comply with Municipal Code Section 6-3.308.9 (a) and (d), "Residential Receptacles, Placement" for curbside automated container service. The project shall comply with Municipal Code Article 6, "Recycling Requirements for Specified Business Activity", Section 6-3.601 Business Recycling Plan, and Section 6-3.602, "Construction and Demolition Recycling Plan." All site development shall comply with the City of Ontario refuse collection standards. All project sites shall be designed to meet all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Area, Accessibility for Collection Vehicles, and Collection of Sorted/ Diverted Waster Types including Organics.

5.7 GRADING CONCEPT

The site falls at an average slope of approximately two percent (2%). The Grading Concept for Esperanza is to work with the existing topography to maintain natural grade and elevations wherever possible. The grading operation for the Specific Plan area will generally consist of the removal of any manure remaining from dairy operations, clearing and grubbing, demolition of existing structures, and moving of surface soils to construct building pads and streets. Additionally where slope conditions are present, the property shall be located at the top of the slope. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures should be sited to:

- Use the natural ridgeline as a backdrop for structures;
- Use landscape plant materials as a backdrop; and

Use structures to maximize concealment of cut slope.

If retaining walls are required, the following criteria shall be used:

- Exposed walls and fences facing roadways shall be no greater than 3-foot retaining (9-foot total wall) in height, except as necessary for acoustical purposes to satisfy the intent of the noise ordinance.
- Where retaining walls or fences face roadways, they shall be built, when feasible, of decorative materials consistent with the wall theme of the neighborhood.

The Conceptual Grading Plan, as illustrated in Exhibit 29, "Conceptual Grading Plan," will provide for a balance of cut/fills for the site. Grading plans for each tract in the Specific Plan area will be reviewed and approved by the City of Ontario Building, Planning, and Engineering Departments prior to the issuance of grading permits. All grading plans and activities will conform to the City grading ordinance and dust and erosion control requirements.

Text Inserted	"Section 5. INFRASTRUCTURE AND SERVICES"
Text Inserted	"Use structure to maximize concealment of cut slope."
Graphic Element Inserted	
Text Inserted	"If retaining walls are required, the following criteria shall be used:"
Text Inserted	"All project sites shall be designed to meet all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Area, Accessibility for Collection Vehicles, and Collection of Sorted/ Diverted Waster Types including Organics."
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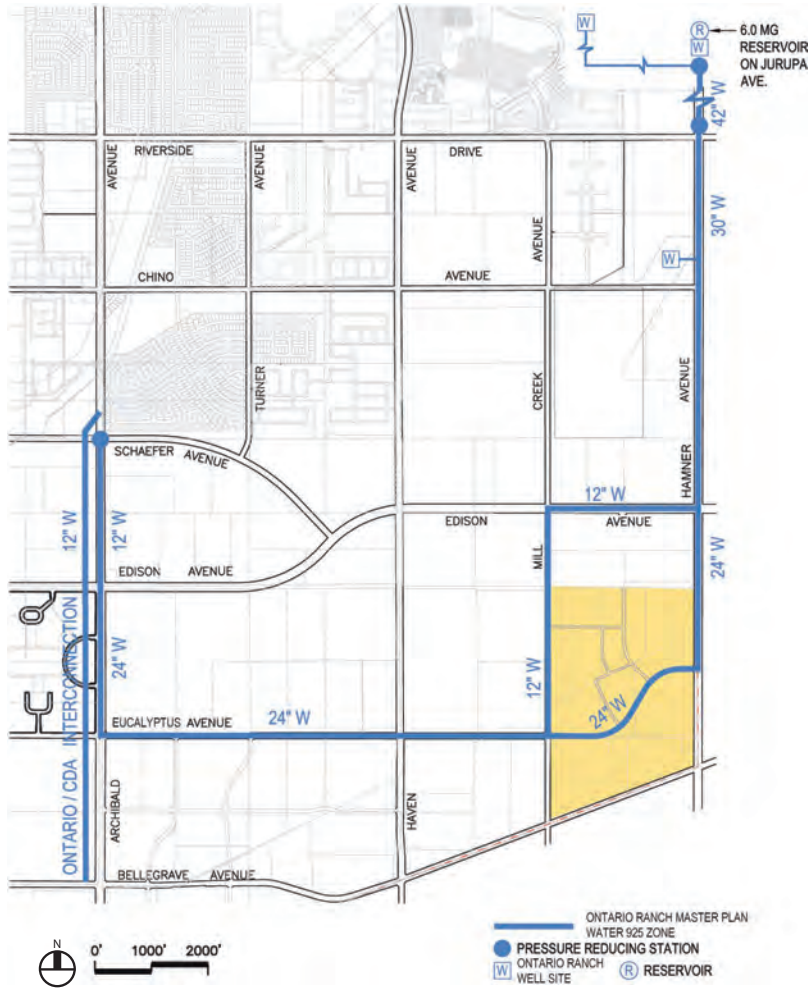
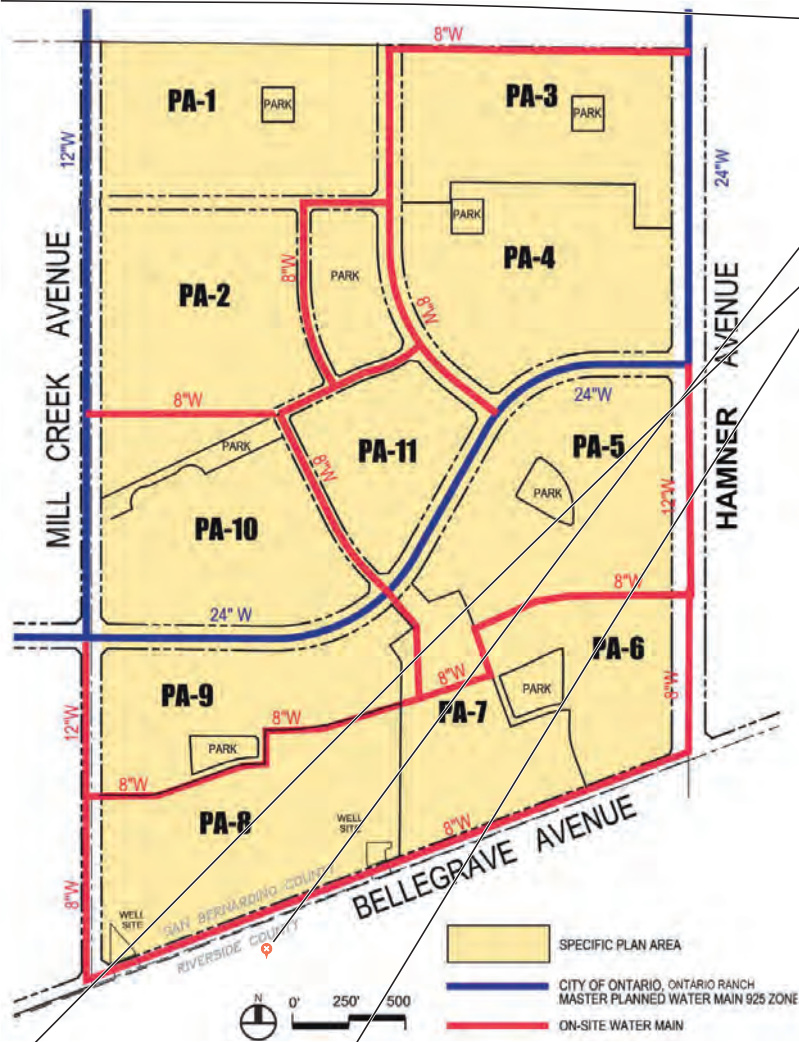
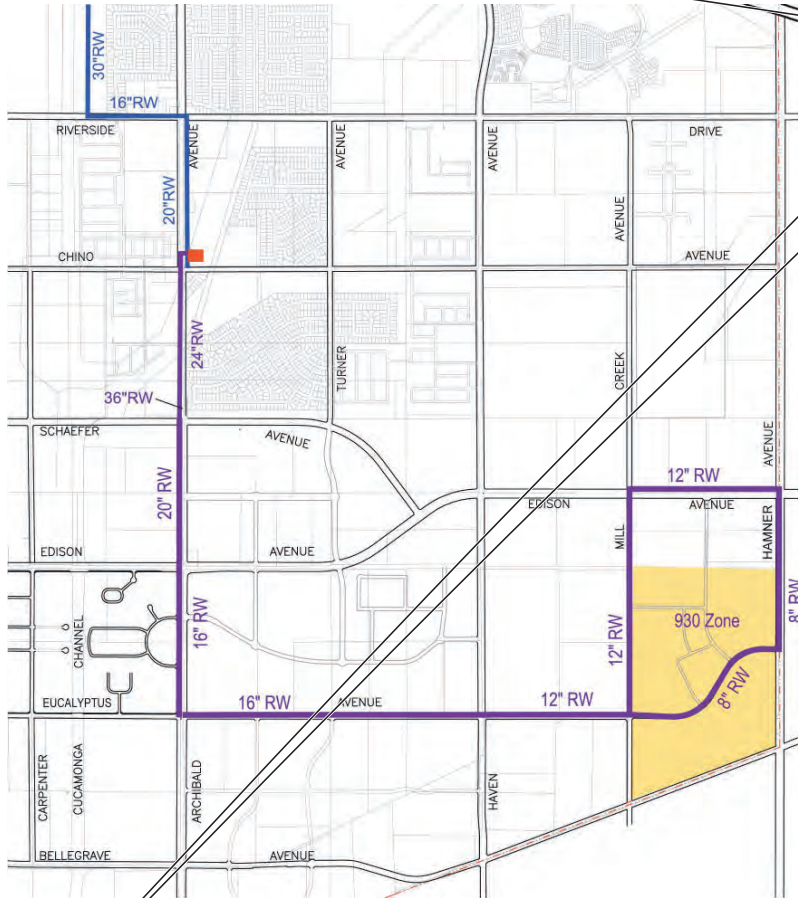


Exhibit 22
Conceptual Domestic Water Master Plan



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"5.51 Ontario Esperanza Specific Plan"
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[Old]: "5.51 Ontario Esperanza Specific Plan"
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- ONTARIO RANCH MASTER PLANNED RECYCLED WATER-930 ZONE
- ONTARIO RANCH MASTER PLANNED RECYCLED WATER-1050 ZONE
- PRESSURE REDUCING STATION

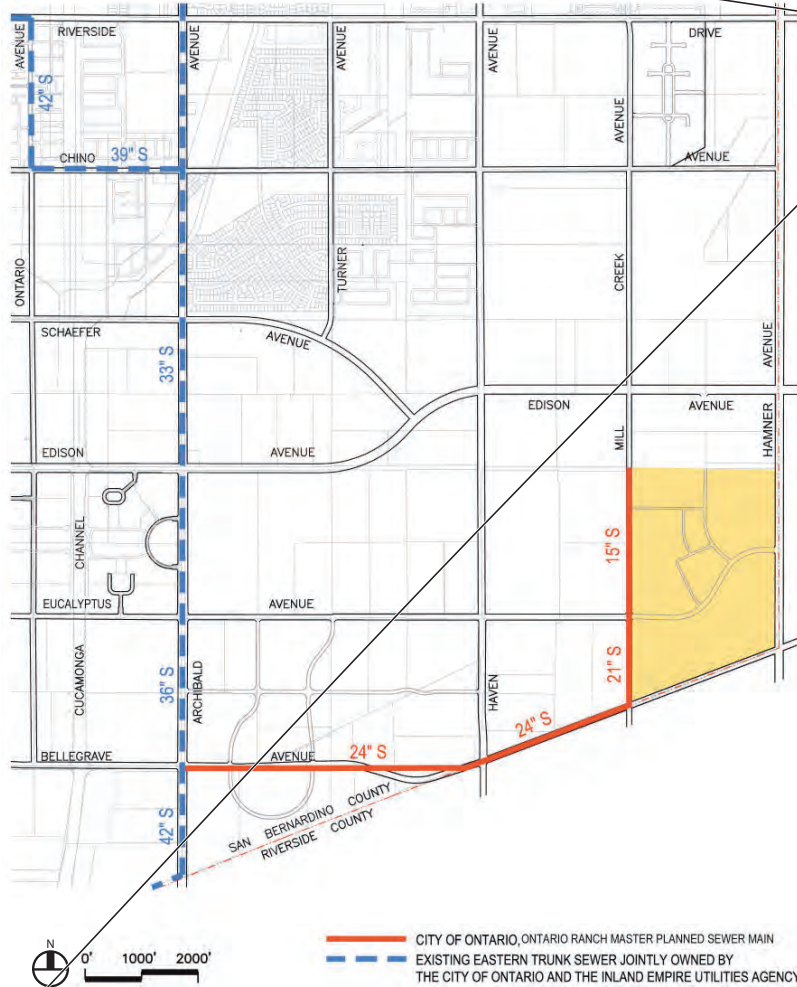
Exhibit 24
Conceptual Recycled Water Plan



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"Section 5. INFRASTRUCTURE AND SERVICES"
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"N Exhibit 24 Ontario Esperanza Specific Plan Conceptual Recycled Water Plan"
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"5.53 Ontario Esperanza Specific Plan"

NOTE: ALL AREAS MAINTAINED BY HOA SHALL BE IRRIGATED WITH RECYCLED WATER

bit 25
Conceptual On Site Recycled Water System



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[New]: "5.54"

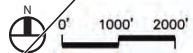
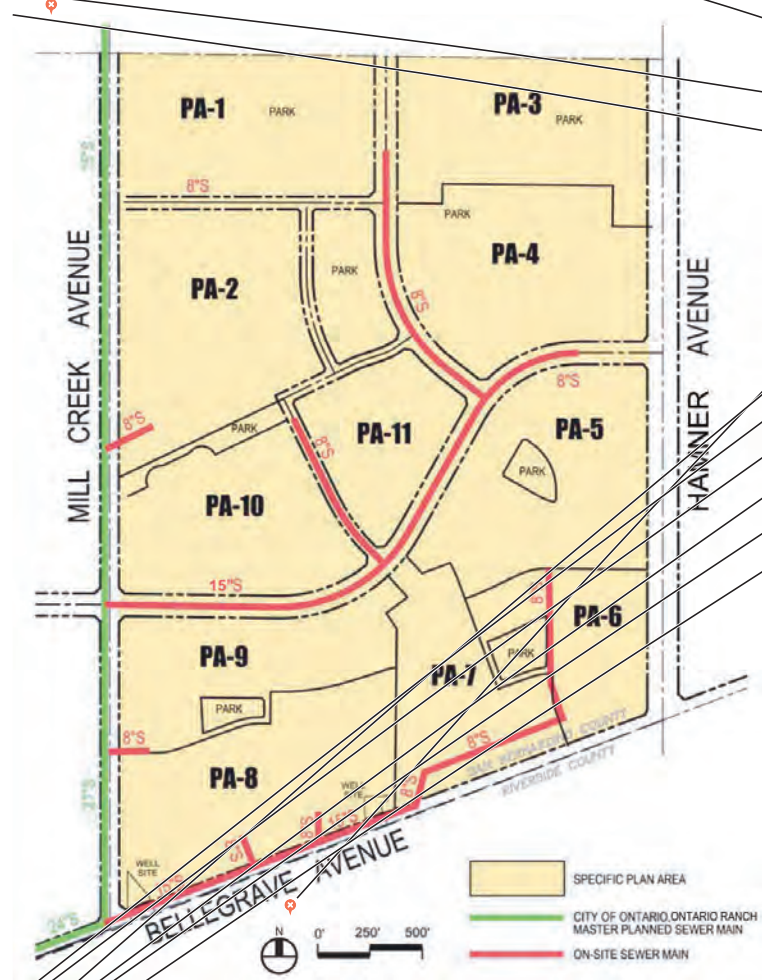


Exhibit 26
Sewer Master Plan

— CITY OF ONTARIO, ONTARIO RANCH MASTER PLANNED SEWER MAIN
- - - EXISTING EASTERN TRUNK SEWER JOINTLY OWNED BY THE CITY OF ONTARIO AND THE INLAND EMPIRE UTILITIES AGENCY



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Conceptual On Site Sewer

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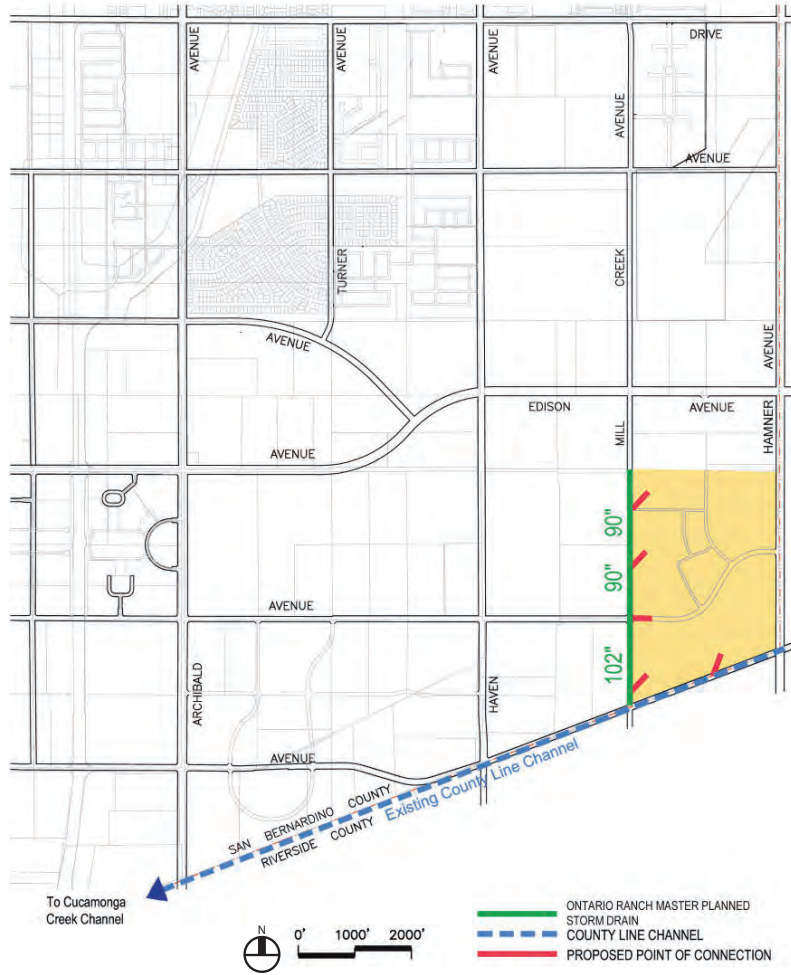


Exhibit 28
Storm Drain Master Plan

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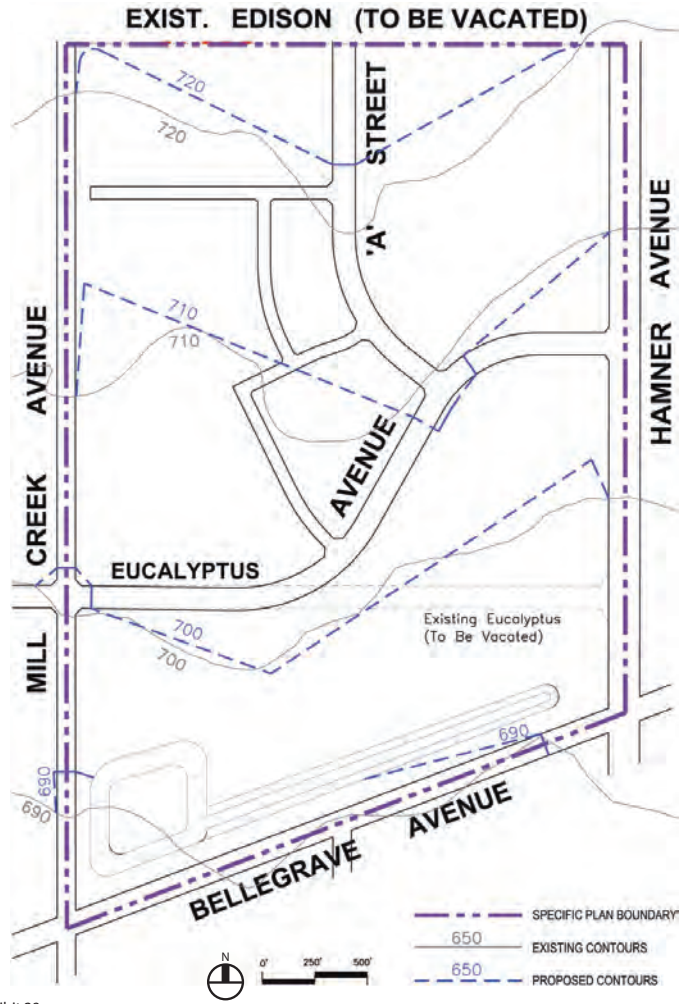


Exhibit 29
Conceptual Grading Plan

Endnotes

- 1 Updated table
- 2 Updated language per Engineering
- 3 Updated language per OMUC.
- 4 Updated language on WQMP
- 5 Updated sidewalk/granite trail

9/9/2020 11:34:59 AM

Compare Results

Summary of Comments on Esperanza Sect 6.indd

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Old File:

Esperanza Sect 6.pdf

13 pages (1.17 MB)

9/4/2020 11:28:21 AM

versus

New File:

Esperanza Sect 6R.pdf

14 pages (1.17 MB)

9/8/2020 5:15:47 PM

Total Changes

19

Content

5

Replacements

11

Insertions

1

Deletion

Styling and Annotations

2

Styling

0

Annotations

[Go to First Change \(page 2\)](#)

SECTION 6. DEVELOPMENT REGULATIONS

6.1 INTRODUCTION

The provisions contained herein will regulate design and development within the Esperanza Specific Plan.

6.2 DEFINITION OF TERMS

The meaning and construction of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code Article 2, "Definitions," unless otherwise specifically provided herein. The definitions of product types shall be those defined in Section 4, "Land Use" within the discussion of each respective product type. The definition of architectural and design terms shall be the same as those provided in the City of Ontario Glossary of Design Terms which follows the City of Ontario Development Code.

6.3 APPLICABILITY

The development regulations contained herein provide specific standards for land use development within the Esperanza Specific Plan area. Regulations address residential land uses and provide for general landscaping regulations. Application of the following regulations is intended to encourage the most appropriate use of the land, ensure the highest quality of development, and protect the public health, safety, and general welfare. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Esperanza Specific Plan shall take precedence. Where the Esperanza Specific Plan is silent, City codes shall apply. These regulations shall reinforce specific site planning, architectur-

al design, and landscape design guidelines contained in Section 8, "Design Guidelines" of the Esperanza Specific Plan.

6.4 ADMINISTRATION

The Esperanza Specific Plan, upon adoption, will serve as the implementation tool for the General Plan as well as the zoning for the Specific Plan area. The Esperanza Specific Plan Development Regulations address general provisions, permitted uses, and development standards for the community.

6.5 GENERAL SITE DEVELOPMENT CRITERIA

The following general site development criteria shall apply to all land development proposed in Esperanza.

1. **Gross Acres** - Except as otherwise indicated, gross acres for all development areas are measured to the centerline of streets.
2. **Grading** - Development within the Specific Plan area shall utilize grading techniques as approved by the City of Ontario. Grading concepts shall respond to the design guidelines included in the Esperanza Specific Plan which guide the development of land use toward the goal of providing for a livable community with streets and entries designed for walking and resident interaction.
3. **Building Modification** - Additions and alterations permitted by the Esperanza Specific Plan shall match the architectural style of the primary unit and shall be constructed of the same materials, details, and colors as the primary unit.
4. **Utilities** - All new and existing public utility distribution lines of 35.5kV or less shall be subsurface throughout the planned community.

5. **Technology** - All homes and businesses shall accommodate modern telecommunications technology (OntarioNet) for computer internet access, phone, fax, and television. Broadband fiber optics cable will be installed to all the properties per the approved Fiber Optic Master Plan.
6. **Transfer of Dwelling Units** -The Esperanza Specific Plan allocates a total number of units to each Planning Area as indicated in the "Land Use Summary" Table 2, Section 4, of the Esperanza Specific Plan. Variations in the number and type of dwelling units within each residential Planning Area may occur at the time of final design of the neighborhood depending upon the residential product identified for development. Changes in allocation of residential units, up to a maximum of fifteen percent (15%), are permitted among the residential planning areas within the Esperanza Specific Plan, subject to approval by the City and upon agreement of each respective property owner/developer, provided the total number of units established for the Esperanza Specific Plan area is not exceeded.
7. **Best Management Practices** – Development of storm water runoff improvements, within the Esperanza Specific Plan, shall adhere to currently adopted Best Management Practices (BMP's). The Site Design BMP's may include but not be limited to creating landscape strips and landscaped setback areas that can be swaled and depressed to retain and infiltrate irrigation water and runoff from smaller storm events, drain rooftops into rain gutters which would drain into an area of porous subgrade, and depressing the park areas to provide storm water infiltration and water quality treatment. Common area landscaping and parks shall be designed to function as a series of shallow storm water treatment basins and infiltration zones for storm water runoff from surrounding areas wherever moderately well draining soils exist.

Currently the City of Ontario is considering construction of a regional storm water runoff treatment facility for the sub-watershed area that this project lies within. If the treatment facility is constructed, it may satisfy the requirement for on-site treatment control BMP's for the Esperanza project.

8. **Maximum Number of Dwelling Units** - The maximum number of residential dwelling units permitted within the Esperanza Specific Plan is 1,594 unless the 10.02 acre elementary school site is not purchased by the Mountain View School District. Pursuant to approval of a Specific Plan Amendment the total permitted residential dwelling units within the Esperanza Specific Plan area shall be 1,640 dwelling units.¹
9. **Agricultural Buffer** - A minimum 100-foot separation shall be required between a new residential structure and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-foot separation requirement may be satisfied through an off-site easement with adjacent properties, acceptable to the Planning Director, submitted with a final map, and recorded prior to or concurrent with a final map.
10. **Solid Waste/Recycling** - Development within the Esperanza Specific Plan area shall comply with City of Ontario requirements for the provision and placement of solid waste and recycling receptacles.

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[Old]: "1,410"
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"-1"

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[New]: "1,640"

6.6 RESIDENTIAL DEVELOPMENT STANDARDS

6.6.1 Residential Detached (RD-1 through RD-6)

6.6.1.1 General

This category includes the development of single-family detached dwelling units. The purpose of the residential standards for single-family detached housing is to establish the minimum criteria for the development of these product types on individual lots within the neighborhoods specified within Esperanza.

6.6.1.2 Permitted Uses

1. Single family detached dwellings.
2. Public or private parks, recreational buildings, greenbelts, and open space.
3. Accessory uses to include the following:
 - a. Garages.
 - b. Granny Flats (i.e. Second Dwelling Units, in accordance the City's Development Code.)
 - c. Home occupations.
 - d. Swimming pools, spas, sports courts, and other similar outdoor recreational amenities.
 - e. Patios and patio covers.
 - f. Storage, garden structures, cabanas, and greenhouses.
 - g. Monument signage.
 - h. Model home and subdivision sales trailers; temporary construction parking, offices, and facilities; real estate signs, signage indicating future development and directional signage in accordance with the City's Development Code.
 - i. Second story additions to existing single story dwelling units.

- j. Small family child care/day care facilities (up to 8 children), in accordance with the City's Development Code.

6.6.1.3 Conditionally Permitted Uses

1. Places of worship including but not limited to churches and synagogues.
2. Large family child/day care facilities (between 8-14 children), in accordance with the City's Development Code.

6.6.1.4 Temporary Uses

1. Temporary uses shall be permitted pursuant to Article 13 of the City's Development Code.

6.6.1.5 Free Standing Satellite Dish / Antennas

1. Free standing satellite dishes and/or antennas are permitted pursuant to Article 32, Section 9.1.3289 of the City of Ontario Development Code.

6.6.1.6 Recreational Vehicle Storage and Parking

1. Recreational Vehicle (RV) storage is prohibited on public and private streets and in private alleys. RV parking on public and private streets is limited to 72 hours.

PRODUCT TYPE	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6
	50' Wide Lots PA-7 and PA-9	55' Wide Lots PA-8	2-Pack PA-10	Cottage PA-2 PA-6	4-Pack Courtyard PA-5	6-Pack Courtyard & Row-town PA-4
LOT CRITERIA						
Min. Lot Width at Front Setback Line for Standard Lot	50'	55'	40'	33'	NA	NA
Min. Lot Width at PL for Cul de sac, standard knuckle or modified knuckle lots (Min. side and rear yard setbacks to be maintained)	35'	35'	35'	33'	NA	NA
Min. Lot Width on Corner	55'	60'	45'	38'	NA	NA
Min. Lot Depth	80'	90'	75'	75'	NA	NA
Min. Lot Size	3,900 sq.ft.	4,800 sq.ft.	3,400 sq.ft.	2,400 sq.ft.	2,500 sq.ft.	2,200 sq.ft.
MINIMUM SETBACKS ⁽¹⁾						
All setbacks are measured from PL except for RD-5 and RD-6 where front and streetside setbacks are measured from back of sidewalk.						
Front Setbacks						
• Living Area	10'	12'	10'	10'	10'	10'
• Porch w/single story plate	8' ⁽²⁾	8' ⁽²⁾	8' ⁽²⁾	8' ⁽²⁾	8'	8'
• Front Entry Garage (street facing door) ⁽³⁾	18'	18'	18'	NA	18'	18'
• Turn in Garage	10'	10'	NA	NA	NA	NA
Side ⁽⁴⁾						
• From Interior PL	5'	5'	5'	4'	4'	4'
• From Residential Street or Parking Lot	10'	10'	10'	10'	10'	10'
Rear						
• Main Structure 1st Floor	15'	15'	10'	5' from Alley if/w	10'	10'
• Main Structure 2nd Floor	15'	15'	10'	5'	10'	10'
• Garage (Single Story Plate Line)	5'	5'	5'	3'	5'	5'
• Patio Cover / 2nd Story Deck	5'	5'	5'	5'	5'	10'
LOT COVERAGE						
Max. Coverage	50%	50%	50%	55%	55%	55%

Text Replaced
 [Old]: "6-Pack Courtyard"
 [New]: "6-Pack Courtyard & Row-town"

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Text Attributes Changed
 Font-size "10" changed to "9".

Table 3
 Residential Detached Site Development Standards

PRODUCT TYPE	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6
	50' Wide Lots PA-7 and PA-9	55' Wide Lots PA-8	2-Pack PA-10	Cottage PA-2 PA-6	4-Pack Courtyard PA-5	6-Pack Courtyard & Row-town PA-4
MINIMUM BUILDING SEPARATION						
Between main structures rear to rear	20'	20'	15'	30'	6'	20'
Between main structures front to front	NA	NA	NA	20'	NA	30'
Between structures side to side ⁽¹⁾	10'	10'	10'	8'	6'	6'
Between main structures front to side	NA	NA	NA	NA	8'	6'
Between front porch/balcony to front porch/balcony	NA	NA		15'		
MAXIMUM BUILDING HEIGHT						
Main Structure	35'	35'	35'	35'	35'	35'
WALLS, FENCES, AND HEDGES						
Maximum Height at Front and Street Side Property Line ⁽⁵⁾	3'	3'	3'	3'	3'	3'
Maximum Height at Interior or Rear Property Line ⁽⁵⁾	6'	6'	6'	6'	6'	6'
Maximum Height of Retaining Walls	3'	3'	3'	3'	3'	3'
PARKING						
Min. Number of Parking Spaces Required Per Unit ⁽⁷⁾	2	2	2	2	2	2

- Text Attributes Changed
Font-size "10" changed to "9".
- Text Inserted
"& Row-town"
- Text Inserted
"3"

Notes:

1. Architectural projections may project a maximum of 3 feet into required front, rear or side setback areas; however, in no case shall such projection be closer than 3 feet to any property line. An architectural projection is defined as an element that articulates the building elevation such as eaves, window and door pop-out surrounds, media niches, bay windows, pot shelves, chimneys, enhanced window sills, shutter details, window trim, balconies and entry gates, and other similar elements.
2. The minimum depth of a porch shall be 7 feet with a minimum clear area of 70 square feet.
3. Minimum 20' for front facing/ garage forward design.
4. RD-3, RD-4, RD-5 and RD-6 with shared-use easement sideyards.
5. Solid masonry walls or wood fencing materials may be permitted on the front property line. Fences, walls, hedges or similar view obstructing structures or plants that reduce safe ingress or egress of vehicles or pedestrians shall not exceed three feet in height in any required front yard.
6. Walls may exceed six feet in height for noise attenuation purposes subject to an Acoustical Study and Planning Department approval.
7. All parking spaces to be within an enclosed garage (minimum 20' X 20' clear inside dimension) for two spaces and 10' x 20' for single spaces.

Table 3
Residential Detached Site Development Standards (cont.)

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LEGEND

- FRONT YARD
- SIDE YARD
- REAR YARD

Notes:
 All setbacks illustrated are minimums.
 * Units plotted in these configurations do not have rear yard setback standards.

4-Pack and 6-Pack Typical Plotting

**6.6.2 Residential Attached
(RD-6, RD-7 and RD-8)**

6.6.2.1 General

This category includes the development of attached type residential dwelling units such as townhomes, and other attached multi-family products.

6.6.2.2 Permitted Uses

1. Single family attached row townhomes, motorcourt townhomes, paired homes, condominiums, apartments, and duplexes.
2. Public or private parks, recreational buildings, greenbelts, pocket parks, and/or open space.
3. Accessory uses to include the following:
 - Garages.
 - Home occupations in accordance with the City's Development Code.
 - Swimming pools, spas, tennis courts, sports courts, and other similar outdoor recreational amenities.
 - Patios and patio covers.
 - Mailboxes.
 - Recreation center buildings.
 - Maintenance storage buildings.
 - Monument signage.
 - Model units, sales offices, and subdivision sales trailers, temporary construction offices and facilities, real estate signs, signage indicating future development and directional signage in accordance with the City's Development Code.
 - Small family child care facilities/day care facilities, up to 8 children in accordance with the City's Development Code.
 - Permanent Leasing Offices.

6.6.2.3 Conditionally Permitted Uses

1. Places of worship including but not limited to churches and synagogues.
2. Large family child care facilities/day care facilities (8-14 children) in accordance with the City's Development Code.

6.6.2.4 Temporary Uses

1. Temporary uses shall be permitted pursuant to Article 13 of the City's Development Code.

6.6.2.5 Free Standing Satellite Dish/Antennas

1. Free standing satellite dishes and/or antennas are permitted pursuant to Article 32, Section 9.1.3289 of the City of Ontario Development Code.

6.6.2.6 Recreational Vehicle Storage and Parking

1. Recreational Vehicle (RV) storage is prohibited on public and private streets and in private alleys. RV parking on public and private streets is limited to 72 hours.

6.6.2.7 Open Space

1. A minimum of 150 square feet of private open space shall be provided per dwelling unit as follows:
 - a. Private open space features may include fenced yards, patio areas, and balconies.
 - b. At least one-half (½) of the required open space area must be provided at the ground level, not including front yard setbacks, and not more than ½ of the open space requirement is to be satisfied by balconies or roof decks. For the Row Townhome product (RD-6) open space may be satisfied by balconies for up to 33% of the units proposed.²

Graphic Element Deleted

Graphic Element Inserted

Text Replaced
[Old]: "(RD-7"
[New]: "(RD-6, RD-7"

Text Inserted
"For the Row Townhome product (RD-6) open space may be satisfied by balconies for up to 33% of the units proposed. 2"

- c. Private open space located at ground level shall have a minimum contiguous area of one hundred and fifty (150) square feet in area with a minimum dimension ten (10) feet in any one direction and shall be landscaped. Open space located on roof decks or balconies must have a minimum contiguous area of fifty (50) square feet in area and a minimum dimension of five (5) feet in any one direction.
 - d. Private, ground level open space on the street side of a structure is to be suitably screened from streets by a fence, densely planted shrub, or combination of both.
2. A minimum of 250 square feet of common open space shall be provided per unit as follows:
- a. Common Open space features include, but are not limited to, landscaping, picnic and barbecue areas, pools and spas, tennis and sport courts, clubhouse, tot lots or playgrounds, paseos, and trails.
 - b. Common open space shall have a minimum contiguous area of three hundred (300) square feet with no dimension less than 15 feet in any direction.
 - c. All required ground level common open spaces shall be planted with permanent landscaping or be devoted to recreational facilities, such as swimming pools, tennis courts, tot lots, patios or similar open space and/or recreational facilities.
 - d. Common and private open spaces are to be permanently maintained in an orderly fashion.
 - e. Parking areas, driveways or service areas shall not be counted in the minimum open space requirement.

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PRODUCT TYPE	RD-6 & RD-7	RD-8
	Row Townhomes PA-1 & PA-4	Motorcourt Townhomes PA-3
MINIMUM SETBACKS ⁽¹⁾		
All front and corner setbacks for RD-8 are measured from the property line at back of sidewalk. All other setbacks for RD-8 are measured from the parcel line of the cluster. All setbacks for RD-7 are measured from property line unless otherwise noted.		
Front		
• Living Area	10'	10'
• Porch ⁽²⁾	8'	8'
Side		
• From Residential Street	10'	10'
• From any local streetside property line	10'	10'
• From interior property line for RD-7 or parcel line for RD-8	5'	4'
Rear		
• 1st floor from alley R/W for RD-7 or parcel line for RD-8	3'	10'
• 2nd floor from alley R/W for RD-7 or parcel line for RD-8	3'	15'
MINIMUM BUILDING SEPARATION		
• Front to front	25'	25'
• Side / Side	10'	25'
• Front / Side	NA	25'
• Rear / Rear	25'	NA
• Front of garage to front of garage	30'	30'
BUILDING SITE COVERAGE		
Max. Coverage	50% of site	50% of site
MAXIMUM BUILDING HEIGHT		
Main Structure	35'	35'

Text Inserted
"RD-6 &"

Text Inserted
"& PA-4"

Text Replaced
[Old]: "5"
[New]: "3"

Table 4
Residential Attached Site Development Standards

PRODUCT TYPE	RD-6 & RD-7	RD-8
	Row Townhomes PA-1 & PA-4	Motorcourt Townhomes PA-3
WALLS, FENCES, AND HEDGES		
Maximum Height at Front and Street Side Property Line ⁽³⁾	3'	3'
Maximum Height at Interior or Rear Property Line ⁽⁴⁾	6'	6'
Maximum Height of Retaining Walls	3'	3'
PARKING ⁽⁵⁾		
Min. Resident Parking Required	1.75 spaces per one bedroom unit including 1 in a garage or carport, 2 spaces per two bedroom unit including 1 in a garage or carport, and 2.5 spaces per three or more bedroom unit including 2 in a garage or carport.	
Min. Guest Parking Required	1 space for each 4 units under 50 on the building lot. 1 space for every 5 units between 51-100 units on the building lot. Public on-street parking may be counted toward guest requirement.	

Notes:

1. Architectural projections may project a maximum of 3 feet into required front, rear or side setback areas; however, in no case shall such projection be closer than 3 feet to any property line. An architectural projection is defined as an element that articulates the building elevation such as eaves, window and door pop-out surrounds, media niches, bay windows, pot shelves, chimneys, enhanced window sills, shutter details, window trim, balconies and entry gates, and other similar elements.
2. The minimum depth of a porch shall be 7 feet with a minimum area of 70 square feet.
3. Solid masonry walls or wood fencing materials may be permitted on the front property line. Fences, walls, hedges or similar view obstructing structures or plants that reduce safe ingress or egress of vehicles or pedestrians shall not exceed three feet in height in any required front yard.
4. Walls may exceed six feet in height for noise attenuation purposes subject to an Acoustical Study and Planning Department approval.
5. All parking spaces within an enclosed garage shall have a minimum 20'X20' clear inside dimension for double spaces and 10' x 20' single spaces.

Text Inserted
"RD-6 &
Text Inserted
"& PA-4"
Text Inserted
"4"

Table 4
Residential Attached Site Development Standards (cont.)

6.7 LANDSCAPE STANDARDS

6.7.1 General Provisions

1. All landscape and irrigation plans for streetscapes and graphic designs with regard to the identity of Esperanza, neighborhood identity or entry monuments shall conform to the Design Guidelines and regulations as set forth herein and shall be subject to review and approval by the City of Ontario at the time of Development Plan review. The form and content of landscape plans for streets, parks, and other common areas shall conform to the requirements of the City's Development Plan application requirements.
2. The Landscape/Streetscape improvements for the Esperanza Specific Plan shall establish a landscape theme reminiscent of the regional landscape character of the surrounding area.
3. The design and improvement of all parks, including landscape and irrigation plans, within Esperanza shall be reviewed and approved by the City at the time of Development Plan review and shall conform with the requirements of the City's Parks and Maintenance Department.
4. Installation of landscaping and automatic irrigation within the front yards of all residential areas will be provided by the home builder. At a minimum, the builder will install turf and appropriate shrubs and trees in the front yards of homes within residential areas. At a minimum two trees shall be installed, of which at least one, is a shade tree. A variety of front yard landscape designs shall be provided by the developer for use by homeowners. Within multi-family residential areas the builder shall be responsible for the installation of full landscape improvements within the multi-family development. Areas not used for hardscape shall be fully

landscaped. All landscape plans shall be reviewed and approved by the City at the time of Development Plan review.

6.7.2 Landscape Standards

1. Landscaping within the Esperanza Specific Plan area shall be provided in accordance with the Design Guidelines utilizing plant materials specified on the Plant Palette included in Section 8, "Design Guidelines" established for the Esperanza Specific Plan.
2. Boundary landscaping will be required adjacent to residential areas. Landscaping shall generally be placed along the entire perimeter property line.
3. Landscaping and automatic irrigation systems within the public rights of way of the Esperanza Specific Plan area shall be installed by the developer.
4. Freestanding perimeter walls and view fencing shall be provided within, and at the perimeter of the Specific Plan area as specified in the Wall and Fence Master Plan contained within, Section 8, "Design Guidelines." Such walls and fences will be constructed concurrently with the construction of improvements required for development of the neighborhoods of the Specific Plan.
5. Walls and Fencing - Perimeter walls shall be constructed in locations and of a design consistent with the "Wall Master Plan" and "Wall Details" Exhibits located within Section 8, "Design Guidelines." Perimeter walls shall not exceed six feet in height from finished grade. If required for sound attenuation, perimeter walls may exceed six feet in height, subject to the recommendations of an acoustical study and approval by the Planning Department. Perimeter walls shall be constructed of either masonry or other permanent, durable, low maintenance material. Thematic perimeter fencing shall be constructed of all durable

materials, which may include materials with a wood-like appearance, or tubular steel subject to approval by the City. In no instance shall wooden fencing be permitted along perimeters.

Individual residential lot side and rear yard walls and fencing shall not exceed six feet in height from highest adjacent finished grade. Side and rear walls may exceed six feet (6') in height if required by the City for sound attenuation pursuant to the recommendations of an Acoustical Report. Walls and fencing within the residential front yard setback area shall not exceed three feet in height. Side and rear yard walls shall be of decorative masonry construction on both sides of the wall or other permanent low maintenance materials. Front yard fences may be constructed of either wood, or any other durable materials with a wood like appearance, subject to approval by the Planning Department. View fencing may be of a decorative wrought iron, tubular steel/aluminum glass panels, or other durable material approved by the City.

6. All perimeter wall and fence materials throughout Esperanza will be of uniform manufacture with colors specified for the overall design theme.
7. The developer will provide site inspection of all construction and installation of open space areas in accordance with City of Ontario requirements.
8. Non-toxic vegetation shall be utilized adjacent to all public open space areas.

6.8 SIGNAGE

A Master Sign Program shall be submitted by the developer(s) of Esperanza and approved by the City of Ontario pursuant to Article 31 of the City's Development Code to address residential project entries, residential neighborhood identification signs, and way finding signs within Esperanza. No project signs shall be permitted in the public right-of-way. All other signs shall be subject to the approval of a sign permit pursuant to the City's Development Code.

6.8.1 Master Sign Program Contents

All sign programs shall address, at a minimum, the following:

1. Permitted signs.
2. Prohibited signs.
3. The hierarchy of signage.
4. Definition of types of signs.
5. Locations and dimensions for monument signs, neighborhood identification signs, and public facilities signs.
6. Locations and dimensions of directional signage.
7. Provisions for size, location, and duration of display of temporary signs.
8. Permitted sign types, styles, construction materials, colors, and lettering styles.
9. Requirements for a sign permit application.
 - a. Procedures for obtaining approval of a sign permit.
 - b. Procedures for amendments to the sign program.

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6.9 LIGHTING

6.9.1 Street Lights along Public Streets

Streetlights along public streets, within the Esperanza Specific Plan shall be high-pressure sodium vapor. Design of fixtures shall be approved by the City as part of the City's Development Plan Review.

6.9.2 Alley Lighting Fixtures

Alley lighting fixtures shall be on sensors for automatic nighttime lighting. Style and specifications for alley lights shall be approved by the City as part of the City's Development Plan Review.

6.9.3 Lighting within Parks, Paseos, Tot Lots and Other Recreational Areas

Lighting within Parks, paseos, tot lots and other recreational areas shall be approved by the City as part of the City's Development Plan Review of these facilities.

6.10 PARK FURNITURE

Park furniture, including but not limited to, benches, barbeques and picnic tables, shall be approved as part of the City's Development Plan Review of parks, paseos and other public gathering places.

6.11 BUS SHELTERS

Bus shelters shall be installed in a number of locations designated by OmniTrans and shall be compatible with the architectural character established at the project entries to Esperanza.

6.12 MAILBOXES

Within RD-3 through RD-8 Residential Planning areas mailboxes shall be clustered and installed in locations approved by the City as part of the City Development Plan Review of each resident project within Esperanza.

Endnotes

- 1 Revised total residential units.
- 2 Revised section title and Open Space requirements.
- 3 Revised table to include Rowtown under RD-6
- 4 Revised table to include RD-6 (PA-) under Townhome.

9/9/2020 11:36:25 AM

Compare Results

Summary of Comments on Esperanza Sect 7.indd

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Old File:

Esperanza Sect 7.pdf

7 pages (65 KB)

9/4/2020 11:30:04 AM

versus

New File:

Esperanza Sect 7R.pdf

9 pages (69 KB)

9/8/2020 5:17:00 PM

Total Changes

59

Content

2

Replacements

38

Insertions

19

Deletions

Styling and Annotations

0

Styling

0

Annotations

[Go to First Change \(page 2\)](#)

SECTION 7. IMPLEMENTATION

The City of Ontario will adopt the Esperanza Specific Plan by ordinance. Following approval by the City, the Esperanza Specific Plan will serve as the implementation tool for the NMC General Plan as well as the zoning for the Specific Plan area. Concurrently with the adoption of the Specific Plan, the City Planning Commission will also approve tentative tract maps establishing legal residential lots within the Esperanza Specific Plan area.

7.1 METHODS AND INTERPRETATION

Development within the Esperanza Specific Plan shall be implemented through the approval by the City of tentative and final tract maps and through development plans approved through the Development Plan Review process as established in the City of Ontario Development Code. The implementation process described below provides the mechanisms for review and approval of development projects within the Esperanza Specific Plan area.

7.2 APPLICABILITY

All development proposals within the Esperanza Specific Plan shall be subject to the implementation procedures established herein. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Esperanza Specific Plan shall take precedence.

7.3 INTERPRETATION

Unless otherwise provided, any ambiguity concerning the content or application of the Esperanza Specific Plan shall be resolved by the City of Ontario Planning Director (Director) or

his/her designee in a manner consistent with the goals, policies, purpose and intent established in this Specific Plan.

7.4 SEVERABILITY

If any portion of these regulations is declared to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions thereof. The legislative body hereby declares that they would have enacted these regulations and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.

7.5 IMPLEMENTATION OF DESIGN GUIDELINES

Adoption of the Esperanza Specific Plan by the City includes adoption of the design guidelines contained herein, which shall be the design criteria by which development projects within the Specific Plan area will be reviewed during Development Plan Review. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of developer projects during Development Plan Review.

Any major deviation from the design guidelines within the Esperanza Specific Plan shall require approval by the Planning Commission. The determination of a major deviation from the design guidelines shall be made by the Director.

7.6 DEVELOPMENT REVIEW PROCESS

7.6.1 Subdivision Maps

Approval of tentative tract maps may occur concurrently with the adoption of the Esperanza Specific Plan. All tentative and final tract maps will be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consis-

tent with the applicable provisions of Land Use, Infrastructure, Design Guidelines, and Development Regulations contained within the Esperanza Specific Plan.

7.6.2 Development Plan

All development projects within Esperanza shall be subject to the Development Plan Review Process as established in Article 8 of the City's Development Code. Pursuant to these provisions, the Development Plan process constitutes a design review of project architecture, site plans, and landscape plans. Adoption of the Specific Plan by the City includes adoption of the design guidelines contained within the Specific Plan and which provide direction for the design of development projects within Esperanza. Where the Esperanza Specific Plan development regulations and design guidelines are silent, the applicable development regulations and design guidelines contained within the City's Development Code shall apply. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of developer projects during design review.

All development project applications shall include a landscape and irrigation plan describing plant materials and their growth habits, plant size and spacing, methods of irrigation and landscaping maintenance, site plans, architectural elevations, floor plans, grading plans and other requirements as specified by the City.

7.6.3 Additional Entitlement Requirements

All entitlement applications shall prepare and submit a Conceptual Utilities Systems Map, Integrated Waste Management Report, and Solid Waste Handling Plan in accordance with requirements of the Development Application.¹

7.7 DWELLING UNIT ALLOCATIONS

The Esperanza Land Use Plan allocates a maximum number of dwelling units to each residential Planning Area. Variations in number of dwelling units, per Planning Area, may occur at the time of final design of the Planning Area subject to approval by the City and agreement by affected property owners/developers, depending upon the residential product identified for development. Variations in allocation of units within the Planning Areas of the Esperanza Specific Plan are permitted provided the increased number of dwelling units in a Planning Area does not exceed 15% and the maximum dwelling unit count for the entire Specific Plan area does not exceed that established for Esperanza.

1. Water and Sewer Technical Studies shall be prepared to study how the transfers change the quantity and locations of sewer and water demands and how those changes impact the Water and Sewer Master Plan Systems and local sewer and water systems.
2. If unit transfers result in net changes to the overall projected water demands, then the initializing project shall be responsible for processing an Amendment to the Water Master Plan as part of the entitlement process of Implementation.
3. If unit transfers result in net changes to the overall projected sewer demands or the sewer demands are transferred between different Master Plan Trunk Sewer Tributary Areas and Specific Plan Sewer Tributary Areas, then the initializing project shall be responsible for processing an Amendment to the Sewer Master Plan as part of the entitlement process of Implementation.²

7.8 SPECIFIC PLAN MODIFICATIONS AND AMENDMENTS

7.8.1 Minor Modifications

Graphic Element Inserted

Graphic Element Deleted

Text Inserted

"1. Water and Sewer Technical Studies shall be prepared to study how the transfers change the quantity and locations of sewer and water demands and how those changes impact the Water and Sewer Master Plan Systems and local sewer and water systems. 2. If unit transfers result in net changes to the overall projected water demands, then the initializing project shall be responsible for processing an Amendment to the Water Master Plan as part of the entitlement process of Implementation. 3. If unit transfers result in net changes to the overall projected sewer demands or the sewer demands are transferred between different Master Plan Trunk Sewer Tributary Areas and Specific Plan Sewer Tributary Areas, then the initializing project shall be responsible for processing an Amendment to the Sewer Master Plan as part of the entitlement process of Implementation. 2 All entitlement applications shall prepare and submit a Conceptual Utilities Systems Map, Integrated Waste Management Report, and Solid Waste Handling Plan in accordance with requirements of the Development Application. 1"

Text Inserted

"7.6.3 Additional Entitlement Requirements"

The following constitute minor modifications to the Specific Plan, not requiring a Specific Plan Amendment, and are subject to review and approval by the Zoning Administrator. The Zoning Administrator shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

1. Change in utility and/or public service provider.
2. Collector roadway alignment when the change results in a centerline shift of less than 250 feet.
3. An increase of more than fifteen percent (15%) in the number of units within an individual Planning Area are subject to approval of the City and agreement of the property owners, provided the total number of units for the entire Specific Plan area does not exceed that established in the Specific Plan.
4. Adjustment of a Planning Area boundary or acreage designated for a Planning Area provided the total acreage of the affected Planning Area does not increase by more than 15%.
5. Minor changes to landscape materials, wall materials, wall alignment, entry design, and streetscape design which are consistent with the conceptual design set forth in the design guidelines contained within the Specific Plan.
6. Minor changes to the design guidelines, which are intended to be conceptual in nature only, and are intended to be flexible in implementation.
7. Other modifications of a similar nature to those listed above, which are deemed minor by the Zoning Administrator, which are in keeping with the purpose and intent of the approved Esperanza Specific Plan and which are in conformance with the NMC General Plan.

7.8.2 Reversion of Planning Area 11 to Residential Uses

The NMC General Plan established a total residential unit allocation of 1,456 units for the Esperanza Specific Plan. The Land Use Plan for Esperanza designates a total of 1,410 residential dwelling units within Planning Areas 1-10 and reserves Planning Area 11, a 10.02 acre site, for purchase and use by the Mountain View School District (School District) of an elementary school. In the event the School District does not purchase Planning Area 11 for development of an elementary school Planning Area 11 may revert to a Residential - Low Density zoning district permitting development of a maximum of 46 residential dwelling units subject to approval by the City of a Specific Plan Amendment. On XX-XX, 2020 a request for an increase in density for Planning Area 4, from 6.26 gross DU/AC to 14.0 gross DU/AC and an accompanying general plan amendment to increase the density from low density residential (2.1-5 DU/AC) to medium density residential (11.1-25 DU/AC) was approved, which increased the total residential allocation of 1,640 units (1,594 units if the school remains a school). The Environmental Impact Report prepared for the Esperanza Specific Plan has evaluated the impacts of development of Planning Area 11 alternatively for 46 residential dwelling units in conjunction with the analysis of all other project related impacts. Development of Planning Area 11 for residential land uses shall be subject to all other review and administrative and discretionary approvals requirements required for residential land uses as established within the Esperanza Specific Plan.

- Graphic Element Inserted
- Text Inserted
"7.8.2 Reversion of Planning Area 11 to Residential Uses"
- Text Replaced
[Old]: "establishes"
[New]: "established"
- Text Inserted
"On XX-XX, 2020 a request for an increase in density for Planning Area 4, from 6.26 gross DU/AC to 14.0 gross DU/AC and an accompanying general plan amendment to increase the density from low density residential (2.1-5 DU/AC) to medium density residential (11.1-25 DU/AC) was approved, which increased the total residential allocation of 1,640 units (1,594 units if the school remains a school)."
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"7.9 VARIANCES and Administrative Exceptions to the development regulations contained in the Esperanza Specific Plan with respect to landscaping, screening, site area, site dimensions, yards and projects into yards, heights of structures, distances between buildings, open space and off-street parking and loading can be considered pursuant to Article 10, "Variances and Administrative Exceptions" of the City of Ontario Development Code. 7.10 CONDITIONAL USE PERMITS Uses specified as conditionally permitted uses within Section 6, "Development Regulations, of the Esperanza Specific Plan shall be reviewed and approved by the City pursuant to the requirements of Article 9, "Conditional Use Permits.""
- Text Inserted
"3"
- Graphic Element Deleted
- Text Deleted
"Amendments to the Esperanza Specific Plan may be requested by the applicant or by the City at any time pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments. In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) are responsible for preparing the necessary CEQA documentation."
- Text Deleted
"7.8.3 Specific Plan Amendments"
- Text Deleted
"7.8.2 Reversion of Planning Area 11 to Residential Uses"
- Image Inserted

7.8.3 Specific Plan Amendments

Amendments to the Esperanza Specific Plan may be requested by the applicant or by the City at any time pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments. In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) are responsible for preparing the necessary CEQA documentation.

7.9 VARIANCES

Variations and Administrative Exceptions to the development regulations contained in the Esperanza Specific Plan with respect to landscaping, screening, site area, site dimensions, yards and projects into yards, heights of structures, distances between buildings, open space and off-street parking and loading can be considered pursuant to Article 10, "Variations and Administrative Exceptions" of the City of Ontario Development Code.

7.10 CONDITIONAL USE PERMITS

Uses specified as conditionally permitted uses within Section 6, "Development Regulations, of the Esperanza Specific Plan shall be reviewed and approved by the City pursuant to the requirements of Article 9, "Conditional Use Permits."

7.11 COMPLIANCE WITH MITIGATION MONITORING PLAN

Certification of an Environmental Impact Report (EIR) shall be required prior to approval of the Esperanza Specific Plan. Development within the Esperanza Specific Plan area shall comply with all approved mitigation measures as described in the Mitigation Monitoring Program included as part of the Esperanza EIR.

7.12 PROJECT PHASING

Phasing of the Esperanza Specific Plan will meet the following objectives:

- Orderly build-out of the community based upon market and economic conditions.
- Provision of adequate infrastructure and public facilities as determined and deemed necessary by the City Engineer concurrent with development of each phase.
- Protection of public health, safety and welfare.
- Accommodation of continued agricultural operations within the proposed Specific Plan area.

7.12.1 Residential Development

The phasing of residential development areas will be determined by the developer. The development of residential uses will be implemented through the approval of tentative and final tract maps and development permits for each Planning Area as developed. Appropriate levels of infrastructure and community facilities shall be subject to the review and approval of the City Engineer and shall be installed and available to serve each subsequent phase of residential development as it occurs.

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"7.8.3 Specific Plan Amendments Amendments to the Esperanza Specific Plan may be requested by the applicant or by the City at any time pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments. In the event the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) are responsible for preparing the necessary CEQA documentation."

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"7.9 VARIANCES Variations and Administrative Exceptions to the development regulations contained in the Esperanza Specific Plan with respect to landscaping, screening, site area, site dimensions, yards and projects into yards, heights of structures, distances between buildings, open space and off-street parking and loading can be considered pursuant to Article 10, "Variations and Administrative Exceptions" of the City of Ontario Development Code. 7.10 CONDITIONAL USE PERMITS Uses specified as conditionally permitted uses within Section 6, "Development Regulations, of the Esperanza Specific Plan shall be reviewed and approved by the City pursuant to the requirements of Article 9, "Conditional Use Permits."

7.12.2 Infrastructure

Backbone infrastructure to serve all areas of Esperanza shall be installed by the developer in accordance with the City's adopted Master Plan or any approved amendments to it. Infill service mains will be installed and constructed in phases as development proceeds and conditioned by the City Engineer's office to support individual phases of development, which may require installation of offsite infrastructure improvements beyond a given phase boundary.

Grading and installation of infrastructure to serve Esperanza are anticipated to be completed in three phases. Following completion of grading and infrastructure installation, the developer will construct models for each product type within each neighborhood. Phase I will include installation of infrastructure adequate to serve Planning Areas 5-9 located south of Merrill Avenue between Milliken Avenue and Mill Creek Avenue. Phase II will include installation of infrastructure adequate to serve Planning Areas 4A and 10, as well as the school site. Phase III will include installation of infrastructure adequate to serve Planning Areas 1-4B and the Neighborhood Park. As the Specific Plan is Phased, the following minimum criteria shall be met for each Subdivision and Development of each Phase:

1. For Domestic Water, all the Master Plan, Regional and Local Infrastructure identified in Section 5 and the Conceptual Domestic Water Plan for the Water Pressure Zone that the Phase is within shall be completed as part of the Phase's infrastructure requirements. Also, any domestic water infrastructure necessary to provide primary looping, secondary looping, and meet all hydraulic criteria and fire flow shall be completed as part of the Phase's infrastructure requirements.
2. For Recycled Water, all the Master Plan, Regional and Local Infrastructure identified

in Section 5 and the Conceptual Recycled Water Plan for the Recycled Water Pressure Zone that the Phase is within shall be completed as part of the Phase's infrastructure requirements. Also, any recycled water infrastructure necessary to provide primary looping, secondary looping, and meet all hydraulic criteria shall be completed as part of the Phase's infrastructure requirements.

3. For Sewer, all the Master Plan, Regional and Local Infrastructure identified in Section 5 and the Conceptual Sewer Plan for the Master Plan Sewer Tributary Area that the Phase is within and upstream of shall be completed as part of the Phase's infrastructure requirements. Also, any sewer infrastructure necessary to meet all hydraulic criteria shall be completed as part of the Phase's infrastructure requirements.

7.12.3 Parks

Following issuance of Certificates of Occupancy for no more than 50% of the total dwelling units within Esperanza, Park 1, the Neighborhood Park, will be developed. The timing for installation of infrastructure and utilities and the provision of public services will be determined as part of the City's approval of tentative maps of development plans. Facilities will be constructed and services made available in a timely manner as development progresses. Pocket Park 2 will be developed at the time of issuance of 50% of Certificates of Occupancy for Planning Area 5. Pocket Park 3 will be developed at the time of build-out of Planning Areas 6 and 7 combined. Pocket Park 4 will be developed at the time of issuance of 50% of Certificates of Occupancy for Planning Areas 8 and 9. Pocket Park 5 will be developed at the time of issuance of 50% of Certificates of Occupancy for Planning Area 10.

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"As the Specific Plan is Phased, the following minimum criteria shall be met for each Subdivision and Development of each Phase: 1. For Domestic Water, all the Master Plan, Regional and Local Infrastructure identified in Section 5 and the Conceptual Domestic Water Plan for the Water Pressure Zone that the Phase is within shall be completed as part of the Phase's infrastructure requirements. Also, any domestic water infrastructure necessary to provide primary looping, secondary looping, and meet all hydraulic criteria and fire flow shall be completed as part of the Phase's infrastructure requirements. 2. For Recycled Water, all the Master Plan, Regional and Local Infrastructure identified in Section 5 and the Conceptual Recycled Water Plan for the Recycled Water Pressure Zone that the Phase is within shall be completed as part of the Phase's infrastructure requirements."
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"Also, any recycled water infrastructure necessary to provide primary looping, secondary looping, and meet all hydraulic criteria shall be completed as part of the Phase's infrastructure requirements. 3. For Sewer, all the Master Plan, Regional and Local Infrastructure identified in Section 5 and the Conceptual Sewer Plan for the Master Plan Sewer Tributary Area that the Phase is within and upstream of shall be completed as part of the Phase's infrastructure requirements. Also, any sewer infrastructure necessary to meet all hydraulic criteria shall be completed as part of the Phase's infrastructure requirements."
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7.12.4 Community Facilities and Services

The timing for installation of community facilities and payment of impact fees for public improvements and services for the Esperanza Specific Plan will be determined as part of the City's approval of tentative tract maps in accordance with the provisions of the existing City development impact fee ordinances. Community facilities such as bike trails will be developed in conjunction with construction of the public street improvements.

7.13 APPEALS

Appeals from any determination of the City Planning Director, Zoning Administrator or the Planning Commission, may be made by the applicant or any other aggrieved party filing an application on forms provided by the City of Ontario and accompanied by the appropriate filing fee, where applicable, within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of Article 5, "Appeals" of the City of Ontario Development Code.

7.14 PROJECT FINANCING

The financing of construction, operation, and maintenance of public improvements and facilities (the "facilities"), and public services will include funding through a combination of financing mechanisms. Final determination as to the facilities to be constructed and as to maintenance responsibilities, whether publicly or privately maintained, will be made prior to recordation of final maps. In order for the project to be fiscally self-sufficient, the following financing options can be considered for implementation.

7.14.1 Facilities and Services

- Private capital investment for the construction of facilities.

~~Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services.~~

7.14.2 Operation and Maintenance

- By individual private property owner.
- By private property owners or Home Owners Association (HOA).
- By Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district.

City Council approval is a prerequisite for the implementation and establishment of any and all special district-financing mechanisms. The use of the Mello-Roos Community Facilities District Act of 1982 (the "Act") to finance public facilities and services will be at the City's sole discretion. Moreover, the use of the Act must be consistent with the City's adopted goals and policies concerning the use of the Act.

7.15 MAINTENANCE RESPONSIBILITIES

The public and private improvements constructed within Esperanza will be maintained through a combination of public and private entities as described below and in Table 5.

7.15.1 Public Maintenance

1. All streets and sidewalks serving residential product areas RD-1 through RD-6 single family detached or attached residential will be dedicated as public streets to the City of Ontario and will be maintained by the City.
2. Landscape improvements within the public right-of-way of Master Plan streets, neighborhood edges, community and neighborhood entries, and public street lights within Esperanza shall be maintained through a

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 "Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services."

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 "7.14.2 Operation and Maintenance • By individual private property owner. • By private property owners or Home Owners Association (HOA). • By Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district."

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 "Private capital investment for the construction of facilities. • Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services. 7.14.2 Operation and Maintenance • By individual private property owner. • By private property owners or Home Owners Association (HOA). • By Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district."

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 "Private capital investment for the construction of facilities."

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Section 7. IMPLEMENTATION

	City/CFD	Private Homeowners Association (HOA)	Private Homeowner	Utility Entity
Master Plan Roadways (Bellegrave Avenue, Milliken Avenue, Mill Creek Avenue, Merrill Avenue)	•			
Interior Public Project Streets (curb to curb for primary entry streets, secondary entry streets, and neighborhood streets)	•			
Parkways of Master Plan Roadways and Neighborhood Edges (curb to perimeter walls, including landscape, sidewalks and street lights)	•			
Parkways of Interior Project Streets (landscaping and sidewalks)		•		
Traffic Signals and Street Lights	•			
Traffic Control Signs	•			
Alleys and Drive Aisles		•		
Interior Streets within Single-Family Attached (Multi-Family) Dev.		•		
Off-site and In-Tract Water, Sewer, and Storm Drain Improvements (only those facilities in public roads and those in private streets within public utilities easements that meet public improvement design criteria)				•
On-site water, sewer, and storm drain improvements (improvements that are: private, laterals, and lines behind meters and /or DCDAs, improvements serving only one lot/parcel, not within public or private roads, not within public utility easements, or not meeting public improvement design criteria)		•		
Neighborhood Park		•		
Pocket Parks		•		
Linear Parks		•		
Private Recreation Areas		•		
Front Yard and Corner Streetside Landscaping for Single Family Detached Areas RD-1 through RD-4			•	
Front Yard and Corner Streetside Landscaped Areas RD-5 through RD-8		•		
Community Theme Wall on Master Planned Roadways (outside face for graffiti removal and paint)	•			
Community Theme Wall on Master Planned Roadways: Surface (interior) opposite streetside (structural integrity and face repair)		•		
Private Interior Yard Walls		•	•	
Alley Landscaping and Lighting		•		
Police and Fire	•			
Electricity and Natural Gas				•
Communication Systems	•			•
NPDES Facilities (onsite) W.Q.M.P. (1)	•			
NPDES Facilities/Interim Detention Basin on Private Property		•		

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"Section 7. IMPLEMENTATION"
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- Table Cell(s) Inserted
- Text Inserted
"Off-site and In-Tract Water, Sewer, and Storm Drain Improvements (only those facilities in public roads and those in private streets within public utilities easements that meet public improvement design criteria)"
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- Text Deleted
"Notes: (1) Only those facilities in public roads and/or easements, including Table 5 Maintenance Responsibilities restoration work following public street repair."
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"Notes: (1) Only those facilities in public roads and/or easements, including Table 5 Maintenance Responsibilities restoration work following public street repair."
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"7.79 Ontario Esperanza Specific Plan"
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Table 5
Maintenance Responsibilities

Notes:
(1) Only those facilities in public roads and/or easements, including restoration work following public street repair.

landscape and lighting district or other special maintenance district established by the City for the New Model Colony.

3. All on site water, sewer, and storm drain facilities that meet public improvement design criteria within the public streets or easements dedicated to the City shall be constructed by the developer and, upon acceptance, shall be maintained by the City.

4. Offsite infrastructure improvements such as water, sewer and storm drain facilities will be maintained by the City. The City intends to participate in a Regional Water Quality Basin. In the event permanent on site basins are developed within Esperanza as an alternative to a regional water quality basin, such facilities shall be maintained by the HOA.

5. NPDES facilities within public streets and/or easements. Operation and Maintenance (O&M) requirements for all NPDES storm water runoff source control and treatment control Best Management Practices (BMP's) shall be identified in the approved Water Quality Management Plan for the project. An O&M Plan shall be created to ensure ongoing long-term maintenance of all structural and non-structure BMP's.

enhancements above and beyond City standards, including but not limited to architectural paving, hardscape and landscape enhancements shall be the responsibility of the HOA or other entity maintaining those enhancements.

- Courts, parkways and landscaping within the residential areas.
- Parkway of Interior Local Streets including sidewalks, landscaping and street lights as well as common areas distinct to individual residential types and neighborhoods.
- Maintenance of interior local streets including landscaping and associated architectural monument elements required to restore these areas to their condition as originally installed.
- Internal slopes fronting streets and slope areas in the rear of homes.
- All internal open spaces, parks, and common areas.
- NPDES facilities within private streets and/or common areas.

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"enhancements above and beyond City standards, including but not limited to architectural paving, hardscape and landscape enhancements shall be the responsibility of the HOA or other entity maintaining those enhancements."

Text Inserted
"that meet public improvement design criteria"

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"• Courts, parkways and landscaping within the residential areas. • Parkway of Interior Local Streets including sidewalks, landscaping and street lights as well as common areas distinct to individual residential types and neighborhoods. • Maintenance of interior local streets including landscaping and associated architectural monument elements required to restore these areas to their condition as originally installed. • Internal slopes fronting streets and slope areas in the rear of homes. • All internal open spaces, parks, and common areas. • NPDES facilities within private streets and/or common areas."

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7.15.2 Homeowner Association





A Homeowner Association will be established for the maintenance of common area landscape improvements within residential areas of Esperanza. Improvements to be maintained by the Homeowner Association include:

- Designated private alleys and adjacent landscaping.
- Designated private streets and landscaping. During the course of maintenance of public utilities within public streets, private streets, private drive aisles, or alleys, the City will restore the streets to City standards for trench backfill, pavement repair, and hardscape or landscape, as applicable. Restoration of any

Endnotes

- 1 Added 7.6.3 per OMUC.
- 2 Added to 7.7 per OMUC.
- 3 Added information regarding increase in total unit count and increased density for PA4
- 4 Added "attached" to residential type.
- 5 Revised language to 7.14.1 per OMUC.

Page: 9

-  Text Inserted
"Endnotes"
-  Text Replaced
[Old]: "enhancements above and beyond City standards, including but not limited to architectural paving, hardscape and landscape enhancements shall be the responsibility of the HOA or other entity maintaining those enhancements."
[New]: "1 Added 7.6.3 per OMUC. 2 Added to 7.7 per OMUC. 3 Added information regarding increase in total unit count and increased density for PA4. 4 Added "attached" to residential type. 5 Revised language to 7.14.1 per OMUC."
-  Text Deleted
"Ontario Esperanza Specific Plan 7.78"
-  Text Deleted
"• Courts, parkways and landscaping within the residential areas. • Parkway of Interior Local Streets including sidewalks, landscaping and street lights as well as common areas distinct to individual residential types and neighborhoods. • Maintenance of interior local streets including landscaping and associated architectural monument elements required to restore these areas to their condition as originally installed. • Internal slopes fronting streets and slope areas in the rear of homes. • All internal open spaces, parks, and common areas. • NPDES facilities within private streets and/ or common areas."

9/9/2020 11:38:41 AM

Compare Results

Summary of Comments on Esperanza Sect 8A.indd

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Old File:

Esperanza Sect 8A.pdf

40 pages (62.27 MB)

9/4/2020 11:35:54 AM

versus

New File:

Esperanza Sect 8AR.pdf

41 pages (62.40 MB)

9/8/2020 5:18:40 PM

Total Changes

13

Content

1 Replacement
8 Insertions
4 Deletions

Styling and Annotations

0 Styling
0 Annotations

[Go to First Change \(page 23\)](#)

SECTION 8. DESIGN GUIDELINES

8.1 INTRODUCTION

On a sunny morning in the fall of 1882, George Chaffey stands on a mesa between the floodwater washes of Cucamonga Canyon to the east and San Antonio Canyon on the west, gazing at the country directly in front of him lying at the foot of snow-capped Old Baldy, beneath the Sierra Madre Mountain Range. Having little capital, George would rely on his powers of leadership and vision and, at that moment, would throw his heart and soul into the new colonizing movement sweeping Southern California. With help of his brother William and surveyor J. C. Dunlap, he would purchase 6,218 acres and design what would become the “City of Ontario,” named after his former home in Ontario, Canada. His vision of a model colony featured the first reclamation irrigation system, abundant electricity power and a beautiful parkway that captured the imagination and interest of people throughout the world. His vision was one of hope for a great community. “Esperanza,” which means “hope” in Spanish and accurately describes the original vision intended for the “new” Ontario.

Ontario is a thriving city today, although the orchards and packing houses have since given way to new landmarks such as Ontario Mills, Ontario Convention Center and Ontario International Airport. Hundreds of new businesses have discovered that Ontario is “The Gateway” to Southern California, conveniently located 35 miles east of Los Angeles, and easily accessible to I-10, I-15 and I-60 freeways.

Ontario spans nearly 28,000 square miles, with a population of over 168,000, and is one of Southern California’s fastest growing cities. Ontario’s sun-belt mild weather and 312 days of sunshine, allows you to enjoy the many parks as



well as the nearby mountains, beaches, and deserts. The world-class Empire Lakes Golf Course, designed by Arnold Palmer, will challenge the avid golfer. The wine aficionados will love sampling California’s finest at Galleano Winery, Joseph Filippi Winery, and Vineyards.

8.2 DESIGN GUIDELINES FOR ARCHITECTURAL CHARACTER

Architectural design should provide for high quality neighborhoods.

- Residential project design should consider the total context of the site with the incorporation of appropriate scale and proportions of building massing and details.
- The use of transitional spaces between common and private areas such as entry courtyards, private patios, low walls, and porches is encouraged.
- The variation of both front and rear building setbacks should be implemented to create visual variety.
- The variation of garage placement on adjacent lots is encouraged to provide a more diverse street scene.
- Residential structures should be varied in massing and articulation to provide visual interest.



Neighborhoods should be sustained over time.

- Architectural design themes should reflect historic Southern California styles.
- The use of natural indigenous building materials and colors is encouraged.
- Structures should incorporate genuine architectural details and decorative features.
- Architectural design should relate to human scale.
- The location of doors and windows should consider indoor/outdoor relationships to create intimate and secure spaces.
- Architectural designs should create a cohesive community without dominating the overall street scene.

Building designs should be sensitive to climatic conditions and context.

- Building elevations should consider sun orientation by including shaded and sheltered areas.
- Variation of architectural designs should include methods of protection from inclement weather.

- Residential structures should be compatible with, and responsive to, the environmental setting.
- Building designs should incorporate spaces that encourage outdoor use to take advantage of temperate climatic conditions.

Architectural design should incorporate materials and techniques that are cost effective.

- The use of building materials should reflect the implementation of efficient construction methods.
- Building elevations should include compatible window and doors sizes that create a consistent design theme.
- Construction techniques should incorporate the use of standard components and dimensions.

Varied floor plans and elevations in single-family detached residential architectural packages should be incorporated as follows:

Reverse elevations and floor plans are considered as a separate elevation and floor plan. Reverse floor plans and elevations are considered as a separate floor plan and/or elevation for purposes of implementing the table below.

Number of Dwelling Units	Number of Differing Floor Plans and Elevations
5-10	As required by Planning Commission
11-25	2
26-50	3
51-75	3
76-100	4
Over 100	4; +1 additional floor plan with 4 elevations for each additional 50 units exceeding 100

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Diversity is a fundamental guiding principle at Esperanza. This ensures that neighborhoods are varied and that blanket uniformity is avoided.

Builders are required to produce a minimum of two styles for a 3-plan design program, and three styles for a 4-plan or more design program.

8.3 ARCHITECTURAL CONTEXT

The original model colony of Ontario has a rich agricultural legacy of farming including citrus orchards, grape vineyards and alfalfa fields. Typical of Southern California farming communities, Ontario has a variety of traditional architectural styles. Western European and East Coast architectural details and forms were incorporated into the farm houses and local styles evolved from Country French and Tuscan styles and new interpretations of Monterey, Traditional, Craftsman and Ranch styles were erected. Architectural styles, elements and massing were reinvented utilizing available indigenous building materials. Plan designs and elements such as window sizes and proportions were modified to address local climatic conditions which were warmer and drier. Materials were plaster, stucco and siding with brick, stone or other masonry accent materials. The sunny Southern California climate allowed year round use of outdoor spaces and inspired covered porches and balconies.

Southern California was also influenced by Spanish architectural styles brought to the region by Spanish settlers and missionaries. These homes were well suited for the temperate climate of Southern California. The architectural theme for Esperanza is based upon these historical styles found in Ontario and the architectural styles have been selected in order to be reflective of older neighborhoods of historic Ontario.

Each architectural style outlined in these guidelines should be detailed with elements



that represent the authentic character of that particular style.

Together the styles should be designed to create a neighborhood character that will be sustainable over time. Each home should contribute to the architectural character of the neighborhood. Design elements such as porches, recessed windows, architectural details and accents, alternate garage configurations / orientations, covered balconies, and articulated elevations are encouraged to enhance individual homes and to promote the overall neighborhood character.

8.3.1 Residential Design Objectives

- Interpret architectural styles that are authentic and reflect the historical character of the region.
- Emphasize styles of architecture that are compatible, yet vary enough to create interest and diversity.
- Create visually interesting neighborhood streets by varying elevation and floor plan plotting.
- Utilize authentic materials and colors that reinforce the overall design theme.

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- Emphasize front elevations that relate strongly to the street and contribute to the livability of that realm.
- Provide alternative garage configurations.

The Esperanza Design Guidelines are to be used as a tool to ensure the character and design quality anticipated for the Community. The Guidelines express objectives and approaches rather than formulas and standards, allowing certain architectural creativity and flexibility. The images and sketches illustrated in the Guidelines are intended to be conceptual in nature and are to be used as general visual aids in understanding the basic architectural design intent of Esperanza. They are not meant to depict specific floor plans or architectural elevations.

These Guidelines are organized into the following sections:

- Architectural Styles
- Massing Principles
- Materials & Detailing
- Home Types
- Landscape Design

8.3.2 Architectural Styles

The architectural character within each neighborhood shall consist of complementary traditional architectural styles. The materials and colors of these home styles shall complement the overall neighborhood design.

Architectural styles within each neighborhood and product area within each neighborhood should be compatible with one another and blend with the character of each neighborhood.

Within cluster court style residential products, a consistent architectural style shall be used throughout the individual cluster.

Acceptable architectural styles within Esperanza include:

- Country French
- Tuscany
- Monterey
- Spanish Colonial
- Craftsman
- Traditional
- Western Ranch

The styles selected share similar design attributes and have been selected in response to the following considerations:

- They have a historic relevance to the region.
- They are compatible and complementary.
- They can be interpreted in a variety of ways.
- They are generally accepted by the market.
- They can be constructed using current building materials and methods.

Note: Additional styles proposed by the homebuilder must be submitted to, and approved by, the City of Ontario. Builders may submit home designs using alternative architectural styles that meet the design objectives of the specific plan, provided they are appropriate to the region and compatible with the character of Esperanza.

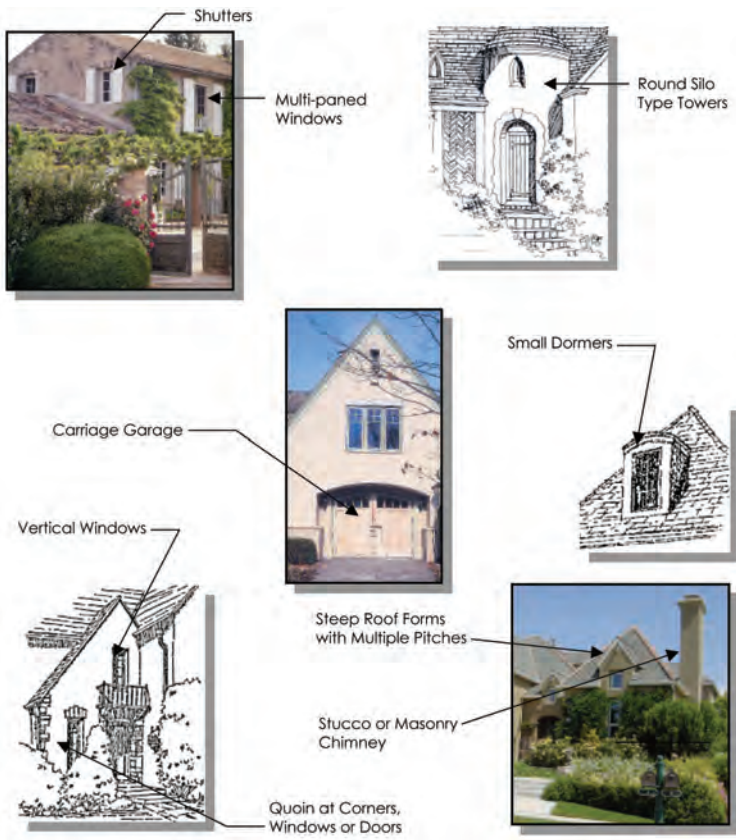
8.3.2.1 Country French

History and Character:

French Country architectural style is based upon early American interpretations of French Medieval architecture that made their way across the United States from the Mississippi regions around the turn of the century. Usually taking the form of larger manor homes and estates, this architectural style was adapted to fit smaller rural homes. The French Country style conveys a romantic and picturesque architecture. American interpretations include houses with simple forms with steeply-pitched roofs.

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Country French

Massing:

- Simple massing with asymmetrical forms and gable roofs.

General Materials:

- Stucco finished walls.
- Deep recessed accents.
- Vertical windows.
- Simple detailing.
- Stucco or masonry chimneys.
- Decorative chimney caps.
- Carriage garage doors or roll-up doors with a variety of panel patterns to reflect architectural style.

Roof Materials and Forms:

- Small dormers.
- Steep roof forms with multiple pitches.
- Gable roof forms, accented with flared roof treatments.
- Large, simple roof planes.
- Gable end venting in various styles.
- Rooflines may extend below window.
- Extended roof overhangs.
- Flat concrete tile to simulate slate materials.
- Round silo type towers.

Detail Elements:

- Decorative shutters.
- Wood balcony railings.
- Deep recessed windows.
- Multi-paned windows.
- Quoin at corners, windows or doors.

8.3.2.2 Tuscany

History and Character:

Tuscan-inspired homes began appearing at the turn of the 20th Century in Southern California as an interpretation of the picturesque movement in art where the architecture was less formalized and more responsive to the natural environs. Arranged building forms of predominantly stucco and stone with tile roofs reflecting the architectural styles of Northern Italy took root in informal plan arrangements and massing.

Massing:

- Simple massing with assembled forms and varied roof forms.

General Materials:

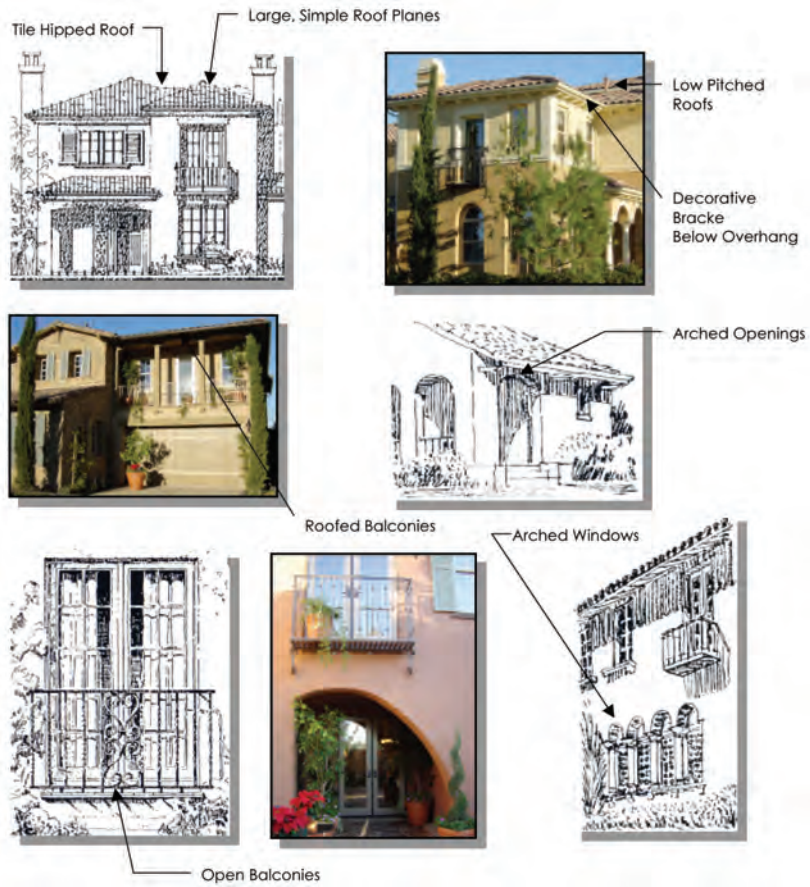
- Stucco finished walls and columns.
- Large, simple roof planes.
- Extended roof overhangs.
- Wood posts or masonry columns.
- Simple stucco chimneys.
- Decorative columns accents.
- Simple wrought iron, metal railings and details.
- Shutters as occasional accent.
- Deep recessed openings.
- Covered patios /porches.

Roof Materials and Forms:

- Tile hipped roofs.
- Low-pitched roofs.
- Stucco eave details or wood corbeled rafter tails.
- Gable end roof vents with decorative stucco accents.
- Gables and appropriate hip roofs.
- Shallow sloped, concrete 'S' tile roofs.

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Tuscany

Detail Elements:

- Barrel/S-Tile roof.
- Varied stucco finish.
- Shallow pitch roof.
- Exposed rafter tails.
- Arched openings.
- Recessed windows
- Wrought iron accents below windows.
- Vertical proportioned or arched windows.
- Balconies opened or roofed.
- Decorative brackets below roof overhangs.

8.3.2.3 Monterey

History and Character:

The Monterey style is a combination of Spanish construction methods and the basic two-story Eastern Colonial house. The wooden second story enabled single story Spanish Adobe homes to be developed as two story homes. Cantilevered balcony elements defined the front of the house which originally used adobe wall construction. Exposed rafters, gable or hipped roof, simple wood posts and side chimneys that anchor one end of the house, accompany the balcony as Monterey design elements.

Massing:

- Simple, straightforward rectangular or “L” shaped building forms.
- Cantilevered balcony and covered colonnades.

General Materials:

- Stucco on first level.
- Siding on second floor.
- Use of brick or stone on first level.
- Shutter accents.
- Wood or stucco trim.
- Brick and siding used to accent stucco forms.

Roof Materials and Forms:

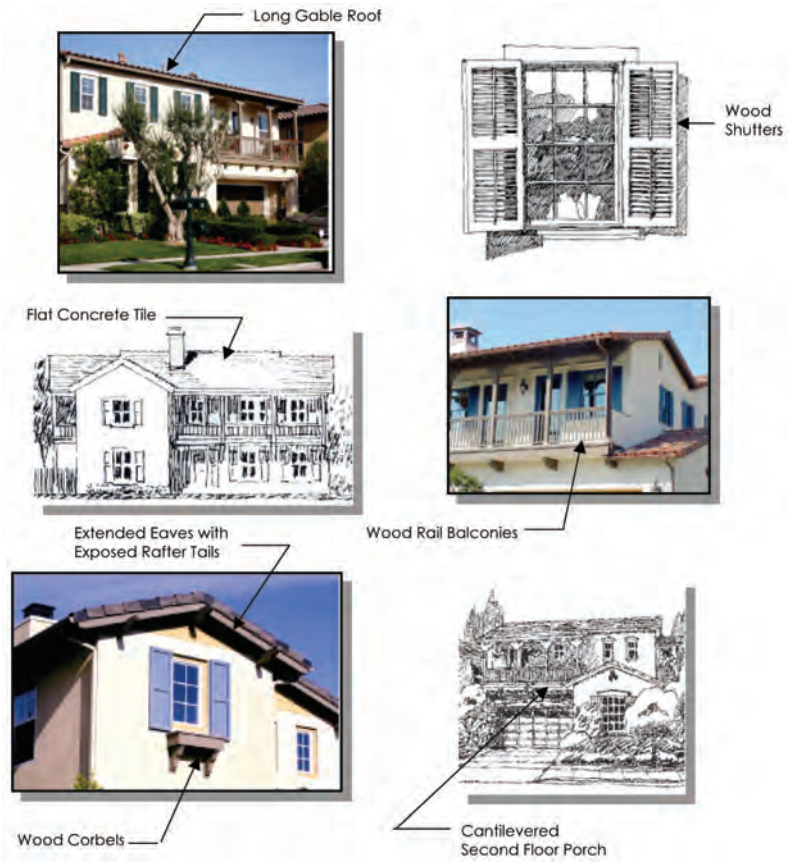
- Flat concrete tile.
- Simple forms with low pitch.
- Gable forms are predominant. (Long gable roof)
- Tight rake ends.
- Extended eaves with exposed rafter tails.

Detail Elements:

- Wood balcony railing.
- Recessed windows, single hung.
- Wood corbels.
- Accent shutters.
- Cantilevered second floor porch.

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Monterey

8.3.2.4 Spanish Colonial

History and Character:

Spanish Colonial homes are an adaptation of the Mission Revival style, reflecting features such as strong form and mass, plain wall surfaces, and tile roofs. The Spanish Colonial style is often characterized by a semi-formal plan arrangement such as a courtyard design.

Massing:

- Simple massing and forms and varied roof forms

General Materials:

- Stucco finished walls.
- Wood / stucco columns.
- Decorative stucco chimneys.
- Round arches.
- Decorative columns and trim.
- Ornate wrought iron railing and accents.
- Wood shutter accents.
- Thick walls.
- Deep recessed openings.
- Stucco or tile details at gable ends.

Roof Materials and Forms:

- Low-pitched roofs, with minimal overhang.
- Tight rake ends.
- Extended eaves with exposed rafter tails.
- Gables and hip roofs typical.
- Shallow sloped, concrete 'S' tile roofs.

Detail Elements:

- S-Tile roof.
- Arched window/door openings.
- Recessed window.
- Ornamental wrought iron details.
- Vertical proportioned windows.
- Wrought iron window. Grilles on windows.

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Spanish Colonial

8.3.2.5 Craftsman

History and Character:

The Craftsman style home evolved from the late 19th century American Arts and Crafts movement. These moderately detailed buildings are characterized by the use of handcrafted architectural elements and details. Broad open porches, low sloping roofs, deep overhangs, multiple gables, trellis features, oversized first floor windows, expressive trim, rafters, brackets, and wood columns with masonry bases characterize the Craftsman style.

Massing:

- Horizontal proportions simple massing often asymmetrical at the second level.

General Materials:

- Simple roof lines with wide projecting gables.
- Covered entry and roofed porches.
- Deep, broad porch elements.
- Expressive structural elements such as rafters, posts, and columns.
- Use of wood, stone or brick at porch columns typical.
- A mixture of materials such as stucco, stone, brick and shingle siding.
- Asymmetrical window and door compositions.

Roof Materials and Forms:

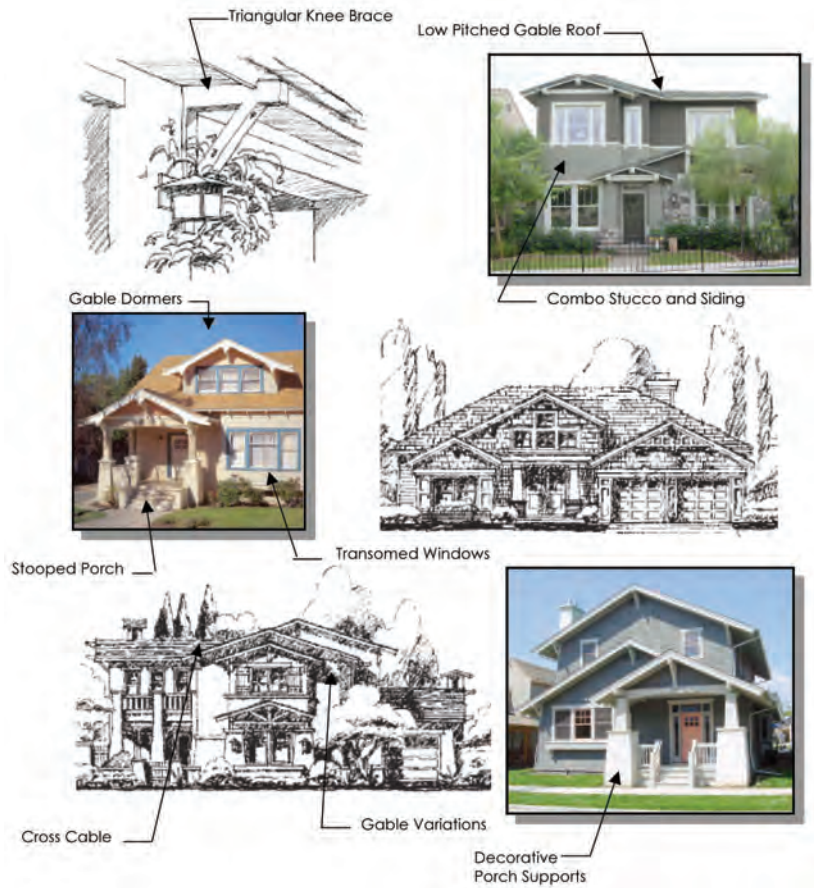
- Predominantly low-pitched gabled roofs, occasional hipped or shed roofs.
- Shallow-pitched roofs with deep overhangs.
- Roof dormers.
- Flat concrete tile or architectural grade asphalt shingle.
- Variation of the gable roof (i.e.: cross gable).

Detail Elements:

- Large gables
- Low pitch roofs with flat concrete tile.
- Windows with accent mullions.
- Exposed rafters and outlookers, triangular knee brace.
- Decorative gable vent detail.
- Decorative porch supports and railings.
- Transomed Windows.

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Craftsman

8.3.2.6 Traditional

History and Character:

The Traditional style is based on classical design principles established in the American Colonial period and interpreted or blended with the Prairie and Bungalow regional styles. Massing is horizontal in appearance with vertical proportioned windows and door surrounds. Front porches are common. The houses are composed of simple forms with centered entry elements over the front door.

Massing:

- Simple, symmetrical massing.
- Typical two story rectangular masses with added one-story elements such as porches forming more complex building configurations.

General Materials:

- Symmetrical and asymmetrical composition of doors and windows are common.
- Simple classical details such as columns.
- Siding or stucco with brick veneer accents.
- Front porches with wood columns and railings.

- Porches that extend length of the front elevation.
- Stone and brick veneer.

Roof Materials and Forms:

- Medium roof pitch with pitched roof dormer.
- Shallow roof pitch used over the porch.
- Flat concrete roof tile.
- Dormers reinforce symmetrical elevations.
- Bay windows and shed roofed elements added to simple building forms.
- Cupolas, weather vanes and other decorative roof ornamentations.

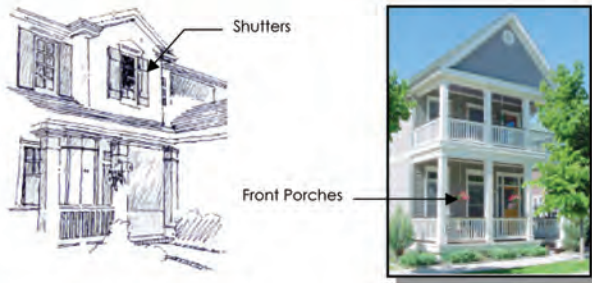
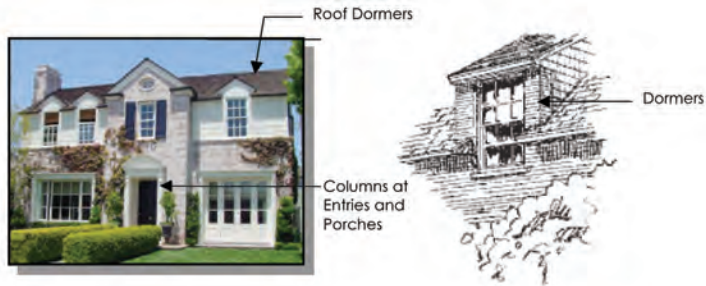
Detail Elements:

- Symmetrical or centered entry feature.
- Shutters accented with color.
- Columns at entries and porches.
- Roof dormers.
- Stooped porches.

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Traditional

8.3.2.7 Western Ranch

History and Character:

The Western Ranch style is reminiscent of the early ranchers and farmers of Southern California. The Ranch Style evolved regionally in response to available building materials and environmental considerations. The distinctive porch covered terrace elements are a natural response to the temperate Southern California climate. Ranch style homes utilized simplified architectural details inspired by Spanish Colonial, Colonial and Monterey architecture.

Massing:

- Simple horizontal massing and rectilinear forms.

General Materials:

- Stucco, board and batten, and horizontal siding.
- Porches along front and rear elevations with a shallow roof break.
- Decorative shutters at windows.
- Wood window trim surrounds.

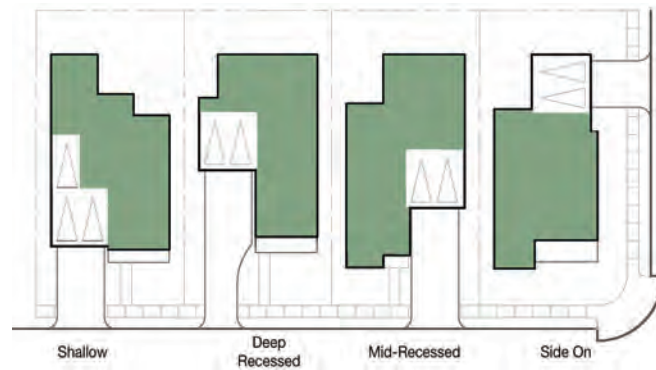
- Simple column and railing detailing.
- Substantial (8" x 8" min.) wood columns.

Roof Materials and Forms:

- Horizontal gable roofs with medium pitch and deep overhangs.
- Porches with shallow roof pitch.
- Gabled dormers.

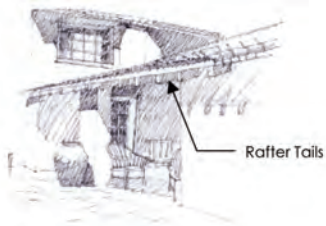
Detail Elements:

- Corbeled wood columns.
- Heavy rafter elements.
- Simple accent shutters.
- Minimum 8" x 8" wood posts.



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Stucco, Board and Batten and Horizontal Siding



Corbeled Wood Columns



Decorative Shutters



Porches along Front and Rear Elevations with a Shallow Roof Break

Western Ranch

8.4 MASSING PRINCIPLES

This section provides suggestions for creating neighborhoods and street scenes that have a variety of building forms that are proportionate to a human-scale and inviting to the pedestrian.

General Elements:

The general elements of building massing include:

- Front Articulation.
- Rear Articulation.
- Garage Placement.
- Roof Form.
- Balconies and Projections.
- Building Offsets/Variable Setbacks.

Objectives:

- Incorporate single-story elements.
- Avoid large flat two-story walls.
- Minimize two-story dominance on street scene, sidewalks and open spaces.
- Vary building setbacks along the street.
- Minimize visual impact of garages.

8.4.1 Front Articulation

Intent:

The front elevation of the home is an important element in creating a quality community at Esperanza. Close attention will be placed on the elevations and how they address the streetscene. Emphasis on location and entry designs, living areas and garages will provide a special street appeal. Emphasis on a variety of building massing will create a diverse street scene.

Guidelines:

- Building massing should reflect the architectural style.

- Massing elements should project enough to avoid elevations that appear to be “tacked on.”
- Building details such as doors and windows should be in proportion to the overall massing.
- Building form is encouraged to reflect the interior uses of the home.
- Front elevations for two-story homes should incorporate a single-story element.
- Recessed two-story elements should create human-scale buildings.
- All homes should have at least two plane variations (excluding the garage) in front elevation massing.

8.4.2 Rear Articulation

Intent:

Special attention shall be given to the design of those dwellings adjacent to, or in close proximity of, major community roadways, common areas, open spaces, or entry features. Whether viewed from distant or close range, massing requirements will be implemented to ensure positive community character in these conditions. Generally, repetitious elements such as similar building profiles and continuous gable ends are to be avoided.

Guidelines:

- Architectural massing and articulation should be consistent with the style of the home.
- Plans shall incorporate projections and/or offsets that extend from the main wall lane.
- Vertical and horizontal plane breaks are encouraged.
- Homes directly adjacent to arterial roadways, collector roads, entry drives, common areas, and open spaces should be given particular attention in their rear articulation, contributing positively to these edges.

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8.5 GARAGE PLACEMENT

Intent:

The configuration, location and orientation of the garage on the lot are integral design elements, both for the composition of the home and its contribution to the streetscene. De-emphasizing the garage is important in order to maintain the overall community design. Emphasizing the living areas of the home as they address the street will achieve this goal.

Placing living areas forward promotes social interaction and facilitates 'eyes on the street' for neighborhood security, while at the same time establishing neighborhood orientation to the pedestrian instead of the automobile.

Guidelines:

- Garage door patterns should vary among elevation types and reinforce the architectural theme of the home.
- Standard 3-car garage configurations are discouraged.

8.5.1 Garage Treatments

The home and the yard rather than the garage must be the primary emphasis of the elevation as seen from the street. Each plan shall incorporate one of the garage design techniques listed below and each parcel shall include at least two of these techniques to reduce the emphasis on the garage; and therefore, enhance the variable massing of the streetscene.

8.5.1.1 Shallow Recessed Garages

Setting the garage back a minimum of three feet in relationship to the front of the house/ or porch is intended to reduce the overall visual mass of the garage. The number of homes with shallow recess garage configurations shall be

limited to 25% of the total number of units in each builder package.

8.5.1.2 Mid or Deep Recessed Garages

Setting the garage back to the middle or rear of the lot. This design treatment is intended to expose more living space areas toward the street, further reducing the visual impact of the garage along the street.

8.5.1.3 Alley Loaded

The use of the alleyways locates garages off a main loop road and creates a more traditional streetscene, with the fronts of the houses facing the street.

8.5.1.4 Split Garage

This treatment de-emphasizes the garage by reducing the length of the continuous door. Typically a one car garage and a one or two car garage are split to provide a variation in the appearance of the home. The single car garage elements in this split condition may option into living space that further enhances the streetscene by replacing the garage door with windows.

8.5.1.5 Tandem Garage

This garage layout de-emphasizes the third garage by concealing it behind a standard two-car garage condition. The tandem space is located so that it may option into living space. The two car garage is typically either shallow or deeply recessed into the lot and incorporated into the architecture of the home.

8.5.1.6 Setbacks

A varied setback is encouraged along the street frontage. Refrain from strict compliance to the minimum garage setback so as not to contrib-

ute to a repetitious and monotonous appearance along the street.

Where garages are adjacent to one another at common property lines, a two-foot minimum difference in setbacks shall occur.

8.6 ACCESSORY STRUCTURES

Intent:

Accessory structures should be designed to reinforce the architectural style of the primary residence.

Guidelines:

- Detached structures, such as casitas, pool cabanas and guest quarters associated with the single-family lot shall be designed to match the style, detail, roof material/pitch and massing criteria of the primary home.
- Detached garages, storage buildings and outdoor sheds should incorporate design features, materials and colors compatible with the primary home.

8.7 ROOF FORM/PITCH

Intent:

- Roof form is another important design element as it relates to the character of the community, observed from both the external edges and inside the neighborhood.
- Variety of roof form along streets creates a positive visual edge.
- Appropriate massing of roof forms helps to create human scale architecture to the street.

Guidelines:

- Roof forms/pitch should reinforce the architectural style of the homes.
- Roofs shall be composed of a series of simple roof forms.

- Primary roof forms should be gable or hip designs.
- Roofs shall vary in massing along street scene and open spaces.
- Changes in the primary roof (ridge) orientation are encouraged.
- Flat roof elements should be minimized and incorporated only if appropriate to the architectural style.

8.8 BALCONIES AND PROJECTIONS

Intent:

As part of the overall design of a two-story dwelling, balconies and projections provide relief and interest at the second story. Balcony projections shall be consistent with the architectural character of the home. Additionally, these elements create ideal outdoor spaces.

8.9 BUILDING OFFSETS/ VARIABLE SETBACKS

Intent:

Quality neighborhood design orients the 'living' areas of the home towards the street. To encourage this orientation, alternative setbacks are allowed for living areas as measured from the back of walk.

The development standards for each planning area/home type including building setbacks are established by the Esperanza Specific Plan. Additionally, building offsets or variable setbacks for both living and garages are encouraged to create variety in street scenes.

Guidelines:

- Setbacks shall be appropriate and proportionate to the housing type and lot size.
- Front setback should be varied along the street. A front offset of a minimum of two

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feet (2') is encouraged between the front walls of adjacent homes.

- Edge conditions such as homes backing to collector roads and back-to-back homes should incorporate variable rear setbacks to create variety.

8.10 MATERIALS AND DETAILS

Architectural materials and detailing are central elements to creating quality communities. Appropriate focus should be given to the architectural details and the design of the details and architectural elements of the home.

General Elements:

The general elements comprising the materials and details of a building are:

- Wall Materials/Finishes.
- Doors and Windows.
- Roofing Materials and Slope.
- Fascias, Eaves and Rakes.
- Accent Materials.
- Exterior Colors.

8.10.1 Wall Materials/Finishes

Approved Materials:

- Board and batten siding.
- Cement plank siding.
- Stucco
- Exposed masonry walls (brick, slump block, etc.)
- Stone, brick, brick veneers (accent materials).

Approved Finishes:

- Stucco finishes appropriate to the architectural style of the home.

- Smooth or sand finishes are encouraged. Heavy or Spanish Lace stucco finishes are prohibited.

Guidelines:

- Building materials should reflect the architectural style of the home.
- Siding materials should be wrapped beyond front elevations and should terminate at an inside corner or extend to the location of the lateral fence.
- Masonry elements and accents should reflect building forms and not appear as an applied veneer.
- Footings shall be exposed no higher than six inches (6") above finished grade.

8.10.2 Accent Materials

Accent materials promote individuality in each home and ensure diverse character within the neighborhood. Accents can be used to reinforce the architectural theme of the home.

Guidelines:

- Accent materials should complement the overall color and style of the home.
- Accent materials shall terminate at inside corners and be wrapped to coincide with an architectural element.
- Accent materials may terminate at location of the lateral fence or at logical end.
- Architectural trim applied to all elevations should be consistent with front elevation of the home.

8.10.3 Doors and Windows

The design and detail of the doors and windows on a home reinforce the architectural style and are key elements in the composition of the exterior elevation of the home.

Guidelines:

- Door designs shall be consistent with the architectural style of the home.
- Doors should be protected by porch elements or recessed entries.
- Garage and entry door design shall be appropriate to the style of the home.
- Maximum garage door height shall be eight feet (8').
- Garage doors should be recessed a minimum of twelve inches (12") from building plane.
- Alignment and proportions of windows shall be appropriate to the architectural style of the home.
- All windows (including garage door windows) are to be consistent with the architectural style of the home.
- Divided light windows are encouraged in keeping with the architectural style.
- Highly reflective glazing is not permitted.
- Window details such as shutters, trim surrounds, window boxes and window recesses are encouraged in keeping with the architectural style.

8.10.4 Roofing Materials and Details

Roofing materials as well as roof forms, pitch and design details are integral elements that reinforce the intended architectural style of the home.

Proposed roofs should be reflective of the architectural style of the home.

Attention should be given to address the context of the roof of each home relative to the adjacent homes along the street.

Approved Roofing Materials:

(Subject to compatibility with the intended architectural style)

- Concrete tile (flat or curved profile)
- Clay tile
- Slate
- High profile composition shingle (3-Dimensional)

Prohibited Roof Materials:

- Wood Shake
- Wood Shingle
- Low Profile Asphalt Composition
- Corrugated Metal

Guidelines:

- Roof materials and roof pitches need to be selected to reinforce the architectural style.
- Standing seam metal roofs painted in non-reflective neutral colors are allowed in appropriate architectural styles.
- Avoid repetition in continuous gable-ends and similar ridge heights.
- Skylights are not allowed on the sloped roofs of the front elevations of the building.

8.10.5 Roof Options

8.10.5.1 Eaves, Fascias and Rakes

Guidelines:

- Eave, fascia and rake proportions are to be appropriate to the architectural style.
- Larger eave overhangs provide opportunities for shading and should be used in appropriate architectural styles.
- Exposed rafter tails shall be a minimum of four inches (4") in thickness.

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- Wood fascias and rafters shall be painted or stained to reinforce the style of the home.
- Attention shall be given to rake return detail.

8.10.5.2 Color

Intent:

Home colors are important to establishing a blended community at Esperanza, yet they should give the impression that each home was designed on its own.

Appropriate color selections make each home unique, but still look natural and in place in the neighborhood context.

Guidelines:

- Diversity of color is encouraged.
- Color shall contribute to distinguishing the overall architectural style of the home.
- Colors should reflect the natural hues found in Southern California.
- Color and hue variation in adjacent homes shall be provided to create neighborhood diversity.

8.10.6 Additional Design Elements

Intent:

Design elements that are utilitarian in nature should be designed as integral features that support the intended architectural style.

Guidelines:

- Exposed gutters and downspouts shall match roof or wall color.
- Faux copper patina is acceptable.
- Rooftop mechanical equipment is prohibited.
- Air conditioning/heating equipment shall be screened from the street and neighboring views and shall be ground mounted.

- Pool, spa, and water softening equipment shall be screened from neighboring views.
- Meters shall be screened from public view to the extent possible.

8.11 HOME TYPES

A variety of housing types, utilizing an architectural program composed of detached and attached housing, are offered at Esperanza. This diversity ensures a range of choices and a mix of homes within each neighborhood. Residences ranging from attached row townhomes and motorcourt townhome/condominiums to alley loaded and traditional single family homes along with innovative home types such as "two-pack" homes and courtyard homes, shall be articulated in traditional architectural styles. Providing a variety of housing programs allows homeowners the opportunity to move-up within the community as their lifestyles and needs change over time.

All project sites shall be designed to meet all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Locations of Collection Area, Accessibility for Collection Vehicles and Collection of Sorted/ Diverted Waste Types.¹

The following pages provide graphic and written information that describes the general appearance of each anticipated home type. Future homebuilders within Esperanza should use these descriptive pages as a guide when designing the home type designated for the appropriate planning area.

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"All project sites shall be designed to meet all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Locations of Collection Area, Accessibility for Collection Vehicles and Collection of Sorted/ Diverted Waste Types. 1"

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"• Exposed gutters and downspouts shall match roof or wall color. • Faux copper patina is acceptable. • Rooftop mechanical equipment is prohibited. • Air conditioning/heating equipment shall be screened from the street and neighboring views and shall be ground mounted."

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"• Exposed gutters and downspouts shall match roof or wall color. • Faux copper patina is acceptable. • Rooftop mechanical equipment is prohibited. • Air conditioning/heating equipment shall be screened from the street and neighboring views and shall be ground mounted."

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8.11.1 ROW Townhomes



ROW TOWNHOMES

- Neo-traditional design places garages onto alleys, hidden from streets.
- Grid street pattern reinforces traditional neighborhood pattern.
- Front doors and porches face onto streets and/or greenbelts.
- Neighborhood open space provides a focal point of the neighborhood.



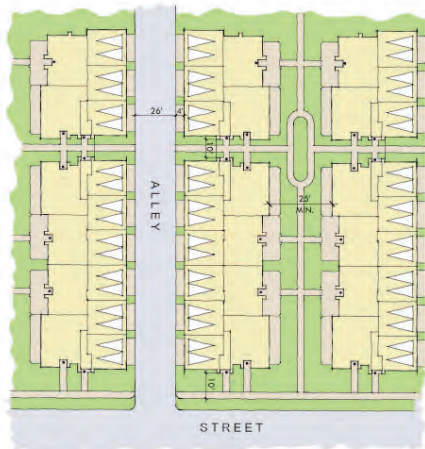
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ROW TOWNHOMES

- Patios / Balconies enhance social interaction
- Front Doors face open space greenbelts
- Street architecture creates traditional front door character
- Garage doors oriented away from neighborhood streets

Building setbacks per Ontario Esperanza Specific Plan



CONCEPTUAL FRONT ELEVATIONS



CONCEPTUAL REAR ELEVATIONS

* Images suggest concept
Row Townhomes

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8.11.2 Cottage Single Family Homes

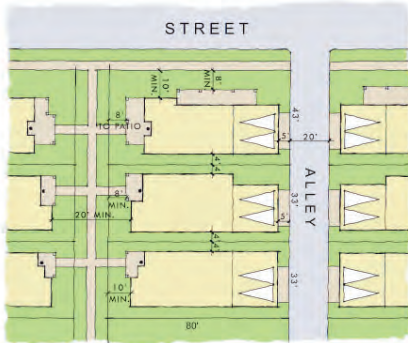


COTTAGE SINGLE FAMILY HOMES

- Neo-traditional design places garages onto alleys, hidden from streets.
- Grid street pattern reinforces traditional neighborhood pattern.
- Front doors and porches typically face onto streets.
- Alternative front door orientation onto greenbelts provide compatible neighborhood edge conditions.
- Public park provides a focal point of the neighborhood.



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COTTAGE SINGLE FAMILY HOMES

- Porches enhance social interaction
- Front Doors can face open space greenbelts
- Garage doors oriented away from neighborhood streets
- Neotraditional street scene places front doors and porches facing neighborhood streets

Building setbacks per Ontario Esperanza Specific Plan



CONCEPTUAL FRONT ELEVATIONS



CONCEPTUAL STREET SCENE

* Images suggest concept

Cottage Single Family Homes

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8.11.3 Motorcourt Homes

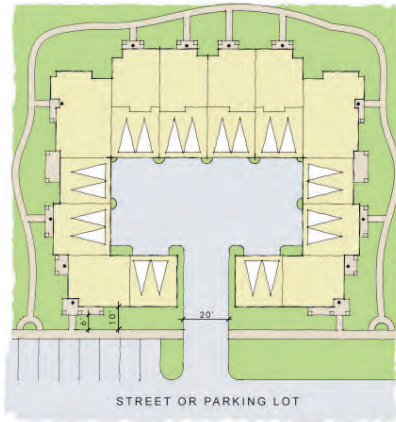


MOTORCOURT TOWNHOMES

- Motorcourt building design minimizes garage orientation along streets and common drives.
- Grid circulation pattern reinforces traditional neighborhood pattern.
- Orientation of front doors, porches and patios onto streets and/or greenbelts is encouraged.
- Neighborhood open space provides a focal point of the neighborhood.



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MOTORCOURT TOWNHOMES

- Garage doors are oriented around a motorcourt hidden from residential streets
- Front doors face onto open space greenbelts

Building setbacks per Ontario Esperanza Specific Plan



CONCEPTUAL FRONT ELEVATION



CONCEPTUAL REAR ELEVATION

Motorcourt Townhomes

8.11.4 6-Pack Courtyard Single Family Homes



6-PACK COURTYARD SINGLE FAMILY HOMES

- Courtyard design minimizes garage orientation along streets.
- Grid circulation pattern reinforces traditional neighborhood pattern.
- Conventional building design places front doors, porches and patios onto private motorcourts.
- Neighborhood open space provides a focal point of the neighborhood.



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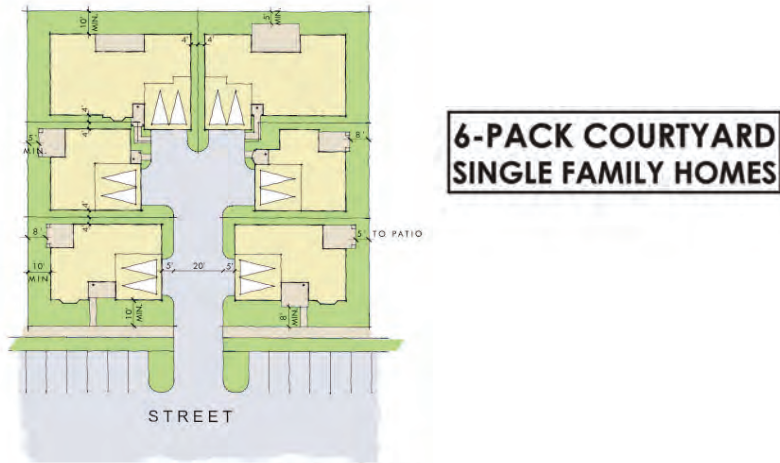
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Building setbacks per Ontario Esperanza Specific Plan



* Images suggest concept

6-Pack Courtyard
Single Family Homes

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8.11.5 4-Pack Courtyard Single Family Homes

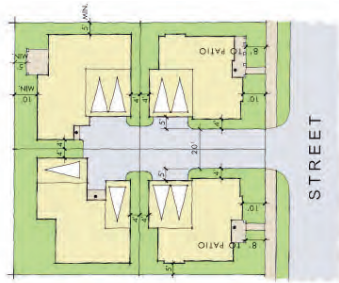


4-PACK COURTYARD SINGLE FAMILY HOMES

- Courtyard design minimizes garage orientation along streets.
- Modified grid street pattern reinforces traditional neighborhood pattern.
- Front doors and porches face onto streets and/or greenbelts.
- Central pocket park provides a focal point of the neighborhood.

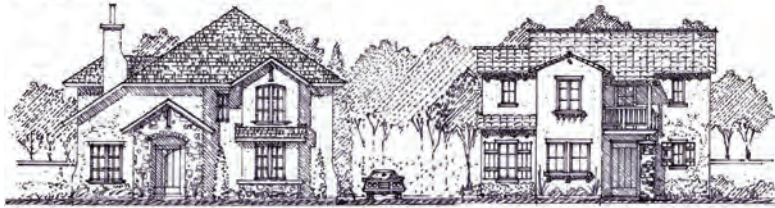


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**4-PACK COURTYARD
SINGLE FAMILY HOMES**

Building setbacks per Ontario Esperanza Specific Plan



CONCEPTUAL STREETSCENE



CONCEPTUAL PEDESTRIAN COURT VIEW

* Images suggest concept

4-Pack Courtyard
Single Family Homes

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8.11.6 50 Foot Wide Lots (40' Wide Homes)



50 FOOT WIDE LOTS
(40' WIDE HOMES)

- Architecture forward design places living space and porches closer to the street than garages to reinforce pedestrian scale along streets.
- Alternative garage configurations provide further visual relief from the garage along streets.
- Grid street pattern reinforces traditional neighborhood pattern.
- Central pocket park/school provides a focal point of the neighborhood.



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**50 FOOT WIDE LOTS
(40' WIDE HOMES)**

- Architectural elements minimize garage door presence along neighborhood streets
- Front porches and entries are placed forward of the garage
- Alternate garage configurations create pedestrian oriented street scenes.

Building setbacks per Ontario Esperanza Specific Plan



CONCEPTUAL FRONT ELEVATIONS



CONCEPTUAL STREET SCENE

* Images suggest concept

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8.11.8 55 Foot Wide Lots (45' Wide Homes)



55 FOOT WIDE LOTS
(45' WIDE HOMES)

- Architecture forward design places living space and porches closer to the street than garages to reinforce pedestrian scale along streets.
- Alternative garage configurations provide further visual relief from the garage along streets.
- Grid street pattern reinforces traditional neighborhood pattern.
- Central pocket park provides a focal point of the neighborhood.



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55 FOOT WIDE LOTS
(45' WIDE HOMES)

- Architectural elements minimize garage door presence along neighborhood streets.
- Front porches and entries are placed forward of the garage.
- Alternate garage configurations create pedestrian oriented streetscenes.

Building setbacks per Ontario Esperanza Specific Plan



CONCEPTUAL FRONT ELEVATIONS



CONCEPTUAL STREETSCENE

* Images suggest concept

This page contains no comments

8.11.9 2-Pack Single Family Homes



2-PACK SINGLE FAMILY HOMES

- Innovative design provides alternating recessed and deeply recessed garages along streets.
- Grid street pattern reinforces traditional neighborhood pattern.
- Architecture forward design places living space and porches closer to the street than garages to reinforce pedestrian scale along streets.
- Front doors and porches face onto streets.
- Neighborhood open space provides a focal point of the neighborhood.



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2-PACK SINGLE FAMILY HOMES

- Deep recessed garages are hidden by adjacent home
- Deep recessed garages minimizes visible garages from neighborhood streets
- "Architecture forward" plan design places living area and porches in front of garages

Building setbacks per Ontario Esperanza Specific Plan



CONCEPTUAL FRONT ELEVATIONS



CONCEPTUAL STREET SCENE

* Images suggest concept

Endnotes

- 1 Revised per OMUC
- 2 Revised selected area to include PA-4
- 3 Revised map, removed PA 4 from 6-Pack

9/9/2020 11:43:17 AM

Compare Results

Summary of Comments on Esperanza Sect 8B.indd

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Old File:

Esperanza Sect 8B.pdf

36 pages (35.94 MB)
9/4/2020 11:40:24 AM

versus

New File:

Esperanza Sect 8BR.pdf

37 pages (38.69 MB)
9/8/2020 5:21:28 PM

Total Changes

232

Content

36 Replacements
120 Insertions
75 Deletions

Styling and Annotations

1 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

8.12 DESIGN GUIDELINES FOR LANDSCAPE ARCHITECTURAL CHARACTER

Careful consideration has been given to the design of the community landscape architectural character for the Ontario Esperanza Specific Plan. The following design guidelines are organized to help define the basic landscape design principles for the Ontario Esperanza Specific Plan. Observing these guidelines will help to assure the "design vision" and integrity of this planned community.

All landscape plans, streetscape plans, and graphic designs with regard to community identity, neighborhood identity, or entry monumentation shall conform to the guidelines as set forth herein, and shall be subject to review and approval by the City of Ontario.

The "Conceptual Landscape Master Plan," Exhibit 30 on the next page shows the perimeter streetscape design, Community entries and monumentation, neighborhood park and mini parks, pedestrian greenbelts, and general landscape features of the Ontario Esperanza Specific Plan area.

8.12.1 Perimeter Streetscape Design

Streetscape design guidelines establish a hierarchy for the landscape development along the surrounding roadways, as well as establishing a framework for consistency of design. Three major arterial roadways surround the Ontario Esperanza Specific Plan area: Hamner Avenue to the West, Bellegrave Avenue to the North, and Mill Creek Avenue to the East. Landscape easements associated with these roadways have been defined, as noted in the City of Ontario Ontario Ranch General Plan.



Landscape development surrounding this community will help to set the character, while maintaining consistency with the City of Ontario's pedestrian pathway system illustrated in the Trails and Bikeways section of the Ontario Ranch General Plan. The following section discusses the streetscapes for the Esperanza Specific Plan area. Exhibit 31 "Streetscapes Legend" provides a guide to the location of the streetscapes discussed below.

8.12.2 Hamner Avenue

Hamner Avenue streetscape shall include the following:




- A landscaped parkway (15' wide min.) with a row of street trees (24" Box min.) along both sides of the street.
- A 5' wide sidewalk along west side of the street.
- A 14' wide landscaped median with a single row of street trees.
- A landscape easement (neighborhood edge) of 45' taken from face of curb to perimeter wall.

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Text Replaced	[Old]: "Milliken Avenue Milliken" [New]: "Hamner Avenue Hamner"
Text Replaced	[Old]: "20" [New]: "15"
Text Inserted	"1"
Text Replaced	[Old]: "Milliken" [New]: "Hamner"
Text Replaced	[Old]: "Ontario NMC" [New]: "Ontario Ontario Ranch"

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Exhibit 30
Conceptual Landscape Master Plan

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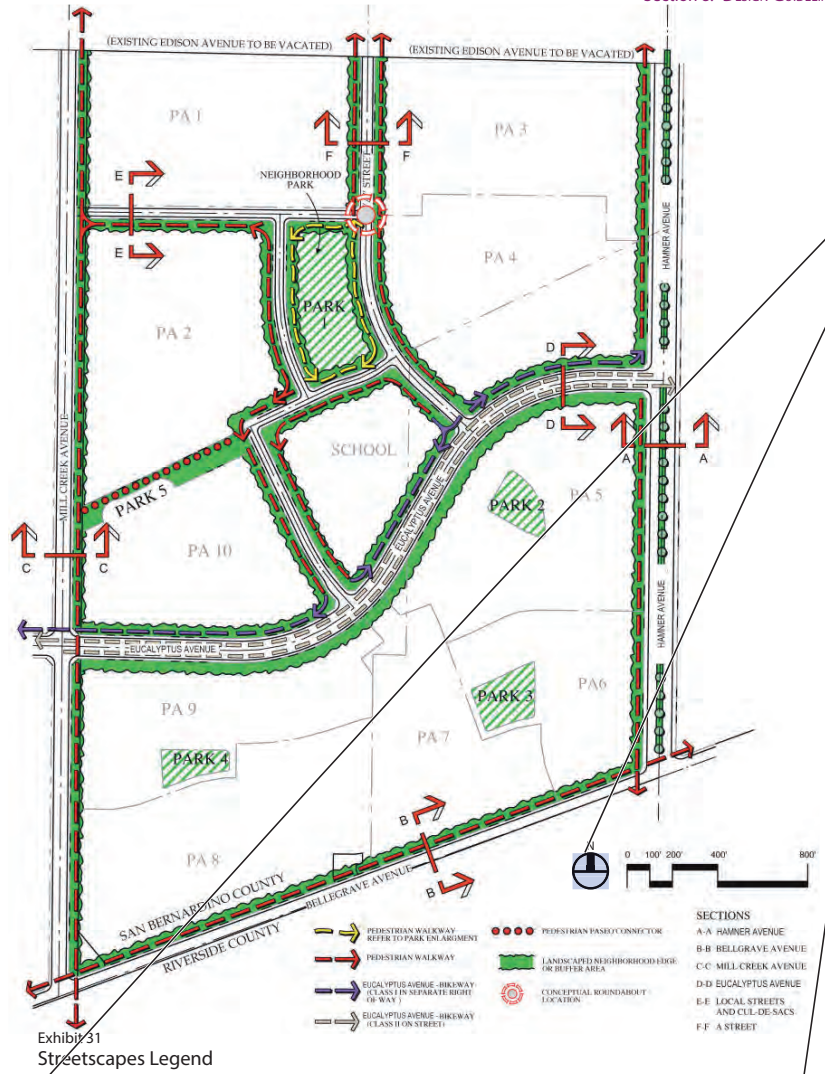


Exhibit 31 Streetscapes Legend

- Background trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan."
- Refer to Exhibit 32, "Hammer Avenue" section for streetscape illustration."

8.12.3 Bellegrave Avenue

Bellegrave Avenue streetscape shall include the following:

- A 5 foot wide lineal sidewalk and a 7 foot wide landscaped parkway along north side of the street.
- A landscape easement (neighborhood edge) of 35' taken from face of curb to perimeter wall on both sides of the street.
- Background trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Monumentation as shown in the Conceptual Landscape Master Plan, Exhibit 30, "Conceptual Landscape Master Plan."
- Refer to Exhibit 33, "Bellegrave Avenue" section below for streetscape illustration.
- Additional landscaping requirements for well sites along Bellegrave Avenue may include: landscape screening, earth berming or combination of both to screen undesirable views from public.

8.12.4 Mill Creek Avenue

Mill Creek Avenue streetscape shall include the following:

- A 12 foot wide landscaped parkway on the west with an additional 23' landscape ease-

ment include a single row of street trees (24" Box min.) along both sides of the street. The east side of Mill Creek Avenue includes a 12 foot wide landscaped parkway with an additional 50' Southern California Edison (SCE) easement taken from back of improved street right-of-way.

- Provide drought tolerant large shrub (max. 15') and drought tolerant landscaping within the SCE easement.
- Background trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan."
- Refer to Exhibit 34, "Mill Creek Avenue" and Exhibit 35 "Mill Creek Avenue at the SCE Corridor" for streetscape illustration."

8.12.5 Interior Streetscape Design

Streetscape design within the interior of the Ontario Esperanza Specific Plan community shall be consistent in character with the perimeter streetscapes and should help to promote pedestrian circulation into the "Community Core."

Where interior streetscapes interface with neighborhood/mini parks and open space, special consideration should be taken to integrate pedestrian circulation into these areas via a streetside pedestrian system that links city sidewalks to active walking trails and open space uses. This is especially important within the multi-family/high density residential planning areas.

Two interior roadways bring residents into the "Community Core," Eucalyptus Avenue, running East/West, and "Street A" that intersects with Eucalyptus Avenue, running North/South.

Graphic Element Inserted	
Text Replaced [Old]: "easement" [New]: "ease ment"	
Text Replaced [Old]: "'Milliken" [New]: "'Hammer"	
Text Replaced [Old]: "• A 12 foot landscaped parkway with a single row of street trees (24" Box min.) along both sides of the street." [New]: "2"	
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Text Inserted "Where interior streetscapes interface with neighborhood/mini parks and open space, special consideration should be taken to integrate pedestrian circulation into these areas via a streetside pedestrian system that links city sidewalks to active walking trails and open space uses. This is especially important within the multi-family/high density residential planning areas."	
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Text Inserted "Two interior roadways bring residents into the "Community Core," Eucalyptus Avenue, running East/West, and "Street A" that intersects with Eucalyptus Avenue, running North/South."	

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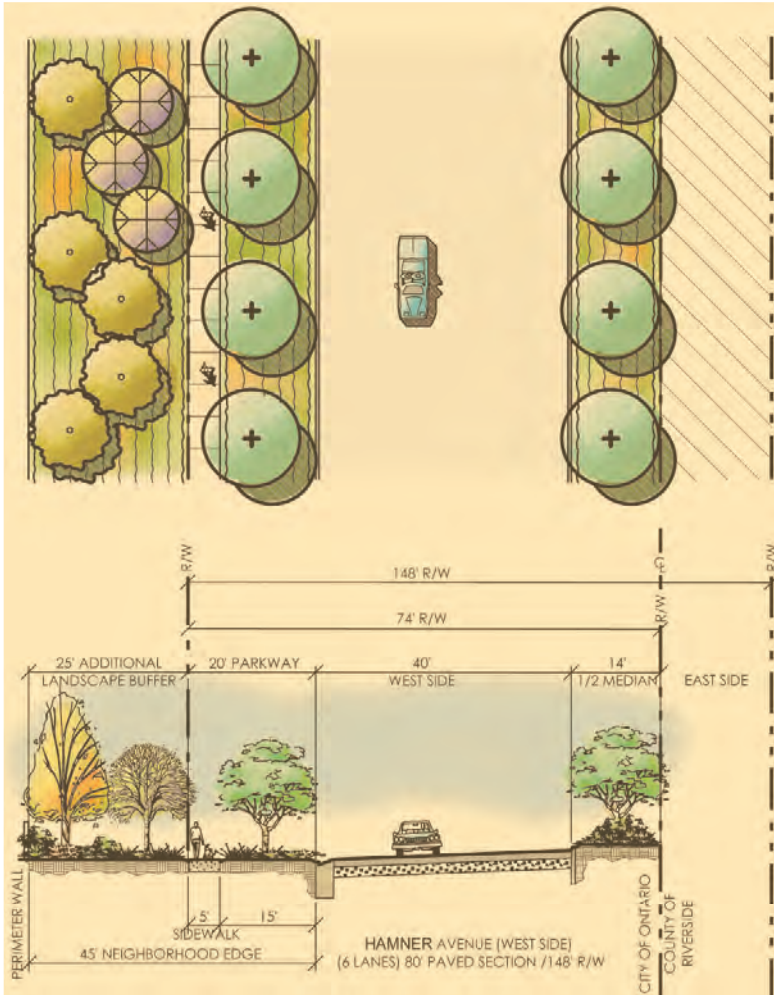
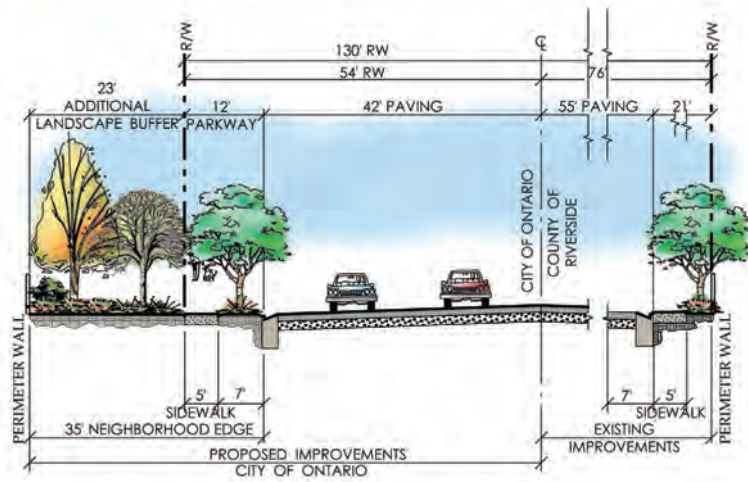
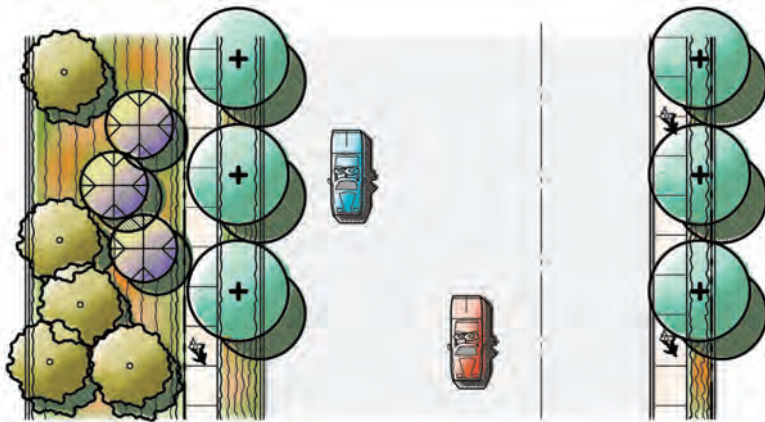


Exhibit 32
Milliken Avenue

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BELLEGRAVE AVENUE (HALF STREET)
97' PAVED SECTION / 130' R/W

Exhibit 33
Bellegrave Avenue

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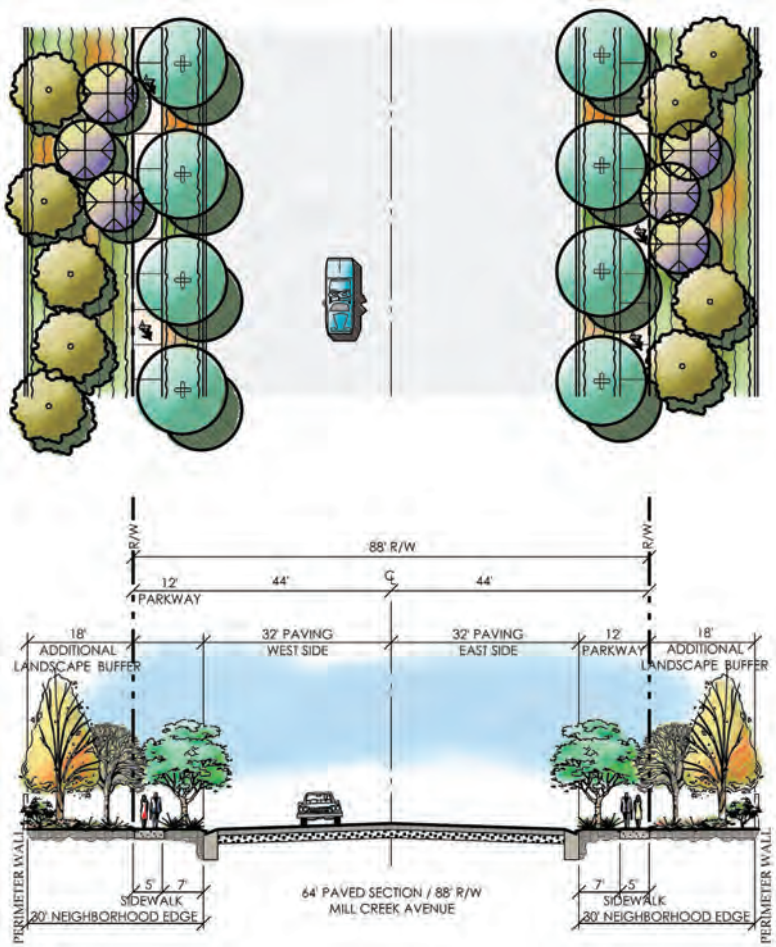


Exhibit 34
Mill Creek Avenue

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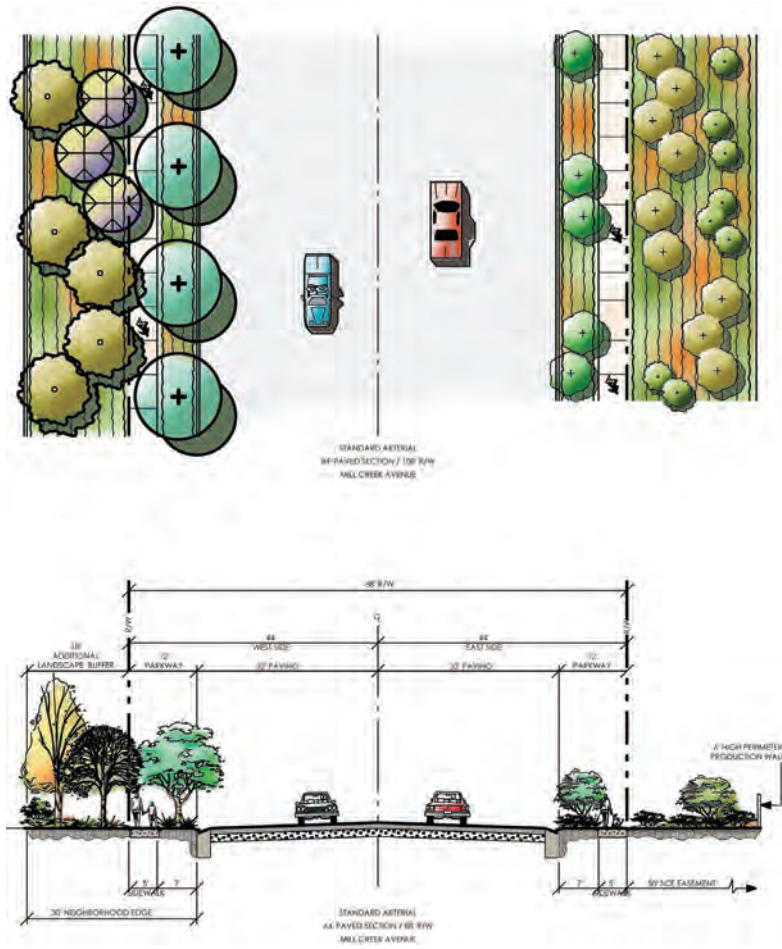


Exhibit 35
Mill Creek Avenue at the SCE Corridor

8.12.6 Eucalyptus Avenue

Eucalyptus Avenue streetscape shall include the following:

- A 7 foot wide landscaped parkway with a single row of street trees (24" Box min.) along both sides of the street.
- A 5 wide concrete sidewalk with a 7" wide decomposed granite multi-purpose trail.
- A 7 foot wide Class II striped on-street bicycle trail within the right of way on both sides of the street.
- A landscape easement (neighborhood edge) of 35' taken from face of curb to perimeter wall on both sides of the street.
- Background trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan."
- Refer to Exhibit 36, "Eucalyptus Avenue" section for streetscape illustration.

Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan."

- Refer to Exhibit 37, "A Street" section for streetscape illustration.

8.12.8 Local Streets, Private Alleys, and Private Neighborhood Streets

Local Streets

Local Street streetscapes shall include the following:

- A landscaped parkway (7' wide minimum) with a single row of street trees, 24" box minimum, along both sides of the street.
- A 5' wide sidewalk on both sides of the street.
- A 5' wide minimum planter area from side-yard wall to back of sidewalk along reverse frontage conditions.
- Refer to Exhibit 38, "Local Street and Cul-de-Sac" for streetscape illustration.

Private Neighborhood Streets

Private Neighborhood streets shall include the following:

- A landscaped parkway (7' wide minimum) with a single row of street trees, 24" box minimum, along both sides of the street.
- A 4' wide sidewalk on both sides of the street.
- A 7' wide minimum planter area from side-yard wall to back of sidewalk along reverse frontage conditions.
- Refer to Exhibit 39, "Private Neighborhood Street Section" for streetscape illustration.

Private Alleys

Private Alleys shall include a 5' wide landscaped area on both sides of the alley when the paved area is a maximum of 20' in width. Landscaping will be provided as appropriate in areas of less than 5' in width depending upon the final design

8.12.7 Streets

A Street streetscape shall include the following:

- A landscaped parkway (7' wide minimum) with a single row of street trees (24" box minimum) along both sides of the street.
- A 5' sidewalk separated from the street by a 7 foot wide landscaped parkway on both sides of the street.
- A landscaped buffer of 6' to 10' taken from the back of sidewalk to the perimeter wall on both sides of the street.
- Background trees and shrub masses planted in a series of layers (foreground, midground and background) to help define borders and plant groupings while combining interesting textures and colors.

Text Deleted

"Where interior streetscapes interface with neighborhood/mini parks and open space, special consideration should be taken to integrate pedestrian circulation into these areas via a streetside pedestrian system that links city sidewalks to active walking trails and open space uses. This is especially important within the multi-family/high density residential planning areas. Two interior roadways bring residents into the "Community Core," Merrill Avenue, running East/West, and "Street A" that intersects with Merrill Avenue, running North/South."

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Text Inserted

"Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan.""

Graphic Element Inserted

Text Replaced

[Old]: "Merrill Avenue Merrill"
[New]: "Eucalyptus Avenue Eucalyptus"

Text Inserted

"Refer to Exhibit 37, "A Street" section for streetscape illustration. "

Text Replaced

[Old]: "13 foot wide shared bikeway/sidewalk along the north side of the street."
[New]: "5' wide concrete sidewalk with a 7' wide decomposed granite multi-purpose trail."

Text Deleted

"8.129 Ontario Esperanza Specific Plan"

Text Inserted

"Private Neighborhood Streets Private Neighborhood streets shall include the following:"

Text Replaced

[Old]: "Merrill"
[New]: "Eucalyptus"

Text Deleted

"Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan.""

Text Deleted

"A landscaped parkway (7' wide minimum) with a single row of street trees (24" box minimum) along both sides of the street. • A 5' sidewalk separated from the street by a 7 foot wide landscaped parkway on both sides of the street. • A landscaped buffer of 6' to 10' taken from the back of sidewalk to the perimeter wall on both sides of the street. • Background trees and shrub masses planted in a series of layers (foreground, midground and background) to help define borders and plant groupings while combining interesting textures and colors."

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"Refer to Exhibit 37, "A Street" section for streetscape illustration."

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"Exhibit 37 A"

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"Exhibit 36 Ontario Esperanza Specific Plan Merrill Avenue"

Text Inserted

"8.12.7 "A""

Section 8. DESIGN GUIDELINES

8.12.6 Eucalyptus Avenue

Eucalyptus Avenue streetscape shall include the following:

- A 7 foot wide landscaped parkway with a single row of street trees (24" Box min.) along both sides of the street.
- A 5' wide concrete sidewalk with a 7" wide decomposed granite multi-purpose trail.
- A 7 foot wide Class II striped on-street bicycle trail within the right of way on both sides of the street.
- A landscape easement (neighborhood edge) of 35' taken from face of curb to perimeter wall on both sides of the street.
- Background trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan."
- Refer to Exhibit 36, "Eucalyptus Avenue" section for streetscape illustration.

8.12.7 A Street

A Street streetscape shall include the following:

- A landscaped parkway (7' wide minimum) with a single row of street trees (24" box minimum) along both sides of the street.
- A 5' sidewalk separated from the street by a 7 foot wide landscaped parkway on both sides of the street.
- A landscaped buffer of 6' to 10' taken from the back of sidewalk to the perimeter wall on both sides of the street.
- Background trees and shrub masses planted in a series of layers (foreground, midground and background) to help define borders and plant groupings while combining interesting textures and colors.

- Monumentation as shown in Exhibit 30, "Conceptual Landscape Master Plan."
- Refer to Exhibit 37, "A Street" section for streetscape illustration.

8.12.8 Local Streets, Private Alleys, and Private Neighborhood Streets

Local Streets

Local Street streetscapes shall include the following:

- A landscaped parkway (7' wide minimum) with a single row of street trees, 24" box minimum, along both sides of the street.
- A 5' wide sidewalk on both sides of the street.
- A 5' wide minimum planter area from side-yard wall to back of sidewalk along reverse frontage conditions.
- Refer to Exhibit 38, "Local Street and Cul-de-Sac" for streetscape illustration.

Private Neighborhood Streets

Private Neighborhood streets shall include the following:

- A landscaped parkway (7' wide minimum) with a single row of street trees, 24" box minimum, along both sides of the street.
- A 4' wide sidewalk on both sides of the street.
- A 7' wide minimum planter area from side-yard wall to back of sidewalk along reverse frontage conditions.
- Refer to Exhibit 39, "Private Neighborhood Street Section" for streetscape illustration.

Private Alleys

Private Alleys shall include a 5' wide landscaped area on both sides of the alley when the paved area is a maximum of 20' in width. Landscaping will be provided as appropriate in areas of less than 5' in width depending upon the final design

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Font-color changed.
- Image Deleted
- Image Deleted
- Image Deleted
- Text Deleted
"Section 8. DESIGN GUIDELINES"
- Text Inserted
"A"
- Text Replaced
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[New]: "shall include the following: • A landscaped parkway (7' wide minimum) with a single row of street trees (24" box minimum) along both sides of the street. • A 5' sidewalk separated from the street by a 7 foot wide landscaped parkway on both sides of the street. • A landscaped buffer of 6' to 10' taken from the back of sidewalk to the perimeter wall on both sides of the street. • Background trees and shrub masses planted in a series of layers (foreground, midground and background) to help define borders and plant groupings while combining interesting textures and colors."
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[New]: "Street streetscape"
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"8.12.9 Ontario Esperanza Specific Plan"
- Text Deleted
"A Street streetscape shall include the following:"
- Text Deleted
"8.12.7 A Street"

Text Inserted
"Section 8. DESIGN GUIDELINES"

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Text Inserted
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"8.130"

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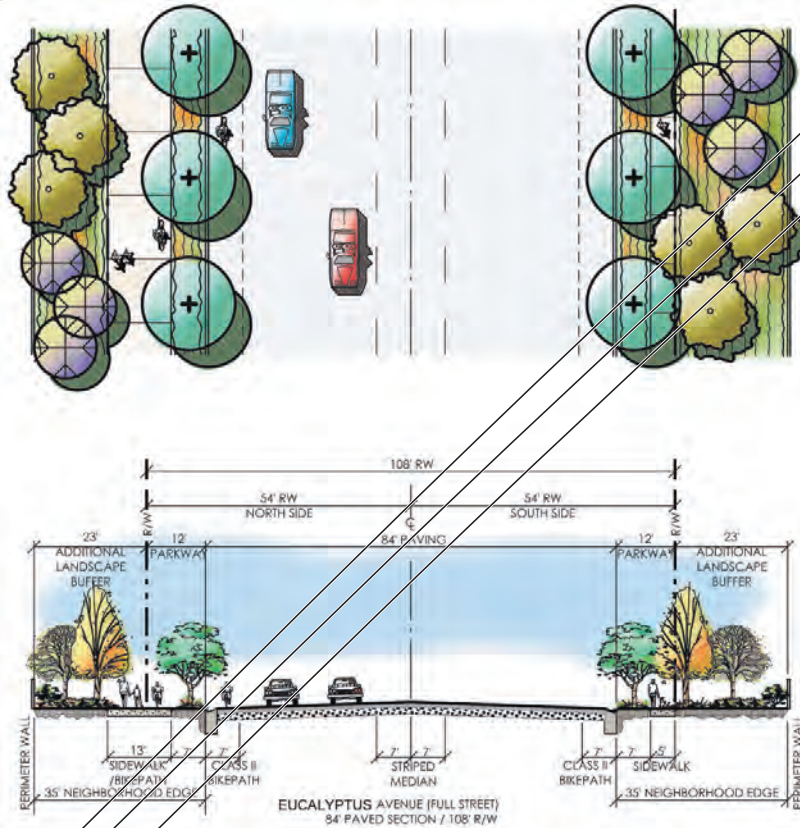


Exhibit 36
Eucalyptus Avenue

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Text Inserted
"Exhibit 37 A Street"

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"8.131 Ontario Esperanza Specific c Plan"

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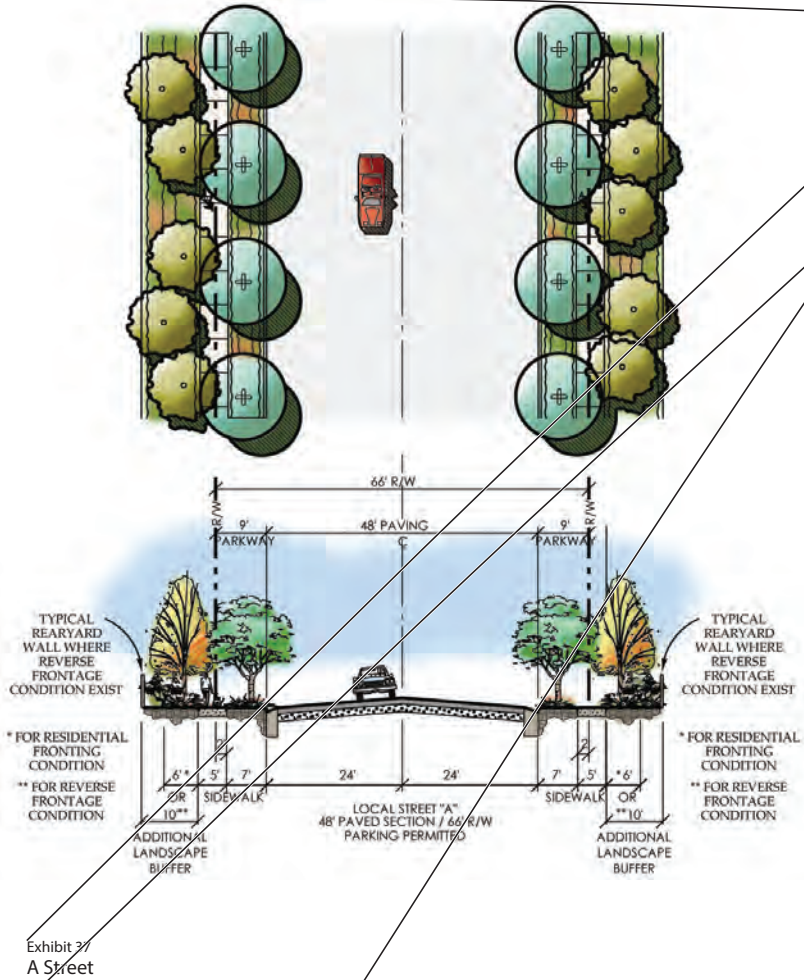


Exhibit 37
A Street

- Text Inserted
"Section 8. DESIGN GUIDELINES"
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- Text Inserted
"Exhibit 38 Ontario Esperanza Specific c Plan Local Street and Cul-de-Sac"
- Text Replaced
[Old]: "8.133 Ontario Esperanza Specific c Plan"
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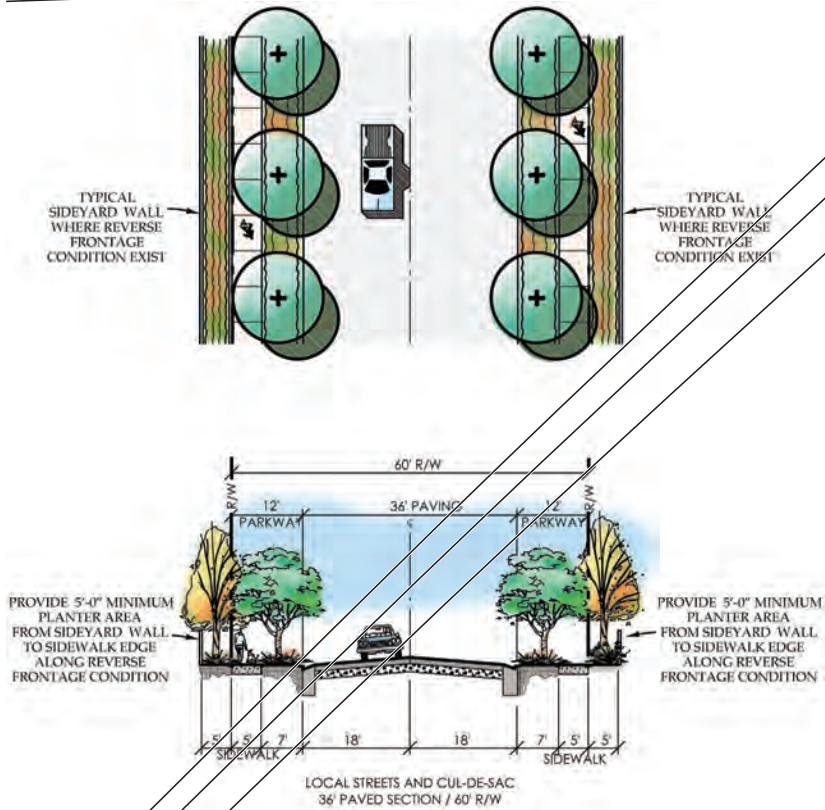


Exhibit 38
Local Street and Cul-de-Sac

of the private alley. Refer to Exhibit 40, "Private Alleys" for illustration.

8.13 CITY OF ONTARIO "GATEWAY" MONUMENT

At the corner of Hamner Avenue and Bellegrave Avenue, a city "Gateway" monument will be located. Special consideration should be made to integrate the perimeter landscaping along Hamner and Bellegrave Avenue into the final monument design and landscape character. The City of Ontario is currently developing the "Gateway" monument program for the Ontario Ranch. Additional coordination with the City of Ontario will be needed prior to developing this area.

8.14 ENTRIES AND MONUMENTATION

Monumentation occurs throughout the Ontario Esperanza Specific Plan community and is designed to establish a basic hierarchy for entering each area of the community. Along the perimeter edges there are several entry points into the community. At key entries a landscape and monumentation program will be utilized to help identify the community as well as convey a "welcoming" feeling for both vehicular and pedestrian traffic. Inspired by the local historical village of "Guasti," home of the Italian Vineyard Company, the project monuments for Ontario Esperanza embody some of the character of this Ontario icon, through the use of similar materials, architectural styles/detailing and landscaping.

Three basic monument treatments are used to set the hierarchy of the entries and monumentation: the Primary Community Entry and Monumentation, the Secondary Community Entry and Monumentation, and the Neighborhood Entry and Monumentation.



8.14.1 Primary Community Entry and Monumentation

The Primary Community Entry and Monumentation shall include the following:

- Freestanding curved monument walls at each corner with highlighted pedestrian portal.
- Identification field for potential sign lettering placement.
- Architectural concrete caps, trim, and bases to help delineate architectural detailing and veneer material used.
- Use of "real" veneer materials instead faux concrete veneers.
- Use of large specimen native trees to anchor each side of entry drive at site entry.
- Seasonal perennial flowering to allow for seasonal flowering interest throughout the year.

Graphic Element Inserted
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Text Replaced [Old]: "Milliken" [New]: "Hamner"
Text Replaced [Old]: "Milliken" [New]: "Hamner"
Text Replaced [Old]: "NMC." [New]: "Ontario Ranch."
Text Deleted "8.134"
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Text Deleted "Section 8. DESIGN GUIDELINES"
Text Deleted "Exhibit 40 Private Alleys"
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Graphic Element Deleted
Text Deleted "8.14.2 Secondary Community Entry and Monumentation"
Text Deleted "The Secondary Community Entry and Monumentation shall include the following:"
Text Inserted "8.133 Ontario Esperanza Specific Plan"
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"Section 8. DESIGN GUIDELINES"

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"Exhibit 39 Ontario Esperanza Specific c Plan Private Neighborhood Street Section"

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"8.134"

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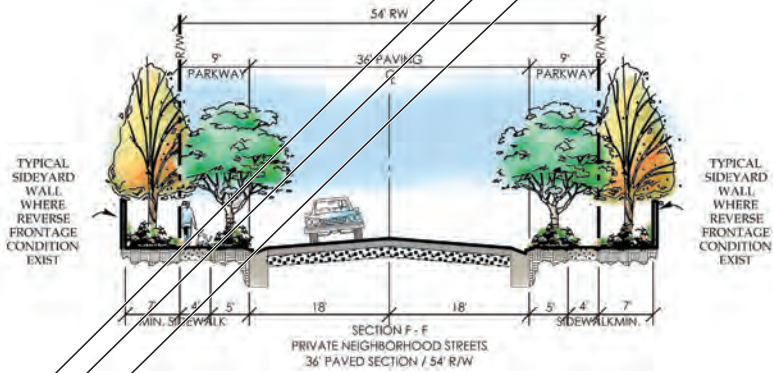
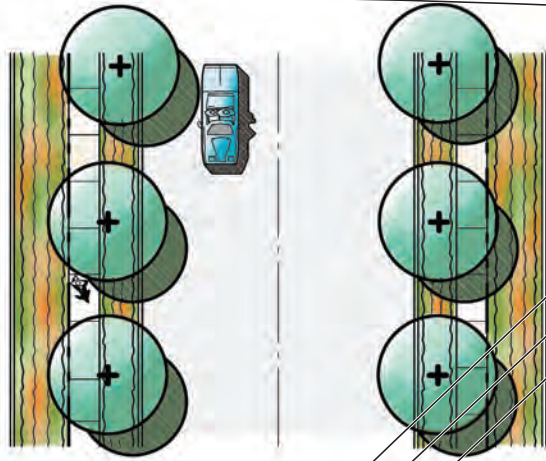
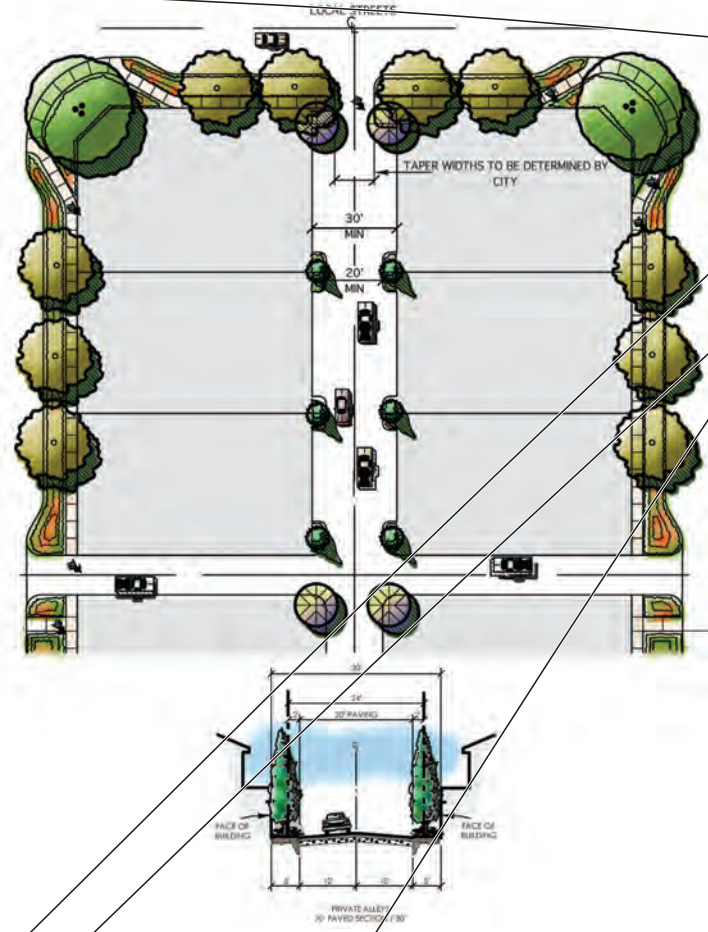


Exhibit 39
Private Neighborhood Street Section



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"Section 8. DESIGN GUIDELINES"
- Image Inserted
- Text Inserted
"Exhibit 40 Private Alleys"
- Text Inserted
"8.135 Ontario Esperanza Specific Plan"
- Image Inserted

Exhibit 40
Private Alleys

- Enhanced pedestrian paving at street crossing and at monument location as approved by the City Engineer.
- Accent trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Accent lighting of landscape/monumentation.
- Handicapped ramps designed to City standards.
- Refer to Exhibit 30, "Conceptual Landscape Master Plan" and Exhibits 41-43, "Primary Community Entry and Monumentation" and, "Primary Community Entry and Monumentation – Hamner Avenue, and, "Primary Community Entry and Monumentation – Mill Creek Avenue" for detailed conceptual illustration.

- Enhanced pedestrian paving at street crossing and at monument location as approved by the City Engineer.
- Accent trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Accent lighting of landscape/monumentation.
- Handicapped ramps designed to City standards.
- Refer to Exhibit 30, "Conceptual Landscape Master Plan" and Exhibit 44, "Secondary Community Entry and Monumentation Elevation/Plan" for detailed conceptual illustration.

8.14.3 Neighborhood Entry and Monumentation

Neighborhood entries and monumentation should occur on interior corner entries within the Ontario Esperanza Specific Plan Community. These entries should be used to help continue the landscape character theme to the "core" of the community. Each neighborhood built within the project will have the opportunity to identify their individual project character while providing the basic design features of the other monuments. Refer to The Neighborhood Entry and Monumentation shall include the following:

- Freestanding large entry pilaster set within the landscaped parkway. This pilaster should embody the same character as that of the Primary Community Entry Monument portal, but is reduced in scale to create a "pedestrian gateway" into each neighborhood. Project identification plaque or icon can be located at this pilaster

8.14.2 Secondary Community Entry and Monumentation

The Secondary Community Entry and Monumentation shall include the following:

- Freestanding curved walls at each corner with anchoring entry pilaster.
- Identification field for potential sign lettering placement on enhanced perimeter corner cut wall.
- Architectural concrete caps, trim, and bases to help delineate architectural detailing and veneer material used.
- Enhancement of corner cut wall and use of accent pilasters to balance each side.
- Use of "real" veneer materials instead faux concrete veneers.
- Use of large specimen native trees to anchor each side of entry drive at site entry.
- Seasonal perennial flowering to allow for seasonal flowering interest throughout the year.

Text Inserted
"Section 8. DESIGN GUIDELINES"

Graphic Element Inserted

Text Replaced
[Old]: "Milliken"
[New]: "Hamner"

Text Inserted
"8.14.3 Neighborhood Entry and Monumentation Neighborhood entries and monumentation should occur on interior corner entries within the Ontario Esperanza Specific Plan Community. These entries should be used to help continue the landscape character theme to the "core" of the community. Each neighborhood built within the project will have the opportunity to identify their individual project character while providing the basic design features of the other monuments. Refer to The Neighborhood Entry and Monumentation shall include the following: • Freestanding large entry pilaster set within the landscaped parkway. This pilaster should embody the same character as that of the Primary Community Entry Monument portal, but is reduced in scale to create a "pedestrian gateway" into each neighborhood. Project identification plaque or icon can be located at this pilaster"

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"8.14.2 Secondary Community Entry and Monumentation The Secondary Community Entry and Monumentation shall include the following:"

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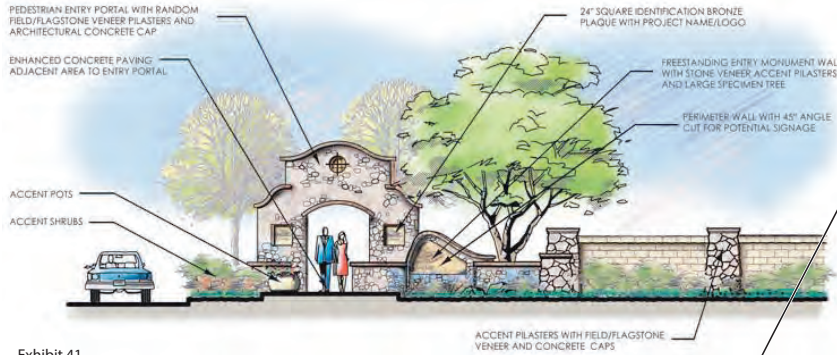


Exhibit 41
Primary Community Entry and Monumentation

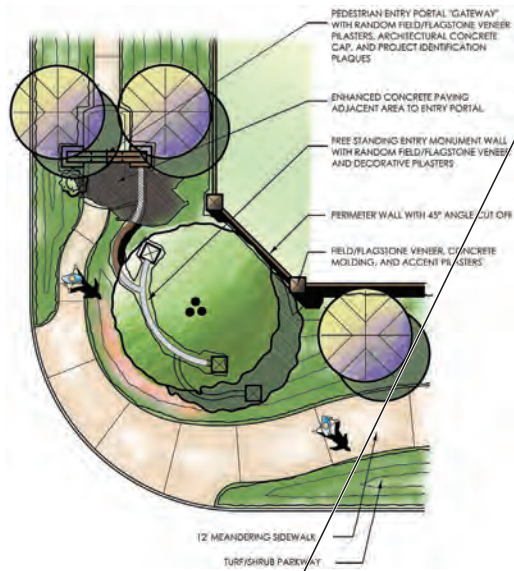


Exhibit 42
Primary Community Entry and Monumentation - Hamner Avenue

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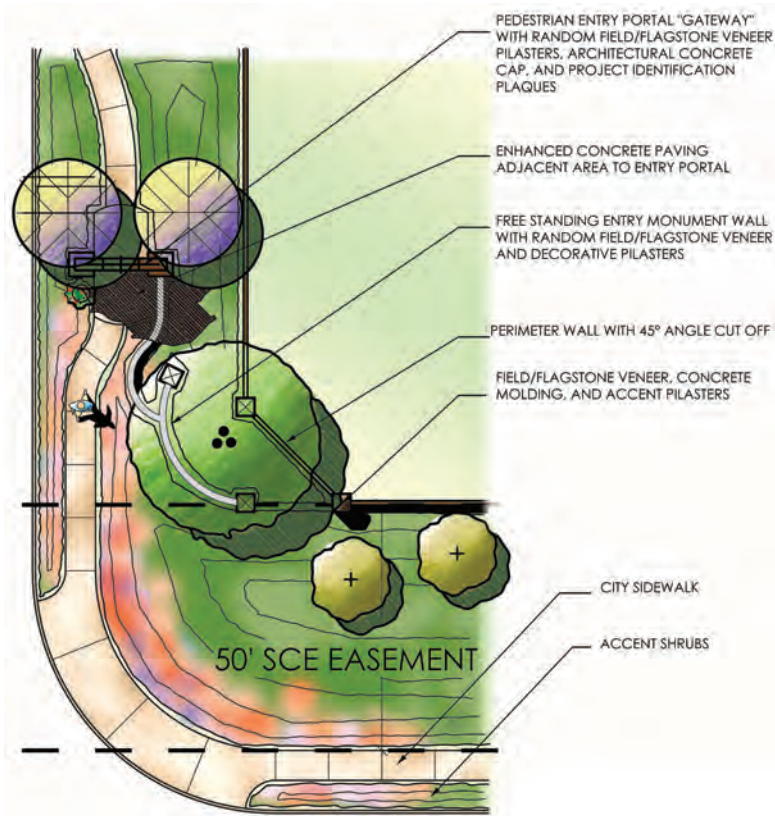


Exhibit 43
Primary Community Entry and Monumentation – Mill Creek Avenue

Section 8. DESIGN GUIDELINES

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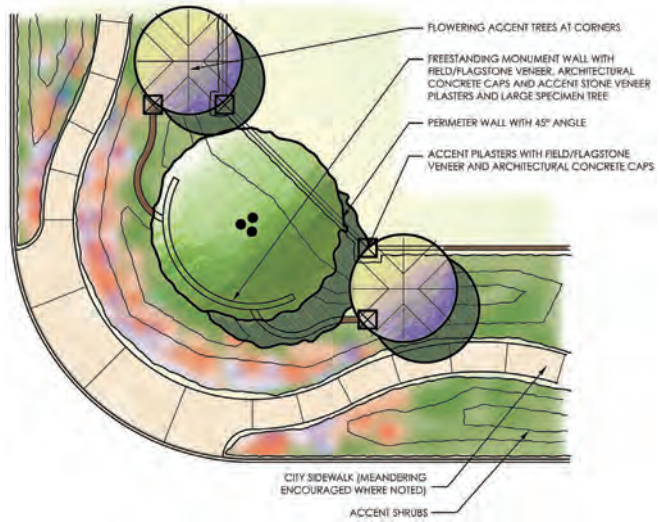


Exhibit 44
Secondary Community Entry and Monumentation Elevation/Plan

- Identification field for potential sign lettering placement on enhanced perimeter corner cut wall.
- Architectural concrete caps, trim, and bases to help delineate architectural detailing and veneer material used.
- Enhancement of corner cut wall and use of accent pilasters to anchor each side.
- Use of "real" veneer materials instead faux concrete veneers.
- Seasonal perennial flowering to allow for seasonal flowering interest throughout the year.
- Enhanced pedestrian paving at street crossing and at monument location as approved by the City Engineer.
- Accent trees and shrub masses planted in series of layers (foreground, midground, background) to help define borders and plant groupings while combining interesting foliage textures and color.
- Accent lighting of landscape/monumentation.
- Handicapped ramps designed to City standards.
- Refer to Exhibit 30, "Conceptual Landscape Master Plan" and Exhibit 45, "Neighborhood Entry and Monumentation" for detailed conceptual illustration.

All project sites shall be designed to meet all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Area, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types.

8.15.1 The Neighborhood Park

Park 1, the Neighborhood Park, consists of the following:

- Parking - Parking shall be adequate to accommodate daily use of the park, and should be screened from public view using a combination of berming and landscaping. In addition, the parking configuration should take into consideration alignment with proposed neighborhood streets and provide a minimum of (15) fifteen to (20) twenty parking stalls (including one van accessible handicap stall/unloading area).
- Children's Tot Lot Play Area - A Tot Lot will be located within close proximity to the parking lot and Restroom Building. Play structures and equipment should be designed to allow for separated use based on age (2-5 yr. and 5-12 yr.). The Tot Lot should also follow ADA guidelines and provide access based off of equipment selected. Play areas and fall zones shall be constructed with synthetic surfacing per ADA standards with wood fiber ("Fibar") being available as an alternative in non-fall zone areas. Seating areas shall be located near the Tot Lot to provide areas for parental supervision.
- Open turf area/Barbecue Picnic Facilities - The Neighborhood Park should provide an open turf area and barbecue picnic facilities scattered throughout a looped concrete walkway system. Barbecue facilities (minimum of 50%) should be located adjacent to the walkway system for ADA accessibility; the remaining percentage set in open turf

8.15 PARKS AND OPEN SPACE

The Ontario Esperanza Specific Plan Community will have a central "Community Core" that centers on the Neighborhood Park and the School. Exterior walkways and trails should lead to this centralized area. Exhibit 46, "Pedestrian Circulation Plan" illustrates the pedestrian accessibility and connectivity throughout the Esperanza Specific Plan area. Exhibits 47 through 50 illustrate the planning concepts for the Neighborhood Park and Mini Parks planned for the Esperanza Specific Plan area.

Text Deleted
"groupings while combining interesting foliage textures and color. 8.14.3 Neighborhood Entry and Monumentation Neighborhood entries and monumentation should occur on interior corner entries within the Ontario Esperanza Specific Plan Community. These entries should be used to help continue the landscape character theme to the "core" of the community. Each neighborhood built within the project will have the opportunity to identify their individual project character while providing the basic design features of the other monuments. Refer to The Neighborhood Entry and Monumentation shall include the following: • Freestanding large entry pilaster set within the landscaped parkway. This pilaster should embody the same character as that of the Primary Community Entry Monument portal, but is reduced in scale to create a "pedestrian gateway" into each neighborhood. Project identification plaque or icon can be located at this pilaster"

Text Inserted
"All project sites shall be designed to meet all the Integrated Waste Department's requirements, including the requirements for Sizing of Storage, Location of Collection Area, Accessibility for Collection Vehicles, and Collection of Sorted/Diverted Waste Types."

Graphic Element Inserted

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"3"

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"groupings while combining interesting foliage textures and color."

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"Ontario Esperanza Specific Plan 8.140"

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"Section 8. DESIGN GUIDELINES"

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"shall be irrigated with reclaimed water by an automated system per the City Standard Specifications for irrigation systems."

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"Exhibit 45 Neighborhood Entry and Monumentation Elevation/Plan"

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"Ontario Esperanza Specific Plan 8.140"

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"Section 8. DESIGN GUIDELINES"

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"8.141 Ontario Esperanza Specific Plan"

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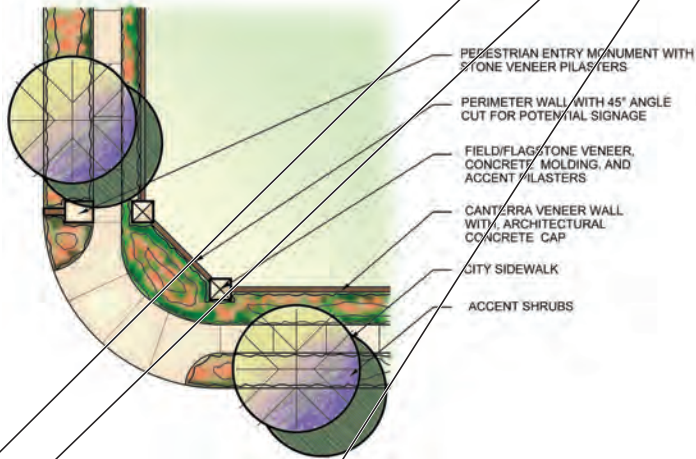
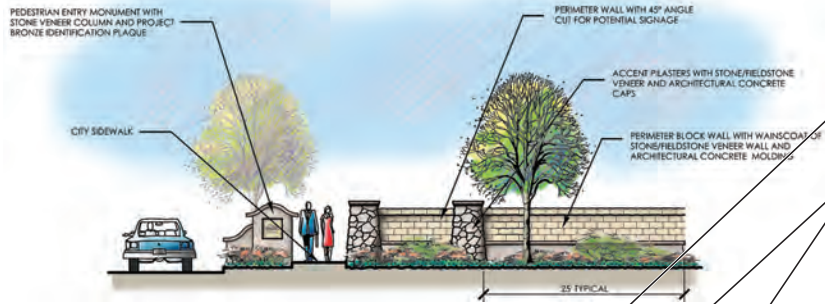
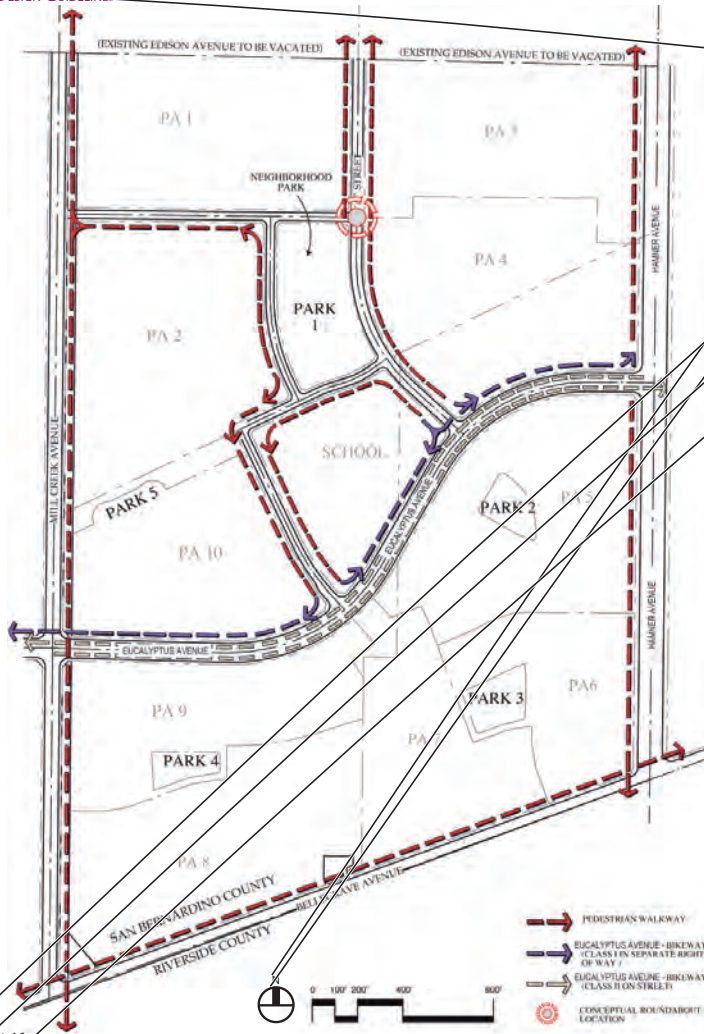


Exhibit 45
Neighborhood Entry and Monumentation Elevation/Plan



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"Exhibit 46 Ontario Esperanza Specific Plan Pedestrian Circulation Plan"
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Exhibit 46
Pedestrian Circulation Plan

areas. Each barbecue picnic facility shall provide a picnic table, freestanding barbecue, and trash receptacle. These barbecue facilities can be placed on concrete or any other ADA acceptable surfacing. The design of the Neighborhood Park open space should take into account pedestrian circulation and the linkage to the two adjacent roads as well as the surrounding community.

• Sports Fields for unorganized play – The open space turf area should be arranged to accommodate two baseball/softball fields and a soccer field overlay. Sports lighting should be discouraged at the park. Wherever feasible a minimum distance of 20 feet should be provided between streets and play areas. Sports fields will be improved in accordance with the City's Parks and Maintenance Department requirements.

• Landscaping – Landscaping within the Neighborhood Park shall harmonize with the surrounding streetscapes. Large specimen trees should be used within the open turf areas to help provide shade and screening of unwanted views. Accent trees should also be used at pedestrian entries and around the Tot Lot for color and seasonal interest. The park shall be irrigated with reclaimed water by an automated system per the City Standard Specifications for irrigation systems.

• Lighting – Security walkway lighting shall be provided in accordance with City requirements and the design guidelines contained herein.

• Restroom Building – A restroom building shall be located adjacent to the tot lot in clear view of the public streets surrounding the park. The building should be designed to provide separate restroom facilities for both sexes and shall conform to ADA design guidelines. Additional provisions for a storage room for the City of Ontario maintenance personnel shall also be designed (all designs shall be submitted to the City

- ~~Ontario and County Health Department for approval).~~
- ~~Park monumentation/signage and a lockable trash enclosure area.~~
- ~~Refer to Exhibit 47, "Neighborhood Park" for detailed conceptual illustrations.~~

8.15.2 Mini Parks and Pedestrian Trails

Pedestrian circulation is highly encouraged within the Ontario Esperanza Specific Plan Community. Landscape easements are provided along major roadways and are encouraged within the neighborhood communities.

- Interior walkways should be designed to provide connections to adjacent neighborhoods as well as linking the Neighborhood Park and School to dedicated neighborhood edge treatments and enhanced landscaped areas.
- Exhibit 47, shows a Neighborhood Park example (5 Acre).
- Enhanced paving at pedestrian connections when pedestrian circulation crosses roadways.

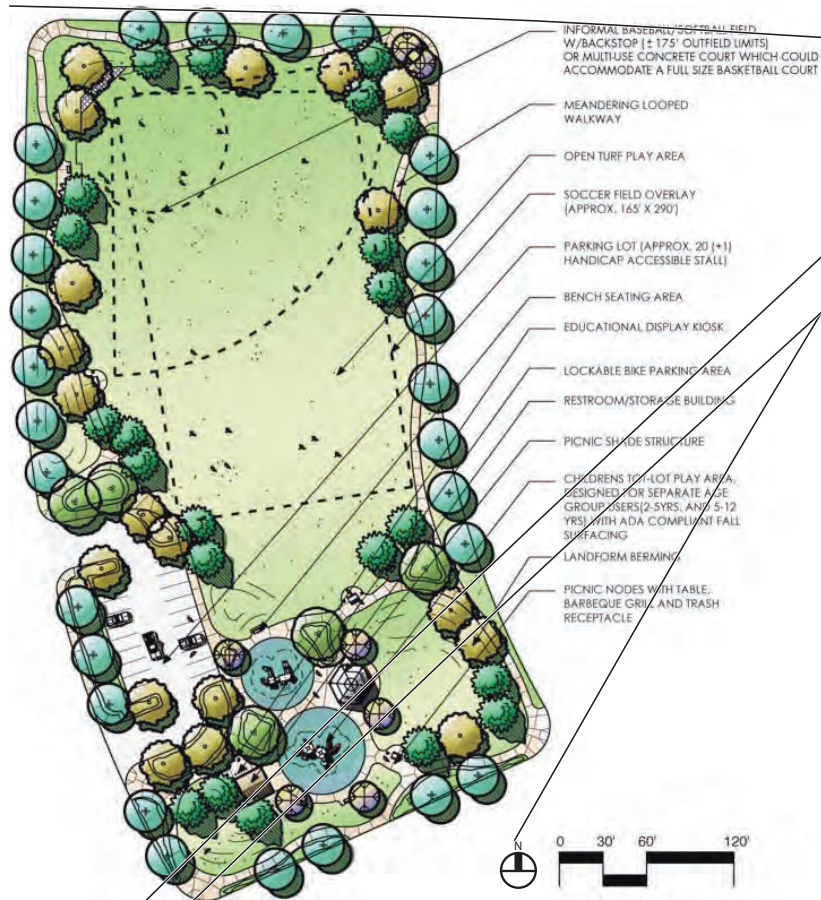
Paseos should provide strong connections to "Community Core" (school/5 AC neighborhood park).

- Connection of neighborhood pocket parks to community. The pocket parks are intended to provide minimal amenities, and should be designed with strong neighborhood "eyes-on" approach. Pocket Parks should range between 3/4 – 1 acre in size.

Mini parks for children's play areas may contain the following amenities:

- Paseo walkway (paved/ADA accessible).
- Landscaping - Landscaping shall harmonize with the surrounding streetscapes and utilize trees, shrubs, and groundcovers identified in the plant matrix.

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"• Park monumentation/signage and a lockable trash enclosure area."
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"Refer to Exhibit 47, "Neighborhood Park" for detailed conceptual illustrations. 8.15.2 Mini Parks and Pedestrian Trails •"
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"AND FENCING"
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"shall be irrigated with reclaimed water by an automated system per the City Standard Specifications for irrigation systems."
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"Ontario and County Health Department for approval)."
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"N Exhibit 47 Ontario Esperanza Specific Plan Neighborhood Park"
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Exhibit 47
Neighborhood Park

- Lighting – Pole mounted fixtures spaced at appropriate intervals for safety and security.
- Open turf play area

The Mini Parks might contain one or more of the following amenities:

- Barbecue Picnic Facilities
- Basketball/Volleyball Courts
- Tot Lots
- Rose Garden
- Covered Picnic Structures
- Seatwalls/benches
- Community Garden
- Refer to Exhibits 48 through 51 for detailed conceptual illustrations.

8.16 COMMUNITY WALLS AND FENCING

Walls are a major component in achieving an overall community theme within the Ontario Esperanza Specific Plan. A strong cohesive appearance is achieved through the use of "community walls" and general overall wall guidelines as illustrated in Exhibit 52, "Master Walls and Fence Plan" and Exhibit 53, "Wall and Fence Details."

All walls that adjoin community street scenes (major streetscapes identified under Perimeter/Interior Streetscapes) shall be deemed "community walls." All wall and fencing designs and layout shall be approved by the City of Ontario prior to construction.

8.16.1 Community Walls

Community walls shall be decorative in nature. Community walls shall incorporate the use of pilasters of a design consistent with the materials of the community walls. The location and spacing of pilasters shall be subject to Planning Department review and approval.

8.16.2 Solid Walls and Fencing

Solid walls shall be decorative. The use of vinyl fencing and wood fencing is prohibited. Reverse frontage walls and any wall return that is visible from public view, shall be constructed of split-face block or precision block that is veneered, burnished (using color other than common gray), plastered or stuccoed, and should complement color scheme dictated in Ontario Esperanza Specific Plan color palette. Decorative caps and the use of pilasters to help enhance the perimeter appeal of the walls are encouraged. Walls visible from the community streets may not be made of exposed or painted precision block or slumped block.

8.16.3 View Fencing

If applicable, view fences should be located in the rear yards of those properties abutting large slope areas where the adjacent property is a minimum of 15' above/below the house pad. These fences allow open views but not physical access; they shall be 5'-6" high and made of tubular steel or lexan glass panel construction. Areas where view fencing occurs will be subject to review by the City of Ontario. The use of tubular steel view fencing shall incorporate pilasters utilizing materials consistent with adjacent walls.

8.17 OUTDOOR LIGHTING

Lighting standards within the Ontario Esperanza community shall be consistent in style, color, and materials in order to maintain uniformity throughout. Lighting should be subtle, providing a soft wash of light over illuminated objects such as monumentation. Hierarchy shall be established by using a variety of lighting fixtures and illumination levels based off of lighting design intent. Lighting styles shall tie into architectural styles and provide sufficient illumination for the safety and well

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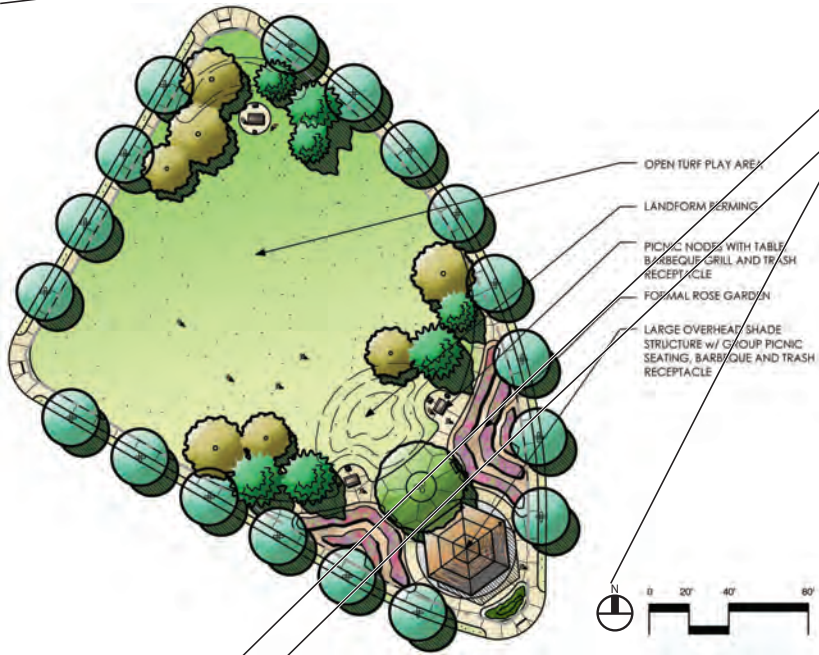


Exhibit 48
Mini Park Example (Park 2)

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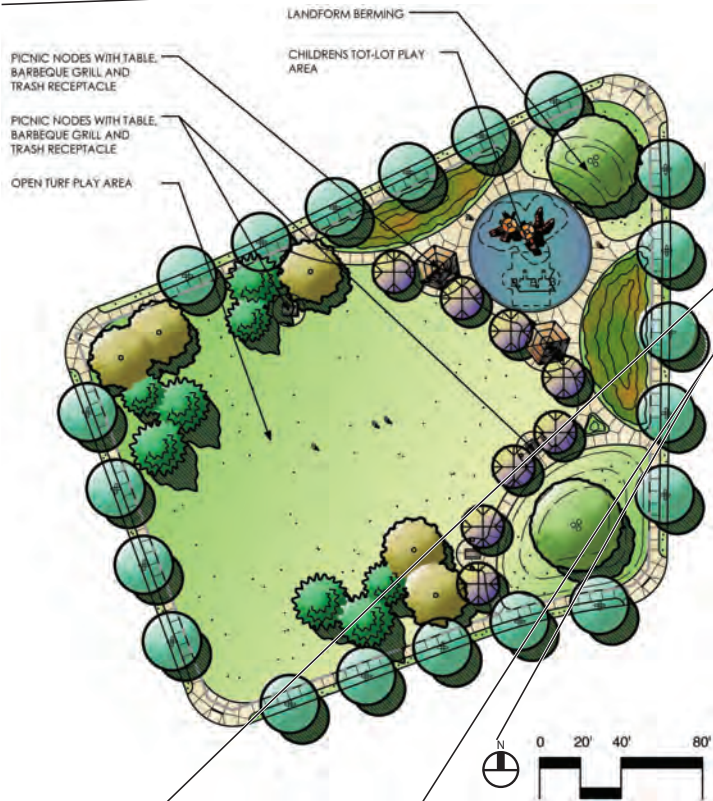


Exhibit 49
Mini Park Example (Park 3)

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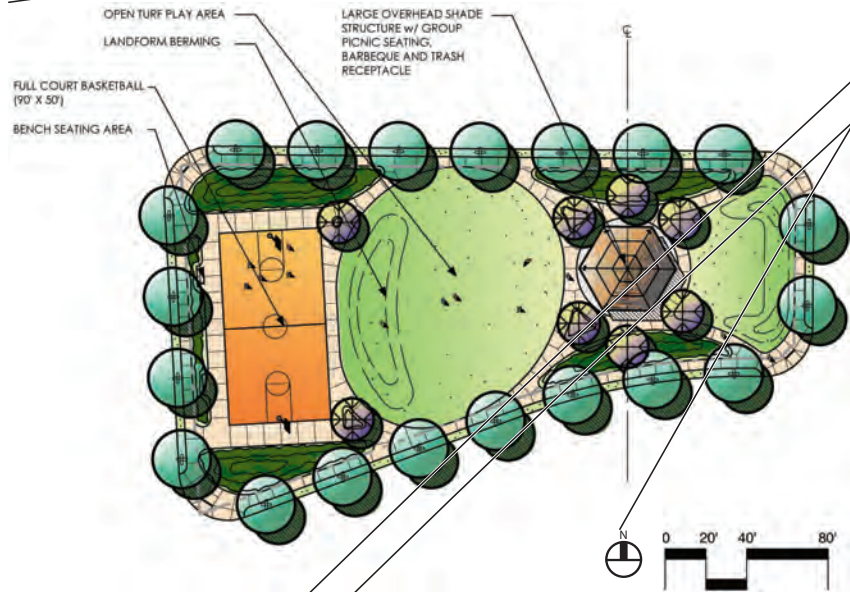


Exhibit 50
Mini Park Example (Park 4)

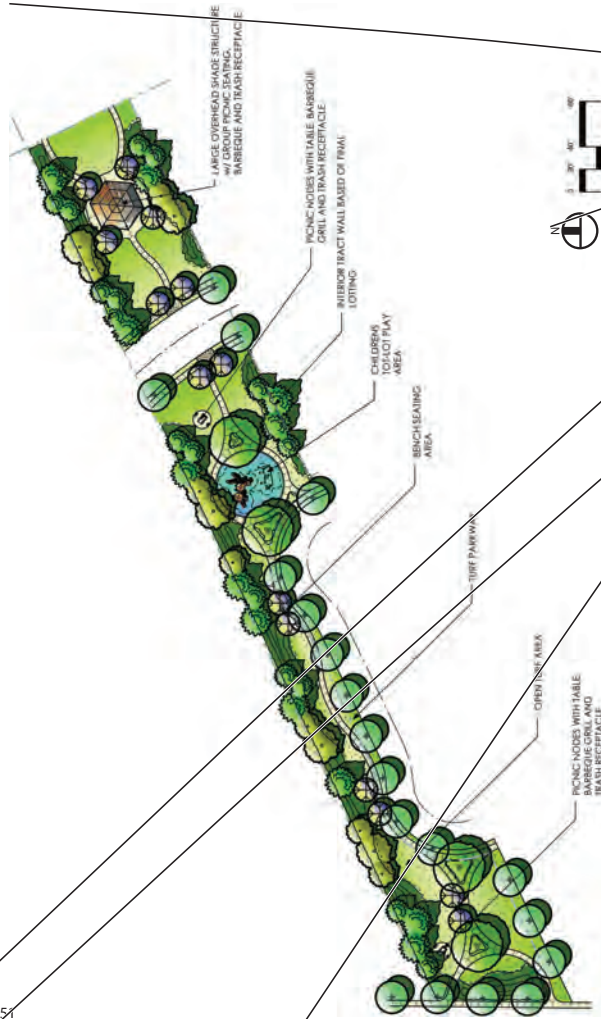
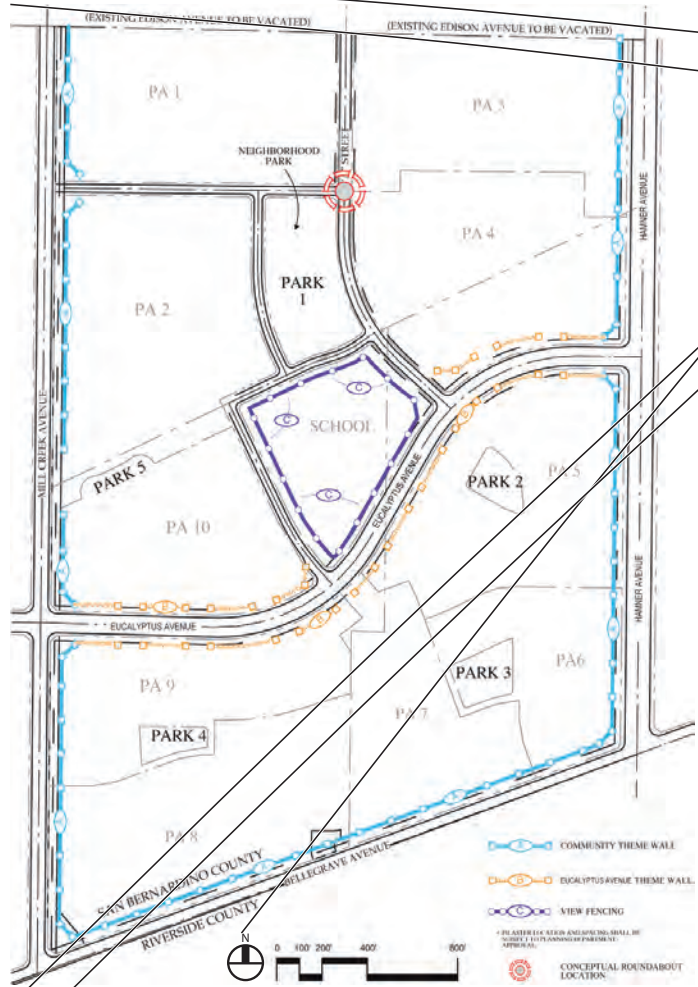


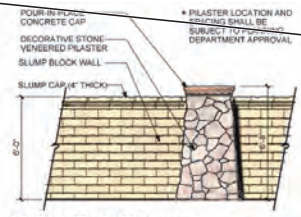
Exhibit 51
Mini Park Example (Park 5)

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"Exhibit 51 Mini Park Example (Park 5)"
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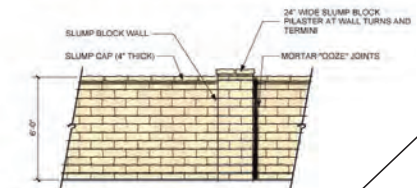


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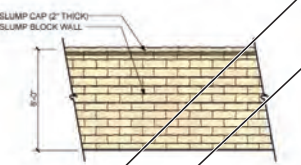
Exhibit 52
Master Walls and Fence Plan



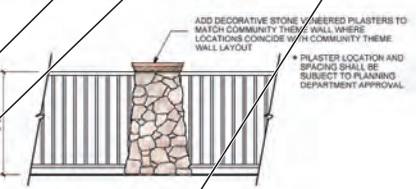
COMMUNITY THEME WALL
 COMMUNITY THEME COLORED SLUMP BLOCK WALL WITH MORTAR "OOZE" JOINTS AND DECORATIVE STONE VENEERED PLASTERS



EUCALYPTUS AVENUE THEME WALL
 COLORED SLUMP BLOCK WALL WITH MORTAR "OOZE" JOINTS WITH SLUMP BLOCK PLASTERS AT CHANGES IN WALL DIRECTION



SLUMP BLOCK WALL
 NEIGHBORHOOD BLOCK WALL IS TYPICALLY USED WHERE PRIVACY IS DESIRED AT REAR YARD RETIQUES AND PROPERTY LINE LOCATIONS. OVERALL WALL HEIGHT SHALL BE 6'-0" FEET.



TUBULAR STEEL VIEW FENCING
 OPEN TUBULAR STEEL FENCING IS TYPICALLY UTILIZED ON MULTI-FAMILY HIGH DENSITY PROJECTS AROUND THE PERIMETER AND IN REAR YARDS WHERE VIEW PRESERVATION IS DESIRABLE.

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"8.151 Ontario Esperanza Specific c Plan"
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Exhibit 53
 Wall and Fence Details

being of the community. Preservation of "Night-Sky" should be considered in lighting design layout and fixture selection. Use of "cut-off" or louvered lamps to preserve ambience of "Night-Sky" is highly encouraged. Fixture locations should be designed so that light source is not visible by pedestrian or vehicular traffic. Frosted, louvered, or prismatic lens should be considered where decorative lighting fixtures are visible and part of the aesthetic lighting program. Accent lighting of landscape and monumentation shall be incorporated into the following areas:

shall be vandal resistant, not less than (8) eight feet from ground level. Luminaries of not less than (42") may be utilized to illuminate a walkway if adjacent landscaping is of a variety which does not mature higher than (2) two feet.

8.17.1 Entry Monument Lighting:

Avoid intensely bright or "hot" lighting of monuments; rather, each should be lit to provide a soft wash of light across the monument signage. Specimen trees should be up-lit with several fixtures into the canopy to avoid creating dark sides of the trees.

8.17.2 Neighborhood Park/ Mini Parks/Walkway Lighting

Lighting of the walkways, tot lots, restroom facility, and parking areas within the Parks should be considered for safety and security. All planned parking areas shall have a minimum maintained lighting level of one-foot candle (1 F.C.) or greater. The lighting shall be from sunset to sunrise and be operated by a photocell. The site plan shall be provided to the Police Department. It shall show all buildings, parking areas, walkways, detailed landscape areas and point-by-point photometry calculation of required light levels. Utilization of a traditional Globe/Acorn Post mounted light fixture should be considered for both the park open space areas as well as interior street lighting fixtures. Keeping with the character of traditional materials, (like those found in the "Model Colony" in Downtown Ontario) this will help to create a better sense of scale to the pedestrian. Fixtures

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"Fixtures"
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"Mini Parks/Walkway Lighting Lighting of the walkways, tot lots, restroom facility, and parking areas within the Parks should be considered for safety and security. All planned parking areas shall have a minimum maintained lighting level of one-foot candle (1 F.C.) or greater. The lighting shall be from sunset to sunrise and be operated by a photocell. The site plan shall be provided to the Police Department. It shall show all buildings, parking areas, walkways, detailed landscape areas and point-by-point photometry calculation of required light levels. Utilization of a traditional Globe/Acorn Post mounted light fixture should be considered for both the park open space areas as well as interior street lighting fixtures. Keeping with the character of traditional materials, (like those found in the "Model Colony" in Downtown Ontario) this will help to create a better sense of scale to the pedestrian."
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"Mini Parks/Walkway Lighting Lighting of the walkways, tot lots, restroom facility, and parking areas within the Parks should be considered for safety and security. All planned parking areas shall have a minimum maintained lighting level of one-foot candle (1 F.C.) or greater. The lighting shall be from sunset to sunrise and be operated by a photocell. The site plan shall be provided to the Police Department. It shall show all buildings, parking areas, walkways, detailed landscape areas and point-by-point photometry calculation of required light levels. Utilization of a traditional Globe/Acorn Post mounted light fixture should be considered for both the park open space areas as well as interior street lighting fixtures. Keeping with the character of traditional materials, (like those found in the "Model Colony" in Downtown Ontario) this will help to create a better sense of scale to the pedestrian."
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"Fixtures"
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8.18 LANDSCAPE DESIGN

8.18.1 Public Landscapes

- Landscape plantings in public areas should reflect a commitment to both developing a “sense of place” and maintaining harmony with the Ontario Ranch.
- Community Facilities District (CFD) areas shall be separated with a 6” by 6” concrete mow strip when adjacent to private property.
- A landscape architect licensed in California shall be retained to prepare planting and irrigation plans for all public areas. Arrangement of plants should incorporate the concepts of mass planting; plants should be placed to allow them to grow to their natural sizes and forms, and sheared hedges should be kept to a minimum.

The plant matrix at the end of this section offers a suggested plant palette for Ontario Esperanza; while it is by no means all-inclusive, plantings in public areas should draw primarily from this palette for visual community continuity.

8.18.2 Front Yard Landscapes*

Plantings in front yards may vary substantially from the Ontario Esperanza palette, but should retain some of the character and style of the public plantings. No more than 25% of the total square footage of any front yard shall be lawn; the balance shall be composed of shrubs and groundcovers, with an emphasis on drought tolerant plant species. No more than 55% of the front yard area shall be hardscape. Turf areas shall be sized and shaped to optimize irrigation efficiency. If turf is used in isolated areas such as driveway strips, subsurface irrigation or microspray heads shall be required to avoid overspraying of these areas. Irregular shapes that cannot be irrigated should be avoided.

- Each single-family lot shall be provided with front yard landscaping and a permanent au-

omatic irrigation system. At a minimum, a seeded turf lawn, appropriate shrubs and trees shall be provided as landscaping materials. A variety of typical landscape designs shall be provided for use on each lot within the subdivision.

Multiple family residential product areas shall be provided with full landscape improvements throughout the development. At a minimum, a seeded turf lawn, appropriate shrubs and trees, and a permanent irrigation system shall be provided.

- Landscape and irrigation drawings for each development shall be submitted in conjunction with house construction plans. The plans shall be approved by the Planning Department and the Landscape Planning Division prior to the issuance of building permits.
- Areas of a lot or site which are not used for drive entries, parking, or approved outdoor uses shall be fully landscaped; all unpaved areas shall be landscaped; and all future development phase areas shall be hydroseeded.

8.18.3 Soil Testing

Soil samples shall be taken from several locations after the completion of rough grading operations, and a reputable soil testing laboratory shall perform an agronomic soils test. The test shall assess soil fertility needs for water-wise California native and Mediterranean plant types. No planting shall take place until the soil has been properly prepared based on the recommendations of the soils testing laboratory. Organic soils amendments shall be incorporated as necessary to achieve a recommended percolation rate of one inch per hour.

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"At a minimum, a seeded turf lawn, appropriate shrubs and trees shall be provided as landscaping materials."
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[Old]: "• Each single-family lot shall be provided with front yard landscaping and a permanent automatic"
[New]: "tomatic"
- Text Replaced
[Old]: "NMC. • Landscape Maintenance Districts (LMD)"
[New]: "Ontario Ranch. • Community Facilities District (CFD)"
- Text Replaced
[Old]: "Public Facilities Development Section"
[New]: "Landscape Planning Division"
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[Old]: "70%"
[New]: "25%"
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[Old]: "60%"
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"• Each single-family lot shall be provided with front yard landscaping and a permanent au-"

8.184 Slope Landscaping

All manufactured and cut/fill slopes which exceed 3' in height shall be planted with an effective mixture of ground cover, shrubs, trees, and include jute matting. Such slopes shall also be irrigated as necessary to ensure germination and establishment.⁵

8.185 Interior Slopes: Residential Interior

- Interior slopes may be more ornamental in character than exterior slopes. They may have a somewhat broader range of plant materials than exterior slopes, but should still be chosen primarily from the Ontario Esperanza plant palette and are subject to the same fuel modification restrictions.
- All manufactured and cut/fill slopes which exceed 3' in height shall be planted with an effective mixture of groundcover, shrubs, and trees. Such slopes shall also be irrigated as necessary to ensure germination and establishment.

8.186 Streetscape Landscaping

Streetscape Development Standards

- Turf grass shall only be used in areas with street side parking and shall be located adjacent to the sidewalk or curb line.⁶
- All new plantings within the Ontario Esperanza planned community shall draw substantially from the Ontario Esperanza Plant List included in this document.
- All streetscape landscaping within the Ontario Esperanza planned community will be implemented by the Developer in accordance with this Specific Plan.

- The Developer shall install all primary and secondary improvements concurrently with the construction of the roadway on which they front. Neighborhood intersections shall be constructed as each neighborhood street is built.
- The Developer shall provide site inspection of all construction and installation of entries and intersections in accordance the City of Ontario requirements.

8.18.7 Irrigation Design

Irrigation for both public and private landscapes should be designed to be as water-efficient as possible. All irrigation systems shall have automatic controllers designed to properly water plant materials given the site's soil conditions and irrigation systems for all public landscapes shall have automatic rain shut-off devices. Drip irrigation is not permitted with CFD landscape areas. Spray systems shall have low volume (gpm) matched-precipitation heads. All CFD areas are to be controlled with a central control irrigation system and all trees are to be irrigated utilizing a flush grade bubbler system on a separate valve. All CFD areas shall be designed to City Standard Specifications.⁷

All irrigation products specified shall achieve an irrigation operational distribution uniformity of 70% or greater in all turf areas and 80% in all other landscaped areas. Turf areas shall be irrigated with equipment that has a precipitation rate of one inch or less per hour as specified by the manufacturer. Stream rotator heads or low volume spray heads are acceptable for turf areas. Use of standard spray heads shall be avoided. Non turf shrub areas shall be irrigated with low volume micro spray or point application devices, where manufacturer's specification indicates output measured and expressed in gallons per hour.

- Text Replaced [Old]: "groundcover, shrubs, and trees." [New]: "ground cover, shrubs, trees, and include jute matting."
- Text Inserted "5"
- Text Replaced [Old]: "LMD" [New]: "CFD"
- Text Replaced [Old]: "LMD" [New]: "CFD"
- Text Replaced [Old]: "LMD" [New]: "CFD"
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- Text Replaced [Old]: "not exceed 30% of streetscape planting" [New]: "only be used in areas with street side parking"
- Text Inserted "6"

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Botanical Name	Common Name	Barclayville Avenue (Per District North) Streetcape Master Plan	Belgrave Avenue (Per District North) Streetcape Master Plan	Mill Creek Avenue (Per District North) Streetcape Master Plan	Harwood Avenue (Per District North) Streetcape Master Plan	SCE Easement (Mill Creek Avenue)	Primary Community Entries	Secondary Community Entries	Neighborhood Entries	Neighborhood Park Open Space	Mill Parks	Mill
<i>Arbutus unedo</i>	Strawberry Tree											
<i>Acacia cultriformis</i>	Knife Acacia											
<i>Brachycthon populineus</i>	Bottle Tree											
<i>Callistemon viminalis</i>	Weeping Bottlebrush											
<i>Cedrus deodora</i>	Deodar Cedar											
<i>Chionanthus retusus</i>	Chinese Fringe Tree											
<i>Cupressus sempervirens</i>	Italian Cypress											
<i>Dodonaea viscosa</i>	Hopseed Bush											
<i>Cercis canadensis</i>	Eastern Redbud											
<i>Juniperus chinensis 'Tortuosa'</i>	Hollywood Juniper											
<i>Lagerstroemia indica hybrids</i>	Crape Myrtle											
<i>Liquidambar styraciflua</i>	American Sweet Gum											
<i>Olea europaea</i>	Olive											
<i>Olea europaea</i>	Olive											
<i>Melaleuca insanifolia</i>	Faxeaf Paperbark											
<i>Melaleuca nesophila</i>	Pink Melaleuca											
<i>Melaleuca quinquenervia</i>	Cajeput Tree											
<i>Pinus canarensis</i>	Canary Island Pine											
<i>Platanus acerifolia</i>	London Plane Tree											
<i>Platanus racemosa</i>	Western Sycamore											
<i>Podocarpus gracilior</i>	Yew Pine											
<i>Tristania conferta</i>	Brisbane Box											
<i>Fraxinus uhdei</i>	Ash											
<i>Quercus agrifolia</i>	Coast Live Oak											
<i>Quercus ilex</i>	Holly Oak											
<i>Rhus lancea</i>	African Sumac											
<i>Schinus molle</i>	California Pepper											
<i>Tristania laurina</i>	Water Gum											

Table 6
Plant Matrix - Trees⁸

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Botanical Name	Common Name	Esplanade Avenue	Burgrave Avenue	Mill Creek Avenue	Hammer Avenue	SCE Element (Mill Creek Avenue)	Primary Community Entries	Secondary Community Entries	Neighborhood Entries	Community Park/Open Space	Linear Park	Project Trail System	Plaza
Agapanthus species	Lily of the Nile												
Anigozanthus species	Kangaroo Paw												
Arbutus unedo 'Compacta'	Compact Strawberry Tree												
Arctostaphylos cf. 'Howard McMiner'	McMiner Manzanita												
Asparagus densiflorus 'Myers'	Myers Asparagus												
Begonia cordifolia	Begonia												
Buxus japonica	Japanese Boxwood												
Calliandra haematocephala	Pink Powder Puff												
Callistemon 'Little John'	Dwarf Callistemon												
Camellia species	Camellia												
Campanula poschcharskyana	Serbian Bellflower												
Carex tumulicola	Berkeley Sedge												
Cercia occidentalis	Western Redbud												
Salvia	Sage												
Salvia	Sage												
Cornus pulchella 'Mission Betty'	Australian Fuchsia												
Cotoneaster lacteus	Cotoneaster												
Daschampsia cespitosa	Hair Grass												
Dietsia iridoides	Fortnight Lily												
Dodonaea viscosa	Hopseed-Bush												
Echium fastuosum	Pride of Madiera												
Festuca mairei	Atlas Fescue												
Geranium incanum	Carpet Geranium												
Geranium 'Johnson's Blue'	Johnson's Blue Geranium												
Helictotrichon	Oat Grass												
Helictotrichon	Oat Grass												
Helictotrichon sempervirens	Blue Oat Grass												
Hemerocallis hybrids (evergreen)	Daylily - mixed colors												
Heuchera sanguinea	Coral Bells												
Juniperus species	Juniper												
Kniphofia uviana	Red Hot Poker												
Lantana species	Lantana												
Lavatera maritima	Tree Mallow												
Leptospermum scoparium	New Zealand Tea Tree												
Ligustrum japonicum 'Texanum'	Japanese Privet												
Mahonia aquifolium	Oregon Grape												
Mimulus species	Monkey Flower												
Muhlenbergia rigens	Deer Grass												
Mycoporum parvifolium	Trailing Mycoporum												
Myrtus communis 'Compacta'	Dwarf Myrtle												
Nandina domestica	Heavenly Bamboo												
Nepenthes cordifolia	Southern Sword Fern												
Nesselia tenuisissima	Mexican Feather Grass												
Penstemon species	Beard Tongue												
Phormium hybrids	Hybrid New Zealand Flax												
Photinia x fraseri	Photinia												
Plumbago auriculata	Cape Plumbeago												
Prunus c. 'Bright 'n' Tight'	Carolina Laurel Cherry												
Rosa species	Rose												
Rosmarinus officianalis and hybrids	Rosemary												
Salvia greggii and cultivars	Autumn Sage												
Sedum 'Autumn Joy'	Autumn Joy Stonecrop												
Tecomania capensis	Cape Honeybuckle												
Tecocium x lucidifolys	Bush Germander												
Xylosma congestum	Shiny Leaf Xylosma												
Viburnum tinus 'Spring Bouquet'	Spring Bouquet Laurustinus												

Table 7
Plant Matrix - Shrubs⁹

Endnotes

- 1 Revised Milliken parkway to 15'
- 2 Remove bullet per Landscape
- 3 Revision per OMUC.
- 4 Revised per Landscape
- 5 Revised per Landscape
- 6 Revised per Landscape
- 7 Revised per Landscape
- 8 Revised per Landscape
- 9 Revised per Landscape

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (FILE NO. PGPA19-009) TO MODIFY THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01) COMPONENT OF THE ONTARIO PLAN, CHANGING THE LAND USE DESIGNATION ON 0.21 ACRES OF LAND FROM RURAL RESIDENTIAL (0-2.0 DU/AC) TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), IN CONJUNCTION WITH A MODIFICATION TO THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) CONSISTENT WITH THE PROPOSED LAND USE DESIGNATION CHANGE, LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE—APN 1050-061-16


RECOMMENDATION: That City Council consider and adopt the following:

- [1] A resolution approving an Addendum to The Ontario Plan Environmental Impact Report (SCH # 2008101140); and
- [2] A resolution approving a General Plan Amendment (File No. PGPA19-009) to modify the Land Use Element of The Ontario Plan (General Plan), changing the land use designation assigned to 0.21 acres of land, as shown on the Land Use Plan Map (Exhibit LU-01), from Rural Residential (0-2.0 du/ac) to Low-Medium Density Residential (5.1-11.0 du/ac), and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate In A Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: No fiscal impacts are anticipated with the proposed General Plan Amendment as the land use designation change from Rural Residential to Low-Medium Density Residential will provide for similar residential land uses within the neighborhood. The proposed change to the land use designation would result in a nominal long-term fiscal impact to the City. The potential of up to 2 additional residential

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Elly Antuna
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

13

units would marginally increase ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development; however, any potential long-term fiscal impact and anticipated expenditures to the City would be offset by development impact fees and property tax revenues from the future development.

BACKGROUND: The Applicant, Blaise D'Angelo, has requested a General Plan Amendment (File No. PGPA19-009) to change the General Plan land use designation on a 0.21-acre land locked lot located west of 1524 and 1526 South Euclid Avenue from Rural Residential (0 - 2.0 du/ac) to Low-Medium Density Residential (5.1 - 11.0 du/ac), as shown in Exhibit A (General Plan Amendment) of this report. The application was filed in conjunction with a Zone Change (File No. PZC19-003), which will change the zoning designation on the project site from AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac), consistent with the General Plan Amendment.

In conjunction with the proposed change in residential land use designation, the General Plan Amendment includes changes to the Policy Plan Future Buildout table (Figure LU-03) to reflect the proposed land use designation changes, as shown in Exhibit B (Amended Future Buildout Table) of this report.

The General Plan Amendment is designed to coordinate the land use designation with the properties to the east that front Euclid Avenue. The project site is a land locked parcel that currently cannot be developed without access; however, the Applicant owns the properties located to the east of project site at 1524 and 1526 South Euclid Avenue. These two properties have a General Plan land use designation of Low-Medium Density Residential and a zoning designation of MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac). In order to provide the opportunity for the project site to be developed and have access, the General Plan Amendment is required to accomplish lot consolidation and land use designation consistency. The Applicant plans to consolidate all three lots, for a total of 0.65-acre of land, for future residential development.

The Planning Commission reviewed the proposed General Plan Amendment on September 22, 2020, including the written and oral remarks presented at the public hearing. The Planning Commission voted 6 to 0, recommending that City Council approve the project as presented.

AIRPORT LAND USE COMPATIBILITY: 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.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), adopted by City Council on January 27, 2010, in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation

measures are a condition of project approval. The environmental documentation for this project is available for review at the Planning Department public counter.

EXHIBIT A —GENERAL PLAN AMENDMENT



Policy Plan Land Use Plan (Exhibit LU-01) Revision

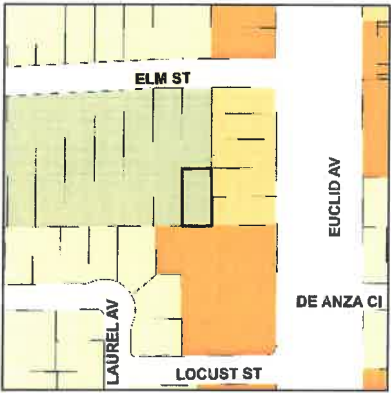
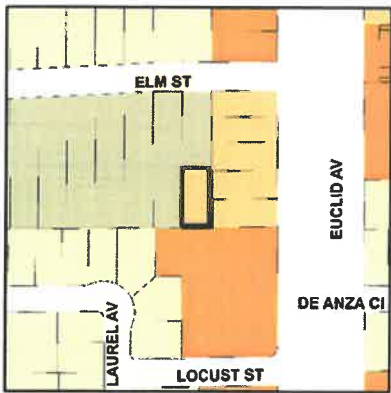
Existing Policy Plan Land Use	Assessor Parcel Number Involved	Proposed Policy Plan Land Use
 <p style="text-align: center;">Rural Residential (0 – 2.0 du/ac)</p>	<p>1050-061-16</p> <p>(1 Property)</p> <p>0.21 acres of land generally located west of 1524 and 1526 South Euclid Avenue</p>	 <p style="text-align: center;">Low-Medium Density Residential (5.1 – 11 du/ac)</p>

EXHIBIT B – AMENDED FUTURE BUILDOUT TABLE



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,059 1,058	4,232 4,231		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium Density ⁶	981 982	8.5 du/ac	8,341 8,343	33,341 33,348		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,846		84,599 84,601	315,078 315,084		
Mixed Use						
• Downtown	113	<ul style="list-style-type: none"> 60% of the area at 35 du/ac 40% of the area at 0.80 FAR for office and retail 	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	<ul style="list-style-type: none"> 25% of the area at 30 du/ac 50% of the area at 1.0 FAR office 25% of area at 0.80 FAR retail 	428	856	1,740,483	3,913
• Meredith	93	<ul style="list-style-type: none"> 47% of the area at 39.46 du/ac 48% at 0.35 FAR for office and retail uses 5% at 0.75 FAR for Lodging 	1,725	3,450	832,497	975
• Transit Center	76	<ul style="list-style-type: none"> 10% of the area at 60 du/ac 90% of the area at 1.0 FAR office and retail 	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> 50% of the area at 20 du/ac 30% of area at 0.50 FAR office 20% of area at 0.35 FAR retail 	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> 20% of the area at 30 du/ac 30% of area at 1.0 FAR retail 50% of area at 0.70 FAR office 	465	929	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> 30% of area at 40 du/ac 50% of area at 1.0 FAR office 20% of area at 0.50 FAR retail 	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> 5% of area at 40 du/ac 20% of area at 0.75 FAR office 75% of area at 0.50 FAR retail 	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> 30% of area at 35 du/ac 70% of area at 0.70 FAR office and retail 	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> 30% of area at 25 du/ac 30% of area at 0.35 FAR for office 40% of area at 0.30 FAR for retail uses 	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> 50% of the area at 30 du/ac 50% of area at 0.8 FAR retail 	156	312	181,210	419
• SR-60/Hammer Tuscana Village	41	<ul style="list-style-type: none"> 18% of the area at 25 du/ac 57% of the area at 0.25 FAR retail 25% of the area at 1.5 FAR office 	185	369	924,234	2,098
Subtotal	1,668		16,054	32,107	34,582,545	71,896

EXHIBIT B – AMENDED FUTURE BUILDOUT TABLE (CONTINUED)



LU-03 Future Buildout¹

Land Use	Acres²	Assumed Density/Intensity³	Units	Population⁴	Non-Residential Square Feet	Jobs⁵
Retail/Service						
Neighborhood Commercial ⁶	281	0.30 FAR			3,671,585	8,884
General Commercial	477	0.30 FAR			6,229,385	5,787
Office/Commercial	490	0.75 FAR			16,018,428	35,523
Hospitality	142	1.00 FAR			6,177,679	7,082
Subtotal	1,390				32,097,077	57,276
Employment						
Business Park	1,531	0.40 FAR			26,676,301	46,803
Industrial	6,446	0.55 FAR			154,428,405	135,684
Subtotal	7,977				181,104,705	182,487
Other						
Open Space-Non-Recreation	1,232	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
Subtotal	9,906					
Total	31,786		100,653 100,654	347,185 347,190	247,784,328	311,659

Notes

- 1 Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- 2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- 3 Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- 4 Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- 5 To view the factors used to generate the number of employees by land use category, access the Methodology report.
- 6 Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO APPROVING AN ADDENDUM TO THE ONTARIO PLAN (TOP) CERTIFIED ENVIRONMENTAL IMPACT REPORT (SCH# 2008101140), FOR WHICH AN INITIAL STUDY WAS PREPARED, PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PGPA19-009 AND PZC19-003 - APN: 1050-061-16.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared and approved for attachment to the certified Environmental Impact Report, an addendum to The Ontario Plan (TOP) certified Environmental Impact Report (SCH# 2008101140) for File Nos. PGPA19-009 and PZC19-003 (hereinafter referred to as "EIR Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File Nos. PGPA19-009 and PZC19-003 analyzed under the EIR Addendum, consist of a General Plan Amendment to change the land use designation on 0.21-acre of land from Rural Residential (0-2.0 du/ac) to Low-Medium Density Residential; and a Zone Change to change the zoning on 0.21 acres of land from AR-2 (Agricultural Residential - 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential -5.1 to 11.0 du/ac), for a land locked parcel (APN: 1050-061-16) located west of 1524 and 1526 South Euclid Avenue, in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the EIR Addendum concluded that implementation of the Project would not result in significant effects on the environment; and

WHEREAS, The Ontario Plan (TOP) Environmental Impact Report — State Clearinghouse No. 2008101140 — was certified on January 27, 2010 (hereinafter referred to as "Certified EIR"), in which the development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the City Council is the decision-making authority for the requested approval to construct and otherwise undertake the Project; and

WHEREAS, on September 22, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and concluded said hearing on that date, voting to issue Resolution No. PC20-061, recommending the City Council approve the Application; and

WHEREAS, the City Council has reviewed and considered the EIR Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the EIR Addendum for the Project is on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, is available for inspection by any interested person at that location and is, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

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

SECTION 1. *Environmental Determination and Findings.* As the decision-making authority 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 environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan (TOP) Environmental Impact Report — State Clearinghouse No. 2008101140 — which was certified on January 27, 2010, in conjunction with File No. PGPA06-001.

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference; and

(5) The EIR Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the City Council; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the EIR Addendum to the Certified EIR, incorporated herein by this reference.

SECTION 4. *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 5. ***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.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST AND 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020, 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)

ATTACHMENT A:

**Addendum to The Ontario Plan
Environmental Impact Report**

(Addendum to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

California Environmental Quality Act Addendum to The Ontario Plan Environmental Impact Report

Project Title/File No.: PGPA19-009 and PZC19-003

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

Contact Person: Elly Antuna, Associate Planner - 909-395-2414

Project Sponsor: City of Ontario, 303 East B Street, Ontario, CA 91764

Project Location: The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is located on Assessor Parcel Number (APN): 1050-061-16 which is comprised of .21 gross acres. The Project site is on a block bound by Elm Street to the north, by Fern Avenue to the west, by Locust Street to the south, and by Euclid Avenue to the east.

Figure 1: REGIONAL LOCATION MAP



Figure 2: VICINITY MAP



Figure 3: AERIAL PHOTOGRAPH



General Plan Designation: Proposal to change the General Plan land use designation on .21 acres of land from Rural Residential to Low-Medium Density Residential for property located at the south west corner of Elm Street and Euclid Avenue, as shown in Exhibit A and to amend the Future Buildout table, as shown in Exhibit B, in conformance with the proposed land use change.

Zoning: Proposal to change the zoning designation on .21 acres of land from AR-2 (Agricultural Residential 0-2.0 DUs/Acre) to MDR-11 (Low-Medium Density Residential (5.1-11 DUs/Acre) in conformance with the proposed General Plan land use designation changes.

Description of Project: A General Plan Amendment (File No. PGPA19-009) to:

- 1) Modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designation .21 acres of land from Rural Residential to Low-Medium Density Residential, generally located at the southwest corner of Elm Street and Euclid Avenue; and
- 2) Modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change; and
- 3) A Zone Change (File No. PZC19-003) request to change the zoning designation on .21 acres of land from AR-2 (Agricultural Residential 0-2.0 DUs/Acre) to MDR-11 (Low-Medium Density Residential (5.1-11 DUs/Acre), generally located at the southwest corner of Elm Street and Euclid Avenue.

Project Setting: The project is comprised of one land locked parcel, which is undeveloped, located west of 1524 and 1526 South Euclid Avenue as shown in Exhibit A. The site is substantially surrounded by existing urban uses including single and multi-family residential development.

Background: On January 27, 2010, the Ontario City Council adopted The Ontario Plan (TOP). TOP serves as the framework for the City's business plan and provides a foundation for the City to operate as a municipal corporation that consists of six (6) distinct components: 1) Vision; 2) Governance Manual; 3) Policy Plan; 4) Council Priorities; 5) Implementation; and 6) Tracking and Feedback. The Policy Plan component of TOP meets the functional and legal mandate of a General Plan and contains nine elements: Land Use, Housing, Parks and Recreation, Environmental Resources, Community Economics, Safety, Mobility, Community Design and Social Resources.

An Environmental Impact Report (EIR) was prepared for TOP (SCH # 2008101140) and certified by the City Council on January 27, 2010 that included Mitigation Findings and a Statement of Overriding Considerations pursuant to CEQA. TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan, in the Policy Plan and impacts resultant of population and employment growth in the City. The significant unavoidable adverse impacts that were identified in the EIR included agriculture resources, air quality, cultural resources, greenhouse gas emissions, noise and transportation/traffic.

Analysis: According to the California Environmental Quality Act Guidelines Section 15164, an Addendum to a previously Certified EIR may be used if some changes or additions are necessary, but none of the conditions described in Section 15162 requiring the preparation of a subsequent Negative Declaration or EIR have occurred. The CEQA Guidelines require that a brief explanation be provided to support the findings that no subsequent EIR or Negative Declaration are needed for further discretionary approval. These findings are described below:

1) *Required Finding:* Substantial changes are not proposed for the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified effects.

Substantial changes are not proposed by the project and project implementation will not require revisions to TOP EIR. TOP EIR analyzed the direct and physical changes in the environment that would be caused by TOP; focusing on changes to land use associated with the buildout of the proposed land use plan. The Ontario Plan EIR assumed more overall development at buildout as shown below. Since the adoption and certification of TOP EIR, several amendments have been approved. These amendments, along with the proposed amendment to the approximate .21 acres associated with this project, will result in less development than TOP EIR analyzed at buildout.

TOP Buildout Analysis	Units	Population	Non-Residential Square Footage	Jobs
Buildout per Original TOP EIR	104,644	360,851	257,405,754	325,794
Revised Buildout per previous approved TOP amendments and the proposed amendment	84,601	315,084	247,445,845	312,277

Since the anticipated buildout resulting from previous approved TOP amendments and the proposed project changes will be less than that originally analyzed in TOP EIR, no revisions to TOP EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

2) *Required Finding: Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, that would require major revisions of the previous Environmental Impact Report due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*

Substantial changes have not occurred with respect to the circumstances under which the project was undertaken, that would require major revisions to TOP EIR in that the proposed changes would be in keeping with the surrounding area. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

3) *Required Finding: No new information has been provided that would indicate that the proposed project would result in one or more significant effects not discussed in the previous EIR.*

No new information has been provided that would indicate the proposed project would result in any new significant effects not previously discussed in TOP EIR. Therefore, no proposed changes or revisions to the EIR are required. In addition, all previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The attached Initial Study provides an analysis of the Project and verification that the Project will not cause environmental impacts such that any of the circumstances identified in State CEQA Guidelines Section 15162 are present.

CEQA Requirements for an Addendum: If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency may: (1) prepare a subsequent EIR if the criteria of State CEQA Guidelines Section 15162(a) are met, (2) prepare a subsequent negative declaration, (3) prepare an addendum, or (4) prepare no further documentation. (State CEQA Guidelines Section 15162(b)). When only minor technical changes or additions to the negative declaration are necessary and none of the conditions described in section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred, CEQA allows the lead agency to prepare and adopt an addendum. (State CEQA Guidelines Section 15164(b).)

Under Section 15162, a subsequent EIR or negative declaration is required only when:

1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the negative declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:

a) The project will have one or more significant effects not discussed in the previous negative declaration;

b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the Project does not result in any of the circumstances listed in Section 15162 (i.e., no new or substantially greater significant impacts), the City may properly adopt an addendum to the Certified EIR.

Conclusion: The Ontario Plan Environmental Impact Report (TOP EIR), certified by City Council on January 27, 2010, was prepared as a Program EIR in accordance with CEQA, the State CEQA Guidelines, and the City's Rules for the Implementation of CEQA and in accordance with Section 15121(a) of the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). The TOP EIR considered the direct physical changes and reasonably foreseeable indirect physical changes in the environment that would be caused by The Ontario Plan. Consequently, the TOP EIR focused on impacts from changes to land use associated with buildout of the City's Land Use Plan, within the Policy Plan, and impacts from the resulting population and employment growth in the City. The proposed land use designation changes coordinate with the existing uses of the properties and uses within the surrounding areas. As described on page 2, the amount of development anticipated at buildout will be cumulatively lower (dwelling units, population, non-residential square footage and jobs) than TOP EIR analyzed. Subsequent activities within TOP Program EIR have been evaluated to determine whether an additional CEQA document needs to be prepared.

Accordingly, and based on the findings and information contained in the previously certified TOP EIR, the analysis above, the attached Initial Study, and CEQA statute and State CEQA Guidelines, including Sections 15164 and 15162, the Project will not result in any new, increased

or substantially different impacts, other than those previously considered and addressed in TOP EIR. No changes or additions to TOP EIR analyses are necessary, nor is there a need for any additional mitigation measures. Therefore, pursuant to State CEQA Guidelines Section 15164, the City Council hereby adopts this Addendum to TOP EIR.

Surrounding Land Uses:

	Existing Land Use	General Plan Designation	Zoning Designation
Site:	Undeveloped Land	Rural Residential – proposed to change to Low-Medium Density Residential	AR-2, Agricultural Residential (0 – 2.0 du/ac) - Proposed to change to MDR-11 Low-Medium Density Residential (5.1 - 11 du/ac)
North:	Single-Family Residence	Rural Residential	Ar-2, Agricultural Residential (0 – 2.0 du/ac)
South:	Multifamily Residence	Medium Density Residential	MDR-18, Medium Density Residential (11.1 - 18 du/ac)
East:	Assisted Care Facility/Undeveloped Land	Low-Medium Density Residential	MDR-11, Low-Medium Density Residential (5.1 - 11 du/ac)
West:	Single-Family Residence	Rural Residential	AR-2, Agricultural Residential

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): None

Tribal Consultation: Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? Yes No

If "yes," has consultation begun? Yes No Completed

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture/Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Energy |

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Elly Antuna, Associate Planner
Printed Name and Title

August 1, 2020
Date

City of Ontario
For

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D).

In this case, a brief discussion should identify the following:

- a) **Earlier Analyses Used.** Identify and state where they are available for review.
- b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) **Lead agencies** are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) **Supporting Information Sources.** A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>Impacts Previously Analyzed in the TOP EIR</i>
1. AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
<p>2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:</p>				
<p>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d. Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
<p>a. Conflict with or obstruct implementation of the applicable air quality plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Expose sensitive receptors to substantial pollutant concentrations?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. BIOLOGICAL RESOURCES. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. ENERGY. Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
7. GEOLOGY AND SOILS. Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. GREENHOUSE GAS EMISSIONS. Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. LAND USE AND PLANNING. Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. NOISE. Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. POPULATION AND HOUSING. Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. PUBLIC SERVICES. Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. RECREATION. Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. TRANSPORTATION. Would the project:				
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. WILDFIRES. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	Impacts Previously Analyzed in the TOP EIR
<p>b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Public Resources Code sections 21083, 21083.05, 21083.09.

Reference: Gov. Code section 65088.4; Public Resources Code sections 21073, 21074, 21080(c), 21080.1, 21080.3, 21080.3.1, 21080.3.2, 21082.3, 21083, 21083.3, 21083.5, 21084.2, 21084.3, 21093, 21094, 21095 and 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

EXPLANATION OF ISSUES

1. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?

Discussion of Effects: The proposed Project will have no impact aesthetically. As provided in TOP EIR, the City of Ontario's physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. TOP EIR provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel Mountains. The project under consideration proposes a General Plan Amendment and Zone Change on approximately .21 acres of land located on a land locked parcel west of 1524 and 1526 South Euclid Avenue. The Project does not authorize construction of new buildings and so does not conflict with Policy CD1-5 as it will not alter existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified EIR analyses are necessary.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?

Discussion of Effects: The proposed project does not authorize any new construction. Therefore, it will not result in environmental impacts on scenic resources.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Discussion of Effects: The Project would not degrade the existing visual character or quality of the site or its surroundings. The project site is in an area that is characterized by agriculture uses and residential development and is surrounded by urban land uses.

Any development proposals that would subsequently occur from the proposed Project will be required to be in accordance with the policies of the Community Design Element of the Policy Plan (General Plan) and development regulations and design guidelines of the Ontario Development Code. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Discussion of Effects: Changing the General Plan and zoning on the property will not introduce new lighting to the surrounding area beyond what was anticipated in the Certified TOP EIR. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

2. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Discussion of Effects: The site does not contain any agricultural uses. Further, the site is identified as Urban and Built-up Land on the map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. The project will convert this land, which is considered to be Prime Farmland pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. The conversion of farmland to urban uses was determined to be a potentially significant impact that is unavoidable. The changes to the Project do not change this conclusion and there is no additional mitigation presently available that could potentially reduce this impact. The impact will remain as a significant unavoidable impact.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Discussion of Effects: The project site is currently zoned for agricultural residential use which allows for limited agricultural activities and animal keeping in a rural environment. The site is not currently used for agricultural purposes and the site's land locked location and configuration greatly limit the use of the site for agricultural purposes. The project proposes to change the General Plan land use designation and a zone change for this parcel. Future development will be consistent with the development standards and allowed land uses. Furthermore, there are no Williamson Act contracts in effect on the subject site. Therefore, no impact agricultural uses are anticipated, nor will there be any conflict with Williamson Act contracts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Discussion of Effects: The project proposes to change the land use designation on approximately .21 acres and would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. Therefore, no impacts to forest or timberland are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

e. Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Discussion of Effects: Implementation of the Project would not result in changes to the existing environment other than those previously addressed in TOP EIR. While conversion of farmland increases the potential for adjacent areas to also be converted from farmland to urban uses. There are no agricultural uses occurring onsite and the Project does not directly result in conversion of farmland. No new cumulative impacts beyond those identified in TOP EIR would result from Project implementation. As a result, the project will not result in loss of Farmland to non-agricultural use.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither TOP nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.

Mitigation Required: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB). However, this impact has already been evaluated and mitigated to the extent feasible in TOP EIR. TOP EIR has addressed short-term construction impacts; and adequate mitigation (Mitigation Measure 3-1) has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in TOP EIR would result from Project implementation. Changing the General Plan and zoning on this approximate .21 acres of land will not generate significant new or greater air quality impacts than identified in TOP EIR.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Discussion of Effects: Changing the General Plan and zoning of this site will not generate significant new or greater air quality impacts than those identified in TOP EIR due to the marginal increase in maximum allowable residential units compared to the TOP EIR analysis. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP EIR would result from Project implementation. Thus the impacts would be less than significant.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Expose sensitive receptors to substantial pollutant concentrations?

Discussion of Effects: As discussed in Section 5.3 of TOP EIR, the proposed Project is within a non-attainment region of the SCAB. Essentially, this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The proposed General Plan Amendment and zone change closely correlates with the land use designations of the surrounding area and will not generate significant new or greater air quality impacts than identified in TOP EIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce air pollutants to a less-than-significant level with mitigation. No new impacts beyond those identified in TOP EIR would result from Project implementation.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Discussion of Effects: The proposed General Plan and zone change do not authorize construction of any new buildings and any future development will be required to comply with the standards in place at the time of development. The Project will not create significant objectionable odors. Therefore the Project will not introduce new odors beyond those previously analyzed in TOP EIR.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

4. BIOLOGICAL RESOURCES. Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: The project site is not located within an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Discussion of Effects: No wetland habitat is present on site. Therefore, project implementation would have no impact on these resources.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Discussion of Effects: The site is vacant and is bounded on all four sides by fragmented residential development. As a result, there are no wildlife corridors connecting this site to other areas. Therefore, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Discussion of Effects: The City of Ontario does not have any specific policies or ordinances protecting biological resources. Further, the proposed General Plan and zone change do not authorize any new construction. The Project does not conflict with existing policies or ordinances protecting biological resources. As a result, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

f. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?

Discussion of Effects: The site is not part of an adopted HCP, NCCP or another approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

5. CULTURAL RESOURCES. Would the project:

a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Discussion of Effects: The project site is undeveloped and does not contain buildings constructed more than 50 years ago and would not change the significance of a historic resource. The project site is located near historic Euclid Avenue, designated as a Local Landmark and listed on the National Register of Historic Resources. The proposed General Plan and zone change do not authorize construction of any new buildings and any future development will be required to comply with the standards in place at the time of development, including the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The project does not propose development of the site and is not approving new construction, therefore, no impacts to historic resources are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Discussion of Effects: The Ontario Plan EIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City with the Archeological Information Center at San Bernardino County Museum. However, only about 10 percent of the City of Ontario has been adequately surveyed for prehistoric or historic archaeology. The site was previously rough graded when the property was subdivided, and no archaeological resources were found. While no adverse impacts to archeological resources are anticipated at this site due to its urbanized nature, standard conditions will be imposed on future development that in the event of unanticipated archeological discoveries, construction activities will not continue or will moved to other parts of the project site and a qualified archaeologist shall be contacted to determine significance of these resources. If the find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Disturb any human remains, including those interred outside of formal cemeteries?

Discussion of Effects: Changing the General Plan and zoning does not impact whether human remains may be discovered during future development and the proposed project is in an area that has been previously disturbed by development. No known religious or sacred sites exist within the project area. Human remains are not expected to be encountered during any construction activities; however, in the unlikely event that human remains are discovered, existing regulations, including the California Public Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, standard conditions will be imposed on future development that in the event that unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

6. ENERGY Would the project:

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Discussion of Effects: Changing the General Plan and zoning on the approximate .21 acres site is not anticipated to create signification energy related impacts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Discussion of Effects: Changing the General Plan and zoning on the approximate .21 acres site will not obstruct or conflict with a state or local renewable energy plan. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

7. GEOLOGY & SOILS. Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Certified TOP EIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

ii. Strong seismic ground shaking?

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Certified TOP EIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. The closest fault zone is located more than ten miles from the project site. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. All construction will comply with the California Building Code, the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

iii. Seismic-related ground failure, including liquefaction?

Discussion of Effects: As identified in the Certified TOP EIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface. Therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

iv. Landslides?

Discussion of Effects: The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Changing the General Plan and zoning will not create greater landslide potential impacts than were identified in the Certified TOP EIR. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code for any future development would reduce impacts to a less than significant level.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Result in substantial soil erosion or the loss of topsoil?

Discussion of Effects: Changing the General Plan and zoning will not create greater erosion impacts than were identified in the Certified TOP EIR. Impacts will be less than significant with mitigation.

The project will not result in significant soil erosion or loss of topsoil because of the previously disturbed nature of the Project site and the limited size and scope of the Project. Grading increases the potential for erosion by removing protective vegetation, changing natural drainage patterns, and constructing slopes. However, compliance with the California Building Code and review of grading plans by the City Engineer will ensure no significant impacts will occur. In addition, the City requires an erosion/dust control plan for projects located within this area. Implementation of a NPDES program, the Environmental Resource Element of the Policy Plan (General Plan) strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Discussion of Effects: Changing the General Plan and zoning of the site will not create greater landslide potential impacts than were identified in the Certified TOP EIR. Therefore, no adverse impacts are anticipated. In addition, the associated projects would not result in the location of development on a geologic unit or soil that is unstable, or that would become unstable because as previously discussed, the potential for liquefaction and landslides associated with the project is less than significant. TOP EIR (Section 5.7) indicates that subsidence is generally associated with large decreases or withdrawals of water from the aquifer. The project would not withdraw water from the existing aquifer. Further, implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Discussion of Effects: The majority of Ontario, including the project site, is located on alluvial and eolian soil deposits. These types of soils are not considered to be expansive. Therefore, no adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not necessary. There will be no impact to the sewage system.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Discussion of Effects: The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time, Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Certified TOP EIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. Moreover, results of the paleontological resources records search through the Natural History Museum of Los Angeles

County (NHMLAC) indicate that there are no known vertebrate fossil localities or unique geological features that have been previously identified within the Project area or within a one-mile radius. The results of the literature review and the search at the NHMLAC indicate that the Project site has surficial sediments composed of younger Quaternary Alluvium, derived as alluvial fan deposits from the San Gabriel Mountains to the north or as dune sands. These deposits typically do not contain significant vertebrate fossils, at least in the uppermost layers, but they may be underlain by older sedimentary materials at estimated depths greater than 9 feet (McLeod 2019). Therefore, it is concluded that the proposed Project will not impact paleontological resources or unique geological features and as such no mitigation measures are recommended. While no adverse impacts are anticipated, standard conditions have been imposed on the Project that in the event of unanticipated paleontological resources are identified during excavation, construction activities will not continue or will be moved to other parts of the Project site and a qualified paleontologist shall be contacted to determine significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

8. GREENHOUSE GAS EMISSIONS. Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Discussion of Effects: The subject site was previously analyzed by the Certified TOP EIR as residential uses. According to the TOP EIR, this impact would be significant and unavoidable (Re-circulated Portions of the Ontario Plan Draft Environmental Impact Report, p. 2-118.) The TOP EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

Changing the General Plan and zoning on the subject site will not create significantly greater impacts than were identified in the Certified TOP EIR. Pursuant to Public Resources Code Section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in the Certified TOP EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in the Certified TOP EIR; (3) the proposed project is consistent with The Ontario Plan. The proposed impacts of the project were already analyzed in the Certified TOP EIR and the project will be built to current energy efficient standards. Potential impacts of project implementation will be less than significant with mitigation already required under the Certified TOP EIR and current energy efficiency standards. No changes or additions to the Certified TOP EIR analyses are necessary.

Mitigation Required: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary. The mitigation measures adopted as part of TOP EIR adequately address any potential significant impacts and there is no need for any additional mitigation measures.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Discussion of Effects: Changing the General Plan and zoning will not create significantly greater impacts than were identified in the Certified TOP EIR. The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by fifteen (15%), because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation Required: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

9. HAZARDS & HAZARDOUS MATERIALS. Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Discussion of Effects: The project will not involve the transport, use or disposal of hazardous materials during either construction or project implementation. Therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Discussion of Effects: The subject site was previously analyzed by the Certified TOP EIR for residential use. The proposed project does not include the use of hazardous materials or volatile fuels. In addition, there are no known stationary commercial or industrial land uses within close proximity to the subject site, which use/store hazardous materials to the extent that they would pose a significant hazard to visitors/occupants to the subject site, in the event of an upset condition resulting in the release of a hazardous material.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?

Discussion of Effects: The proposed project does not include the use, emissions or handling of hazardous or acutely hazardous materials, substances, or waste. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Discussion of Effects: The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

e. For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?

Discussion of Effects: Changing the General Plan and a zone change on these parcels will not create greater impacts than were identified in the Certified TOP EIR. The project site is located outside on the safety zone for ONT and Chino Airports. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because future development would be required to comply with all applicable State and City codes no significant impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Discussion of Effects: The project site is not located in or near wildlands. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

10. HYDROLOGY & WATER QUALITY. Would the project:

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Discussion of Effects: The project site is served by City water and sewer service and will not affect water quality standards or waste discharge requirements. The proposed project does not authorize any new development, and therefore, no adverse impacts are anticipated. Compliance with established Codes and standards for any future development would reduce any impacts to below a level of significance.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Discussion of Effects: Changing the General Plan and zoning will not create greater impacts than were identified in the Certified TOP EIR. Increases in the current amount of water flow to the project site are anticipated and have been determined to not be significant. The proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The future development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 250 to 450 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

Discussion of Effects: The proposed project does not involve any new construction. No changes in erosion on- or off-site are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

ii. Substantially increase the rate or amount of surface runoff water in a manner which would result in flooding on- or off-site?

Discussion of Effects: The proposed project does not involve any new construction. No changes in flooding on- or off-site are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. The proposed project does not authorize any new construction. The existing drainage pattern of the project site will not be altered, and it will have no significant impact on downstream hydrology.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

iv. Impede or redirect flood flows?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. The proposed project does not involve any new construction. The existing drainage pattern of the project site will not be altered, and it will have no significant impact on downstream hydrology. No changes in flood flows are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Discussion of Effects: Impacts associated with flooding are primarily related to the construction or placement of structures in areas prone to flooding including within an unprotected 100-year flood zone, and in areas susceptible to high tides, tsunamis, seiches, mudflows or sea level rise. Specifically, structures placed in flood prone areas, if flooded, would be damaged, and could subject people to injury or death. The National Flood Insurance Act of 1968 requires the identification of floodplain areas and establishment of flood-risk zones within those areas. FEMA administers the programs and coordinates with communities to establish effective floodplain management standards. According to FEMA, the Project is not located in a known floodplain. Furthermore, this area is not known to flood and is not typically subjected to flooding. The Project site is not located in a floodplain as shown in Figure S-2 of TOP. The Project site is dominated by Agricultural fallow fields and does not contain any vegetation associated with riparian features. No wetlands have been mapped on the project site according to the NWI. According to the FEMA, the Project is not located in an area that is subject to flood hazard, tsunami, or seiche zones. The project site is located over 60 miles east of the Pacific Ocean and is not located in a mapped tsunami zone. Therefore, the project would not have a significant risk of flood hazard, tsunami, seiche zones, release of pollutants due to project inundation.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Discussion of Effects: The Regional Water Quality Control Board's Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specifically, the Basin Plan (i) designates beneficial uses for surface and ground waters, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's anti-degradation policy, and (iii) describes implementation programs to protect all waters in the region. Development allowed by the Project would be required to adhere to requirements of the water quality control plan, including all existing regulation and permitting requirements. This would include the incorporation of best management practices ("BMPs") to protect water quality during construction and operational periods. Development of the Project would be subject to all existing water quality regulations and programs, as described in the regulatory section above, including all applicable construction permits. Existing General Plan policies related to water quality would also be applicable to the Project. Implementation of these policies, in conjunction with compliance with existing regulatory programs, would ensure that water quality impacts related to the Project would be less than significant.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

11. LAND USE & PLANNING. Would the project:

a. Physically divide an established community?

Discussion of Effects: The project site is in an area that is currently developed with urban land uses. Changing the General Plan and a zone change on the approximate .21-acre project site will not create greater impacts than were identified in the Certified TOP EIR. No adverse impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. The proposed project does not interfere with any policies for environmental protection. As such, no impacts are anticipated. The proposed project does not interfere with any policies for environmental protection. As such, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

12. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Discussion of Effects: Changing the General Plan and zoning of the subject site will not create greater impacts than were identified in the Certified TOP EIR. The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion of Effects: There are no known mineral resources in the area. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

13. NOISE. Would the project result in:

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Discussion of Effects: Changing the General Plan and a zone change on the subject site will not create greater impacts than were identified in the Certified TOP EIR. The project will not expose people to or generate noise levels in excess of standards as established in The Ontario Plan EIR (Section 5.12). No additional analysis will be required at the time of site development review.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Generation of excessive groundborne vibration or groundborne noise levels?

Discussion of Effects: Changing the General Plan and zoning on the subject site will not create greater impacts than were identified in the Certified TOP EIR. The uses associated with this proposed project are required to comply with the environmental standards contained in the City of Ontario Development Code and as such, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. For a project located within the vicinity of a private airstrip or the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. The proposed Amendment was reviewed and found to be located within the Airport Influence Area of Ontario International Airport ("ONT") and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan ("ALUCP") for ONT. The Applicant proposes to change the General Plan and zoning on these parcels, located within the 60-65 CNEL Noise Impact area. In addition, the project site lies outside the boundaries of the Chino Airport Influence Area. Therefore, no impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

14. POPULATION & HOUSING. Would the project:

a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?

Discussion of Effects: Changing the General Plan and zoning on the subject approximate .21-acre site would not induce significant population growth. No significant impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Discussion of Effects: The project site does not contain existing housing. Changing the General Plan and zoning on approximately .21 acres will not create existing housing impacts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

15. PUBLIC SERVICES. Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire protection?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. The site is in a developed area currently served by the Ontario Fire Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

ii. Police protection?

Discussion of Effects: The site is in a developed area, currently served by the Ontario Police Department. The Project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

iii. Schools?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create significantly different impacts than were identified in the Certified TOP EIR. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

iv. Parks?

Discussion of Effects: Changing the General Plan and zoning on the subject site will not create greater impacts than were identified in the Certified TOP EIR. The site is in a developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

v. Other public facilities?

Discussion of Effects: The site is in a developed area, currently served by the City of Ontario. The Project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified

TOP EIR. No changes or additions to TOP EIR analyses are necessary.

16. RECREATION. Would the project:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. Future construction of housing would be very limited in scope due to the small size of the site and the project does not include a large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?

Discussion of Effects: Changing the General Plan and zoning on the subject site will not create greater impacts than were identified in the Certified TOP EIR. Future construction of housing would be very limited in scope due to the small size of the site and does not include a large employment generator that would require the construction of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

17. TRANSPORTATION. Would the project:

a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Discussion of Effects: Changing the General Plan and zoning on the subject site will not create greater impacts than were identified in the Certified TOP EIR. The project is in an area that is mostly developed with street improvements complete. Any future development of the project site will be served by the existing circulation system or any necessary mitigation will be determined by analysis per the City of Ontario CEQA guidelines. As described on page 2, the cumulative impact of the proposed general plan amendment will have less impact than the TOP EIR assumed, resulting in less than significant impacts.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Discussion of Effects: CEQA Guidelines Section 15064.3 subdivision (b) has been included in the 2018 CEQA Guidelines as part of the implementation of SB 743 which requires local jurisdictions to use Vehicle Miles Travelled (VMT) instead of Level of Service (LOS) methodologies for the purpose of determining the significance of traffic impacts under CEQA. Also, as part of the implementation of SB 743 local jurisdiction are given until July 1, 2020 to develop and implement thresholds of significance criteria and methodologies for evaluating VMT under the new SB 743 requirements. Project is consistent with the Certified TOP EIR. Therefore, impacts with respect to CEQA Guidelines Section 15064.3(b) are less than significant.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Discussion of Effects: The project is in an area that is mostly developed, and street improvements are complete. The project will not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Result in inadequate emergency access?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. Any future development on the project site will be designed to provide access for all emergency vehicles and will therefore not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

e. Result in inadequate parking capacity?

Discussion of Effects: Changing the General Plan and zoning on the subject parcels will not create greater impacts than were identified in the Certified TOP EIR. Future development of the site will be required to meet parking standards established by the Ontario Development Code and will therefore not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

18. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Discussion of Effects: The subject site is not listed in the California Register of Historic Resources. Changing the General Plan and zoning on the approximate .21-acre site will not create greater impacts than were identified in the Certified TOP EIR. However, as part of TOP EIR Mitigation Measure 5-4, prior to the issuance of grading permits for a project that requires a General Plan amendment which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated tribe(s) to notify them of the grading, excavation, and monitoring program. The applicant shall coordinate with the City of Ontario and the tribal representative(s) to develop mitigation measures that address the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground-disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Ontario shall be the final arbiter of the conditions for projects within the City's jurisdiction. Therefore, it is concluded that the proposed Project will not impact Tribal Cultural Resources or Native America artifacts relating to TCRs and as such, no mitigation measures are recommended.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to the Certified TOP EIR analyses are necessary.

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Discussion of Effects: The subject site is not listed in the California Register of Historic Resources. No impacts are anticipated through Project implementation.

Mitigation: No new mitigation measures are required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

19. UTILITIES AND SERVICE SYSTEMS. Would the project:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Discussion of Effects: Changing the General Plan and zoning on the approximate .21-acre site will not significantly alter wastewater treatment needs of Ontario and will not create greater impacts than were identified in the Certified TOP EIR.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).

Discussion of Effects: The Project site is served by the City of Ontario water system. There is currently sufficient water supply available to the City of Ontario to serve this Project as per the findings of TOP EIR. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Discussion of Effects: The future development of the project site will be served by the City of Ontario. The project will be required to meet the requirements of the Ontario Engineering Department regarding wastewater. No significant impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Discussion of Effects: City of Ontario serves the Project site. Currently, the City of Ontario contracts with a waste disposal company that transports trash to a landfill with enough capacity to handle the City's solid waste disposal needs. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Discussion of Effects: Changing the General Plan and zoning on the subject site does not authorize any construction and will not create significantly greater impacts than were identified in the Certified TOP EIR. No impacts are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

Discussion of Effects: The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Discussion of Effects: The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Discussion of Effects: The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Discussion of Effects: The Project site is not located in or near a state responsibility area nor is it located in or near lands classified as very high fire hazard severity zones. Therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

21. MANDATORY FINDINGS OF SIGNIFICANCE.

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion of Effects: The proposed Project does not have the potential to reduce wildlife habitat and threaten a wildlife species; therefore, no environmental impacts resulting from the Project are anticipated.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

b. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

Discussion of Effects: The Project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)

Discussion of Effects: The Project does not have impacts that are cumulatively considerable.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion of Effects: The Project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: No additional mitigation required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP EIR. No changes or additions to TOP EIR analyses are necessary.

EARLIER ANALYSES

(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

- 1) Earlier Analyses Used. Identify earlier analyses used and state where they are available for review.
 - a) The Ontario Plan Final EIR
 - b) The Ontario Plan (TOP)
 - c) City of Ontario Official Zoning Map
 - d) City of Ontario Development Code
 - e) Ontario International Airport Land Use Compatibility Plan
 - f) Ontario International Airport Land Use Compatibility Plan Negative Declaration (SCH 2011011081)

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

- 2) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards.

MITIGATION MEASURES

(For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.)

The Mitigation Measures contained in the Certified TOP EIR adequately mitigate the impacts of the proposed Project. These mitigation measures are contained in the attached Mitigation Monitoring Program.

No additional mitigation beyond that previously imposed is required.

**Exhibit A
 PGPA19-009
 Proposed General Plan Amendment**

TOP Legend:

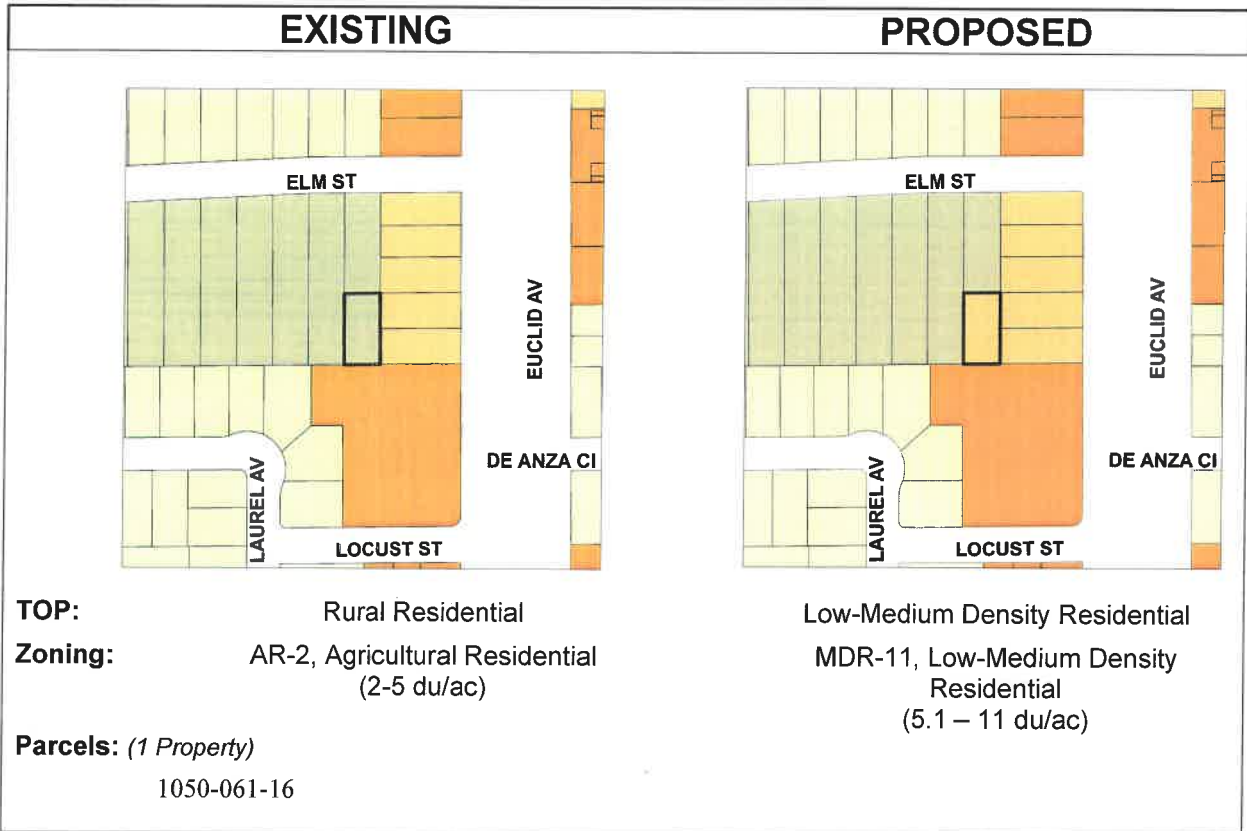
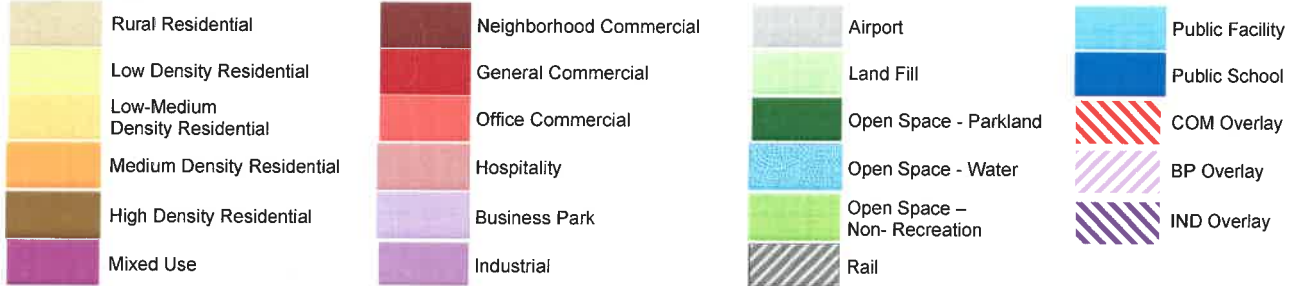


Exhibit B
 LU-03 Future Buildout



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,059 1,058	4,232 4,231		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium Density ⁶	981 982	8.5 du/ac	6,341 6,343	33,341 33,348		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,846		84,599 84,601	315,079 315,084		
Mixed Use						
• Downtown	113	<ul style="list-style-type: none"> 60% of the area at 35 du/ac 40% of the area at 0.80 FAR for office and retail 	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	<ul style="list-style-type: none"> 25% of the area at 30 du/ac 50% of the area at 1.0 FAR office 25% of area at 0.80 FAR retail 	428	856	1,740,483	3,913
• Meredith	93	<ul style="list-style-type: none"> 47% of the area at 39.46 du/ac 48% at 0.35 FAR for office and retail uses 5% at 0.75 FAR for Lodging 	1,725	3,450	832,497	975
• Transit Center	76	<ul style="list-style-type: none"> 10% of the area at 60 du/ac 90% of the area at 1.0 FAR office and retail 	457	913	2,983,424	5,337
• Inland Empire Corridor	37	<ul style="list-style-type: none"> 50% of the area at 20 du/ac 30% of area at 0.50 FAR office 20% of area at 0.35 FAR retail 	368	736	352,662	768
• Guasti	77	<ul style="list-style-type: none"> 20% of the area at 30 du/ac 30% of area at 1.0 FAR retail 50% of area at 0.70 FAR office 	465	929	2,192,636	4,103
• Ontario Center	345	<ul style="list-style-type: none"> 30% of area at 40 du/ac 50% of area at 1.0 FAR office 20% of area at 0.50 FAR retail 	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	<ul style="list-style-type: none"> 5% of area at 40 du/ac 20% of area at 0.75 FAR office 75% of area at 0.50 FAR retail 	479	958	5,477,126	7,285
• NMC West/South	315	<ul style="list-style-type: none"> 30% of area at 35 du/ac 70% of area at 0.70 FAR office and retail 	3,311	6,621	6,729,889	17,188
• NMC East	264	<ul style="list-style-type: none"> 30% of area at 25 du/ac 30% of area at 0.35 FAR for office 40% of area at 0.30 FAR for retail uses 	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	<ul style="list-style-type: none"> 50% of the area at 30 du/ac 50% of area at 0.8 FAR retail 	156	312	181,210	419
• SR-60/Hammer Tuscana Village	41	<ul style="list-style-type: none"> 18% of the area at 25 du/ac 57% of the area at 0.25 FAR retail 25% of the area at 1.5 FAR office 	185	369	924,234	2,098
Subtotal	1,668		16,054	32,107	34,582,545	71,896

**Exhibit B
LU-03 Future Buildout**



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood Commercial ⁶	281	0.30 FAR			3,671,585	8,884
General Commercial	477	0.30 FAR			6,229,385	5,787
Office/Commercial	490	0.75 FAR			16,018,428	35,523
Hospitality	142	1.00 FAR			6,177,679	7,082
Subtotal	1,390				32,097,077	57,276
Employment						
Business Park	1,531	0.40 FAR			26,676,301	46,803
Industrial	6,446	0.55 FAR			154,428,405	135,684
Subtotal	7,977				181,104,705	182,487
Other						
Open Space-Non-Recreation	1,232	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
Subtotal	9,906					
Total	31,786		100,653	347,485	247,784,328	311,659
			100,654	347,190		

Notes

- 1 Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- 2 Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- 3 Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- 4 Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- 5 To view the factors used to generate the number of employees by land use category, access the Methodology report.
- 6 Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

**Exhibit B
 LU-03 Future Buildout**



LU-03 Future Buildout¹

Revisions to LU-03 Table:

PGPA No.	City Council Approval Date	Description
09-001	5-15-2012	Tuscana Village – Add residential to 41-acre Mixed Use site (18% at 25 du/ac)
12-001	12-18-2012	Soccer Complex Sign – Change 0.41 acres from Open Space - Parkland to Industrial
11-002	6-18-2013	TOP Clean-up – 443 properties
13-002	12-17-2013	Borba Village – Change 14.6 acres from Medium Density Residential to Low Medium Density Residential
13-004	6-16-2014	Edison & Haven – Change 14 acres at the NWC from Neighborhood Commercial to Medium Density Residential and change 10 acres at the SWC from Medium Density Residential to Neighborhood Commercial
13-006	6-16-2014	NWC SR60 & Euclid – Change 5.1 acres from General Commercial to Medium Density Residential
14-002	11-18-2014	2041 East Fourth – Change 6.11 acres from General Commercial to Low Medium Density Residential
13-007	12-16-2014	SWC Archibald & Eucalyptus – Change 83.88 acres of Office Commercial, Business Park, and Industrial to Low Density Residential
14-001	12-16-2014	N/s of Guasti Road near Haven and Milliken – Change 52.36 acres from Industrial to Business Park
13-005	04-07-2015	SWC Vineyard and Fourth (Meredith) – Change 148 acres from Mixed Use to Industrial and modify the development assumptions for the remaining 93 acres of Mixed Use
15-001	11-17-2015	Change 12 industrial related parcels located on Brooks, Sunkist, Park and Philadelphia in order to be consistent with current use (related file PZC15-002)
15-002	02-02-2016	Change 16 industrial parcels located between 260 and 625 feet north of Mission and between Benson and Magnolia from Business Park to Industrial
16-001	05-17-2016	TOP Clean-Up – 83 properties
16-006	03-07-2017	TOP Clean-Up – 545 properties, eliminate SoCalf (LU-02 and Environmental Resources Element) and modify Commercial Transitional Overlay language
17-001	03-06-2018	TOP Clean-Up – Approximately 450 properties, Downtown, n/o the I-10 Freeway, and throughout the City

Exhibit B
LU-03 Future Buildout



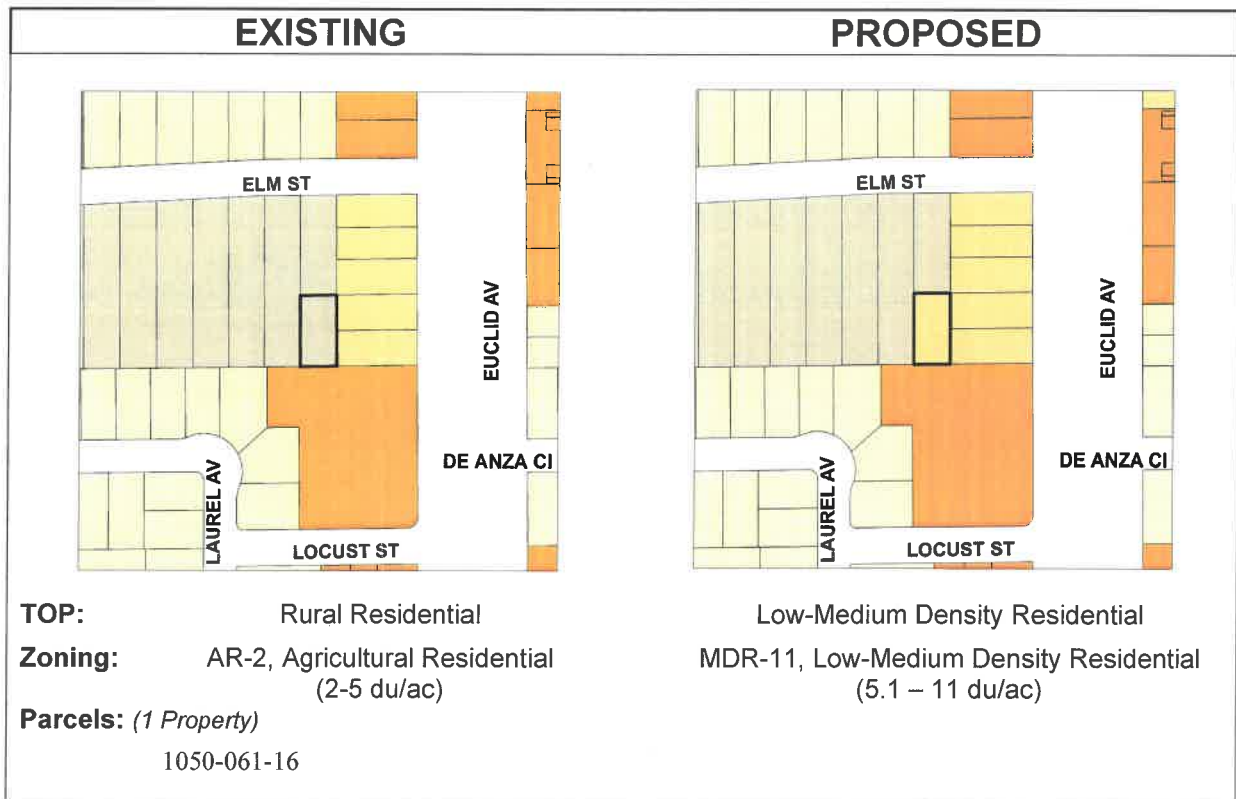
LU-03 Future Buildout¹ (Cont.)

16-005	03-06-2018	NWC Grove & Mission – Change 2.8 acres from Industrial to Business Park (related PZC16-003)
18-001	06-19-2018	SEC Haven & Francis – Change 2.05 acres from Office Commercial to Industrial (related to PSPA18-002)
16-002	06-19-2018	SEC Eucalyptus & Carpenter – Change 47.06 acres from Business Park to Industrial
18-005	12-04-2018	W/in North Loop Drive, e/o Etiwanda & s/o of I-10 – Establish General Industrial designation on 2.4-acre ROW parcel
18-009	07-16-2019	G w/o Corona – Change 1.02 acres from General Commercial to Low Medium Density Residential & 0.46 acres from General Commercial to Hospitality (related to PZC18-003)
19-002	09-17-2019	NEC & SEC Wall & Wannamaker – Change 11.9 acres from General Commercial to Industrial
20-001	03-03-2020	Change Assumed Density/Intensity to the Meredith Mixed Use: <ul style="list-style-type: none"> • from 23% to 47% of the area at 39.46 du/ac, and • from 72% to 48% at 0.35 FAR for office and retail uses
18-008	XX-XX-2020	E/s Euclid, s/o Eucalyptus, w/o Sultana, n/o Merrill (Ontario Ranch Business Park) – Change 85.6 acres from Low Medium Density Residential, Office Commercial, and General Commercial to Business Park and Industrial - General
<u>19-009</u>	<u>XX-XX-2020</u>	<u>1526 South Euclid – Change 0.214 acres from Rural Residential to Low Medium Density Residential</u>

**EXHIBIT C
 PZC19-003
 Proposed Zone Change**

ZONING Legend:

	AR-2, Residential-Agricultural		PUD, Planned Development Unit		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay
	MHP, Mobile Home Park						



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA19-009, A GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE ELEMENT OF THE ONTARIO PLAN (GENERAL PLAN) TO CHANGE THE LAND USE DESIGNATION ON 0.21 ACRES OF LAND FROM RURAL RESIDENTIAL (0-2 DU/AC) TO LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), AFFECTING A LAND LOCKED PARCEL GENERALLY LOCATED WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE; AND MODIFY THE FUTURE BUILDOUT TABLE (EXHIBIT LU-03) TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGE; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1050-061-16. (LAND USE ELEMENT CYCLE 3 FOR THE 2020 CALENDAR YEAR).

WHEREAS, Blaise D'Angelo (hereinafter referred to as "Applicant") has filed an Application for the approval of a General Plan Amendment, File No. PGPA19-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to one 0.21-acre lot generally located west of 1524 and 1526 South Euclid Avenue (APN: 1050-061-16), within the AR-2 (Agricultural Residential – 0 to 2.0 du/ac) zoning district, which is proposed to change to MDR-11 (Low Medium Density Residential - 5.1 to 11.0 du/ac). The parcel is undeveloped; and

WHEREAS, the properties to the north and west of the Project site are within the AR-2 (Agricultural Residential – 0 to 2.0 du/ac) zoning district and are developed with single-family dwellings. The properties to the east are within the MDR-11 (Low Medium Density Residential - 5.1 to 11.0 du/ac) zoning district, one property is developed with a residential care facility and one is undeveloped land. The property to the south is within the MDR-18 (Medium Density Residential - 11.1 to 18.0 du/ac) zoning district, and is developed with multiple-family residential units; and

WHEREAS, a related Zone Change (File No. PZC19-003) is being processed concurrently with this application to change the zoning on the Project site from AR-2 (Agricultural Residential – 0 to 2.0 du/ac) to MDR-11 (Low Medium Density Residential - 5.1 to 11.0 du/ac); and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("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, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act ("CEQA") — Public Resources Code Section 21000 et seq; 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, 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 22, 2020, the Planning Commission conducted a public hearing and approved Resolution No. PC20-061, recommending the City Council approve a Resolution adopting an Addendum to the TOP Environmental Impact Report (SCH# 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, on September 22, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-062, recommending the City Council approve the Application; and

WHEREAS, on October 20, 2020, the City Council of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on October 20, 2020, the City Council approved a resolution adopting an Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED 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 previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to TOP Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts; and

(4) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the City Council finds that the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4. *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 5. *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 4, above, the City Council hereby concludes as follows:

(1) The proposed Zone Change 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 as follows:

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.

- LU1-6: 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.

Compliance: The proposed General Plan Amendment reflects the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and provides opportunities for choice in living environments.

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

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

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area, and will not create adverse impacts on adjacent properties.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element — Noise Hazards

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

➤ S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential land use designation is compatible with the Noise Impact area.

(2) The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed zoning designations are compatible with the zoning and land uses in the surrounding area.

(3) The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses because the surrounding properties to the east have the same land use designations and the properties to the north, south and west have coordinating land use designations. The allowed uses of the properties will be similar to other properties in the area.

(4) The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested zoning change from AR-2 (Agricultural Residential – 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac) and to the anticipated future development with allowable uses.

SECTION 6. City Council Action. Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described General Plan Amendment, as shown on Attachment 1 (Policy Plan Land Use Plan (Exhibit LU-01) Revision) and Attachment 2 (Future Buildout (Exhibit LU-03) Revision), attached hereto and incorporated herein by this reference.

SECTION 7. 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 8. 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 9. Certification to Adoption. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of October 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST AND 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. 2020- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held October 20, 2020, 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. 2020- duly passed and adopted by the Ontario City Council at their regular meeting held October 20, 2020.

SHEILA MAUTZ, CITY CLERK

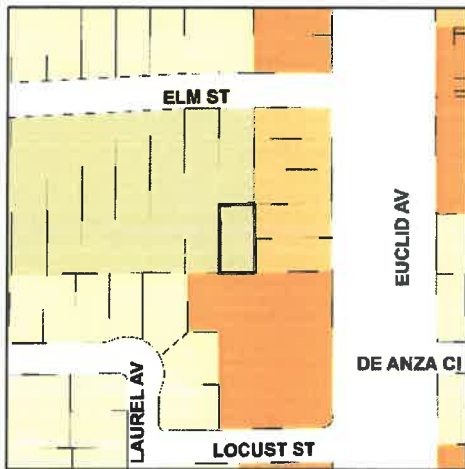
(SEAL)

ATTACHMENT 1: POLICY PLAN LAND USE PLAN (EXHIBIT LU-01) REVISION

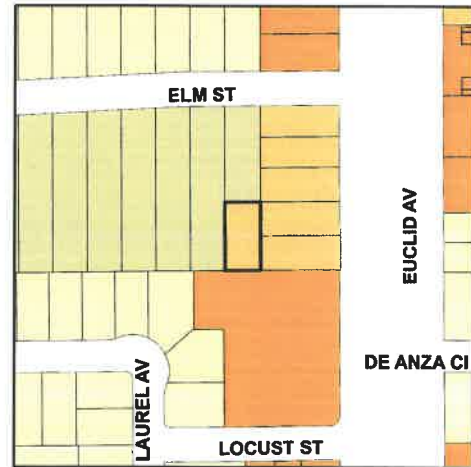
Legend:



EXISTING



PROPOSED



TOP: Rural Residential
Zoning: AR-2, Agricultural Residential
 (0-2 du/ac)

TOP: Low-Medium Density Residential
Zoning: MDR-11, Low-Medium Density Residential
 (5.1 – 11 du/ac)

Parcel: 1050-061-16

ATTACHMENT 2: FUTURE BUILDOUT (EXHIBIT LU-03) REVISION

LU-03 Future Buildout¹



Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Residential						
Rural	529	2.0 du/ac	1,059 1,058	4,232 4,231		
Low Density ⁶	7,255	4.0 du/ac (OMC) 4.5 du/ac (NMC)	30,584	122,244		
Low-Medium Density ⁶	964 962	8.5 du/ac	8,341 8,343	33,341 33,348		
Medium Density	1,897	18.0 du/ac (OMC) 22.0 du/ac (NMC)	38,200	133,791		
High Density	183	35.0 du/ac	6,415	21,470		
Subtotal	10,846		84,599 84,601	315,978 315,084		
Mixed Use						
• Downtown	113	• 60% of the area at 35 du/ac • 40% of the area at 0.80 FAR for office and retail	2,365	4,729	1,569,554	2,808
• East Holt Boulevard	57	• 25% of the area at 30 du/ac • 50% of the area at 1.0 FAR office • 25% of area at 0.80 FAR retail	428	856	1,740,483	3,913
• Meredith	93	• 47% of the area at 39.46 du/ac • 48% at 0.35 FAR for office and retail uses • 5% at 0.75 FAR for Lodging	1,725	3,450	832,497	975
• Transit Center	76	• 10% of the area at 60 du/ac • 90% of the area at 1.0 FAR office and retail	457	913	2,983,424	5,337
• Inland Empire Corridor	37	• 50% of the area at 20 du/ac • 30% of area at 0.50 FAR office • 20% of area at 0.35 FAR retail	368	736	352,662	768
• Guasti	77	• 20% of the area at 30 du/ac • 30% of area at 1.0 FAR retail • 50% of area at 0.70 FAR office	465	929	2,192,636	4,103
• Ontario Center	345	• 30% of area at 40 du/ac • 50% of area at 1.0 FAR office • 20% of area at 0.50 FAR retail	4,139	8,278	9,014,306	22,563
• Ontario Mills	240	• 5% of area at 40 du/ac • 20% of area at 0.75 FAR office • 75% of area at 0.50 FAR retail	479	958	5,477,126	7,285
• NMC West/South	315	• 30% of area at 35 du/ac • 70% of area at 0.70 FAR office and retail	3,311	6,621	6,729,889	17,188
• NMC East	264	• 30% of area at 25 du/ac • 30% of area at 0.35 FAR for office • 40% of area at 0.30 FAR for retail uses	1,978	3,956	2,584,524	4,439
• Euclid/Francis	10	• 50% of the area at 30 du/ac • 50% of area at 0.8 FAR retail	156	312	181,210	419
• SR-60/Hamner Tuscana Village	41	• 18% of the area at 25 du/ac • 57% of the area at 0.25 FAR retail • 25% of the area at 1.5 FAR office	185	369	924,234	2,098
Subtotal	1,668		16,054	32,107	34,582,545	71,896

ATTACHMENT 2: FUTURE BUILDOUT (EXHIBIT LU-03) REVISION (CONTINUED)



LU-03 Future Buildout¹

Land Use	Acres ²	Assumed Density/Intensity ³	Units	Population ⁴	Non-Residential Square Feet	Jobs ⁵
Retail/Service						
Neighborhood Commercial ⁶	281	0.30 FAR			3,671,585	8,884
General Commercial	477	0.30 FAR			6,229,385	5,787
Office/Commercial	490	0.75 FAR			16,018,428	35,523
Hospitality	142	1.00 FAR			6,177,679	7,082
Subtotal	1,390				32,097,077	57,276
Employment						
Business Park	1,531	0.40 FAR			26,676,301	46,803
Industrial	6,446	0.55 FAR			154,428,405	135,684
Subtotal	7,977				181,104,705	182,487
Other						
Open Space-Non-Recreation	1,232	Not applicable				
Open Space-Parkland ⁶	950	Not applicable				
Open Space-Water	59	Not applicable				
Public Facility	97	Not applicable				
Public School	632	Not applicable				
LA/Ontario International Airport	1,677	Not applicable				
Landfill	137	Not applicable				
Railroad	251	Not applicable				
Roadways	4,871	Not applicable				
Subtotal	9,906					
Total	31,786		100,653	347,195	247,784,328	311,659
			100,654	347,190		

Notes

- Historically, citywide buildout levels do not achieve the maximum allowable density/intensity on every parcel and are, on average, lower than allowed by the Policy Plan. Accordingly, the buildout projections in this Policy Plan do not assume buildout at the maximum density or intensity and instead are adjusted downward. To view the buildout assumptions, access the Methodology report.
- Acres are given as adjusted gross acreages, which do not include the right-of-way for roadways, flood control facilities, or railroads.
- Assumed Density/Intensity includes both residential density, expressed as units per acre, and non-residential intensity, expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
- Projections of population by residential designation are based on a persons-per-household factor that varies by housing type. For more information, access the Methodology report.
- To view the factors used to generate the number of employees by land use category, access the Methodology report.
- Acreages and corresponding buildout estimates for these designations do not reflect underlying land uses within the Business Park, Industrial and Commercial Overlays. Estimates for these areas are included within the corresponding Business Park, Industrial and General Commercial categories.

CITY OF ONTARIO

Agenda Report
October 20, 2020

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A ZONE CHANGE (FILE NO. PZC19-003) TO CHANGE THE ZONING DESIGNATION ON 0.21-ACRE OF LAND FROM AR-2 (AGRICULTURAL RESIDENTIAL – 0 TO 2.0 DU/AC) TO MDR-11 (LOW-MEDIUM DENSITY RESIDENTIAL – 5.1 TO 11.0 DU/AC), LOCATED ON A LAND LOCKED PARCEL WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE - APN 1050-061-16


RECOMMENDATION: That City Council introduce and waive further reading of an ordinance approving a zone change (File No. PZC19-003) to change the zoning designation from AR-2 to MDR-11 for a 0.21-acre parcel west of 1524 and 1526 South Euclid Avenue to create consistency between the zoning and the proposed General Plan land use designation of the subject property.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: No fiscal impacts are anticipated with the proposed Zone Change, as the zoning designation change from AR-2 (Agricultural Residential – 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac) will provide for similar residential land uses within the neighborhood. The proposed change to the zoning designation would result in a nominal long-term fiscal impact to the City. The potential of up to 2 additional residential units would marginally increase ongoing operations and maintenance services (police, fire, maintenance, etc.) that are necessary to serve the future residential development; however, any potential long-term fiscal impact and anticipated expenditures to the City would be offset by development impact fees and property tax revenues from the future development.

BACKGROUND: The Applicant, Blaise D'Angelo, has requested a Zone Change (File No. PZC19-003) on a 0.21-acre land locked lot located west of 1524 and 1526 South Euclid Avenue from AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac), as shown in Exhibit A (Proposed Zone Change) of this report. The zone change will help

STAFF MEMBER PRESENTING: Scott Murphy, Executive Director Community Development

Prepared by: Elly Antuna
Department: Planning
City Manager Approval: 

Submitted to Council/O.H.A. 10/20/2020
Approved: _____
Continued to: _____
Denied: _____

14

accommodate a lot consolidation with adjacent parcels to facilitate future residential development and establish consistency with the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac) zoned properties to the east. The application was filed in conjunction with a General Plan Amendment (File No. PGPA19-009) to change the General Plan land use designation on the subject site from Rural Residential (0 - 2.0 du/ac) to Low-Medium Density Residential (5.1 - 11.0 du/ac).

The Zone Change is designed to coordinate the land use designations with the properties to the east that front Euclid Avenue. The project site is a land locked parcel that currently cannot be developed without access; however, the Applicant owns the properties located to the east of project site at 1524 and 1526 South Euclid Avenue. These two properties have a General Plan land use designation of Low-Medium Density Residential and a zoning designation of MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac). In order to provide the opportunity for the project site to be developed and have access, the General Plan Amendment and Zone Change are required to accomplish lot consolidation and land use designation consistency. The Applicant plans to consolidate all three lots, for a total of 0.65-acre of land, for future residential development.

The Planning Commission reviewed the proposed Zone Change on September 22, 2020, including the written and oral remarks presented at the public hearing. The Planning Commission voted 6 to 0, recommending that City Council approve the project as presented.

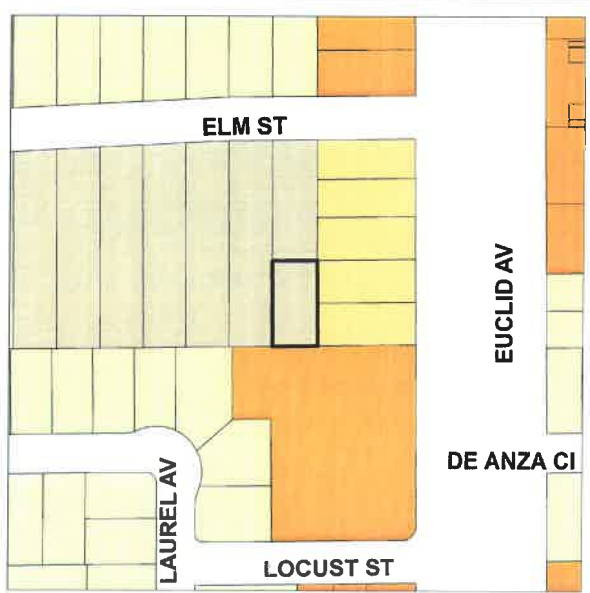
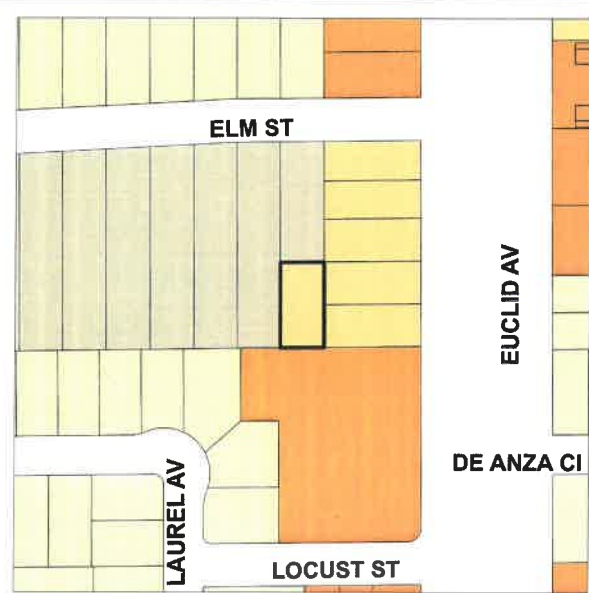
AIRPORT LAND USE COMPATIBILITY: The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must 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.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

EXHIBIT A — PROPOSED ZONE CHANGE

Legend:

	AR-2, Residential-Agricultural		PUD, Planned Unit Development		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay

	EXISTING	PROPOSED
		
TOP:	Rural Residential	Low-Medium Density Residential
Zoning:	AR-2, Agricultural Residential (0-2 du/ac)	MDR-11, Low-Medium Density Residential (5.1 – 11 du/ac)
Parcels:	1050-061-16	

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC19-003, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 0.21 ACRES OF LAND FROM AR-2, AGRICULTURAL RESIDENTIAL (0-2 DU/AC), TO MDR-11, LOW-MEDIUM DENSITY RESIDENTIAL (5.1-11 DU/AC), FOR A LAND LOCKED PARCEL LOCATED WEST OF 1524 AND 1526 SOUTH EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1050-061-16.

WHEREAS, Blaise D'Angelo ("Applicant") has filed an Application for the approval of a Zone Change, File No. PZC19-003, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to a single undeveloped lot of record totaling 0.21 acres of land generally located west of 1524 and 1526 South Euclid Avenue, within the AR-2 (Agricultural Residential – 0 to 2.0 du/ac) zoning district, which is proposed for change to MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac); and

WHEREAS, the properties to the north and west of the Project site are within the AR-2 (Agricultural Residential – 0 to 2.0 du/ac) zoning district and are developed with single-family dwellings. The properties to the east are within the MDR-11 (Low-Medium Density Residential - 5.1 to 11.0 du/ac) zoning district and includes a vacant property and a property developed with a residential care facility. The property to the south is within the MDR-18 (Medium Density Residential - 11.1 to 18.0 du/ac) zoning district and is developed with multiple-family residential units; and

WHEREAS, a related General Plan Amendment (File No. PGPA19-009) is being processed concurrently with the subject Zone Change, changing the General Plan land use designation on the subject property, from Rural Residential (0-2.0 du/ac) to Low-Medium Density Residential (5.1-11.0 du/ac). Approval of the subject Zone Change is contingent upon the approval of the proposed General Plan Amendment; and

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

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the Ontario International Airport Land Use Compatibility Plan ("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, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act ("CEQA") — Public Resources Code Section 21000 et seq; 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, 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 22, 2020, the Planning Commission conducted a public hearing and approved Resolution No. PC20-061, recommending the City Council approve a Resolution adopting an Addendum to the TOP Environmental Impact Report (SCH# 2008101140), certified by the City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum finds that the proposed project introduces no new significant environmental impacts. Furthermore, all mitigation measures previously adopted with the Certified Environmental Impact Report are incorporated into the Project by reference; and

WHEREAS, on September 22, 2020, the Planning Commission of the City of Ontario conducted a hearing to consider the Addendum and the Project, and concluded said hearing on that date, voting to issue Resolution No. PC20-063, recommending the City Council approve the Application; and

WHEREAS, on October 20, 2020, the City Council of the City of Ontario conducted a hearing to consider the Addendum and the Project and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on October 20, 2020, the City Council approved a resolution adopting an Addendum to a previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

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

SECTION 1. *Environmental Determination and Findings.* As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the City Council finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to TOP Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001.

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the Certified EIR, and all mitigation measures previously adopted by the Certified EIR, are incorporated herein by this reference.

SECTION 2. *Additional Environmental Review Not Required.* Based on the Addendum, all related information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Certified EIR; or

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

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

SECTION 4. *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 5. *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 4, above, the City Council hereby concludes as follows:

(1) The proposed Zone Change 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 as follows:

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.

- LU1-6: 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.

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and provides opportunities for choice in living environments.

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

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

Compliance: The proposed General Plan Amendment and Zone Change reflect the existing uses of the properties or closely coordinates with land use designations in the surrounding area and will not create adverse impacts on adjacent properties.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Compliance: The proposed General Plan Amendment and Zone Change are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario International Airport and Chino Airport.

Safety Element — Noise Hazards

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

- S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The subject property is located within the 60 to 65 CNEL Noise Impact area and the proposed Low-Medium Density Residential land use designation is compatible with the Noise Impact area.

(2) The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the proposed zoning designations are compatible with the zoning and land uses in the surrounding area.

(3) The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses because the surrounding properties to the south, and east have the same land use designations and the properties to the north and west have coordinating land use designation. The allowed uses of the properties will be similar to other properties in the area.

(4) The subject site is physically suitable, including, but not limited to, parcel sizes, shapes, access, and availability of utilities, for the requested zoning change from AR-2 (Agricultural Residential – 0 to 2.0 du/ac) to MDR-11 (Low-Medium Density Residential – 5.1 to 11.0 du/ac) and to the anticipated future development with allowable uses.

SECTION 6. **City Council Action.** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the City Council hereby APPROVES the herein described Zone Change, as shown in “Exhibit A,” attached hereto and incorporated herein by this reference.

SECTION 7. **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 8. **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 9. **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 10. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 11. *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 _____ 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST AND 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 October 20, 2020 and adopted at the regular meeting held _____, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

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

SHEILA MAUTZ, CITY CLERK

(SEAL)

Attachment 1: Proposed Zone Change

Legend:

	AR-2, Residential-Agricultural		PUD, Planned Unit Development		BP, Business Park		OS-R, Open Space - Recreation
	RE-2, Rural Estate		MU, Mixed Use 1 - Downtown, 2-East Holt, 11-Francis&Euclid		IP, Industrial Park		OS-C, Open Space-Cemetery
	RE-4, Residential Estate		CS, Corner Store		IL, Light Industrial		UC, Utilities Corridor
	LDR-5, Low Density Residential		CN, Neighborhood Commercial		IG, General Industrial		SP, Specific Plan
	MDR-11, Low-Medium Density Residential		CC, Community Commercial		IH, Heavy Industrial		SP(AG), Specific Plan with Agricultural Overlay
	MDR-18, Medium Density Residential		CCS, Convention Center Support		ONT, Ontario Int'l Airport		ES, Emergency Shelter Overlay
	MDR-25, Medium-High Density Residential		OL, Low Intensity Office		CIV, Civic		MTC, Multimodal Transit Center Overlay
	HDR-45, High Density Residential		OH, High Intensity Office		RC, Rail Corridor		ICC, Interim Community Commercial Overlay

