

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
APRIL 18, 2017**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Al C. Boling
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins with 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.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

6:30 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Council Member Wapner

INVOCATION

Reverend Frank Hamilton, First Christian Church of Ontario

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

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

CONSENT CALENDAR

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

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

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of March 21, 2017, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills March 5, 2017 through March 18, 2017 and **Payroll** March 5, 2017 through March 18, 2017, when audited by the Finance Committee.

3. A RESOLUTION DECLARING SUPPORT FOR PROPOSED ALIGNMENTS OF FOOTHILL GOLD LINE TO ONTARIO INTERNATIONAL AIRPORT THAT PRESERVE ONTARIO'S HISTORICAL ASSETS AND NEIGHBORHOODS

That the City Council adopt a resolution declaring support for current proposed alignments of the Foothill Gold Line to Ontario International Airport.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING SUPPORT FOR PROPOSED ALIGNMENTS OF THE FOOTHILL GOLD LINE THAT PRESERVE ONTARIO'S HISTORICAL ASSETS AND NEIGHBORHOODS.

4. A PROFESSIONAL SERVICES AGREEMENT WITH WOODLAWN, LLC FOR CITYWIDE MANAGEMENT CONSULTING SERVICES

That the City Council authorize the City Manager to execute a three (3) year Professional Services Agreement (on file with the Records Management Department) with Woodlawn, LLC of Huntington Beach, California, for the provision of citywide management consulting services.

5. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY

That the City Council designate Mayor pro Tem Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 5, 2017.

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING THE ONTARIO CENTER-PIEMONTE PROJECT, PARCEL 22, SECOND AMENDMENT TO OPTION AGREEMENT, AND FIRST AMENDMENT TO AGREEMENT AFFECTING REAL PROPERTY

That the City Council adopt a resolution approving a memorandum of understanding regarding the Ontario Center-Piemonte Project, Parcel 22, Second Amendment to Option Agreement, and First Amendment to Agreement Affecting Real Property.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING THE ONTARIO CENTER-PIEMONTE PROJECT, PARCEL 22, SECOND AMENDMENT TO OPTION AGREEMENT, AND FIRST AMENDMENT TO AGREEMENT AFFECTING REAL PROPERTY.

7. PURCHASE OF TRAFFIC SIGNAL CONTROLLERS/ECONOLITE GROUP, INC.

That the City Council authorize the sole source purchase of traffic signal controllers for an amount not to exceed \$255,000 from Econolite Group, Inc., of Anaheim, California.

8. AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR THE SIXTH STREET STORM DRAIN PROJECT/KLEINFELDER, INC.

That the City Council approve a second amendment to the Professional Services Agreement (on file in the Records Management Department) with Kleinfelder, Inc. of Ontario, California, for additional construction materials testing and geotechnical services for the Sixth Street Storm Drain Project, in the amount of \$56,834 for a revised contract amount of \$227,219; and authorize the City Manager to execute said amendment and future amendments.

9. AUTHORIZE THE PURCHASE OF FLEET VEHICLES

That the City Council takes the following actions:

- (A) Authorize the cooperative purchase and delivery of fourteen Ford Police Patrol SUVs in the amount of \$453,698 for the Police Department and two Ford Interceptor SUVs in the amount of \$53,580 for the Police and Fire Department from Fairview Ford of San Bernardino, California, consistent with the terms and conditions of City of Ontario Bid No. 613 and Bid No. 663;
- (B) Authorize the cooperative purchase and delivery of three BMW R1200RT-P Police Motorcycles in the amount \$87,520 from Long Beach BMW Motorcycles of Long Beach, California consistent with the terms and conditions of Los Angeles County Sheriffs Order Number PO-SH-14321689-1;
- (C) Authorize the cooperative purchase and delivery of two Chevrolet Tahoes in the amount of \$79,994 for the Police Department, one Chevrolet Silverado in the amount of \$40,539 for the Fire Department and one Ford Escape in the amount of \$23,572 for the Building Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 120716-NAF;

- (D) Authorize the cooperative purchase of one CNG Rear Loading Refuse Truck in the amount of \$279,156 for the Solid Waste Department from Los Angeles Freightliner of Whittier, California, consistent with the terms and conditions of the City of Long Beach Bid RFQFM17000007 10/18/2016; and
- (E) Award Bid No. 718 and authorize the purchase and delivery of one Valve Maintenance Truck in the amount of \$147,634 for the Utilities Department from Fairway Ford of Placentia, California.

10. SECOND AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2016-17 PROGRAM YEAR FOR THE RENOVATION OF THE DE ANZA PARK RESTROOM PROJECT

That the City Council and Ontario Housing Authority Board take the following actions:

- (A) Approve the Second Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2016-17 (“Substantial Amendment”);
- (B) Authorize City Manager and Executive Director, to take all actions necessary or desirable to implement these activities related to the renovation of the De Anza Park restroom.

11. A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT WITH LENNAR HOMES OF CALIFORNIA

That the City Council authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement (on file with the Records Management Department) with Lennar Homes of California, Inc. for the construction of public infrastructure in the Grand Park Specific Plan area (Tract No. 18662).

12. RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CLIMATE INVESTMENT URBAN GREENING PROGRAM

That the City Council adopt a resolution approving the filing of an application for \$1,000,000 of grant funds through the Natural Resources Agency for the California Climate Investment Urban Greening Program for the Grove Avenue Trail Connection Project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR CALIFORNIA CLIMATE INVESTMENT URBAN GREENING PROGRAM.

13. AN AMENDMENT TO THE STANDARD CONDITIONS OF APPROVAL FOR NEW DEVELOPMENT PROJECTS

That the City Council adopt a resolution approving an amendment to the “Standard Conditions of Approval for New Development.”

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE STANDARD CONDITIONS OF APPROVAL FOR NEW DEVELOPMENT PROJECTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

14. PURCHASE OF MOBILE RAMP SYSTEM FROM PATRIOT3 INC. AND TACTICAL RESPONSE VEHICLE FROM LENCO ARMORED VEHICLES

That the City Council authorize the City Manager to execute a sole source purchase contract with Patriot3, Inc. of Fredericksburg, Virginia in the amount of \$230,000 (includes sales tax and performance bond) for the purchase of a mobile ramp system and the procurement of a tactical response vehicle from Lenco Armored Vehicles of Pittsfield, Massachusetts in the amount of \$370,000 consistent with the terms and conditions of Department General Services (DGS) Contract 4-08-71-0077C.

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.

15. A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-007, REVISING PROVISIONS OF DEVELOPMENT CODE CHAPTER 5.0 (ZONING AND LAND USE) PERTAINING TO ACCESSORY DWELLINGS (FORMERLY REFERRED TO AS SECOND DWELLINGS), TO INCORPORATE RECENT CHANGES IN THE STATE'S ACCESSORY DWELLING UNIT LAWS (SB 1069, AB 2299 & AB 2406)

That the City Council introduce and waive further reading of an ordinance approving File No. PDCA16-007, a Development Code Amendment revising the City's land use and development regulations pertaining to Accessory Dwellings, to incorporate recent changes in the State's Accessory Dwelling Unit laws.

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. PDCA16-007, A DEVELOPMENT CODE AMENDMENT REVISING VARIOUS PROVISIONS OF DEVELOPMENT CODE CHAPTER 5.0 (ZONING AND LAND USE) AND CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS) PERTAINING TO ACCESSORY DWELLING UNITS (FORMERLY REFERRED TO AS SECOND DWELLINGS), INCORPORATING RECENT CHANGES IN THE STATE'S ACCESSORY DWELLING UNIT LAWS (AS PRESCRIBED BY SENATE BILL 1069, AND ASSEMBLY BILLS 2299 AND 2406), AND MAKING FINDINGS IN SUPPORT THEREOF.

STAFF MATTERS

City Manager Boling

COUNCIL MATTERS

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

ADJOURNMENT

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION DECLARING SUPPORT FOR PROPOSED ALIGNMENTS OF FOOTHILL GOLD LINE TO ONTARIO INTERNATIONAL AIRPORT THAT PRESERVE ONTARIO'S HISTORICAL ASSETS AND NEIGHBORHOODS

RECOMMENDATION: That the City Council adopt a resolution declaring support for current proposed alignments of the Foothill Gold Line to Ontario International Airport.

COUNCIL GOALS: Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies

FISCAL IMPACT: None.

BACKGROUND: On July 22, 2016, the City Council held a public workshop to discuss regional transportation issues. Representatives from SCAG, SANBAG, Omnitrans, and Foothill Gold Line provided presentations on projects that could significantly impact the City's transportation system in the coming years.

At that workshop, the City Council received information on potential routes for Foothill Gold Line to Ontario International Airport. Upon hearing the information, the Council expressed unanimous support for the Gold Line Project, and, specifically, the extension of Foothill Gold Line to Ontario International Airport. Additionally, the City Council expressed opposition to any Gold Line route that threatens historic assets or neighborhoods, specifically Euclid Avenue, which is on the National Register of Historic Places.

With the passage of Measure M in Los Angeles County, as well as the advancement of SCAG's Los Angeles-San Bernardino Inter-County Transit and Rail Planning Study, there has been much attention recently on the potential routing for Gold Line to Ontario International Airport. The proposed resolution expresses support for routes which would minimize land use impacts on the City and preserve the City's historic assets and neighborhoods by travelling through the City along the Cucamonga Channel. Such routes include, but are not limited to, the proposed "2A Metrolink/Cucamonga Channel"

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: David Sheasby
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

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route, which uses the Metrolink San Bernardino Line corridor and the Cucamonga Creek Channel to extend Gold Line from the Montclair Transcenter to Ontario International Airport. This route was designated as a “preferred route” in the “Metro Gold Line Foothill Extension to LA/Ontario International Airport Strategic Planning Study” performed by KOA Corporation. Alternative future routes may be considered; however, Council’s commitment to preserving the City’s historic assets and neighborhoods is an overriding consideration for any such routes being supported by the City.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING SUPPORT FOR PROPOSED ALIGNMENTS OF THE FOOTHILL GOLD LINE THAT PRESERVE ONTARIO'S HISTORICAL ASSETS AND NEIGHBORHOODS.

WHEREAS, the City Council of the City of Ontario held a public workshop regarding regional transportation issues on July 22, 2016; and

WHEREAS, at that workshop the City Council heard presentations on regional transportation projects including the West Valley Connector Bus Rapid Transit Project, the proposed Interstate 10 Express Lanes Project and the proposed Foothill Gold Line Extension to Ontario International Airport; and

WHEREAS, at the workshop the City Council expressed unanimous support for the Gold Line Project, and, specifically, the extension of Foothill Gold Line to Ontario International Airport; and

WHEREAS, the City Council expressed opposition to any Gold Line route that threatens historic assets or neighborhoods, specifically Euclid Avenue, which is on the National Register of Historic Places; and

WHEREAS, Foothill Gold Line staff presented information on potential routes for Foothill Gold Line to Ontario International Airport; and

WHEREAS, Foothill Gold Line staff indicated that the results of a "Metro Gold Line Foothill Extension to LA/Ontario International Airport Strategic Planning Study" performed by KOA Corporation in 2008 included a "preferred route" referred to as "2A Metrolink/Cucamonga Channel" route; and

WHEREAS, the "2A Metrolink/Cucamonga Channel" route would minimize land use impacts on the City of Ontario and preserve historic assets and neighborhoods by travelling through the City along the Cucamonga Channel; and

WHEREAS, the City Council now desires to declare its support for the "2A Metrolink/Cucamonga Channel" route for the Foothill Gold Line Extension to Ontario International Airport to ensure that Ontario's historic assets and neighborhoods, including Euclid Avenue, are preserved; and

WHEREAS, the City Council recognizes that alternative future routes may be considered; and

WHEREAS, the City Council now desires to declare that City support should only be offered for alternative future routes that preserve Ontario's historical assets and neighborhoods as an overriding consideration; and

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

SECTION 1. The foregoing recitals are true and correct and the City Council so finds and determines.

SECTION 2. The City Council hereby declares its support for proposed alignments of the Foothill Gold Line Extension to the Ontario International Airport, that preserve Ontario's historical assets and neighborhoods. Such alignments include, but are not limited to, the "2A Metrolink/Cucamonga Channel" route from the "Metro Gold Line Foothill Extension to LA/Ontario International Airport Strategic Planning Study."

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

PASSED, APPROVED, AND ADOPTED this 18th day of April 2017.

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. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 18, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held April 18, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A PROFESSIONAL SERVICES AGREEMENT WITH WOODLAWN, LLC FOR CITYWIDE MANAGEMENT CONSULTING SERVICES

RECOMMENDATION: That the City Council authorize the City Manager to execute a three (3) year Professional Services Agreement (on file with the Records Management Department) with Woodlawn, LLC of Huntington Beach, California, for the provision of citywide management consulting services.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: For FY 2016-17, the estimated costs for services is \$45,000; and General Fund appropriations are included in the adopted baseline operating budget such services. For future fiscal years, the costs incurred will be \$15,000 per month based on the extent of services provided, and appropriations for those future years will be included in the respective fiscal years' proposed budgets for Council consideration and approval.

BACKGROUND: In recent years, the City of Ontario has continued to thrive as a burgeoning economic, housing, and transportation center for the Inland Empire as well as the broader region. In addition to having Ontario International Airport return to local control, the City has continued to build out residential development in Ontario Ranch. Along with this growth has come greater responsibility and a need for specialized management consulting. This agreement with Woodlawn LLC, for citywide management consulting services will help provide for the effective and efficient administration of governmental services.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: Al C. Boling
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
April 18, 2017

**SECTION:
CONSENT CALENDAR**

SUBJECT: DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY

RECOMMENDATION: That the City Council designate Mayor pro Tem Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 4, 2017.

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

FISCAL IMPACT: There is no direct fiscal impact by taking this action; however, representation and participation in the SCAG General Assembly will help establish policy on matters which may affect the City's finances.

BACKGROUND: SCAG has scheduled their General Assembly for May 4, 2017, during the 2017 Regional Conference in Palm Desert, California. At the General Assembly, members consider and take actions on resolutions that determine policy matters for SCAG.

Consistent with the SCAG bylaws, a City's voting delegate must be designated by the City Council.

STAFF MEMBER PRESENTING: Al C. Boling, City Manager

Prepared by: David Sheasby
Department: Citywide Administration

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

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CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING THE ONTARIO CENTER-PIEMONTE PROJECT, PARCEL 22, SECOND AMENDMENT TO OPTION AGREEMENT, AND FIRST AMENDMENT TO AGREEMENT AFFECTING REAL PROPERTY

RECOMMENDATION: That the City Council adopt a resolution approving a memorandum of understanding regarding the Ontario Center-Piemonte Project, Parcel 22, Second Amendment to Option Agreement, and First Amendment to Agreement Affecting Real Property.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy

FISCAL IMPACT: None.

BACKGROUND: The Ontario Redevelopment Agency ("Former Redevelopment Agency") and Panattoni Development Company, LLC ("Panattoni") entered into a Disposition and Development Agreement ("DDA") on November 9, 2004 for the development of a multi-phase mixed-use commercial, office and residential project on property located in The Ontario Center and commonly referred to as the Piemonte Project ("Project"). Consistent with the terms of the DDA, certain phases of the Project were completed, specifically the Target commercial center on Fourth Street and the professional Class "A" office building located on Via Piemonte, immediately adjacent to the Citizens Business Bank Arena. Implementation of the subsequent phases of the Project as described in the DDA were impacted by the negative effects of the economic downturn and Great Recession. As a result, the remaining phases of the Project are still to be completed and are subject to ongoing implementation of the DDA.

Of the undeveloped DDA property ("DDA Property"), all but two parcels are now owned by Redus Piemonte, LLC. The two undeveloped parcels of the DDA Property which are not owned by Redus Piemonte, LLC are Parcel 22, owned by Piemonte Business Park, LLC and Parcel 23, which is owned

STAFF MEMBER PRESENTING: John P. Andrews, Economic Development Director

Prepared by: Charity Hernandez
Department: Economic Development

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

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by the Successor Agency to the Former Redevelopment Agency (“Successor Agency”). Parcel 22 is shown on Exhibit A, which is attached hereto and incorporated herein by reference.

Specifically with regard to development of Parcel 22, the DDA calls for the development of a hotel including amenities which together would serve as a catalyst for additional development in the Piemonte Project and complement event activity at the adjacent Citizens Business Bank Arena.

The City Council previously approved and entered into an Assignment and Assumption Agreement with the Successor Agency pursuant to which the Successor Agency assigned to the City all of the Successor Agency’s rights to the DDA and all related agreements and the City assumed all rights and obligations of Successor Agency thereunder.

Ontario Glacier E LLC, a Nevada limited liability company (“Glacier”) is under contract to acquire Parcel 22 from Piemonte Business Park, LLC. The City and Glacier entered into an Exclusive Negotiation Agreement (“ENA”) pursuant to which the City and Glacier have been negotiating development of Parcel 22 with a hotel in furtherance of the goals and objectives of the DDA. The hotel development being negotiated with Glacier consists of a 4-story hotel (with a room count range between 124 and 140 rooms) branded as Element by Westin with an approximately 3,000 square foot ground level restaurant with outdoor dining area (“Hotel Development”). Additional amenities in the Hotel Development include a pool, meeting room, and approximately 154 surface parking spaces.

In furtherance of the ENA, City staff and Glacier have negotiated a proposed Memorandum of Understanding regarding The Ontario Center-Piemonte Project, Parcel 22 (“MOU”) which provides for termination of the DDA as it relates to Parcel 22 and amendments to certain DDA related documents. The MOU is necessary in order to modify the requirements for the hotel to be developed on Parcel 22 from what was originally envisioned in the DDA to permit development of the new proposed Hotel Development. The MOU provides that the DDA and associated Grant Deed would be terminated, security related to the DDA would be released, and certain agreements related to the DDA would be amended. More specifically, as part of the MOU, an existing Deed of Trust in favor of the City securing performance of development of the hotel as originally envisioned would be released and reconveyed. Covenants in the existing Grant Deed for the benefit of the City pertaining to development of the hotel as originally envisioned in the DDA would also be terminated and released from Parcel 22. Under the MOU, an existing Option Agreement for the benefit of the City would be amended by a proposed Second Amendment to Option Agreement providing the City with an option to purchase Parcel 22 in certain events related to the construction of the Hotel Development, subject to price and terms of payments as set forth in the proposed Second Amendment to Option Agreement. Also, as part of the MOU, the City would enter into a proposed First Amendment to Agreement Affecting Real Property revising covenants for Parcel 22 to permit the new proposed Hotel Development.

The Hotel Development is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (“CEQA”). The environmental impacts of the Hotel Development were reviewed in conjunction with an Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003, and was approved by the City Council on March 23, 2006. The Addendum was prepared pursuant to CEQA, State CEQA Guidelines, and the City’s Guidelines for the Implementation of the California Environmental Quality Act (CEQA) which provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The Hotel Development introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report and Addendum thereto. All previously adopted mitigation measures are a condition of project approval.

Staff recommends that the City Council adopt the resolution approving the MOU, Second Amendment to Option Agreement, and First Amendment to Agreement Affecting Real Property, which will enable development of the Hotel Development in order to serve as a catalyst for additional development in the Piemonte Project and complement event activity at the adjacent Citizens Business Bank Arena.

EXHIBIT "A"



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING THE ONTARIO CENTER-PIEMONTE PROJECT, PARCEL 22, SECOND AMENDMENT TO OPTION AGREEMENT, AND FIRST AMENDMENT TO AGREEMENT AFFECTING REAL PROPERTY.

THE CITY OF ONTARIO HEREBY RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. WHEREAS, the City of Ontario ("City") formed the Ontario Redevelopment Agency ("Former Redevelopment Agency") pursuant to the Community Redevelopment Law (Health and Safety Code sections 33000 *et seq.*); and

SECTION 2. WHEREAS, the Former Redevelopment Agency and Panattoni Development Company, LLC, a California limited liability company ("Panattoni"), entered into that certain Disposition and Development Agreement dated as of November 9, 2004, as amended by that certain First Implementation Agreement dated as of October 10, 2006, as further amended, modified, or implemented (collectively, the "DDA") pertaining to development of the property described in Section 104 of the DDA. DDA, as used herein shall mean, refer to, and include the DDA, as well as any riders, exhibits, addenda, implementation agreements, amendments and attachments thereto. For purposes of this Agreement, DDA shall not include the hereinafter defined Option Agreement or AARP; and

SECTION 3. WHEREAS, in accordance with the DDA, Panattoni assigned Panattoni's right, title and interest in and to the DDA pertaining to Parcel 22 of Parcel Map No. 17550 (formerly Lot 6 of the DDA) ("Parcel 22") to Panattoni Investments, LLC and Phelan Properties, LLC ("Panattoni and Phelan") and Panattoni and Phelan then assigned their rights, title and interest in and to the DDA pertaining to Parcel 22 to Piemonte Business Park, LLC a California limited liability company ("Assignor"). Assignor is the current fee title owner of Parcel 22. Parcel 22 is located within the area of the City of Ontario known as The Ontario Center. Also within The Ontario Center is the City-built and City-owned Citizens Business Bank Arena, which provides quality facilities for diverse entertainment, business functions, social gatherings and educational opportunities; and

SECTION 4. WHEREAS, in furtherance of the DDA, Former Redevelopment Agency and Assignor entered into that certain Option Agreement to Reacquire Real Property dated October 10, 2006 and recorded against Parcel 22 in the Official Records of the County of San Bernardino as Instrument #2006-0704830 (the "Original Option Agreement") wherein Assignor provided Former Redevelopment Agency with the exclusive right to reacquire Parcel 22 from Assignor under the conditions set forth in the Original Option Agreement (the "Option"); and

SECTION 5. WHEREAS, in furtherance of the DDA, on October 16, 2006, Former Redevelopment Agency conveyed Parcel 22, among other parcels, to Assignor by Grant Deed dated October 10, 2006 and recorded against Parcel 22 and other parcels

in the Official Records of the County of San Bernardino as Instrument #2006-070484 (the "Grant Deed"). The Grant Deed contains, inter alia, certain use restrictions and other provisions regarding Parcel 22; and

SECTION 6. WHEREAS, Assignor and Ryan Companies, US, Inc., a Minnesota corporation ("Ryan") previously entered into that certain Purchase and Sale Agreement and Joint Escrow Instructions dated January 31, 2008, as amended (the "Ryan Purchase Agreement") which provided for Assignor to sell Parcel 22 to Ryan. In connection with the Ryan Purchase Agreement, Former Redevelopment Agency, Assignor, and Ryan entered into that certain Assignment and Assumption Agreement dated as of October 16, 2007, as amended (the "Ryan Assignment Agreement") which provided for Assignor to assign to Ryan Assignor's rights and obligations under the DDA pertaining to Parcel 22; and

SECTION 7. WHEREAS, Former Redevelopment Agency, Assignor and Ryan also entered into that certain First Amendment to Option Agreement to Reacquire Real Property dated February 27, 2008 and recorded against Parcel 22 in the Official Records of the County of San Bernardino as Instrument #2008-119766 ("First Amendment to Original Option Agreement"), which amended the Original Option Agreement. The Original Option Agreement as amended by the First Amendment to Original Option Agreement may be collectively referred to herein as the "Option Agreement"; and

SECTION 8. WHEREAS, Former Redevelopment Agency, Assignor and Ryan also entered into that certain Agreement Affecting Real Property dated February 27, 2008 and recorded against Parcel 22 in the Official Records of the County of San Bernardino as Instrument #2008-0119765 (the "AARP"), which contains certain covenants and conditions which run with the land concerning Parcel 22' and

SECTION 9. WHEREAS, Assignor and Ryan executed that certain Deed of Trust in favor of Former Redevelopment Agency as beneficiary recorded March 8, 2008 against Parcel 22 in the Official Records of the County of San Bernardino as Instrument #2008-119767 ("Deed of Trust"); and

SECTION 10. WHEREAS, close of escrow did not occur as and when required by the terms of the Ryan Purchase Agreement and, as a result, a "Termination Event" occurred under the Ryan Assignment Agreement and the Ryan Assignment Agreement terminated by its own terms. In addition, pursuant to Section 1.2 of the Ryan Purchase Agreement, buyer thereunder formally terminated the Ryan Purchase Agreement; and

SECTION 11. WHEREAS, the Redevelopment Agency Dissolution Law (Assembly Bill No. X1 26, as modified by the California Supreme Court pursuant to *California Redevelopment Association v. Matosantos et al.* (2011) 53 Cal.4th 231, as further amended by Assembly Bill No. 1484, as further amended by Assembly Bill No. 1585, as further amended by Senate Bill No. 341, as further amended by Assembly Bill No. 471, as further amended by Assembly Bill No. 1963, as further amended by Assembly Bill No. 1793, and as further amended from time to time) makes certain changes to the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the Health and Safety Code. Pursuant

to the Redevelopment Agency Dissolution Law, all California redevelopment agencies, including the Former Redevelopment Agency, were dissolved on February 1, 2012, and “successor agencies” were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies; and

SECTION 12. WHEREAS, pursuant to Health and Safety Code section 34173(d), the City elected to be the successor agency to the Former Redevelopment Agency (“Successor Agency”), as confirmed by Resolution No. 2012-001 on January 10, 2012; and

SECTION 13. WHEREAS, pursuant to operation of the Redevelopment Agency Dissolution Law, the Successor Agency is the successor-in-interest to the Former Redevelopment Agency; and

SECTION 14. WHEREAS, in the more than 12 years since the DDA has been in effect only two projects required to be completed by the DDA have been completed; namely, the First Retail Project and the First Office Project (as defined in the DDA). The remaining projects are still to be completed and are subject to further, ongoing implementation of the DDA; and

SECTION 15. WHEREAS, of the undeveloped DDA Property, all but two parcels are now owned by Wells Fargo bank following foreclosure of the DDA Property which secured a loan of the DDA developer. The two undeveloped DDA parcels which are not owned by Wells Fargo are Parcel 22 of Parcel Map No. 17550, which is still owned by the DDA developer, and Parcel 23 of Parcel Map No. 17550, which is owned by the Successor Agency. Parcel 22 and Parcel 23 also remain subject to the terms and conditions of the DDA and the development requirements and limitations contained in the DDA. The remaining DDA projects are still to be completed and are subject to further, ongoing implementation of the DDA; and

SECTION 16. WHEREAS, due to the importance of the development of Parcel 22 and overall development of The Ontario Center, the Successor Agency and City entered into that certain Assignment and Assumption Agreement dated as of May 17, 2016 whereby the Successor Agency assigned to the City all of the Successor Agency’s right, title and interest in and to the DDA and all related agreements to which Successor Agency is a party or to which Successor Agency is a beneficiary (express or implied) (including, without limitation, all documents entered into in furtherance of the DDA, which includes the Option Agreement, Deed of Trust, Grant Deed, and AARP) and the City assumed all rights and obligations of Successor Agency thereunder (“City Assignment and Assumption Agreement”); and

SECTION 17. WHEREAS, the City Assignment and Assumption Agreement was approved by the Oversight Board to the Successor Agency by Resolution No. OOB-035 and the California State Department of Finance approved Resolution No. OOB-035 by letter dated July 1, 2016 to the Successor Agency; and

SECTION 18. WHEREAS, Assignor and Glacier House Hotel Development, LLC, a Nevada limited liability company (“Glacier House”), an affiliate of Ontario Glacier E LLC, a Nevada limited liability company (“Assignee”), entered into that certain Purchase and Sale Agreement and Joint Escrow Instructions dated June 1, 2015, as amended from time to time (collectively, the “Glacier Purchase Agreement”), whereby Assignor agrees to convey Parcel 22 to Glacier House and Glacier House agrees to accept conveyance of Parcel 22, subject to the terms and conditions of the Glacier Purchase Agreement. Glacier House has previously assigned its right, title and interest in the Glacier Purchase Agreement to Assignee with the consent of Assignor; and

SECTION 19. WHEREAS, at the close of escrow under the Glacier Purchase Agreement, Assignor shall assign to Assignee all of Assignor’s rights and obligations under the DDA pertaining to Parcel 22; and

SECTION 20. WHEREAS, City and Assignee have entered into that certain Exclusive Negotiation Agreement made and entered as of October 11, 2016 (“ENA”) pursuant to which the City and Assignee entered into negotiations concerning the development of Parcel 22 with the Hotel Development (defined immediately below) in furtherance of the goals and objectives of the DDA. The term “Hotel Development” as used herein initially shall mean a 4-story hotel (with a room count range between 124 and 140 rooms) branded as Element by Westin with an approximately 3,000 gross s.f. ground level restaurant with outdoor dining area. Additional amenities in the initial development include a pool and approximately 154 surface parking spaces; and

SECTION 21. WHEREAS, City staff and Assignee have negotiated a proposed Memorandum of Understanding Regarding the Ontario Center-Piemonte Project, Parcel 22 (“MOU”) to provide for termination of the DDA as it relates to Parcel 22 (and, in conjunction therewith, to amend or release, as applicable, the Option Agreement, Deed of Trust, Grant Deed and AARP) pertaining to the Hotel Development which would become effective only upon Assignee’s acquisition of Parcel 22; and

SECTION 22. WHEREAS, in furtherance of the MOU, City staff and Assignee have negotiated a proposed Second Amendment to Option Agreement (“Second Amendment to Option”) which modifies the Option Agreement to provide for development of the Hotel Development on Parcel 22; and

SECTION 23. WHEREAS, in furtherance of the MOU, City staff and Assignee have negotiated a proposed First Amendment to AARP (“First Amendment to AARP”) which modifies the AARP to provide for development of the Hotel Development on Parcel 22; and

SECTION 24. WHEREAS, the Hotel Development is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (“CEQA”) and an initial study has been prepared to determine possible environmental impacts; and

SECTION 25. WHEREAS, the environmental impacts of the Hotel Development were previously analyzed in conjunction with an Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in

conjunction with File No. PSPA05-003, and was approved by the City Council on March 23, 2006. The Hotel Development introduces no new significant environmental impacts; and

SECTION 26. 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

SECTION 27. WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

1. The City Council of the City of Ontario hereby finds and determines that the foregoing recitals are true and correct.
2. The City Council of the City of Ontario hereby finds and determines that the City Council has reviewed and considered the information contained in the Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003 and supporting documentation. Based upon the facts and information contained in the Addendum to the Ontario Center EIR, which was prepared in conjunction with File No. PSPA05-003 and supporting documentation, the City Council finds as follows:
 - a. The previous Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003, and was approved by the City Council on March 23, 2006, contains a complete and accurate reporting of the environmental impacts associated with the Hotel Development; and
 - b. The previous Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003, and was approved by the City Council on March 23, 2006, was completed in compliance with CEQA and the Guidelines promulgated thereunder; and
 - c. The previous Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003, and was approved by the City Council on March 23, 2006, reflects the independent judgment of the City Council; and
 - d. All previously adopted mitigation measures, which are applicable to the Hotel Development, shall be a condition of Hotel Development approval and are incorporated herein by this reference.

3. The City Council of the City of Ontario hereby finds and determines that based upon the information presented to the City Council, and the specific findings set forth in Section 2, above, the City Council finds that the preparation of a subsequent or supplemental Addendum is not required for the Hotel Development, as the Hotel Development:
 - a. Does not constitute substantial changes to the Addendum to the Ontario Center EIR, which was prepared in conjunction with File No. PSPA05-003 Addendum to the Ontario Center EIR, which was prepared in conjunction with File No. PSPA05-003, and was approved by the City Council on March 23, 2006, that will require major revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - b. Does not constitute substantial changes with respect to the circumstances under which the Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003 was prepared, that will require major revisions to the Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003, due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
 - c. 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 Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003 was adopted/certified, that shows any of the following:
 - i. The Hotel Development will have one or more significant effects not discussed in the environmental impacts of this Hotel Development were previously analyzed in conjunction with an Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003; or
 - ii. Significant effects previously examined will be substantially more severe than shown in the Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003; or
 - iii. 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 Hotel Development, but the City declined to adopt such measures; or

- iv. Mitigation measures or alternatives considerably different from those analyzed in the Addendum to the Ontario Center Environmental Impact Report (EIR 88-2, SCH No. 89041009), which was prepared in conjunction with File No. PSPA05-003 would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.
4. The City Council hereby approves the MOU, the Second Amendment to Option Agreement, and the First Amendment to AARP, copies of which are on file with the City Records Management Department.
5. Without the requirement of any further approval of the City, the City Manager or designee is authorized and directed to do all of the following: (a) execute the MOU, the Second Amendment to Option Agreement, and the First Amendment to AARP on behalf of the City; (b) make non-substantive changes or modifications to the MOU, the Second Amendment to Option Agreement, or the First Amendment to AARP as deemed necessary by the City Manager and approved by City special legal counsel; and (c) take any action and execute any and all documents and agreements necessary to implement this Resolution, the MOU, the Second Amendment to Option Agreement, the First Amendment to AARP and all related documents or agreements and administer the City's obligations, responsibilities and duties to be performed hereunder and thereunder (including, without limitation, exercising the option and executing a grant deed certificate of acceptance in connection with the option).
6. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City declares that the City would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.
7. 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.
8. This Resolution shall take effect immediately upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 18th day of April 2017.

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. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 18, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held April 18, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF TRAFFIC SIGNAL CONTROLLERS

RECOMMENDATION: That the City Council authorize the sole source purchase of traffic signal controllers for an amount not to exceed \$255,000 from Econolite Group, Inc., of Anaheim, California.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Operate in a Businesslike Manner

FISCAL IMPACT: The adopted Fiscal Year 2016-17 Budget includes appropriations of \$333,498 for the Transportation Management System Upgrade Project and \$4,218,936 to purchase material and equipment for the Fiber Optic Master Plan Project. The cost of the traffic signal controller replacement is about \$255,000. Out of the 52 controllers to be replaced, 22 of them will be funded under the Transportation Management System Upgrade Project and 30 of them will be funded under the Fiber Optic Master Plan Project.

BACKGROUND: On January 20, 2015, the City Council approved a Cooperative Funding Agreement with the San Bernardino County Transportation Authority (SBCTA) to fund the City's Transportation Management System Upgrade Project. The scope of this project includes the integration of existing traffic signals to the Centrac's traffic signal management system. In addition, the City's Fiber Optic Master Plan has identified both immediate and future opportunities for further integration of the Centrac's system, which will be achieved by connecting 30 additional existing signals along the fiber backbone.

The signal system integration effort requires 52 aging traffic signal controllers to be replaced with Centrac's compatible controllers. Econolite Group is the sole manufacturer and direct provider of Cobalt traffic signal controllers that are both compatible with Centrac's and other controllers that are already existing in the City's system. In order to maintain operational continuity with existing infrastructure, staff recommends the sole source purchase of traffic signal controllers from Econolite Group, Inc.

STAFF MEMBER PRESENTING: Louis Abi-Younes, P.E., City Engineer

Prepared by: Donald Burden
Department: Engineering Department

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MATERIALS TESTING AND GEOTECHNICAL SERVICES FOR THE SIXTH STREET STORM DRAIN PROJECT

RECOMMENDATION: That the City Council approve a second amendment to the Professional Services Agreement (on file in the Records Management Department) with Kleinfelder, Inc. of Ontario, California, for additional construction materials testing and geotechnical services for the Sixth Street Storm Drain Project, in the amount of \$56,834 for a revised contract amount of \$227,219; and authorize the City Manager to execute said amendment and future amendments.

**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)**

FISCAL IMPACT: The original Kleinfelder, Inc. agreement was in the amount of \$90,490 and Amendment No. 1 added an additional \$79,895. The recommended actions will add \$56,834, for a total agreement amount of \$227,219. A budget adjustment will be included in the FY2016-17 Third Budget Update Report.

BACKGROUND: This amendment provides for additional construction materials testing and geotechnical services for the Sixth Street Storm Drain Project. The additional testing and geotechnical oversight is necessary due to slower daily construction progress by the construction contractor than originally anticipated, and an increase in field observation and testing needed to ensure the construction contractor's compliance with the approved plans and specifications. The project is expected to be completed by July 2017.

STAFF MEMBER PRESENTING: Louis Abi-Younes, P.E., City Engineer

Prepared by: Tricia Espinoza
Department: Engineering

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF FLEET VEHICLES

RECOMMENDATION: That the City Council takes the following actions:

- (A) Authorize the cooperative purchase and delivery of fourteen Ford Police Patrol SUVs in the amount of \$453,698 for the Police Department and two Ford Interceptor SUVs in the amount of \$53,580 for the Police and Fire Department from Fairview Ford of San Bernardino, California, consistent with the terms and conditions of City of Ontario Bid No. 613 and Bid No. 663;
- (B) Authorize the cooperative purchase and delivery of three BMW R1200RT-P Police Motorcycles in the amount \$87,520 from Long Beach BMW Motorcycles of Long Beach, California consistent with the terms and conditions of Los Angeles County Sheriffs Order Number PO-SH-14321689-1;
- (C) Authorize the cooperative purchase and delivery of two Chevrolet Tahoes in the amount of \$79,994 for the Police Department, one Chevrolet Silverado in the amount of \$40,539 for the Fire Department and one Ford Escape in the amount of \$23,572 for the Building Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 120716-NAF;
- (D) Authorize the cooperative purchase of one CNG Rear Loading Refuse Truck in the amount of \$279,156 for the Solid Waste Department from Los Angeles Freightliner of Whittier, California, consistent with the terms and conditions of the City of Long Beach Bid RFQFM17000007 10/18/2016; and
- (E) Award Bid No. 718 and authorize the purchase and delivery of one Valve Maintenance Truck in the amount of \$147,634 for the Utilities Department from Fairway Ford of Placentia, California.

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

STAFF MEMBER PRESENTING: Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Craig Grabow
Department: Fleet Services
City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017
Approved: _____
Continued to: _____
Denied: _____

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FISCAL IMPACT: The Fiscal Year 2016-17 adopted budget includes appropriations in the amount of \$1,289,495 for the purchase of the vehicles and equipment listed above. The total cost of the vehicles recommended for purchase is \$1,165,693.

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 between 10 and 18 years old and 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 operation.

(A) Fourteen Ford Patrol SUVs and two Ford Interceptor SUVs for the Police Department

In March 2016, the City solicited bids for five 2017 Ford Police Patrol SUVs. Fairview Ford located in San Bernardino, California, was the only responsive bidder.

Five Ford Police Patrol SUVs		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Fairview Ford	San Bernardino, California	\$162,033

On April 19, 2016, City Council awarded Bid No. 613 and authorized the purchase of five 2017 Ford Police Patrol SUV Vehicles from Fairview Ford, located in San Bernardino, California. The awarded bid states the City reserves the right to order more, less, or no items at the “per unit cost” stated in the bid proposal. City Staff and Fairview Ford of San Bernardino, California, have negotiated the purchase of fourteen additional Ford Police Patrol SUVs at the same price per unit (\$32,407), as previously ordered.

In July 2016, the City solicited bids for seven Ford Interceptor SUVs. The results were as follows:

Seven Ford Interceptor SUVs		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Fairview Ford	San Bernardino, California	\$187,527
Fairway Ford	Placentia, California	\$190,861
South Bay Ford	Hawthorne, California	\$193,157
Sunrise Ford	Fontana, California	\$197,756
Citrus Motors	Ontario, California	\$206,419

On August 16, 2016, City Council awarded Bid No. 663 and authorized the purchase of seven Ford Interceptor SUVs. The awarded bid states the City reserves the right to order more, less, or no items at the “per unit cost” stated in the bid proposal. City staff and Fairview Ford of San Bernardino, California, have negotiated the purchase of two additional Ford Interceptor SUVs at the same price per unit (\$26,790), as previously ordered.

Staff recommends the purchase and delivery of fourteen Ford Police Patrol SUVs in the amount of \$453,698 and two Ford Interceptor SUVs in the amount of \$53,580 for the Police Department from Fairview Ford of San Bernardino, California, under the terms and conditions of Bid No. 613 and Bid No. 663.

(B) Three BMW R1200RT-P Police Motorcycles for the Police Department

Staff recommends the cooperative purchase and delivery of three BMW R1200RT-P Police Motorcycles in the amount \$87,520 from Long Beach BMW Motorcycles of Long Beach, California, consistent with the terms and conditions of Los Angeles County Sheriffs Order Number PO-SH-14321689-1.

(C) Four Vehicles for Fire, Police, Buildings and Utilities Departments

Staff recommends the purchase and delivery of two Chevrolet Tahoes in the amount of \$79,994 for the Police Department, one Chevrolet Silverado in the amount of \$40,539 for the Fire Department, and one Ford Escape in the amount of \$23,572 for the Building Department from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 120716-NAF.

(D) One CNG Rear Loading Refuse Truck

Staff recommends the cooperative purchase and delivery of one CNG Rear Loading Refuse Truck in the amount of \$279,156 for the Solid Waste Department from Los Angeles Freightliner of Whittier, California, consistent with the terms and conditions of the City of Long Beach Bid RFQFM17000007 10/18/2016.

This cooperative purchasing opportunity will allow the City to pool its procurement power with another public agency to obtain prices lower than would otherwise be possible. City of Ontario Municipal Code Section 2-6.11 (b) (3) allows for the purchase of supplies and equipment through cooperative purchasing when another governmental agency generally follows the provisions of Government Code Section 54201 through 54204.

(E) One Valve Maintenance Truck

In March 2017, the City solicited bids for one Valve Maintenance Truck. The results were as follows:

Bid No. 718 for One Valve Maintenance Truck		
<u>Supplier</u>	<u>Location</u>	<u>Bid Amount</u>
Fairway Ford	Placentia, California	\$147,634
Fritts Ford	Riverside, California	\$149,806
Fairview Ford	San Bernardino, California	\$187,926

Staff recommends the purchase and delivery of one Valve Maintenance Truck in the amount of \$147,634 and award Bid No. 718 to Fairway Ford, located in Placentia, California.

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: SECOND AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2016-17 PROGRAM YEAR FOR THE RENOVATION OF THE DE ANZA PARK RESTROOM PROJECT

RECOMMENDATION: That the City Council and Ontario Housing Authority Board take the following actions:

- (A) Approve the Second Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2016-17 (“Substantial Amendment”);
- (B) Authorize City Manager and Executive Director, to take all actions necessary or desirable to implement these activities related to the renovation of the De Anza Park restroom.

COUNCIL GOALS: Focus Resources in Ontario’s Commercial and Residential Neighborhoods
Invest in the City’s Infrastructure (Water, Sewer, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: The Substantial Amendment allocates \$247,230 in CDBG for the renovation of the restroom at De Anza Park. There is currently \$102,770 in Parks funds budgeted for this project for a total project budget of \$350,000. There is no impact to the General Fund.

BACKGROUND: On May 3, 2016, the City Council approved the Fiscal Year 2016-17 One-Year Annual Action Plan as part of the Consolidated Plan. Additional funds in the amount of \$147,390 from prior years have been identified as available for allocation. In addition, \$99,840 will be reallocated to this project from the Fiscal Year 2015-16 CIT Homeowner Occupied Rehabilitation Loan Program. This program had a total of \$500,000 in CDBG funds allocated and has received no eligible applications to date.

The scope of work for this project will include the demolition of the existing building and the installation of a new pre-fabricated restroom. In addition, the electrical and sewer infrastructure will be updated to meet code. The project will promote a safer and cleaner environment and a more aesthetically pleasing structure for the community.

STAFF MEMBER PRESENTING: Brent D. Schultz, Housing and Municipal Services Director

Prepared by: Katryna Gonzalez
Department: Housing and Municipal Services

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

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The proposed action to utilize CDBG funds for the renovation of the De Anza Park restroom qualifies as a substantial amendment and requires the City/Board to formally amend the Consolidated Plan Annual Action Plan for the 2016-17 Program Year.

The draft Substantial Amendment was available for public review from March 17, 2017 through April 17, 2017. No public comments were received during the public review period. Subsequent to City Council approval, the amended plan will be submitted to the U.S. Department of Housing and Urban Development.

Staff recommends approval of the Substantial Amendment for the renovation of the De Anza Park restroom.

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT WITH LENNAR HOMES OF CALIFORNIA

RECOMMENDATION: That the City Council authorize the City Manager to execute a Development Impact Fee Credit and Reimbursement Agreement (on file with the Records Management Department) with Lennar Homes of California, Inc. for the construction of public infrastructure in the Grand Park Specific Plan area (Tract No 18662).

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewer, Parks, Storm Drains, and Public Facilities)

FISCAL IMPACT: Approval of the proposed action will result in no fiscal impact to the City's General Fund. The project's development agreement and related conditions require the developer to construct Development Impact Fee (DIF) Program infrastructure with estimated costs of approximately \$2,595,473. The proposed DIF Credit and Reimbursement Agreement defines the amount of DIF Credit that the developer may be eligible to receive. The developer will receive DIF credit upon completion of the improvements in the DIF Credit Agreement. These DIF credits may be exchanged for a refund of DIF that was previously paid by developer or be applied to the developer's remaining DIF obligation up to the developer's maximum DIF obligation in each respective DIF category.

BACKGROUND: Lennar Homes of California, Inc. acquired property in the Grand Park Specific Plan area and assumed the Development Agreement between the City and Ontario Edison Holdings, LLC (Distinguished). The Development Agreement with the City, approved in 2014, provided for the development of approximately 330 residential units and the design and construction of required public infrastructure that is included in the City's DIF Program.

The required DIF Program infrastructure is within the Ontario Ranch (NMC) water, sewer, streets and fiber optics DIF Program categories. The Development Agreement recognized that Ontario Edison Holdings, LLC (and its successor) would be eligible to receive DIF credit upon completion of the

STAFF MEMBER PRESENTING: Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob L. Chandler
Department: Management Services

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

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Denied: _____

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construction of the DIF Program facilities up to the total DIF obligation in the applicable DIF categories. The estimated costs in the City's DIF Program for the required infrastructure in the water, sewer and streets categories exceed the developer's projected DIF obligations in these categories. As such, the developer may assign DIF Credit to other members of the NMC Builders consortium or may receive future reimbursements from DIF collected when future projects develop.

The proposed agreement is in conformance with previous DIF Credit Agreements for NMC Builders member developers and is in compliance with the City's DIF policies. Under the provisions of the City's DIF Program, the City Manager is authorized to execute such agreements with the approval of the City Council.

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CLIMATE INVESTMENT URBAN GREENING PROGRAM

RECOMMENDATION: That the City Council adopt a resolution approving the filing of an application for \$1,000,000 of grant funds through the Natural Resources Agency for the California Climate Investment Urban Greening Program for the Grove Avenue Trail Connection Project.

COUNCIL GOALS: 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: Senate Bill 859 authorized the use of the Greenhouse Gas Reduction Fund (GGRF) through the Natural Resources Agency for the Urban Greening Program to award grants on a competitive basis with potential grant request amounts averaging on the higher side of \$1,000,000, but not limited to that specified amount, due to the program having no stated minimum or maximum grant request amount. The project recommended in the grant application is the Grove Avenue Trail Connection Project with an estimated request grant fund amount of \$1,000,000. Matching funds are not required, but the application will receive additional scoring opportunity to applicants that include a commitment for matching funds for non-construction costs.

BACKGROUND: The intent of the Urban Greening Program is to finance green infrastructure projects that reduce greenhouse gas (GHG) emissions and provide multiple benefits. In addition the program reducing GHG emissions, the program would like projects located within disadvantaged communities. The Grove Avenue Trail Connection project is consistent with the grant program criteria and will create a walking/biking trail with amenities that will promote new greening infrastructure, increase current recreational opportunities and provide a new dedicated trail system from Fourth Street to Holt Boulevard along Grove Avenue in this underserved neighborhood. A resolution of the City Council is a mandatory requirement of the Natural Resources Agency grant application process.

STAFF MEMBER PRESENTING: Mark Chase, Community and Public Services Agency

Prepared by: Stacy Orton
Department: Parks and Maintenance

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR CALIFORNIA CLIMATE INVESTMENT URBAN GREENING PROGRAM.

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

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

1. Approves the filing of an application for the Grove Avenue Trail Connection; and
2. Certifies that applicant understands the assurances and certification in the application; and
3. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with the provisions of Section 1771.5 of the State Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained; and
6. Certifies that applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and

7. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

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

PASSED, APPROVED, AND ADOPTED this 18th day of April 2017.

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. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 18, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held April 18, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: AN AMENDMENT TO THE STANDARD CONDITIONS OF APPROVAL FOR NEW DEVELOPMENT PROJECTS

RECOMMENDATION: That the City Council adopt a resolution approving an amendment to the "Standard Conditions of Approval for New Development."

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Pursue City's Goals and Objectives by Working with Other Governmental Agencies
Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

FISCAL IMPACT: In amending the "Standard Conditions of Approval," the City will continue to realize cost savings through reduced staff time and reproduction costs associated with the preparation of conditions of approval for each new Development Plan application and the preparation of staff reports to the City Council, Planning Commission, and Development Advisor Board.

BACKGROUND: In March 2010, the City Council approved Resolution No. 2010-021, adopting the "Standard Conditions of Approval for New Development," based on the City standards in effect at the time, and standard operating procedures of the various City departments and agencies which participate in the review of development applications.

In January 2016, a comprehensive update to the Ontario Development Code was enacted, which superseded the previous Development Code in its entirety. Moreover, during the past year, several minor alterations and clarifications to the Development Code were enacted to adjust and clarify a number of its provisions. As a result of these amendments, Staff is recommending changes to the Standard Conditions of Approval which are necessary to bring the "Standard Conditions of Approval for New Development" into consistency with the Development Code. In addition, a disclosure related to the of the South Archibald

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017
Approved: _____
Continued to: _____
Denied: _____

13

Trichloroethylene (TCE) Plume, which is subject to cleanup under the supervision of the California Regional Water Quality Control Board, has been included in the standard conditions,

The Planning Commission reviewed the amendment to the “Standard Conditions of Approval for New Development” during their regular meeting on March 28, 2017, and unanimously (7 to 0) recommended approval to the City Council.

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE STANDARD CONDITIONS OF APPROVAL FOR NEW DEVELOPMENT PROJECTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City has initiated an amendment to the Standard Conditions of Approval for New Development, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Approving Authority for development projects, as prescribed by the Ontario Development Code, may impose conditions of approval on the approval of applications; and

WHEREAS, each reviewing agency and department within the City is responsible for providing conditions of approval to be imposed on each development application; and

WHEREAS, over the years, each reviewing agency and department has standardly imposed certain conditions of approval on development project applications; and

WHEREAS, on March 16, 2010, the City Council of the City of Ontario, upon recommendation of the Planning Commission, adopted Resolution No. 2010-021, establishing Standard Conditions of Approval for New Development Projects; and

WHEREAS, on December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016; and

WHEREAS, the Development Code references contained in the current Standard Conditions of Approval for New Development are no longer accurate and the City is desirous of providing consistency in the development review process by providing a concise and true set of standard conditions of approval; and

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

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

WHEREAS, on March 28, 2017, the Planning Commission of the City of Ontario conducted a public hearing to consider the proposed update to the Standard Conditions of Approval for New Development, and concluded the hearing on that date. Upon

conclusion of the public hearing, the Planning Commission voted unanimously to approve Resolution No. PC17-015, recommending that the City Council approve the Application; and

WHEREAS, on April 18, 2017, the City Council of the City of Ontario conducted a hearing to consider the proposed Standard Conditions of Approval for New Development and concluded said hearing on that date.

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 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:

a. The administrative record have been completed in compliance with CEQA the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the activity in question will have a significant effect on the environment; and

c. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

d. The determination of the CEQA exemption reflects the independent judgment of the City Council.

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 as follows:

a. Standard Conditions of Approval provide consistency in the development review process; and

b. Standard Conditions of Approval provide for the consolidation of conditions from various departments into one location, thus streamlining the development review process; and

c. Standard Conditions of Approval eliminate conflicting conditions between City Departments.

SECTION 3. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 and 2 above, the City Council hereby adopts the Standard Conditions of Approval for New Development attached hereto as Exhibits A and B.

SECTION 4. *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 5. *Certification to Adoption.* The City Clerk shall certify to the adoption of the Resolution. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of April 2017.

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. 2017- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held April 18, 2017 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. 2017- duly passed and adopted by the Ontario City Council at their regular meeting held April 18, 2017.

SHEILA MAUTZ, CITY CLERK

(SEAL)

Exhibit “A” to Resolution No. 2017-###

**STANDARD CONDITIONS OF APPROVAL FOR NEW DEVELOPMENT;
APPLICABLE TO “OLD MODEL COLONY”**

Standard Conditions of Approval for New Development Applicable to “Old Model Colony”

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Standard Conditions of Approval for New Development

Applicable to “Old Model Colony”

All new development projects are required to comply with the minimum standards set forth by the Ontario Municipal Code, Ontario Development Code, the requirements of applicable specific plans, California Building Code, California Fire Code, and applicable provisions of the California Code of Regulations, including, but not limited to, Title 19 (Public Safety), Title 21 (Public Works), Title 24 (Building Standards Code), Title 25 (Housing and Community Development), and Title 27 (Environmental Protection). The herein-listed conditions of approval have been reviewed and approved by the Planning Commission and City Council, and apply to all new development projects within the Old Model Colony area of the City (that portion of the City generally located north of Riverside Drive). Please note that additional standard conditions of approval pertaining to Tentative Subdivision Maps and/or Conditional Use Permits, may also apply, as well as special conditional conditions of approval, which specifically pertain to the Project in question, that may be imposed by the Approving Authority at the time of Project approval.

PART 1: GENERAL REQUIREMENTS

1.0 General Development Requirements

Construction Documents

1.1 All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility, traffic signal, street lighting, traffic signing, traffic striping, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department. **(Planning)**

1.2 The project site shall be developed and maintained in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance, and may require review and approval by the Planning Commission and/or City Council. **(Planning)**

Property Maintenance

1.3 The Applicant shall be advised that they are required to maintain the buildings and grounds of the site in a manner consistent with Ontario Municipal Code Title 5, Chapter 22 (Property Appearance – Nuisance), commencing with Section 5-22.01, and the conditions of approval set forth herein, by all departments and agencies of the City of Ontario. **(Planning/Housing)**

Construction Noise Limitations

1.4 While engaged in construction, remodeling, digging, grading, demolition or any other related building activity, no person shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, on any weekday, except between the hours of 7:00AM and 6:00PM, or on Saturday or Sunday, except between the hours of 9:00AM and 6:00PM, and no landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control, to operate any tool, equipment, or machine, in violation of this condition of approval, except as follows:

(a) The provisions of this section shall not apply to emergency construction work performed by a private party when authorized by the City Manager;

(b) Any construction that complies with the noise limits specified in Ontario Municipal Code Section 5-29.04. **(Planning/Building)**

Time Limits and Extensions

1.5 Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced and diligently pursued toward completion, or a time extension has been approved by the Zoning Administrator pursuant to Ontario Development Code Section 2.02.025.B (Time Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements. **(Planning)**

Indemnification and Hold Harmless Agreement

1.6 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, any approval of the City of Ontario, whether by its City Council, Planning Commission, or other authorized board or officer of the City. 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. **(Planning)**

Graffiti Removal

1.7 Antigrffiti material, of a type and nature that is acceptable to the Director of Community and Public Services Agency (CPSA), shall be applied to each publicly viewed surface of the improvements to be constructed on the project site, which is deemed by the Director of CPSA to be likely to attract graffiti ("graffiti attracting surfaces"). **(Planning/CPSA)**

1.8 Any conditions, covenant and restriction, or separate covenant, which is recorded against an individual lot prior to resale of same, shall require the owner of such lot to remove any graffiti placed thereon within 7 days after notice thereof. The covenant shall run with the land and shall be for the benefit of the City, in a form satisfactory to the City. **(Planning)**

1.9 In an effort to quickly respond to graffiti vandals and to ensure proper color match during graffiti paint-over, the property owner shall apply graffiti retardant materials on graffiti attracting surfaces, provide vine treatment to screen walls, allow right of entry to city employees or agents for graffiti removal, and provide the City with sufficient matching paint upon demand, for a period of at least 2 years beyond the date of final building inspection. **(Housing/Planning)**

1.10 The City shall be granted right of site entry, and access to parcels, upon the prior 48-hour posting of a notice by authorized City employees or agents, for the purpose of removing or "painting over" graffiti applied to graffiti attracting surfaces, as previously designated by the Director of CPSA. **(Planning)**

1.11 Block walls and/or screen walls shall be provided with climbing plants with proper automatic irrigation, or other graffiti deterring elements, such as antigrffiti paint, to prevent walls from being vandalized. **(Police)**

Monuments

1.12 Set all monuments in accordance with the final map, and submit all centerline ties to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the satisfaction of the City. **(Engineering)**

1.13 All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. **(Engineering)**

2.0 Prior to Final Map Acceptance (for City Council Hearing)

2.1 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements. **(Engineering)**

2.2 Provide a monument bond (i.e., cash deposit) in an amount determined by the City's approved cost estimate spreadsheet, which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Engineering/forms/project_cost_estimate.xls), or as specified in writing by the Applicant's California Registered Professional Engineer or California Registered Land Surveyor of Record, and approved by the City Engineer, whichever is greater. **(Engineering)**

2.3 Provide a preliminary title report not older than 30 days, to the Engineering Department. **(Engineering)**

2.4 Show proof that all taxes and assessments related to the project site have been paid, or provide other adequate form of security assuring payments of all taxes. **(Engineering)**

3.0 Prior to Permitting (building, grading, encroachment, etc.)

General Requirements

3.1 A copy of the herein-listed conditions of approval shall be included in the construction documentation package for the Project, which shall be continuously maintained on site during Project construction. **(Planning)**

3.2 The Applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for the Project. **(Planning)**

3.3 All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval. **(Engineering)**

3.4 The Applicant shall obtain an Encroachment Permit and Traffic Control Permit, as required, for all work within the public right-of-way. Prior to issuance of the Encroachment Permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, recycled water, traffic signal, lighting, signing and striping, etc., shall be reviewed and approved by the City Engineer. **(Engineering)**

3.5 The Project shall comply with the adopted California Building Code (California Code of Regulations, Title 24, Part 2). **(Building)**

3.6 The Project shall comply with the adopted California Electrical Code (California Code of Regulations, Title 24, Part 3). **(Building)**

3.7 The Project shall comply with the adopted California Mechanical Code (California Code of Regulations, Title 24, Part 4). **(Building)**

3.8 The Project shall comply with the adopted California Plumbing Code (California Code of Regulations, Title 24, Part 5). **(Building)**

3.9 The Project shall comply with the adopted California Energy Code (California Code of Regulations, Title 24, Part 6). **(Building)**

3.10 The Project shall comply with the adopted California Historical Building Code (California Code of Regulations, Title 24, Part 8). **(Building)**

3.11 Structures within the special wind region of the City shall be designed in accordance with the applicable California Building Code sections. **(Building)**

Fees

3.12 After the Project's entitlement approval, the Applicant shall pay all applicable departmental fees. Fees shall be paid at the rate established by resolution of the City Council. **(All Departments)**

3.13 All required Development Impact Fees (DIF), as well as other applicable governmental impact fees (e.g., School District, Inland Empire Utilities Agency (IEUA), etc.) shall be paid to the City prior to building permit issuance. **(Engineering/Planning/Building)**

Architectural Treatment (Design Standards)

3.14 Exterior building elevations showing building wall materials, roof types, exterior colors, and appropriate vertical dimensions, shall be included in the development construction drawings. **(Planning)**

3.15 All roof access ladders shall be located on the inside of the building. **(Planning)**

3.16 All tower elements on the building(s) shall be fully walled and finished on all sides, and shall include detailing appropriate to the architectural style proposed, so as to appear as a fully three-dimensional, four-sided element of the building, to the satisfaction of the Planning Director. "Tower elements" shall include architectural components of the building that are higher than the adjacent building parapet or roof. **(Planning)**

3.17 Where changes in parapet height occur, a return into the building shall be provided, for a distance of at least 6 feet, so that the thickness of the wall panel cannot be observed or easily discerned by the public. **(Planning)**

3.18 At building corners, where conditions exist that would allow public view of the rear (interior) side of parapet walls, as a result of changes in parapet heights, the raised parapet area shall be constructed to the satisfaction of the Planning Director, so as to be viewed as a fully three-dimensional, four-sided element of the building. **(Planning)**

3.19 Cultured, precast, or fabricated stone products, shall be constructed of an integral color material. **(Planning)**

Walls and Fences

3.20 Prior to the issuance of a building permit, a Wall and Fence Plan shall be reviewed and approved by the Planning and Building Departments. The plans shall indicate the materials, colors, and heights, of proposed and existing walls/fences, and shall include a cross-section of walls/fences, which indicates adjacent grades. Walls shall be designed as an integral part of the Project architecture, and shall be constructed of tilt-up concrete, brick, decorative masonry block (e.g., burnished, scored, slump, split-face, etc.) or other decorative materials approved by the Planning Director. **(Planning)**

Parking, Circulation and Access

3.21 All driveway approaches within the public right-of-way shall be kept clear of any decorative paving. **(Engineering)**

3.22 The site plan shall provide adequate turning radii for emergency apparatus, and access turns shall be designed to meet the minimum requirements/standards of Ontario Fire Department Standard No. B-005, which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Fire/standards-forms/standard_b-005_minimum_turning_radius.pdf. **(Fire)**

3.23 The site plan shall provide adequate turning radii for Ontario Municipal Utilities Company solid waste service vehicles. Access turns shall be designed to meet the minimum requirements/standards of the “Solid Waste Department Refuse and Recycling Planning Manual,” which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/planning_manual-2016_update.pdf (also reference: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>). **(Engineering)**

3.24 The site plan shall allow for adequate ingress and egress to and from the Project. Additional access points may be required. **(Fire)**

3.25 Any drive approaches or construction of other improvements in the Caltrans right-of-way, shall be approved by Caltrans as to type, size, and location of the proposed improvements. The Applicant shall provide the City with a copy of the Caltrans permit prior to issuance of Encroachment Permit. **(Engineering)**

3.26 All property corners at street intersections shall have angled corner cut-offs in accordance with City Standards. **(Engineering)**

Site Lighting

3.27 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building permits. **(Planning)**

3.28 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site. **(Planning)**

3.29 Along pedestrian movement corridors, the use of decorative low mounted bollard light standards, which reinforce pedestrian scale, is highly encouraged. Steps, ramps and seatwalls shall be illuminated with built-in light fixtures. **(Planning)**

3.30 All off-street parking areas shall maintain a minimum lighting level of one-footcandle or greater. Lighting shall be on from sunset to sunrise, daily, and shall be operated by a photocell switch. The plan shall show all buildings, off-street parking areas, pedestrian walkways, and point by point photometric calculations showing that minimum required light levels will be maintained. **(Police)**

Mechanical Equipment

3.31 All exterior roof-top mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building. The construction plans shall include appropriate elevations and cross-section drawings demonstrating how such equipment is to be screened from view (include dimensions, materials, colors, etc.) **(Planning)**

3.32 All ground mounted utility structures such as transformers, HVAC equipment and back flow prevention valves shall be located out of view from a public street or adequately screened through the use of landscaping and/or masonry walls. **(Planning)**

Refuse Storage/Trash Enclosure

3.33 All refuse shall be stored in an appropriate container and maintained within a City approved enclosure, which shall be designed with a solid cover roof to prevent rainwater contact with waste materials, pursuant to the requirements of the "Solid Waste Department Refuse and Recycling Planning Manual," which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/planning_manual-2016_update.pdf. The trash enclosure and roof design shall be consistent with the design of the building architecture. A copy of the architectural detail of the roofed trash enclosure shall be provided with the Development Plan submittal, and as an exhibit in the Water Quality Management Plan. **(Planning/Engineering)**

3.34 Comply with City refuse collection standards, as follows:

(a) Commercial Projects: Comply with Ontario Municipal Code Section 6-3.314 (Commercial Storage Standards), and Section 6-3.601 (Business Recycling Plan).

(b) Multiple-Family Residential Projects (utilizing commercial collection bins): Comply with Municipal Code Section 6-3.314 (Commercial Storage Standards) and Section 6-3.601 (Business Recycling Plan).

(c) Single-Family Residential Projects (utilizing individual refuse, recycling, and green waste receptacles): Comply with Municipal Code Section 6-3.308 (Residential Receptacles, Placement).

(d) Recycling Requirements: Comply with Ontario Municipal Code Section 6-3.601 (Business Recycling Plan) and Section 6-3.602 (Construction and Demolition Recycling Plan).

(e) Site Improvement Plans: Comply with the City's refuse collections standards. **(Engineering)**

(Note: The City's refuse collection standards may be viewed online at [http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:ontario_ca](http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates$fn=default.htm$3.0$vid=amlegal:ontario_ca).)

3.35 Trash enclosure(s) shall be locked and secured at all times, to prevent transients from living in the enclosure, and prevent the pilfering trash and recyclable items. On the days of trash pickup, the enclosure shall be unlocked to facilitate the emptying of trash receptacles by the solid waste hauler, and shall once again be locked. **(Police)**

3.36 Large trash receptacles, commonly referred to as dumpsters, which are placed adjacent to structures, or have combustible coverings (i.e., vegetation, wood trellises, etc.), shall be protected by at least one automatic fire sprinkler head. This sprinkler head may be supplied by the domestic water line. **(Fire)**

Public Improvements

3.37 The design for public potable water, recycled water, sewer, and storm drain, within any private street, shall be reviewed and approved by the City Engineer. **(Engineering)**

3.38 Detailed on-site utility information shall be shown on the grading plan or relative utility plan, which includes, but is not limited to, location of monitoring manholes, backflow prevention devices, exact lateral locations, etc. (include low, average, and peak water demand in GPM for the proposed development and proposed water meter size). The grading plan will not be approved by the City Engineer until detailed utility information is provided on the plans. **(Engineering)**

3.39 Underground utility services shall be provided to each lot/parcel, including sanitary sewers, one-inch minimum potable and recycled water service, electric power, gas, telephone, and cable television. **(Engineering)**

3.40 In-lieu fees for the undergrounding of overhead utilities shall be paid prior to Building Permit issuance, and all costs associated with said improvements shall be solely borne by the Applicant. **(Engineering)**

3.41 All public improvements shall be designed per City standards and specifications, and in accordance with the City's Municipal Code, Development Code, and applicable Specific Plan (if any). **(Engineering)**

Sewer

3.42 Private sewer, domestic water, and storm drainage systems, shall be designed in accordance with CPC/UPC requirements, including but not limited to, the sizing of pipes. These systems must be reviewed, approved, and inspected by the Building Department. Design standards used by other departments for public sewer, water, and storm drainage systems shall not be used for such private systems. **(Building)**

3.43 The Project shall utilize existing laterals, whenever provided and possible, for connection to the public sewer system. **(Engineering)**

3.44 The Applicant shall abandon all existing unused laterals at the sewer main. **(Engineering)**

3.45 On-site monitoring facilities shall be installed for all commercial and industrial units in accordance with City standards, and shall be shown on the grading plans of the Project. **(Engineering)**

3.46 The on-site sewer system shall be private, and shall be designed pursuant to applicable Building Codes. The Applicant shall contact the Building Department for design requirements. **(Engineering)**

3.47 Sewer service shall be constructed outside of the proposed and/or existing driveway approaches, as well as on-site stormwater BMPs, unless otherwise approved by the City Engineer. **(Engineering)**

3.48 For non-residential developments, the project applicant shall complete the Industrial Wastewater Discharge Permit, and shall comply with all applicable regulatory requirements (Ontario Municipal Code Title 6 (Sanitation and Health) and applicable State and Federal regulations). The application may be viewed online at <http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>, and shall be submitted to, and approved by, Ontario Municipal Utilities Company. **(Engineering)**

Potable Water

3.49 Separate water services shall be provided for domestic water services, irrigation services and fire services. **(Engineering)**

3.50 The Applicant shall utilize existing service laterals, whenever provided and possible, for connection to the public water system. **(Engineering)**

3.51 The Applicant shall abandon all existing unused service laterals at the water main in accordance with City standards. **(Engineering)**

3.52 The on-site potable water system shall be private and designed pursuant to applicable building and plumbing codes. The Applicant shall contact the Building Department for design guidelines. **(Engineering/Building)**

3.53 Backflow prevention devices shall be required for:

- (a)** All commercial and industrial service laterals.
- (b)** All on-site fire systems.
- (c)** Any business where any hazardous substances may be stored or used.
- (d)** For all potable water connections where recycled water is utilized on-site.
- (e)** Irrigation systems.

3.54 Appropriate water meter size(s) for the Project shall be determined based on the Project's peak water demand. The fee charged is based on meter size and quantity purchased. The Applicant shall contact the Engineering Department for current fees. **(Engineering)**

3.55 Potable water, recycled water, and sewer utilities located within public or private streets, may be designated as "public utilities" at the discretion of the City Engineer. Public utilities within private streets shall be designed pursuant to City standards, and shall be contained within easements sized at the discretion of the City's Engineering and Utilities Departments. Covenants, Conditions and Restrictions (CC&Rs) required for the Project (if any) shall contain language that requires all proposed work within such easements to be plan checked and inspected by the City, including the payment of all applicable fees. Generally, utilities will not be accepted as public within private streets and alleyways, parking areas, driveways, or drive aisles. Utilities within commercial and industrial parking lots and loading areas (except those located within established public utility easements) shall be designated as private. The extent to which such utilities will be accepted as public utilities shall be determined by the City Engineer. **(Engineering)**

3.56 During the course of maintenance of public utilities within private streets, the City will restore the streets pursuant to current City standards for trench backfill, pavement repair, and hardscaping or landscaping, as applicable. Restoration of any enhancements above and beyond City standards, including but not limited to decorative pavement, hardscape, and landscape enhancements, shall be the responsibility of the Home Owner Association or Property Owner Association (HOA/POA). Such language shall be included within the CC&Rs. This applies to all areas where public utilities are located, including, but not limited to, public and private streets, gated communities, and alleys. **(Engineering)**

3.57 Potable water service laterals shall be constructed outside of the proposed/existing driveway approach, unless otherwise approved by the City Engineer. **(Engineering)**

3.58 All water meters shall be installed within the public right-of-way or public easements, with easy access for meter reading and maintenance. **(Engineering)**

3.59 Grading plan submittals shall include a separate utility drawing showing, at minimum, on-site water lines, point of connection with the City's water system, location of proposed water meters, location of fire service, on-site fire sprinkler system, cross connection devices, etc. **(Engineering)**

3.60 Existing fire hydrants that front the property limits shall be upgraded to current City standards (e.g., correct hydrant body style, installation of break-off check valve, etc.). **(Engineering)**

3.61 All project sites that will be serviced by a common City master meter, are required to sub-meter downstream of the City's master meter within private property. For residential projects (each dwelling unit) and for nonresidential projects (each tenant) the submetering shall be in conformance with all applicable plumbing codes and be consistent with Building Department requirements. All submeters shall be privately owned and maintained. **(Engineering)**

Recycled Water (If available to the project site)

3.62 Onsite plumbing for all recycled water uses shall meet all applicable standards, including State Water Resources Control Board (Division of Drinking Water), and building and plumbing codes. On-site plans will need to be reviewed and approved by both the Building Department and Ontario Municipal Utilities Company. **(Engineering)**

3.63 The Applicant shall submit an Engineering Report (ER) addressing recycled water usage, which shall be reviewed and approved by the City and the State Water Resources Control Board (Division of Drinking Water). **(Engineering)**

3.64 On-site public recycled water system sizing is subject to City recommendation and approval of the Hydraulic Analyses. **(Engineering)**

Drainage and Hydrology

3.65 A hydrology study and drainage analysis, prepared in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's standards and guidelines, and signed by a Civil Engineer registered in the State of California, shall be submitted to the Engineering Department prior to Grading Plan approval. Additional drainage facilities may be required as a result of the findings of the study. **(Engineering)**

3.66 Any drainage above historic flows that is routed onto adjacent property, shall be directed to a recorded private drainage easement. The Applicant shall provide a copy of the recorded document (i.e., letter of acceptance of drainage) to the Engineering Department, in a form acceptable to the City, prior to Grading Plan approval. **(Engineering)**

Stormwater Quality (NPDES)

3.67 Prior to Grading Plan approval and the issuance of a grading permit, an Erosion and Sediment Control Plan shall be submitted to, and approved by, the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on the Project during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. The City's "Erosion and Sediment Control Plan Requirements" may be viewed online at http://www.ontarioca.gov/sites/default/files/erosion_and_sediment_control_plan_requirements.pdf. **(Engineering)**

3.68 Prior to Grading Plan approval and the issuance of a grading permit, a completed Water Quality Management Plan (WQMP) shall be submitted to, and approved by, the Engineering Department. The WQMP shall be submitted on the San Bernardino County Stormwater Program's model form, and shall identify all Post Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs), that will be incorporated into the Project, in order to minimize the adverse effects on receiving waters. **(Engineering)**

3.69 A development project consisting of one or more total acres of land, or that is part of a larger phased development that will disturb at least one acre of land, is required to obtain coverage under the State Water Resources Control Board (SWRCB) General Permit for Storm Water Discharges Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required prior to Grading Plan approval and issuance of a grading permit. The Applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department. More detailed information regarding the General Permit, applicable fee information, and the necessary forms to complete the NOI, may be viewed online at

<http://www.swrcb.ca.gov>. An electronic copy of the NOI form and instructions is available upon request from the Engineering Department. (**Engineering**)

3.70 A development project consisting of one or more total acres of land, or that is part of a larger phased development that will disturb at least one acre of land, is required to prepare a Storm Water Pollution Prevention Plan (SWPPP) utilizing the model form contained in Appendix B of the 2013 CASQA Stormwater Best Management Practices (BMP) Handbook for Construction, and submit a copy of the plan to the City of Ontario Engineering Department for review and approval. A copy of the approved SWPPP shall be maintained in the construction site office at all times during construction, and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site BMP, prior to commencing work on the site. (**Engineering**)

Landscape Design and Irrigation

3.71 Three sets of landscape and irrigation drawings addressing the entire project site, shall be submitted to the Planning Department, Landscape Planning Division, for review and approval prior to the issuance of a building permit. Four sets of plans shall be submitted for projects implementing recycled water. (**Planning/Landscape**)

3.72 Landscape and irrigation documents shall be prepared by a Landscape Architect registered with the State of California, if the total area of landscaping exceeds 2,500 square feet. All sheets shall be wet signed by the Landscape Architect, and shall include the license number and the expiration date. (**Landscape**)

3.73 All irrigation systems shall function properly and landscaping shall be maintained in a healthy and thriving condition. The maintenance of landscaping and the irrigation system shall be permanently provided for all areas of the project site, as well as walkways and the portion of public rights-of-way abutting the project site (parkways and medians). Furthermore, the plans shall identify responsibility for the continued maintenance (such as HOA, LMD, property owner, etc.). (**Landscape**)

3.74 Water conservation is a high priority in the City of Ontario. Landscapes shall be designed to use water efficiently, without waste, to the lowest practical amount, and comply with the landscape and irrigation requirements of Ontario Development Code Division 6.05 (Landscaping), which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Documents/chapter_6.0_-_development_and_subdivision_regulations_20151201.pdf, and Ontario Development Code Reference G (Landscape Design and Construction Guidelines), which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/references_20151201.pdf. Also, please refer to the Landscape Planning Section's "Useful Links" on the City's web site, at <http://www.ontarioca.gov/landscape-planning/useful-links>. (**Landscape**)

3.75 Warm season turf is recommended for recreational use projects (such as parks and sports fields, where turf provides a playing surface) and residential projects, covering a maximum of 50 percent of the total landscape area. Turf areas irrigated by spray shall not cover an area less than 8 feet in width. Low water use groundcovers shall be used in traditional turf areas; parkways, etc. (**Landscape**)

3.76 Landscape areas shall be composed of living plant materials spaced approximately 2/3 to 3/4 of the mature diameter, or as found in the natural environment. Non-living ornamental features (boulders, gravel, dry stream beds, etc.) may comprise a maximum of 5 percent of the total landscape area, and shall be of a pervious material. (**Landscape**)

3.77 Concrete mowstrips, 6-inches x 6-inches or 4-inches x 6-inches, shall separate turf areas from landscape planters, and shall separate adjacent maintenance responsibility areas. The installation of redwood header boards shall only be used: [i] in conjunction with single-family, homeowner-installed, landscape projects; and [ii] to define the lot line adjacent to undeveloped property. (**Landscape**)

3.78 Backflow devices shall be screened by a minimum 5-foot wide planter and 3-foot high strappy leaf, non-hedge shrubs planted in masses, not to encircle the device. Device shall be painted green in color, similar to Frazee, Aeroplate "Forest Green," or equal. **(Landscape)**

3.79 Transformers shall be screened with shrubs of similar height on three sides, minimum 18-inches in height, with groundcovers in front. **(Landscape)**

3.80 Foundation planting (hedgerows or shrub masses in a hierarchy pattern) is required at major building perimeters and residential front yards, to break the horizontal ground plane from the vertical plane of buildings. **(Landscape)**

3.81 Plants at monument signs shall be a hierarchy of ornamental shrubs or perennials. **(Landscape)**

3.82 Trash enclosures shall be screened by adjacent planters containing a mix of trees, shrubs, and vines. **(Landscape)**

3.83 Landscape areas shall have a minimum dimension of 5 feet (**Note:** Landscaped areas having a dimension of less than 3 feet shall not be counted toward the minimum required landscape coverage), to include trees, except that a 6-foot minimum width is required for planting areas containing vegetated swales. **(Planning and Landscape)**

3.84 Landscape areas shall be delineated with a concrete curb, minimum 6 inches high (except at openings into infiltration basins or swales) by 6 inches wide, except where a landscape area is adjacent to the side of a parking stall, wherein the curb shall be 6 inches high by minimum 12 inches wide, to provide a step for entering/exiting motor vehicles. **(Planning and Landscape)**

3.85 Off-street parking areas visible from public streets or adjacent parcels shall be screened with landscaping, or a combination of landscaping and decorative masonry block walls, having a 3-foot minimum height, which shall be located to allow for 2 feet of vehicle overhang, unless wheel stops are provided. **(Planning and Landscape)**

3.86 Parking lots shall be provided with canopy shade trees in landscape islands, at a ratio of one tree for each 10 parking spaces for single parking rows (minimum of one tree), and one tree for each 5 parking spaces for double parking rows (minimum of 2 trees). Parking lot double rows shall have a center planter strip 5 feet wide which may include an infiltration trench, if required. Canopy shade trees shall have a minimum canopy diameter of 30 feet. **(Landscape)**

3.87 Undeveloped areas within the project site shall be seeded with wild flower or ornamental grass mix, and shall be automatically irrigated to prevent soil erosion from rain and strong winds. **(Landscape)**

3.88 Agronomical soil testing is required for each planting type, at each proposed plant type rootball depth. Soil tests for trees shall be taken at 24 inches to 30 inches deep; shrubs at 12 inches to 18 inches deep; and turf at 6 inches deep. One set of tests shall be performed at each 1,000 linear feet, or as approved by the Landscape Division. Soil test results and recommendations for amendments shall be listed on the landscape plan, noting the soil testing lab name, address, telephone number, and the date of testing. **(Landscape)**

3.89 Projects shall comply with the applicable provisions of Ontario Development Code Division 6.05 (Landscaping). Maximum Applied Water Allowance, MAWA, and Estimated Applied Water Use shall be calculated and submitted on all landscape construction documents pursuant to the requirements of the City's landscape development standards contained in Ontario Development Code Section 6.05.035

(Landscape Development Standards), which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Documents/chapter_6.0_-_development_and_subdivision_regulations_20151201.pdf. **(Landscape)**

3.90 Plant selection and irrigation system design shall be appropriate with the City's regional climate (Zone 18), classified as Mediterranean, which is characterized by hot, dry summers and mild winters. **(Landscape)**

3.91 Irrigation systems shall be designed to be water efficient, with like plant material grouped together, and proper solar orientation. Turf shall be on a separate valve from shrub areas. Landscape areas in the shade (north or east sides of buildings) shall be controlled separately from areas in the sun (south or west). **(Landscape)**

3.92 For on-site landscaping (except single-family development), a separate irrigation service shall be required. **(Engineering)**

3.93 Irrigation systems shall be constantly maintained to eliminate wastewater due to heads that are improperly adjusted or lost, broken pipes, or improperly adjusted nozzles. **(Planning and Landscape)**

3.94 Water features and decorative fountains in conjunction with noncommercial development projects shall use recycled water, if available. Water features and decorative fountains in conjunction with residential development projects shall use potable water. **(Landscape)**

3.95 Show corner sight line distances on the landscape plan pursuant to Engineering Department Standard Drawings. **(Engineering)**

3.96 Accent trees (single or multi-trunk specimens) are required on all commercial or industrial corner statements, including vehicular entries and major corner intersections. All accent trees shall be minimum 36-inch box. Palms shall be minimum 17-foot brown trunk height (BTH) and minimum 4.5-foot cubed rootball. **(Landscape)**

3.97 The table below (*Minimum Tree Setbacks/Separations from Certain Permanent Improvements*) establishes the minimum setbacks/separations to be maintained between newly planted trees and certain permanent improvements: **(Landscape)**

<i>Minimum Tree Setbacks/Separations from Certain Permanent Improvements</i>	
<i>Permanent Improvements</i>	<i>Minimum Setback/Separation</i>
Beginning of curb returns at street intersections:	25 feet
Light standards, power poles and fire hydrants:	10 feet
Water and sewer lines:	7 feet
Sidewalks (except within parkway areas), driveways, and buildings:	5 feet

3.98 For cluster single-family, multiple-family, and nonresidential development projects, the table below (*Minimum Tree Quantity and Size Specifications (excluding palms)*) establishes the minimum mix of tree sizes and corresponding minimum dimensions, to be provided in conjunction with all new development projects. **(Landscape)**

Minimum Tree Quantity and Size Specifications (excluding palms)				
Minimum Percent Mix of Required Trees	Size	Trunk Caliper	Height	Spread
5%	48-inch box or larger	3.50 inches	14 to 16 feet	7 to 8 feet
10%	36-inch box	2.50 inches	12 to 14 feet	6 to 7 feet
30%	24-inch box	1.50 inches	9 to 11 feet	4 to 5 feet
55%	15-gallon	1.0 inches	7 to 8 feet	2 to 3 feet
Palm Trees			17-foot Brown Trunk Height	

3.99 For cluster single-family, multiple-family, and nonresidential development projects, the table below (*Minimum Tree Species Mix (excluding palms)*) establishes the minimum mix of tree species to be provided, based on the number of new trees proposed to be planted. **(Landscape)**

Minimum Tree Species Mix (excluding palms)	
Number of Trees Proposed	Minimum Number of Tree Species Required
20 or Fewer	2
21 to 30	3
31 to 40	4
More than 40	5

3.100 Existing trees shall be protected in place wherever possible. Additionally, existing large canopy trees may be counted toward the 48-inch box size requirement established by condition of approval no. 3.97. **(Landscape)**

3.101 Trees proposed for removal shall require the submittal of an arborist's report, which identifies the genus, species, trunk diameter (dbh), health condition, and reason for removal, for each tree proposed to be removed. **(Landscape)**

3.102 It is recommended that existing trees are transplanted rather than demolished. Contact a tree broker or transplant specialist. Transplant trees when weather is suitable. **(Landscape)**

3.103 Trees to be removed from the project site shall be replaced at the rate of two 48-inch box trees for each removed tree, or as otherwise approved by the Planning Director. **(Landscape)**

3.104 Street trees shall be 24-inch box; however, replacement trees in established residential tracts may be 15 gallon in size. Street trees shall be spaced at 25 to 30 feet on center. **(Landscape)**

3.105 Tree wells (if required) shall be 4 feet wide by 6 feet long, as parkway space allows. Iron tree grates shall be Starburst by Ironsmith, or approved equal, with 3/8" max slot openings pursuant to ADA guidelines. Decomposed granite may also be used in tree wells. **(Landscape)**

3.106 Linear root barriers (if proposed) shall be maximum 12-inches deep for trees planted within 5 feet from the edge of a paved area. Root barriers shall not surround any tree, but shall run parallel to paving. **(Landscape)**

3.107 Shrubs shall be minimum 5 gallon container size, spaced equal to 2/3 of the mature plant size. One gallon container size may be used for perennials and groundcovers. **(Landscape)**

3.108 Shredded mulch within planter areas shall be a depth of 3 inches for shrubs and one-inch for groundcover. Shredded bark (not wood chips) with a tackifier shall be used on slopes of 3:1 or greater (soil shall not be visible). Maintain mulch 3 inches clear of plant stems and 6 inches clear of tree trunks. **(Landscape)**

3.109 Slopes of 3:1 or greater require jute netting with groundcover, shrubs, or ornamental grasses. Turf grass is not allowed on slopes greater than 3:1. **(Landscape)**

3.110 Groundcovers from flats shall be spaced at 10 inches on center. Low groundcovers shall not exceed an 18-inch width in front of larger shrubs. One gallon containers shall be used for larger groundcover areas. Perennials or annual color shall be spaced at 8 inches apart. **(Landscape)**

3.111 Weeds shall be removed before 2 inches high or weed seeds develop. Note on plans for a pre-emergent to be applied before the mulch layer is installed, to prevent weeds. **(Landscape)**

3.112 Any plant materials utilized shall take into consideration the need for the users of the space to easily view their surroundings, as well as police patrols to monitor the area from adjacent streets. Trees shall be positioned to avoid interfering with required lighting levels and take into consideration the height of the tree canopies from the ground level, as it affects surveillance opportunities by users of the space and police patrols. No shrubs higher than 3 feet, and no tree canopy lower than 7 feet, shall be permitted, so as not to obstruct the view of police officers on patrol. Plants next to low-lying windows shall have thorns as a deterrent for suspects hiding and removing glass panes as a point of entry. **(Police)**

Security

3.113 Any building that requires special releasing, latching, or locking devices under the provisions of the City's Building Code or California Code of Regulation, Title 19, shall be exempt from the provisions of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings) relating to locking devices on interior and/or exterior doors. **(Police)**

3.114 Louvered windows shall not be used when a portion of the window is less than 12 feet vertically or 6 feet horizontally from an accessible surface, or any adjoining roof, balcony landing, stair, tread, platform, or similar structure. **(Police)**

3.115 Doors swinging out shall have non-removable hinge pins. **(Police)**

3.116 Doors utilizing a cylinder lock shall have a minimum 5 pin tumbler operation with the locking bar or bolt extending into the receiving guide, a minimum of one inch. **(Police)**

3.117 Double doors that exceed 16 feet in width, but do not exceed 19 feet in width, shall have one of the following locking devices:

- (a)** Two lock receiving points, one on each side of the door;
- (b)** A single bolt may be used if placed in the center of the door, with the locking point located either at the floor or door frame header. **(Police)**

3.118 If security gates are desired at any access points to the Project, the Police Department and Fire Department will be provided access by the Knox submaster system. If gates are not electrically operated, a Knox padlock may be substituted for electrically operated override systems. Contact the Police Department and/or Fire Department for specific requirements. **(Police/Fire)**

Fire Safety

3.119 The fire department connection (FDC) shall be located on the address side of the building, within 150 feet of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and FDCs pursuant to Fire Department standards. **(Fire)**

3.120 Provide identification for all hose connections pursuant to Fire Department standards. **(Fire)**

3.121 The Applicant shall transmit a copy of these requirements to their on-site contractor to foster a mutual understanding between on-site personnel and the Fire Marshal's office. It is highly recommended that the Applicant and fire protection designer obtain a copy of the Fire Department's Fire Protection System Information Checklist to aid in the system design. The Fire Department conditions of approval shall be included on the construction drawing. **(Fire)**

3.122 Contact the Fire Department for approval of on-site fire hydrants and services, as required. **(Fire/Engineering)**

3.123 Off-site fire hydrant locations and appropriate main sizes shall be established and approved by Engineering and Fire Departments, pursuant to City Standards. **(Fire/Engineering)**

3.124 A separate fire service will be required for all development, except single-family. **(Engineering)**

3.125 All private on-site fire hydrants relative to the Project shall be constructed pursuant to Fire Department standards, and identified in accordance with Fire Department standards. Installation and locations are subject to approval by the Fire Department. (Standards are available upon request from the Fire Department). **(Fire)**

3.126 Fire Service will require cross connection protection based upon the degree of hazard. The minimum requirement is to install an above-ground Double Detector Check pursuant to the City's Standard Drawings. **(Engineering)**

4.0 Prior to Certificate of Occupancy

General Requirements

4.1 Complete all required public improvements to the satisfaction of the City Engineer. **(Engineering)**

4.2 Submit a set of Record Drawings, on mylar, of all Engineering Department required plans, for review and approval. **(Engineering)**

4.3 The Applicant/general contractor shall be responsible for reasonable periodic cleanup of the project site and surrounding area during construction, to avoid hazardous accumulations of combustible trash and debris, both on and off the project site. **(Fire)**

4.4 Utilities shall not be released for any building subject to these conditions, until a final inspection is completed, and the Project has been approved by each City department, as applicable. **(All Departments)**

Water Quality Management Plan

4.5 Record an approved "Water Quality Management Plan" with the San Bernardino County Recorder, on the City's standard form. An electronic copy of this document may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Engineering/plan-check-guidelines/sbcountywqmptemplateeditable-new_final.doc. **(Engineering)**

Chain Link Fencing

4.6 If temporary chain link fencing is to be erected during construction, all vertical poles shall be capped to avoid the installation of illegal signs. The Applicant/general contractor shall be responsible for the removal of all illegal signs from the chain link fence. **(Housing)**

4.7 Existing chain link fencing to remain shall incorporate vines for screening, and an automatic irrigation system. **(Housing)**

Fees

4.8 All unpaid fees/deposits required by the Engineering Department shall be paid in full prior to the issuance of a Certificate of Occupancy. **(Engineering)**

Addressing

4.9 The Applicant shall install illuminated address numbers, powered by photocell, on each unit, to provide for easy identification by emergency personnel. **(Police)**

4.10 Rear addressing, including street name, shall be installed on any multiple building development. Address numbering shall adhere to the requirements of Development Code Division 6.06 (Street Naming and Address Numbering). **(Police)**

4.11 Street address numbers and the backgrounds shall be of contrasting color, and shall be reflective for nighttime visibility. **(Police)**

4.12 Rooftop address numbers shall be installed on all new development projects consisting of apartments, condominiums, or any other multiple-building unit, and all new mixed-use, commercial, and industrial buildings, for which an alarm permit or other discretionary permit is requested. Rooftop address numbers shall be a minimum of 3 feet in length and one foot in width, and shall be painted in reflective white paint on a flat black painted background, located away from any rooftop obstacles. The rooftop address numbers shall be screened from public view, and shall be visible only from aircraft.

The rooftops of buildings with multiple units/suites shall also have the unit/suite number(s) or letter(s) painted, to the same specifications set forth above, on the rooftop, over the primary entrance to each suite, as follows:

Addresses

A B C D

This requirement to include unit/suite identification shall not apply wherein the opinion of the Police Chief, it is not feasible to do so. In determining where suite identification is feasible, the Police Chief shall consider the size of the building, the available space on the rooftop, and location of suites. **(Police)**

Mechanical Equipment

4.13 Rooftop equipment and ground-mounted screening shall be verified at occupancy. Additional screening may be required if determined necessary upon inspection by the Planning Department. **(Planning)**

Public Improvements

4.14 The raised curb adjacent to a fire department connection (FDC) shall be painted red for a distance of 5 feet on each side of the FDC, pursuant to City standards. **(Fire)**

4.15 Overhead utilities shall be undergrounded in accordance with Ontario Municipal Code Title 7 (Public Works) (Ordinance Nos. 2804 and 2892). **(Engineering)**

Landscape Design and Irrigation

4.16 Trees shall be planted 2 inches to 3 inches higher than the existing grade. The trunk flare and top root shall be visible. No soil or mulch shall be placed on top of the rootball. Trees with kinked or girdling roots shall be replaced. Shade trees shall have a single dominant leader. Refer to Landscape Planning's "Useful Links," which may be viewed online at <http://www.ontarioca.gov/landscape-planning/useful-links>. **(Landscape)**

4.17 Fifteen gallon and larger trees shall be double staked perpendicular to prevailing wind, or parallel to the street. Stakes shall be minimum 7 feet to 8 feet above grade, 3 feet to 4 feet below grade, and tied to the canopy for wind protection. Locate to prevent branch damage. **(Landscape)**

4.18 Box trees, 36 inches or larger, shall be triple guyed or triple staked. Rootball staking or guying (Duckbill system from Earth Anchor or equal) is also acceptable. **(Landscape)**

4.19 Tree ties shall be flexible such as VIT Wonder ties, Cinch ties, or approved equal. Wire and hose or metal rod type braces are not permitted. Nursery stakes shall be loosened if to remain during maintenance and removed by end of maintenance. **(Landscape)**

4.20 Prior to final City inspection, the Landscape Architect shall inspect the project site for compliance to approved landscape and irrigation plans. Following such inspection, the Landscape Architect shall file a Certificate of Completion with the City's Landscape Planning Division. **(Landscape)**

Security

4.21 Upon occupancy by the owner or proprietor, each single unit in the same residential project or commercial building development, constructed under the same development plan, shall have locks that are not interchangeable with locks used in all other separate dwellings, proprietorships, or similar distinct occupancies, within such residential project or commercial building development. **(Police)**

4.22 All sliding glass doors and windows shall be installed with secondary locking and anti-lift devices. Secondary locking devices may be waived if the doors successfully meet tests prescribed by the Police Department. Sliding glass doors shall be of the inside sliding door type. **(Police)**

4.23 An alarm permit shall be obtained from the Ontario Police Department prior to the installation of alarm system in any building type (residential, commercial or industrial). Subscribers should acquaint themselves with Ontario Municipal Code Title 4 (Public Safety), Chapter 9 (Burglary and Robbery Alarm Systems), which may be viewed online at [http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:ontario_ca](http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates$fn=default.htm$3.0$vid=amlegal:ontario_ca). **(Police)**

4.24 All new construction on a site exceeding one acre in size, shall comply with the below-listed security measures, until such time that the utilities have been released by the City. **(Police)**

(a) Perimeter lighting shall be installed at a minimum of 150-foot intervals and at a height not less than 15 feet from the ground. The light source used shall have a minimum light output of 2,000 lumens, be protected by a vandalism resistant cover, and be lighted during the hours of darkness.

(b) Additional lighting shall be required if the construction site exceeds 4 acres in area.

(c) In addition to perimeter lighting described in (a) above, one of the following shall be used:

(1) Fencing, not less than 6 feet in height, which is designed to preclude human intrusion, shall be installed along the perimeter boundaries of the construction site; or

(2) A uniformed security guard, licensed according to the California Business and Profession Code Chapter 11.5 (commencing with Section 7580), shall be utilized to continually patrol the construction site during the hours when construction work has ceased.

Fire Safety

4.25 Wood frame buildings that are required to be sprinklered shall have the system(s) in service (but not necessarily finaled) before the building is enclosed. **(Fire)**

5.0 Environmental Requirements

Cultural Resources

5.1 If human remains are found during Project grading, excavation, or 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). **(Planning)**

5.2 If any archeological or paleontological resources are found during Project grading, excavation, or construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented. **(Planning)**

PART 2: RESIDENTIAL DEVELOPMENTS

1.0 General Development Requirements

Off-Site Directional Sign Program

1.1 The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program uses uniform sign structures and individual identification and directional signs for residential development. No other off-site signing is authorized. (For additional information, contact the Baldy View Chapter BIA at (909) 981-2997. **(Planning)**

Addressing

1.2 All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles and adhere to Fire Department Standard No. H-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. The numerals shall be minimum 4 inches in height, and shall be finished with a reflective material that is contrasting in color to the background in which they are attached. Multiple-family residences shall also have rear addressing pursuant to Fire Department standards. **(Police)**

1.3 There shall be positioned at each entrance of a multiple building, multiple-family apartment complex, an illuminated diagrammatic representation of the complex, which shows the location of the viewer and the unit designations within the complex. In addition, each individual unit within the complex shall display a prominent identification number, not less than 4 inches in height, which is easily visible to approaching vehicular and/or pedestrian traffic. **(Police)**

1.4 Addressing of multiple-family residential complexes shall be consistent with Police Department standards, and is subject to Police Department review and approval. **(Police)**

1.5 Doors secured by electrical operation shall have a keyed switch to open the door when in a closed position, or shall have a signal locking device to open such door. **(Police)**

2.0 Development Plan Requirements

Architectural Treatment (Design Standards)

2.1 All rooftop coverings, flashings, skylights, vents and piping, roof access and smoke hatches, interior side of parapet walls, and all other such rooftop components, shall be completely screened from public view by the building's parapet walls and/or architectural elements, excepting roof coverings specifically designed as an architectural feature of the building. **(Planning)**

Parking, Circulation and Access

2.2 "No Parking/Fire Lane" signs and/or Red Painted Curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would encroach on the not less than 20-foot clear width requirement pursuant to Fire Department Standard Nos. B-001 and B-004, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

2.3 Single-family cluster and multiple-family development projects shall provide enhanced paving at all Project points of vehicular ingress and egress which shall extend from the boundary street property line, to the first intersection parking space or drive aisle, for a minimum depth of 20 feet into the project site. The final enhanced paving material, design, color, and finish, shall be subject to review and approval by the Planning Director. **(Planning)**

2.4 Single-family cluster and multiple-family development projects shall provide decorative interlocking concrete pavers at all pedestrian crossings at private streets and drive aisles throughout the Project. The final walkway design, color, and finish, shall be subject to review and approval by the Planning Director. **(Planning)**

2.5 Driveways/alleyways throughout single-family cluster development projects shall be paved with decorative interlocking concrete pavers. The final driveway/alleyway paver design, color, and finish, shall be subject to review and approval by the Planning Director. **(Planning)**

Walls and Fences

2.6 Security shrubbery, with automatic irrigation system, shall be installed adjacent to all fences and walls that adjoin common and public access areas. **(Police)**

2.7 Barbed wire, razor wire, electrified fencing, and other similar security fencing, shall not be installed in residential zones. **(Police)**

Site Lighting

2.8 Areas outside apartments, duplexes, and condominiums, are to be provided with a photocell operated exterior lighting system, which switches on at sunset and switches off at sunrise. This is to include walkways, doorways, and other areas used by the public. Minimum 0.5 footcandle of light shall be maintained in all common areas. **(Police)**

2.9 During hours of darkness, all open parking lots and carports shall be provided with minimum one-footcandle of light, measured on the parking surface. Lighting devices shall be fully protected with weather and vandalism resistant covers. **(Police)**

2.10 Single-family dwellings shall be provided with exterior light fixtures at all exterior building entrances. **(Police)**

2.11 For all multiple-family and nonresidential development projects, the Applicant/developer shall submit exterior lighting plans for Police Department review and approval, which includes photometric plans covering all exterior areas of the project site (together with all areas of the site covered by carports), luminaire throw patterns, and luminaire cut sheets, prior to building permit issuance. **(Police)**

Landscape Design and Irrigation

2.12 For traditional single-family development projects, the table below (*Minimum On-Site Tree Requirement for Single-Family Projects (excluding palms)*) establishes the minimum number of trees required for each lot, based upon lot size(s). **(Landscape)**

Minimum On-Site Tree Requirement for Single-Family Projects (excluding Palms)		
Lot Sizes (In SF)	Minimum No. Trees Required	Minimum Percent Shade Trees Required
More than 40,000	7 per lot	50%
20,000 to 40,000	5 per lot	50%
15,000 to 19,999	4 per lot	50%
7,200 to 14,999	3 per lot	50%
Less than 7,200	2 per lot	50%

2.13 Each single-family dwelling/lot shall also be provided with front yard landscaping and a permanent automatic irrigation in the front yard of each lot. At a minimum, a seeded turf lawn, appropriate shrubs and trees and an automatic irrigation system shall be provided. Furthermore, a variety of typical landscape designs shall be provided for use on each lot within the subdivision. **(Planning)**

2.14 Multiple-family projects shall be provided with full landscape improvements throughout the development. At a minimum, a seeded turf lawn, appropriate trees, shrubs and groundcovers, and a permanent automatic irrigation system, shall be provided. **(Planning)**

3.0 Public and Private Utilities Requirements

Streets

3.1 Structures built in excess of 150 feet from of the public right-of-way shall provide an approved turnaround pursuant to Ontario Fire Department Standard B-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. The Chief may make an exception when the buildings are completely protected with an automatic fire sprinkler system. **(Fire)**

4.0 Public Safety Requirements

Security

4.1 All exterior swinging doors of any residential building or attached garage, including the door leading from the garage area into the dwelling unit, shall be equipped as follows: **(Police)**

(a) All wood doors shall be of solid core construction, with a minimum thickness of 1-3/4 inches, or with panels not less than 9/16 inch thick;

(b) A single or double door shall be equipped with a single cylinder deadbolt lock. The bolt shall have a minimum projection of one inch and be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least 3/4 inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard and shall be connected to the inner portion of the lock by connecting screws of at least 1/4 inch in diameter. A dual locking mechanism constructed so that both deadbolt and latch can be retracted by a single action of the inside door knob, or lever, may be substituted; provided, it meets all other specifications for locking devices;

(c) When not required for exiting purposes, the inactive leaf of double doors shall be equipped with metal flush bolts having a minimum embedment of 5/8-inch into the head and threshold of the door frame;

(d) Glazing in exterior doors or within 12 inches of any locking mechanism shall be of fully tempered glass or rated burglary resistance glazing;

(e) Except where clear vision panels are installed, all front exterior doors shall be equipped with a wide angle (180 degree) door viewer, not to be mounted more than 58 inches from the bottom of the door;

(f) Fully tempered glass or rated burglary resistance glazing shall be used if a window is within 40 inches of any locking mechanism;

(g) Garage doors without automatic openers installed will have two exterior slide locks, one on each side of the door. Garage doors with automatic garage door openers require one slide lock;

(h) Doorjamb shall be installed with solid backing in such a manner that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of 6 inches each side of the strike plates;

(i) Jambs for all doors shall be constructed or protected so as to prevent violation of the strike plates;

(j) The strike plate for deadbolts on all wood framed doors shall be constructed of minimum 16 gauge steel, bronze, or brass and secured to the jamb by a minimum of 2 screws, which must penetrate at least 2 inches into solid backing beyond the surface to which the strike is attached; and

(k) Hinges for out-swinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

4.2 Apartments, condominiums, or any other multiple-unit building with a common attic, shall have a resident controlled locking device installed to each scuttle-hole or access-way. The locking device

shall prevent entry to any one residence from another, and shall not lock behind a resident, trapping them in the attic. **(Police)**

Fire Safety

4.3 All residential-type chimneys shall be equipped with an approved spark arrester, which is constructed to meet the requirements of the California Building Code. **(Fire)**

4.4 Units located on a cul-de-sac street that exceeds 300 feet in length shall be sprinklered. **(Fire)**

4.5 All multiple-family dwelling units shall be sprinklered. **(Fire)**

4.6 Single station smoke detectors are required to be installed pursuant to California Building Code, and California Fire Code, requirements. **(Fire)**

4.7 The water supply, including mains and hydrants, shall be acceptably tested and approved by the Fire Departments prior to the framing stage of construction, to assure availability and reliability for fire-fighting purposes. **(Fire)**

5.0 Permitting/Construction Requirements

Building Permit Application Submittal

5.1 When submitting permit applications for new single-family dwellings within Ontario Ranch (formerly New Model Colony), a table summarizing all lots/tract, addresses, models, square footage, and number of plumbing fixtures shall be included on the construction drawings. **(Building)**

5.2 When submitting permit applications for production homes, include two sets of site plans showing the setback from property lines and the model number/type for the production homes. In addition, provide a plot plan on an 8-1/2 x 11 inch sheet for each production home, showing the building setbacks and the model number/type. **(Building)**

5.3 Provide to Ontario Municipal Utilities Company for review and approval, all applicable shop submittals for potable water, recycled water, and sewer improvements located in the public right-of-way, as shown on the approved improvement plans, including any grading plans with proposed work within the public right-of-way. All shop submittals shall be consistent with the approved Equivalent Materials List, City Standard Drawings, and Design Guidelines and Specifications. **(Engineering)**

PART 3: NONRESIDENTIAL DEVELOPMENTS

1.0 General Development Requirements

Addressing

1.1 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multiple tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Said numbers shall contrast with their background (see Fire Department Standard Nos. H-003 and H-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>). Multiple building

complexes shall have building directories provided at the main entry(ies). Said directory(ies) shall be designed to the requirement of the Fire and Police Departments. **(Fire)**

1.2 Addresses for individual units should be clearly marked and well lit. Room directories shall be placed around the perimeter of the development (placement, size and lighting will be approved by Building, Police, Fire and Planning Departments). **(Police)**

1.3 Roof top numbers shall be maintained by the property owner and must be repainted every 3 years. **(Police)**

2.0 Development Plan Requirements

Architectural Treatment (Design Standards)

2.1 All building drainage gutters, down spouts, vents, etc., shall be completely concealed from public view or shall be architecturally compatible (decorative) with the exterior building design and color. **(Planning)**

2.2 The vent pipes for underground fuel tanks for service stations shall be installed within the canopy columns to visually screen the pipes from public view. Details shall be submitted on the construction plans to reflect this requirement and shall be reviewed and approved by the Planning Department prior to building permit issuance. **(Planning)**

Parking, Circulation and Access

2.3 All driveways shall be provided with an enhanced pavement treatment. Generally, the enhanced pavement treatment shall extend from the property line (back of the approach apron), into the site, to the first intersecting drive aisle or parking space. **(Planning)**

2.4 Bumper guard or wheel stops shall be provided, where necessary, to protect a structure or parked vehicle. In lieu of wheel stops, 2 feet of additional area may be added to sidewalks or landscape areas to serve as an automobile overhang. **(Planning)**

2.5 Access roadways that exceed 150 feet in length shall have an approved turnaround designed pursuant to Fire Department Standard No. B-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

2.6 Any time prior to the commencement of on-site combustible construction and/or storage, a minimum 26-foot wide all weather access road shall be provided to within 150 feet of all portions of the exterior walls of the first story of any building, unless otherwise specifically approved by the Fire Marshal and other emergency services. **(Fire)**

Easements

2.7 Underground fire mains that cross property lines shall be provided with CC&Rs, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of Fire Department plan check. **(Fire)**

2.8 Access drives that cross property lines shall be provided with CC&Rs, access easements, and/or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of Fire Department plan check. **(Fire)**

Loading and Outdoor Storage Areas

2.9 Outdoor storage shall only be permitted within those areas shown on the approved site plan. Areas designated for off-street parking, loading, circulation, and maneuvering, shall not be used for the outdoor storage of materials or equipment. **(Planning)**

2.10 Outdoor loading and storage areas shall be screened from view of public and private streets, major drive aisles through the site, residential land uses, offices located on-site and on adjoining properties, public facilities, and institutional uses on adjoining properties, with a solid, view-obstructing wall. Chainlink fencing with slat material or tennis court windscreen material shall not be used as screening for storage areas. **(Planning)**

2.11 The height of screen walls shall be determined by a Sight-Line Analysis/Wall Section Plan, which shall show that all roll-up doors will be screened from view from adjoining parcels and public streets. **(Planning)**

2.12 Prior to the commencement of construction, a "horizontal height mock up" shall be constructed for review and approval by Planning Department staff to verify the adequacy of screen wall heights from the freeway and streets. The mock up should be located at the lowest elevation on the site. **(Planning)**

2.13 No materials or equipment shall be stored to a height greater than adjacent screen walls. **(Planning)**

Site Lighting

2.14 The canopy lighting units for service stations shall be recessed to avoid the light bleeding from under the canopy. Details shall be submitted on the construction plans, which shall be reviewed and approved by the Planning Department prior to building permit issuance. **(Planning)**

2.15 The following standards shall apply to lighting, address identification, and parking areas:

- (a)** Lighting in exterior areas shall be in vandalism resistant fixtures;
- (b)** The developer shall submit certified exterior lighting plans showing luminaire throw pattern and cut sheets of luminaires to be used prior to building permits being issued; and
- (c)** Interior night lighting shall be constructed and maintained in those areas that are visible from the street (ground floor level only). **(Police)**

Signs

2.16 As a design feature of the building, structure, or business establishment, neon lighting shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed or installed. Neon lighting shall be limited to confined areas, such as building entries or special architectural features. **(Planning)**

2.17 Neon lighting incorporated into a sign or advertising structure shall be counted toward the total allowable signage for the establishment it serves. **(Planning)**

2.18 Temporary signs may be displayed for a maximum 7 days duration during the specified "holiday sale periods" (President's Day, Memorial Day, Independence Day, and Labor Day), and during the specified "additional periods" (four unspecified periods per calendar year) for which a Temporary Use Permit has been issued, not to exceed a total of 56 days per calendar year. Each "additional period" may be used consecutively with "holiday sale periods," not to exceed a total of 6 consecutive periods (42 consecutive days). **(Planning/Housing)**

2.19 Window signage, painted or otherwise, shall not exceed 25 percent of the total window area. **(Planning/Housing)**

3.0 Public and Private Utilities Requirements

Utilities

3.1 When booster fire pumps take suction from the public water supply, it must be demonstrated with hydraulic calculations at the time of plan review that the supply is capable of providing 150 percent of the rated capacity of the fire pump **(Fire)**

3.2 The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties, and shall not cross any public street. **(Fire)**

Streets

3.3 "No Parking/Fire Lane" signs and/or Red-Painted Curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would encroach on the 26-foot clear width requirement pursuant to Fire Department Standard Nos. B-001 and B-004, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

Fire Hydrants

3.4 The water supply, including mains and hydrants, shall be acceptably tested and approved by the Fire Department prior to the framing stage of construction and/or onsite combustible storage, to assure availability and reliability for firefighting purposes. Phased construction shall ensure that the water systems are independently adequate to provide for the necessary fire flow from phase-to-phase in the construction planning. **(Fire)**

4.0 Public Safety Requirements

Security

4.1 An approved Key Box is required on this Project. The Ontario Fire Department requires that all industrial/ commercial buildings provide Fire Department access. Key boxes shall be applied per Fire Department Standard No. H-001, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. Master keying of building(s) may reduce the size and/or quantity of boxes required. **(Fire)**

4.2 Swinging exterior glass doors, wood or metal doors with glass panels, solid wood, or metal doors, shall be constructed or protected as follows:

(a) Wood doors shall be of solid core construction, with a minimum thickness of 1-3/4 inches. Wood pane doors with panels less than one inch thick shall be covered on the inside with a minimum 16 gauge sheet steel, or its equivalent, which is to be attached with screws, minimum 6 inches on center. Hollow steel doors shall be of a minimum 16 gauge, and have sufficient reinforcement to maintain the designed thickness of the door when any locking device is installed; such reinforcement being able to restrict collapsing of the door around any locking device; and

(b) Except where double cylinder deadbolts are utilized, any glazing in exterior doors, or within 48 inches of any door locking mechanism, shall be constructed or protected as follows:

- (1) Fully tempered glass or rated burglary resistance glazing;
- (2) Iron or steel grills of at least one-eighth inch material, with a minimum 2 inch mesh secured on the inside of the glazing may be utilized; or
- (3) The glazing shall be covered with iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel material, spaced not more than 5 inches apart, secured on the inside of the glazing;
- (4) Subparagraphs 4.2(b)(2) and (3), above, shall not be implemented so as to interfere with the operation of opening windows if such windows are required to be opened by the Building Code. **(Police)**

4.3 All swinging exterior wood and steel doors shall be equipped as follows:

(a) A single or double door shall be equipped with a double cylinder deadbolt. The bolt shall have minimum projection of one inch, and shall be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least 3/4-inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard, a minimum of 5 pin tumblers, and shall be connected to the inner portion of the lock by connecting screws at least 1/4-inch in diameter. The provisions of this subsection do not apply where:

- (1) Panic hardware is required; or
- (2) An equivalent device is approved by the enforcing authority.

(b) Double doors shall be equipped as follows:

(1) When not required for exiting purposes, the inactive leaf of a double door shall be equipped with metal flush bolts having a minimum embedment of 5/8-inch into the head and threshold of the door frame; and

(2) Double doors shall have an astragal constructed of steel a minimum of 0.125-inch thick, which will cover the opening between the doors. The astragal shall be a minimum of 2 inches wide, and extend a minimum of one-inch beyond the edge of the door to which it is attached. The astragal shall be attached to the outside of the active door by means of welding or with nonremovable bolts spaced not more than 10 inches on center. **(Police)**

4.4 Aluminum frame swinging doors shall be equipped as follows:

(a) The jamb on all aluminum frame swinging doors shall be so constructed or protected to withstand 1,600 pounds of pressure in both a vertical distance of 3 inches and a horizontal distance of one-inch, each side of the strike, so as to prevent violations of the strike;

(b) Except when panic hardware is required, a single or double door shall be equipped with a double cylinder deadbolt with a bolt projection exceeding one-inch, or a hook shaped or expanding dog bolt that engages the strike sufficiently to prevent spreading. The deadbolt lock shall have a minimum of 5 pin tumblers and a cylinder guard. **(Police)**

4.5 Panic hardware, whenever required by the California Building Code or California Code of Regulation Title 19 (Public Safety), shall be installed as follows:

- (a) Panic hardware shall contain a minimum of 2 locking points on each door;
- (b) On single doors, panic hardware may have one locking point which is not to be located at either the top or bottom of the door frame. The door shall have an astragal constructed of steel 0.125 inches thick which shall be attached with nonremovable bolts to the outside of the door. The astragal shall extend a minimum of 6 inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of 2 inches wide and extend a minimum of one-inch beyond the edge of the door to which it is attached;

(c) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point which will close the opening between them, but not interfere with the operation of either door. **(Police)**

4.6 Horizontal sliding doors shall be of the inside slider type and equipped with a metal guide track at top and bottom and a cylinder lock and/or padlock with a hardened steel shackle which locks at both heel and toe, and a minimum 5 pin tumbler operation with a nonremovable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position. **(Police)**

4.7 In office buildings with multiple occupancies, all entrance doors to individual office suites shall meet the construction and locking requirements for exterior doors. **(Police)**

4.8 Windows shall be deemed accessible if less than 12 feet above ground. Accessible windows and all exterior transoms having a pane exceeding 96 square inches in an area, with the smallest dimension exceeding 6 inches and not visible from a public or private vehicular access-way, shall be protected in the following manner:

(a) Fully tempered glass or burglary resistant glazing;
(b) The following window barriers may be used, but shall be secured with nonremovable bolts:

(1) Inside or outside iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel material, spaced not more than 5 inches apart and securely fastened; or

(2) Inside or outside iron or steel grills of at least 1/8-inch material, with not more than a 2-inch mesh, and securely fastened.

(c) If a side or rear window is the type that can be opened, it shall, where applicable, be secured on the inside with either a slide bar, bolt, crossbar, auxiliary locking device, or padlock with hardened steel shackle and minimum 4 pin tumbler operation;

(d) The protective bars or grills shall not interfere with the operation of opening windows if such windows are required to be opened by the Uniform Building Code. **(Police)**

4.9 Roof openings shall be equipped as follows: **(Police)**

(a) All skylights on the roof of any building or premises used for business purposes shall be provided with:

(1) Rated burglary resistant glazing;
(2) Iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel material under the skylight, and securely fastened; or

(3) A steel grill of at least 1/8-inch material with a maximum 2-inch mesh under the skylight and securely fastened. Smoke and heat vents must have a minimum of one-inch mesh per Fire Department requirements.

(b) All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

(1) If the hatchway is of wooden material, it shall be covered on the inside with at least 16 gauge sheet metal, or its equivalent, attached with screws;

(2) The hatchway shall be secured from the inside with a slide bar or slide bolts; and

(3) Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges;

(c) All air duct or air vent openings exceeding 96 square inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering the same with either of the following:

- (1) Iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel materials spaced no more than 5 inches apart and securely fastened; or
- (2) Iron or steel grills of at least 1/8-inch material with a maximum 2-inch mesh and securely fastened;
- (3) If the barrier is on the outside, it shall be secured with bolts which are nonremovable from the exterior;
- (4) Subparagraphs (1) and (2), above, must not interfere with venting requirements creating a potentially hazardous condition to health and safety or conflict with the provisions of the California Building Code or California Code of Regulations Title 19 (Public Safety).

4.10 Permanently affixed ladders leading to roofs shall be fully enclosed with sheet metal to a height of 10 feet. This covering shall be locked against the ladder with a case hardened hasp, secured with nonremovable screws or bolts. Hinges on the cover will be provided with nonremovable pins when using pin-type hinges. If a padlock is used, it shall have a hardened steel shackle, locking at both heel and toe, and a minimum 5 pin tumbler operation, with nonremovable key when in an unlocked position. **(Police)**

Elevators

4.11 Passenger elevators, the interiors of which are not completely visible when the car door is open, shall have mirrors so placed as to make visible the whole of the elevator interior to prospective passengers outside the elevator; mirrors shall be framed and mounted to minimize the possibility of their accidentally falling or shattering. **(Police)**

4.12 The elevator emergency stop button shall be so installed and connected as to activate the elevator alarm. **(Police)**

Security Fencing

4.13 If wrought iron fencing is used, it shall be 6 feet high, open ended, and pickets shall be minimum 4 inches on center. If block wall fencing is used, it shall be minimum 6 feet high, with security shrubbery and antigraffiti measures (such as vines) will be used. **(Police)**

Helicopter Pads

4.14 Any building that is required by City law or ordinance to maintain a helicopter pad, shall allow access to Ontario Police Department helicopters, as needed. **(Police)**

Public Safety 800 MHZ Radio System Interference

4.15 No existing or future wireless telecommunications facility shall interfere with any public safety radio communications system including, but not limited to, the 800 MHz radio system operated by the West End Communication Authority (WECA), which provides public safety communications during emergencies and natural disasters. Pursuant to Government Code Section 38771, a violation of this standard constitutes a public nuisance. **(Police)**

4.16 If any wireless telecommunications facility is found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the carrier and/or property owner shall immediately cease operation of the radio channel(s) causing system interference. Operation of an offending wireless telecommunications facility shall only be

allowed to resume upon removal, or other resolution, of the interference, to the satisfaction of the City.
(Police)

Burglar Alarm Systems

4.17 Burglar alarm systems are recommended for all businesses, and a robbery alarm should be considered for certain retail businesses. **(Police)**

4.18 If an alarm is installed in any commercial or industrial building, a blue flashing light shall be installed on the rooftop. This light shall be screened from public view but visible from the air. Such a blue flashing light is recommended for residential, but is optional. The blue flashing light shall meet the specifications approved by the Police Department. **(Police)**

5.0 Permitting/Construction Requirements

Hand-Portable Fire Extinguishers

5.1 Hand-portable fire extinguishers are required to be installed prior to occupancy. Contact the Fire Prevention Bureau during the latter stages of construction to determine the exact number, type and placement required pursuant to Fire Department Standard No. C-001, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

5.2 Provide to Ontario Municipal Utilities Company for review and approval, all applicable shop submittals for potable water, recycled water, and sewer improvements located within the public right-of-way as shown on the approved improvement plans, including any grading plans with proposed work within the public right-of-way. All shop submittals shall be consistent with the approved Equivalent Materials List, City Standard Drawings, and Design Guidelines and Specifications. **(Engineering)**

Exhibit “B” to Resolution No. 2017-###

**STANDARD CONDITIONS OF APPROVAL FOR NEW DEVELOPMENT;
“ONTARIO RANCH” PROJECTS**

Standard Conditions of Approval for New Development Applicable to “Ontario Ranch”

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Standard Conditions of Approval for New Development

“Ontario Ranch” Projects

All new development projects are required to comply with the minimum standards set forth by the Ontario Municipal Code, Ontario Development Code, the requirements of applicable specific plans, California Building Code, California Fire Code, and applicable provisions of the California Code of Regulations, including, but not limited to, Title 19 (Public Safety), Title 21 (Public Works), Title 24 (Building Standards Code), Title 25 (Housing and Community Development), and Title 27 (Environmental Protection). The herein-listed conditions of approval have been reviewed and approved by the Planning Commission and City Council, and apply to all new development projects within the Ontario Ranch area of the City (that portion of the City generally located south of Riverside Drive). Please note that additional standard conditions of approval pertaining to Tentative Subdivision Maps and/or Conditional Use Permits, may also apply, as well as special conditional conditions of approval, which specifically pertain to the Project in question, that may be imposed by the Approving Authority at the time of Project approval.

PART 1: GENERAL REQUIREMENTS

1.0 General Development Requirements

Construction Documents

1.1 All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility, traffic signal, street lighting, traffic signing, traffic striping, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department. **(Planning)**

1.2 The project site shall be developed and maintained in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance, and may require review and approval by the Planning Commission and/or City Council. **(Planning)**

Property Maintenance

1.3 The Applicant shall be advised that they are required to maintain the buildings and grounds of the site in a manner consistent with Ontario Municipal Code Title 5, Chapter 22 (Property Appearance – Nuisance), commencing with Section 5-22.01, and the conditions of approval set forth herein, by all departments and agencies of the City of Ontario. **(Planning/Housing)**

Construction Noise Limitations

1.4 While engaged in construction, remodeling, digging, grading, demolition or any other related building activity, no person shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, on any weekday, except between the hours of 7:00AM and 6:00PM, or on Saturday or Sunday, except between the hours of 9:00AM and 6:00PM, and no landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control, to operate any tool, equipment, or machine, in violation of this condition of approval, except as follows:

(a) The provisions of this section shall not apply to emergency construction work performed by a private party when authorized by the City Manager;

(b) Any construction that complies with the noise limits specified in Ontario Municipal Code Section 5-29.04. **(Planning/Building)**

Time Limits and Extensions

1.5 Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced and diligently pursued toward completion, or a time extension has been approved by the Zoning Administrator pursuant to Ontario Development Code Section 2.02.025.B (Time Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements. **(Planning)**

Indemnification and Hold Harmless Agreement

1.6 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, any approval of the City of Ontario, whether by its City Council, Planning Commission, or other authorized board or officer of the City. 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. **(Planning)**

Graffiti Removal

1.7 Antigrffiti material, of a type and nature that is acceptable to the Director of Community and Public Services Agency (CPSA), shall be applied to each publicly viewed surface of the improvements to be constructed on the project site, which is deemed by the Director of CPSA to be likely to attract graffiti ("graffiti attracting surfaces"). **(Planning/CPSA)**

1.8 Any conditions, covenant and restriction, or separate covenant, which is recorded against an individual lot prior to resale of same, shall require the owner of such lot to remove any graffiti placed thereon within 7 days after notice thereof. The covenant shall run with the land and shall be for the benefit of the City, in a form satisfactory to the City. **(Planning)**

1.9 In an effort to quickly respond to graffiti vandals and to ensure proper color match during graffiti paint-over, the property owner shall apply graffiti retardant materials on graffiti attracting surfaces, provide vine treatment to screen walls, allow right of entry to city employees or agents for graffiti removal, and provide the City with sufficient matching paint upon demand, for a period of at least 2 years beyond the date of final building inspection. **(Housing/Planning)**

1.10 The City shall be granted right of site entry, and access to parcels, upon the prior 48-hour posting of a notice by authorized City employees or agents, for the purpose of removing or "painting over" graffiti applied to graffiti attracting surfaces, as previously designated by the Director of CPSA. **(Planning)**

1.11 Block walls and/or screen walls shall be provided with climbing plants with proper automatic irrigation, or other graffiti deterring elements, such as antigrffiti paint, to prevent walls from being vandalized. **(Police)**

Monuments

1.12 Set all monuments in accordance with the final map, and submit all centerline ties to the Engineering Department. Any monuments damaged as a result of construction, shall be reset to the satisfaction of the City. **(Engineering)**

1.13 All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. **(Engineering)**

Disclosures

1.14 For all development occurring south of the Pomona Freeway (60-Freeway), within the specified boundary limits of the "South Archibald Trichloroethylene (TCE) Plume" (attached hereto as *EXHIBIT A: SOUTH ARCHIBALD TCE PLUME BOUNDARY MAP*), the property owner/developer is hereby made aware of the "South Archibald TCE Plume Sample Disclosure Letter" (attached hereto as *EXHIBIT B: SOUTH ARCHIBALD TCE PLUME SAMPLE DISCLOSURE LETTER*). Property owner/developer may wish to provide said Disclosure Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs), or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board (http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658). **(Engineering)**

2.0 Prior to Final Map Acceptance (for City Council Hearing)

2.1 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements. **(Engineering)**

2.2 Provide a monument bond (i.e., cash deposit) in an amount determined by the City's approved cost estimate spreadsheet, which may be viewed at (http://www.ontarioca.gov/sites/default/files/Ontario-Files/Engineering/forms/project_cost_estimate.xls), or as specified in writing by the Applicant's California Registered Professional Engineer or California Registered Land Surveyor of Record, and approved by the City Engineer, whichever is greater. **(Engineering)**

2.3 Provide a preliminary title report not older than 30 days, to the Engineering Department. **(Engineering)**

2.4 Show proof that all taxes and assessments related to the project site have been paid, or provide other adequate form of security assuring payments of all taxes. **(Engineering)**

3.0 Prior to Permitting (building, grading, encroachment, etc.)

General Requirements

3.1 A copy of the herein-listed conditions of approval shall be included in the construction documentation package for the Project, which shall be continuously maintained on site during Project construction. **(Planning)**

3.2 The Applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for the Project. **(Planning)**

3.3 All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval. **(Engineering)**

3.4 The Applicant shall obtain an Encroachment Permit and Traffic Control Permit, as required, for all work within the public right-of-way. Prior to issuance of the Encroachment Permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, recycled water, traffic signal, lighting, signing and striping, etc., shall be reviewed and approved by the City Engineer. **(Engineering)**

3.5 Projects located within Ontario Ranch (formerly New Model Colony) must comply with the "Methane Assessment for Projects in Ontario Ranch" guidelines, which may be viewed online at <http://www.ontarioca.gov/building/general-requirements/submittal-requirements>. **(Building)**

3.6 The Project shall comply with the adopted California Building Code (California Code of Regulations, Title 24, Part 2). **(Building)**

3.7 The Project shall comply with the adopted California Electrical Code (California Code of Regulations, Title 24, Part 3). **(Building)**

3.8 The Project shall comply with the adopted California Mechanical Code (California Code of Regulations, Title 24, Part 4). **(Building)**

3.9 The Project shall comply with the adopted California Plumbing Code (California Code of Regulations, Title 24, Part 5). **(Building)**

3.10 The Project shall comply with the adopted California Energy Code (California Code of Regulations, Title 24, Part 6). **(Building)**

3.11 The Project shall comply with the adopted California Historical Building Code (California Code of Regulations, Title 24, Part 8). **(Building)**

3.12 Structures within the special wind region of the City shall be designed in accordance with the applicable California Building Code sections. **(Building)**

Fees

3.13 After the Project's entitlement approval, the Applicant shall pay all applicable departmental fees. Fees shall be paid at the rate established by resolution of the City Council. **(All Departments)**

3.14 All required Development Impact Fees (DIF), as well as other applicable governmental impact fees (e.g., School District, Inland Empire Utilities Agency (IEUA), etc.), shall be paid to the City prior to building permit issuance. **(Engineering/Planning/Building)**

Architectural Treatment (Design Standards)

3.15 Exterior building elevations showing building wall materials, roof types, exterior colors, and appropriate vertical dimensions, shall be included in the development construction drawings. **(Planning)**

3.16 All roof access ladders shall be located on the inside of the building. **(Planning)**

3.17 All tower elements on the building(s) shall be fully walled and finished on all sides, and shall include detailing appropriate to the architectural style proposed, so as to appear as a fully three-dimensional, four-sided element of the building, to the satisfaction of the Planning Director. "Tower elements" shall include architectural components of the building that are higher than the adjacent building parapet or roof. **(Planning)**

3.18 Where changes in parapet height occur, a return into the building shall be provided, for a distance of at least 6 feet, so that the thickness of the wall panel cannot be observed or easily discerned by the public. **(Planning)**

3.19 At building corners, where conditions exist that would allow public view of the rear (interior) side of parapet walls, as a result of changes in parapet heights, the raised parapet area shall be constructed

to the satisfaction of the Planning Director, so as to be viewed as a fully three-dimensional, four-sided element of the building. **(Planning)**

3.20 Cultured, precast, or fabricated stone products, shall be constructed of an integral color material. **(Planning)**

Walls and Fences

3.21 Prior to the issuance of a building permit, a Wall and Fence Plan shall be reviewed and approved by the Planning and Building Departments. The plans shall indicate the materials, colors, and heights, of proposed and existing walls/fences, and shall include a cross-section of walls/fences, which indicates adjacent grades. Walls shall be designed as an integral part of the Project architecture, and shall be constructed of tilt-up concrete, brick, decorative masonry block (e.g., burnished, scored, slump, split-face, etc.) or other decorative materials approved by the Planning Director. **(Planning)**

Parking, Circulation and Access

3.22 All driveway approaches within the public right-of-way shall be kept clear of any decorative paving. **(Engineering)**

3.23 The site plan shall provide adequate turning radii for emergency apparatus, and access turns shall be designed to meet the minimum requirements/standards of Ontario Fire Department Standard No. B-005, which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Fire/standards-forms/standard_b-005_minimum_turning_radius.pdf. **(Fire)**

3.24 The site plan shall provide adequate turning radii for Ontario Municipal Utilities Company solid waste service vehicles. Access turns shall be designed to meet the minimum requirements/standards of the "Solid Waste Department Refuse and Recycling Planning Manual," which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/planning_manual-2016_update.pdf (also reference: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>). **(Engineering)**

3.25 The site plan shall allow for adequate ingress and egress to and from the Project. Additional access points may be required. **(Fire)**

3.26 Any drive approaches or construction of other improvements in the Caltrans right-of-way shall be approved by Caltrans as to type, size, and location of the proposed improvements. The Applicant shall provide the City with a copy of the Caltrans permit prior to issuance of Encroachment Permit. **(Engineering)**

3.27 All property corners at street intersections shall have angled corner cut-offs in accordance with City Standards. **(Engineering)**

Site Lighting

3.28 Site lighting shall be reviewed and approved by the Planning Department and Police Department prior to the issuance of building permits. **(Planning)**

3.29 Exterior lighting shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on any adjoining site. **(Planning)**

3.30 Along pedestrian movement corridors, the use of decorative low mounted bollard light standards, which reinforce pedestrian scale, is highly encouraged. Steps, ramps and seatwalls shall be illuminated with built-in light fixtures. **(Planning)**

3.31 All off-street parking areas shall maintain a minimum lighting level of one-footcandle or greater. Lighting shall be on from sunset to sunrise, daily, and shall be operated by a photocell switch. The plan shall show all buildings, off-street parking areas, pedestrian walkways, and point by point photometric calculations showing that minimum required light levels will be maintained. **(Police)**

Mechanical Equipment

3.32 All exterior roof-top mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building. The construction plans shall include appropriate elevations and cross-section drawings demonstrating how such equipment is to be screened from view (include dimensions, materials, colors, etc.) **(Planning)**

3.33 All ground mounted utility structures such as transformers, HVAC equipment and back flow prevention valves shall be located out of view from a public street or adequately screened through the use of landscaping and/or masonry walls. **(Planning)**

Refuse Storage/Trash Enclosure

3.34 All refuse shall be stored in an appropriate container and maintained within a City approved enclosure, which shall be designed with a solid cover roof to prevent rainwater contact with waste materials. Reference the "Solid Waste Department Refuse and Recycling Planning Manual," which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/planning_manual-2016_update.pdf for additional design requirements. The trash enclosure and roof design shall be consistent with the design of the building architecture. A copy of the architectural detail of the roofed trash enclosure shall be provided with the Development Plan submittal, and as an exhibit in the Water Quality Management Plan. **(Planning/Engineering)**

3.35 Comply with City refuse collection standards, as follows: **(Engineering)**

- (a)** Commercial Projects: Comply with Ontario Municipal Code Section 6-3.314 (Commercial Storage Standards), and Section 6-3.601 (Business Recycling Plan).
- (b)** Multiple-Family Residential Projects (utilizing commercial collection bins): Comply with Municipal Code Section 6-3.314 (Commercial Storage Standards) and Section 6-3.601 (Business Recycling Plan).
- (c)** Single-Family Residential Projects (utilizing individual refuse, recycling, and green waste receptacles): Comply with Municipal Code Section 6-3.308 (Residential Receptacles, Placement).
- (d)** Recycling Requirements: Comply with Ontario Municipal Code Section 6-3.601 (Business Recycling Plan) and Section 6-3.602 (Construction and Demolition Recycling Plan).
- (e)** Site Improvement Plans: Comply with the City's refuse collections standards.

(Note: The City's refuse collection standards may be viewed online at [http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:ontario_ca.](http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates$fn=default.htm$3.0$vid=amlegal:ontario_ca.))

3.36 Trash enclosure(s) shall be locked and secured at all times, to prevent transients from living in the enclosure, and prevent the pilfering trash and recyclable items. On the days of trash pickup, the enclosure shall be unlocked to facilitate the emptying of trash receptacles by the solid waste hauler, and shall once again be locked. **(Police)**

3.37 Large trash receptacles, commonly referred to as dumpsters, which are placed adjacent to structures, or have combustible coverings (i.e., vegetation, wood trellises, etc.), shall be protected by at

least one automatic fire sprinkler head. This sprinkler head may be supplied by the domestic water line.
(Fire)

Public Improvements

3.38 The design for public potable water, recycled water, sewer, and storm drain, within any private street, shall be reviewed and approved by the City Engineer. **(Engineering)**

3.39 Detailed on-site utility information shall be shown on the grading plan or relative utility plan, which includes, but is not limited to, location of monitoring manholes, backflow prevention devices, exact lateral locations, etc. (include low, average, and peak water demand in GPM for the proposed development and proposed water meter size). The grading plan will not be approved by the City Engineer until detailed utility information is provided on the plans. **(Engineering)**

3.40 Underground utility services shall be provided to each lot/parcel, including sanitary sewers, one-inch minimum water service, electric power, gas, and OntarioNet fiber optic conduit. In addition, the Applicant shall incorporate OntarioNet fiber optic conduit system design into the Project dry utility plans, or other utility plans as applicable. **(Engineering)**

3.41 In-lieu fees for the undergrounding of overhead utilities shall be paid prior to Building Permit issuance, and all costs associated with said improvements shall be solely borne by the Applicant. **(Engineering)**

3.42 All public improvements shall be designed per City standards and specifications, and in accordance with the City's Municipal Code, Development Code, and applicable Specific Plan (if any). **(Engineering)**

Sewer

3.43 Private sewer, domestic water, and storm drainage systems, shall be designed in accordance with CPC/UPC requirements, including but not limited to, the sizing of pipes. These systems must be reviewed, approved, and inspected by the Building Department. Design standards used by other departments for public sewer, water, and storm drainage systems shall not be used for such private systems. **(Building)**

3.44 The Project shall utilize existing laterals, whenever provided and possible, for connection to the public sewer system. **(Engineering)**

3.45 The Applicant shall abandon all existing unused laterals at the sewer main. **(Engineering)**

3.46 On-site monitoring facilities shall be installed for all commercial and industrial units in accordance with City standards, and shall be shown on the grading plans of the Project. **(Engineering)**

3.47 The on-site sewer system shall be private, and shall be designed pursuant to applicable Building Codes. The Applicant shall contact the Building Department for design requirements. **(Engineering)**

3.48 Sewer service shall be constructed outside of the proposed and/or existing driveway approaches, as well as on-site stormwater BMPs, unless otherwise approved by the City Engineer. **(Engineering)**

3.49 For non-residential developments, the project applicant shall complete the Industrial Wastewater Discharge Permit, and shall comply with all applicable regulatory requirements (Ontario Municipal Code Title 6 (Sanitation and Health) and applicable State and Federal regulations). The

application may be viewed online at <http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>, and shall be submitted to, and approved by, Ontario Municipal Utilities Company. **(Engineering)**

Potable Water

3.50 Separate water services shall be provided for domestic water services, irrigation services and fire services. **(Engineering)**

3.51 The Applicant shall utilize existing service laterals, whenever provided and possible, for connection to the public water system. **(Engineering)**

3.52 The Applicant shall abandon all existing unused service laterals at the water main in accordance with City standards. **(Engineering)**

3.53 The on-site potable water system shall be private and designed pursuant to applicable building and plumbing codes. The Applicant shall contact the Building Department for design guidelines. **(Engineering/Building)**

3.54 Backflow prevention devices shall be required for:

- (a)** All commercial and industrial service laterals.
- (b)** All on-site fire systems.
- (c)** Any business where any hazardous substances may be stored or used.
- (d)** For all potable water connections where recycled water is utilized on-site.
- (e)** Irrigation systems. **(Engineering)**

3.55 Appropriate water meter size(s) for the Project shall be determined based on the Project's peak water demand. The fee charged is based on meter size and quantity purchased. The Applicant shall contact the Engineering Department for current fees. **(Engineering)**

3.56 Potable water, recycled water, and sewer utilities located within public or private streets, may be designated as "public utilities" at the discretion of the City Engineer. Public utilities within private streets shall be designed pursuant to City standards, and shall be contained within easements sized at the discretion of the City's Engineering and Utilities Departments. Covenants, Conditions and Restrictions (CC&Rs) required for the Project (if any) shall contain language that requires all proposed work within such easements to be plan checked and inspected by the City, including the payment of all applicable fees. Generally, utilities will not be accepted as public within private streets and alleyways, parking areas, driveways, or drive aisles. Utilities within commercial and industrial parking lots and loading areas (except those located within established public utility easements) shall be designated as private. The extent to which such utilities will be accepted as public utilities shall be determined by the City Engineer. **(Engineering)**

3.57 During the course of maintenance of public utilities within private streets, the City will restore the streets pursuant to current City standards for trench backfill, pavement repair, and hardscaping or landscaping, as applicable. Restoration of any enhancements above and beyond City standards, including but not limited to decorative pavement, hardscape, and landscape enhancements, shall be the responsibility of the Home Owner Association or Property Owner Association (HOA/POA). Such language shall be included within the CC&Rs. This applies to all areas where public utilities are located, including, but not limited to, public and private streets, gated communities, and alleys. **(Engineering)**

3.58 Potable water service laterals shall be constructed outside of the proposed/existing driveway approach, unless otherwise approved by the City Engineer. **(Engineering)**

3.59 All water meters shall be installed within the public right-of-way or public easements, with easy access for meter reading and maintenance. **(Engineering)**

3.60 Grading plan submittals shall include a separate utility drawing showing, at minimum, on-site water lines, point of connection with the City's water system, location of proposed water meters, location of fire service, on-site fire sprinkler system, cross connection devices, etc. **(Engineering)**

3.61 Existing fire hydrants that front the property limits shall be upgraded to current City standards (e.g., correct hydrant body style, installation of break-off check valve, etc.). **(Engineering)**

3.62 All project sites that will be serviced by a common City master meter, are required to submeter downstream of the City's master meter within private property. For residential projects (each dwelling unit) and for nonresidential projects (each tenant) the submetering shall be in conformance with all applicable plumbing codes and be consistent with Building Department requirements. All submeters shall be privately owned and maintained. **(Engineering)**

Recycled Water (if available to the project site)

3.63 Onsite plumbing for all recycled water uses shall meet all applicable standards, including State Water Resources Control Board (Division of Drinking Water), and building and plumbing codes. On-site plans will need to be reviewed and approved by both the Building Department and Ontario Municipal Utilities Company. **(Engineering)**

3.64 The Applicant shall submit an Engineering Report (ER) addressing recycled water usage, which shall be reviewed and approved by the City and the State Water Resources Control Board (Division of Drinking Water). **(Engineering)**

3.65 On-site public recycled water system sizing is subject to City recommendation and approval of the Hydraulic Analyses. **(Engineering)**

Drainage and Hydrology

3.66 A hydrology study and drainage analysis, prepared in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines, and signed by a Civil Engineer registered in the State of California, shall be submitted to the Engineering Department prior to Grading Plan approval. Additional drainage facilities may be required as a result of the findings of the study. **(Engineering)**

3.67 Any drainage above historic flows that is routed onto adjacent property, shall be directed to a recorded private drainage easement. The Applicant shall provide a copy of the recorded document (i.e., letter of acceptance of drainage) to the Engineering Department, in a form acceptable to the City, prior to Grading Plan approval. **(Engineering)**

Stormwater Quality (NPDES)

3.68 Prior to Grading Plan approval and the issuance of a grading permit, an Erosion and Sediment Control Plan shall be submitted to, and approved by, the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on the Project during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. The City's "Erosion and Sediment Control Plan Requirements" may be viewed online at http://www.ontarioca.gov/sites/default/files/erosion_and_sediment_control_plan_requirements.pdf. **(Engineering)**

3.69 Prior to Grading Plan approval and the issuance of a grading permit, a completed Water Quality Management Plan (WQMP) shall be submitted to, and approved by, the Engineering Department. The WQMP shall be submitted on the San Bernardino County Stormwater Program's model form, and shall identify all Post Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs), that will be incorporated into the Project, in order to minimize the adverse effects on receiving waters. **(Engineering)**

3.70 A development project consisting of one or more total acres of land, or that is part of a larger phased development that will disturb at least one acre of land, is required to obtain coverage under the State Water Resources Control Board (SWRCB) General Permit for Storm Water Discharges Associated with Construction Activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required prior to Grading Plan approval and issuance of a grading permit. The Applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department. More detailed information regarding the General Permit, applicable fee information, and the necessary forms to complete the NOI, may be viewed online at <http://www.swrcb.ca.gov>. An electronic copy of the NOI form and instructions is available upon request. **(Engineering)**

3.71 A development project consisting of one or more total acres of land, or that is part of a larger phased development that will disturb at least one acre of land, is required to prepare a Storm Water Pollution Prevention Plan (SWPPP) utilizing the model form contained in Appendix B of the 2013 CASQA Stormwater Best Management Practices (BMP) Handbook for Construction, and submit a copy of the plan to the City of Ontario Engineering Department for review and approval. A copy of the approved SWPPP shall be maintained in the construction site office at all times during construction, and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site BMP, prior to commencing work on the site. **(Engineering)**

Landscape Design and Irrigation

3.72 Three sets of landscape and irrigation drawings addressing the entire project site, shall be submitted to the Planning Department, Landscape Planning Division, for review and approval prior to the issuance of a building permit. Four sets of plans shall be submitted for projects implementing recycled water. **(Planning/Landscape)**

3.73 Landscape and irrigation documents shall be prepared by a Landscape Architect registered with the State of California, if the total area of landscaping exceeds 2,500 square feet. All sheets shall be wet signed by the Landscape Architect, and shall include the license number and the expiration date. **(Landscape)**

3.74 All irrigation systems shall function properly and landscaping shall be maintained in a healthy and thriving condition. The maintenance of landscaping and the irrigation system shall be permanently provided for all areas of the project site, as well as walkways and the portion of public rights-of-way abutting the project site (parkways and medians). Furthermore, the plans shall identify responsibility for the continued maintenance (such as HOA, LMD, property owner, etc.). **(Landscape)**

3.75 Water conservation is a high priority in the City of Ontario. Landscapes shall be designed to use water efficiently, without waste, to the lowest practical amount, and comply with the landscape and irrigation requirements of Ontario Development Code Division 6.05 (Landscaping), which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Documents/chapter_6.0_-_development_and_subdivision_regulations_20151201.pdf, and Ontario Development Code Reference G (Landscape Design and Construction Guidelines), which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/references_20151201.pdf. Also, please refer to the Landscape Planning Section's "Useful Links" on the City's web site, at <http://www.ontarioca.gov/landscape-planning/useful-links>. **(Landscape)**

3.76 Warm season turf is recommended for recreational use projects (such as parks and sports fields, where turf provides a playing surface) and residential projects, covering a maximum of 50 percent of the total landscape area. Turf areas irrigated by spray shall not cover an area less than 8 feet in width. Low water use groundcovers shall be used in traditional turf areas; parkways, etc. **(Landscape)**

3.77 Landscape areas shall be composed of living plant materials spaced approximately 2/3 to 3/4 of the mature diameter, or as found in the natural environment. Non-living ornamental features (boulders, gravel, dry stream beds, etc.) may comprise a maximum of 5 percent of the total landscape area, and shall be of a pervious material. **(Landscape)**

3.78 Concrete mowstrips, 6-inches x 6-inches or 4-inches x 6-inches, shall separate turf areas from landscape planters, and shall separate adjacent maintenance responsibility areas. The installation of redwood header boards shall only be used: **[i]** in conjunction with single-family, homeowner-installed, landscape projects; and **[ii]** to define the lot line adjacent to undeveloped property. **(Landscape)**

3.79 Backflow devices shall be screened by a minimum 5-foot wide planter and 3-foot high strappy leaf, non-hedge shrubs planted in masses, not to encircle the device. Device shall be painted green in color, similar to Frazee, Aeroplate "Forest Green," or equal. **(Landscape)**

3.80 Transformers shall be screened with shrubs of similar height on three sides, minimum 18-inches in height, with groundcovers in front. **(Landscape)**

3.81 Foundation planting (hedgerows or shrub masses in a hierarchy pattern) is required at major building perimeters and residential front yards, to break the horizontal ground plane from the vertical plane of buildings. **(Landscape)**

3.82 Plants at monument signs shall be a hierarchy of ornamental shrubs or perennials. **(Landscape)**

3.83 Trash enclosures shall be screened by adjacent planters containing a mix of trees, shrubs, and vines. **(Landscape)**

3.84 Landscape areas shall have a minimum dimension of 5 feet (Note! Landscaped areas having a dimension of less than 3 feet shall not be counted toward the minimum required landscape coverage), to include trees, except that a 6-foot minimum width is required for planting areas containing vegetated swales. **(Planning/Landscape)**

3.85 Landscape areas shall be delineated with a concrete curb, minimum 6 inches high (except at openings into infiltration basins or swales) by 6 inches wide, except where a landscape area is adjacent to the side of a parking stall, wherein the curb shall be 6 inches high by minimum 12 inches wide, to provide a step for entering/exiting motor vehicles. **(Planning/Landscape)**

3.86 Off-street parking areas visible from public streets or adjacent parcels shall be screened with landscaping, or a combination of landscaping and decorative masonry block walls, having a 3-foot minimum height, which shall be located to allow for 2 feet of vehicle overhang, unless wheel stops are provided. **(Planning/Landscape)**

3.87 Parking lots shall be provided with canopy shade trees in landscape islands, at a ratio of one tree for each 10 parking spaces for single parking rows (minimum of one tree), and one tree for each 5 parking spaces for double parking rows (minimum of 2 trees). Parking lot double rows shall have a center planter strip 5 feet wide which may include an infiltration trench, if required. Canopy shade trees shall have a minimum canopy diameter of 30 feet. **(Landscape)**

3.88 Undeveloped areas within the project site shall be seeded with wild flower or ornamental grass mix, and shall be automatically irrigated to prevent soil erosion from rain and strong winds. **(Landscape)**

3.89 Agronomical soil testing is required for each planting type, at each proposed plant type rootball depth. Soil tests for trees shall be taken at 24 inches to 30 inches deep; shrubs at 12 inches to 18 inches deep; and turf at 6 inches deep. One set of tests shall be performed at each 1,000 linear feet, or as approved by the Landscape Division. Soil test results and recommendations for amendments shall be listed on the landscape plan, noting the soil testing lab name, address, telephone number, and the date of testing. **(Landscape)**

3.90 Projects shall comply with the applicable provisions of Ontario Development Code Division 6.05 (Landscaping). Maximum Applied Water Allowance, MAWA, and Estimated Applied Water Use shall be calculated and submitted on all landscape construction documents pursuant to the requirements of the City's landscape development standards contained in Ontario Development Code Section 6.05.035 (Landscape Development Standards), which may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Planning/Documents/chapter_6.0_-_development_and_subdivision_regulations_20151201.pdf. **(Landscape)**

3.91 Plant selection and irrigation system design shall be appropriate with the City's regional climate (Zone 18), classified as Mediterranean, which is characterized by hot, dry summers and mild winters. **(Landscape)**

3.92 Irrigation systems shall be designed to be water efficient, with like plant material grouped together, and proper solar orientation. Turf shall be on a separate valve from shrub areas. Landscape areas in the shade (north or east sides of buildings) shall be controlled separately from areas in the sun (south or west). **(Landscape)**

3.93 For on-site landscaping (except single-family development), a separate irrigation service shall be required. **(Engineering)**

3.94 Irrigation systems shall be constantly maintained to eliminate wastewater due to heads that are improperly adjusted or lost, broken pipes, or improperly adjusted nozzles. **(Planning/Landscape)**

3.95 Water features and decorative fountains in conjunction with noncommercial development projects shall use recycled water, if available. Water features and decorative fountains in conjunction with residential development projects shall use potable water. **(Landscape)**

3.96 Show corner sight line distances on the landscape plan pursuant to Engineering Department Standard Drawings. **(Engineering)**

3.97 Accent trees (single or multi-trunk specimens) are required on all commercial or industrial corner statements, including vehicular entries and major corner intersections. All accent trees shall be minimum 36-inch box. Palms shall be minimum 17-foot brown trunk height (BTH) and minimum 4.5-foot cubed rootball. **(Landscape)**

3.98 The table below (*Minimum Tree Setbacks/Separations from Certain Permanent Improvements*) establishes the minimum setbacks/separations to be maintained between newly planted trees and certain permanent improvements: **(Landscape)**

<i>Minimum Tree Setbacks/Separations from Certain Permanent Improvements</i>	
<i>Permanent Improvements</i>	<i>Minimum Setback/Separation</i>
Beginning of curb returns at street intersections:	25 feet
Light standards, power poles and fire hydrants:	10 feet
Water and sewer lines:	7 feet
Sidewalks (except within parkway areas), driveways, and buildings:	5 feet

3.99 For cluster single-family, multiple-family, and nonresidential development projects, the table below (*Minimum Tree Quantity and Size Specifications (excluding palms)*) establishes the minimum mix of tree sizes and corresponding minimum dimensions, to be provided in conjunction with all new development projects. (**Landscape**)

<i>Minimum Tree Quantity and Size Specifications (excluding palms)</i>				
<i>Minimum Percent Mix of Required Trees</i>	<i>Size</i>	<i>Trunk Caliper</i>	<i>Height</i>	<i>Spread</i>
5%	48-inch box or larger	3.50 inches	14 to 16 feet	7 to 8 feet
10%	36-inch box	2.50 inches	12 to 14 feet	6 to 7 feet
30%	24-inch box	1.50 inches	9 to 11 feet	4 to 5 feet
55%	15-gallon	1.0 inches	7 to 8 feet	2 to 3 feet
Palm Trees			17-foot Brown Trunk Height	

3.100 For cluster single-family, multiple-family, and nonresidential development projects, the table below (*Minimum Tree Species Mix (excluding palms)*) establishes the minimum mix of tree species to be provided, based on the number of new trees proposed to be planted. (**Landscape**)

<i>Minimum Tree Species Mix (excluding palms)</i>	
<i>Number of Trees Proposed</i>	<i>Minimum Number of Tree Species Required</i>
20 or Fewer	2
21 to 30	3
31 to 40	4
More than 40	5

3.101 Existing trees shall be protected in place wherever possible. Additionally, existing large canopy trees may be counted toward the 48-inch box size requirement established by condition of approval no. 3.97. (**Landscape**)

3.102 Trees proposed for removal shall require the submittal of an arborist's report, which identifies the genus, species, trunk diameter (dbh), health condition, and reason for removal, for each tree proposed to be removed. (**Landscape**)

3.103 It is recommended that existing trees are transplanted rather than demolished. Contact a tree broker or transplant specialist. Transplant trees when weather is suitable. **(Landscape)**

3.104 Trees to be removed from the project site shall be replaced at the rate of two 48-inch box trees for each removed tree, or as otherwise approved by the Planning Director. **(Landscape)**

3.105 Street trees shall be 24-inch box; however, replacement trees in established residential tracts may be 15 gallon in size. Street trees shall be spaced at 25 to 30 feet on center. **(Landscape)**

3.106 Tree wells (if required) shall be 4 feet wide by 6 feet long, as parkway space allows. Iron tree grates shall be Starburst by Ironsmith, or approved equal, with 3/8" max slot openings pursuant to ADA guidelines. Decomposed granite may also be used in tree wells. **(Landscape)**

3.107 Linear root barriers (if proposed) shall be maximum 12-inches deep for trees planted within 5 feet from the edge of a paved area. Root barriers shall not surround any tree, but shall run parallel to paving. **(Landscape)**

3.108 Shrubs shall be minimum 5 gallon container size, spaced equal to 2/3 of the mature plant size. One gallon container size may be used for perennials and groundcovers. **(Landscape)**

3.109 Shredded mulch within planter areas shall be a depth of 3 inches for shrubs and one-inch for groundcover. Shredded bark (not wood chips) with a tackifier shall be used on slopes of 3:1 or greater (soil shall not be visible). Maintain mulch 3 inches clear of plant stems and 6 inches clear of tree trunks. **(Landscape)**

3.110 Slopes of 3:1 or greater require jute netting with groundcover, shrubs, or ornamental grasses. Turf grass is not allowed on slopes greater than 3:1. **(Landscape)**

3.111 Groundcovers from flats shall be spaced at 10 inches on center. Low groundcovers shall not exceed an 18-inch width in front of larger shrubs. One gallon containers shall be used for larger groundcover areas. Perennials or annual color shall be spaced at 8 inches apart. **(Landscape)**

3.112 Weeds shall be removed before 2 inches high or weed seeds develop. Note on plans for a pre-emergent to be applied before the mulch layer is installed, to prevent weeds. **(Landscape)**

3.113 Any plant materials utilized shall take into consideration the need for the users of the space to easily view their surroundings, as well as police patrols to monitor the area from adjacent streets. Trees shall be positioned to avoid interfering with required lighting levels and take into consideration the height of the tree canopies from the ground level, as it affects surveillance opportunities by users of the space and police patrols. No shrubs higher than 3 feet, and no tree canopy lower than 7 feet, shall be permitted, so as not to obstruct the view of police officers on patrol. Plants next to low-lying windows shall have thorns as a deterrent for suspects hiding and removing glass panes as a point of entry. **(Police)**

Security

3.114 Any building that requires special releasing, latching, or locking devices under the provisions of the City's Building Code or California Code of Regulation, Title 19, shall be exempt from the provisions of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings) relating to locking devices on interior and/or exterior doors. **(Police)**

3.115 Louvered windows shall not be used when a portion of the window is less than 12 feet vertically or 6 feet horizontally from an accessible surface, or any adjoining roof, balcony landing, stair, tread, platform, or similar structure. **(Police)**

3.116 Doors swinging out shall have non-removable hinge pins. **(Police)**

3.117 Doors utilizing a cylinder lock shall have a minimum 5 pin tumbler operation with the locking bar or bolt extending into the receiving guide, a minimum of one inch. **(Police)**

3.118 Double doors that exceed 16 feet in width, but do not exceed 19 feet in width, shall have one of the following locking devices:

- (a)** Two lock receiving points, one on each side of the door;
- (b)** A single bolt may be used if placed in the center of the door, with the locking point located either at the floor or door frame header. **(Police)**

3.119 If security gates are desired at any access points to the Project, the Police Department and Fire Department will be provided access by the Knox submaster system. If gates are not electrically operated, a Knox padlock may be substituted for electrically operated override systems. Contact the Police Department and/or Fire Department for specific requirements. **(Police/Fire)**

Fire Safety

3.120 The fire department connection (FDC) shall be located on the address side of the building, within 150 feet of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and FDCs pursuant to Fire Department standards. **(Fire)**

3.121 Provide identification for all hose connections pursuant to Fire Department standards. **(Fire)**

3.122 The Applicant shall transmit a copy of these requirements to their on-site contractor to foster a mutual understanding between on-site personnel and the Fire Marshal's office. It is highly recommended that the Applicant and fire protection designer obtain a copy of the Fire Department's Fire Protection System Information Checklist to aid in the system design. The Fire Department conditions of approval shall be included on the construction drawing. **(Fire)**

3.123 Contact the Fire Department for approval of on-site fire hydrants and services, as required. **(Fire/Engineering)**

3.124 Off-site fire hydrant locations and appropriate main sizes shall be established and approved by Engineering and Fire Departments, pursuant to City Standards. **(Fire/Engineering)**

3.125 A separate fire service will be required for all development, except single-family. **(Engineering)**

3.126 All private on-site fire hydrants relative to the Project shall be constructed pursuant to Fire Department standards, and identified in accordance with Fire Department standards. Installation and locations are subject to approval by the Fire Department. (Standards are available upon request from the Fire Department). **(Fire)**

3.127 Fire Service will require cross connection protection based upon the degree of hazard. The minimum requirement is to install an above-ground Double Detector Check pursuant to the City's Standard Drawings. **(Engineering)**

4.0 Prior to Certificate of Occupancy

General Requirements

4.1 Complete all required public improvements to the satisfaction of the City Engineer. **(Engineering)**

4.2 Submit a set of Record Drawings, on mylar, of all Engineering Department required plans, for review and approval. **(Engineering)**

4.3 The Applicant/general contractor shall be responsible for reasonable periodic cleanup of the project site and surrounding area during construction, to avoid hazardous accumulations of combustible trash and debris, both on and off the project site. **(Fire)**

4.4 Utilities shall not be released for any building subject to these conditions, until a final inspection is completed, and the Project has been approved by each City department, as applicable. **(All Departments)**

Water Quality Management Plan

4.5 Record an approved "Water Quality Management Plan" with the San Bernardino County Recorder, on the City's standard form. An electronic copy of this document may be viewed online at http://www.ontarioca.gov/sites/default/files/Ontario-Files/Engineering/plan-check-guidelines/sbcountywqmptemplateeditable-new_final.doc. **(Engineering)**

Chain Link Fencing

4.6 If temporary chain link fencing is to be erected during construction, all vertical poles shall be capped to avoid the installation of illegal signs. The Applicant/general contractor shall be responsible for the removal of all illegal signs from the chain link fence. **(Housing)**

4.7 Existing chain link fencing to remain shall incorporate vines for screening, and an automatic irrigation system. **(Housing)**

Fees

4.8 All unpaid fees/deposits required by the Engineering Department shall be paid in full prior to the issuance of a Certificate of Occupancy. **(Engineering)**

Addressing

4.9 The Applicant shall install illuminated address numbers, powered by photocell, on each unit, to provide for easy identification by emergency personnel. **(Police)**

4.10 Rear addressing, including street name, shall be installed on any multiple building development. Address numbering shall adhere to the requirements of Development Code Division 6.06 (Street Naming and Address Numbering). **(Police)**

4.11 Street address numbers and the backgrounds shall be of contrasting color, and shall be reflective for nighttime visibility. **(Police)**

4.12 Rooftop address numbers shall be installed on all new development projects consisting of apartments, condominiums, or any other multiple-building unit, and all new mixed-use, commercial, and industrial buildings, for which an alarm permit or other discretionary permit is requested. Rooftop address

numbers shall be a minimum of 3 feet in length and one foot in width, and shall be painted in reflective white paint on a flat black painted background, located away from any rooftop obstacles. The rooftop address numbers shall be screened from public view, and shall be visible only from aircraft.

The rooftops of buildings with multiple units/suites shall also have the unit/suite number(s) or letter(s) painted, to the same specifications set forth above, on the rooftop, over the primary entrance to each suite, as follows:

Addresses

A B C D

This requirement to include unit/suite identification shall not apply wherein the opinion of the Police Chief, it is not feasible to do so. In determining where suite identification is feasible, the Police Chief shall consider the size of the building, the available space on the rooftop, and location of suites. **(Police)**

Mechanical Equipment

4.13 Rooftop equipment and ground-mounted screening shall be verified at occupancy. Additional screening may be required if determined necessary upon inspection by the Planning Department. **(Planning)**

Public Improvements

4.14 The raised curb adjacent to a fire department connection (FDC) shall be painted red for a distance of 5 feet on each side of the FDC, pursuant to City standards. **(Fire)**

4.15 Overhead utilities shall be undergrounded in accordance with Ontario Municipal Code Title 7 (Public Works) (Ordinance Nos. 2804 and 2892). **(Engineering)**

Landscape Design and Irrigation

4.16 Trees shall be planted 2 inches to 3 inches higher than the existing grade. The trunk flare and top root shall be visible. No soil or mulch shall be placed on top of the rootball. Trees with kinked or girdling roots shall be replaced. Shade trees shall have a single dominant leader. Refer to Landscape Planning's "Useful Links," which may be viewed online at <http://www.ontarioca.gov/landscape-planning/useful-links>. **(Landscape)**

4.17 Fifteen gallon and larger trees shall be double staked perpendicular to prevailing wind, or parallel to the street. Stakes shall be minimum 7 feet to 8 feet above grade, 3 feet to 4 feet below grade, and tied to the canopy for wind protection. Locate to prevent branch damage. **(Landscape)**

4.18 Box trees, 36 inches or larger, shall be triple guyed or triple staked. Rootball staking or guying (Duckbill system from Earth Anchor or equal) is also acceptable. **(Landscape)**

4.19 Tree ties shall be flexible such as VIT Wonder ties, Cinch ties, or approved equal. Wire and hose or metal rod type braces are not permitted. Nursery stakes shall be loosened if to remain during maintenance and removed by end of maintenance. **(Landscape)**

4.20 Prior to final City inspection, the Landscape Architect shall inspect the project site for compliance to approved landscape and irrigation plans. Following such inspection, the Landscape Architect shall file a Certificate of Completion with the City's Landscape Planning Division. **(Landscape)**

Security

4.21 Upon occupancy by the owner or proprietor, each single unit in the same residential project or commercial building development, constructed under the same development plan, shall have locks that are not interchangeable with locks used in all other separate dwellings, proprietorships, or similar distinct occupancies, within such residential project or commercial building development. **(Police)**

4.22 All sliding glass doors and windows shall be installed with secondary locking and anti-lift devices. Secondary locking devices may be waived if the doors successfully meet tests prescribed by the Police Department. Sliding glass doors shall be of the inside sliding door type. **(Police)**

4.23 An alarm permit shall be obtained from the Ontario Police Department prior to the installation of alarm system in any building type (residential, commercial or industrial). Subscribers should acquaint themselves with Ontario Municipal Code Title 4 (Public Safety), Chapter 9 (Burglary and Robbery Alarm Systems), which may be viewed online at [http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:ontario_ca](http://library.amlegal.com/nxt/gateway.dll/California/ontario/cityofontariocaliforniamunicipalcodevolu?f=templates$fn=default.htm$3.0$vid=amlegal:ontario_ca). **(Police)**

4.24 All new construction on a site exceeding one acre in size, shall comply with the below-listed security measures, until such time that the utilities have been released by the City. **(Police)**

(a) Perimeter lighting shall be installed at a minimum of 150-foot intervals and at a height not less than 15 feet from the ground. The light source used shall have a minimum light output of 2,000 lumens, be protected by a vandalism resistant cover, and be lighted during the hours of darkness.

(b) Additional lighting shall be required if the construction site exceeds 4 acres in area.

(c) In addition to perimeter lighting described in (a) above, one of the following shall be used:

(1) Fencing, not less than 6 feet in height, which is designed to preclude human intrusion, shall be installed along the perimeter boundaries of the construction site; or

(2) A uniformed security guard, licensed according to the California Business and Profession Code Chapter 11.5 (commencing with Section 7580), shall be utilized to continually patrol the construction site during the hours when construction work has ceased.

Fire Safety

4.25 Wood frame buildings that are required to be sprinklered shall have the system(s) in service (but not necessarily finaled) before the building is enclosed. **(Fire)**

5.0 Environmental Requirements

Cultural Resources

5.1 If human remains are found during Project grading, excavation, or 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). **(Planning)**

5.2 If any archeological or paleontological resources are found during Project grading, excavation, or construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented. **(Planning)**

PART 2: RESIDENTIAL DEVELOPMENTS

1.0 General Development Requirements

Off-Site Directional Sign Program

1.1 The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program uses uniform sign structures and individual identification and directional signs for residential development. No other off-site signing is authorized. (For additional information, contact the Baldy View Chapter BIA at (909) 981-2997. **(Planning)**)

Addressing

1.2 All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles and adhere to Fire Department Standard No. H-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. The numerals shall be minimum 4 inches in height, and shall be finished with a reflective material that is contrasting in color to the background in which they are attached. Multiple-family residences shall also have rear addressing pursuant to Fire Department standards. **(Police)**

1.3 There shall be positioned at each entrance of a multiple building, multiple-family apartment complex, an illuminated diagrammatic representation of the complex, which shows the location of the viewer and the unit designations within the complex. In addition, each individual unit within the complex shall display a prominent identification number, not less than 4 inches in height, which is easily visible to approaching vehicular and/or pedestrian traffic. **(Police)**

1.4 Addressing of multiple-family residential complexes shall be consistent with Police Department standards, and is subject to Police Department review and approval. **(Police)**

1.5 Doors secured by electrical operation shall have a keyed switch to open the door when in a closed position, or shall have a signal locking device to open such door. **(Police)**

2.0 Development Plan Requirements

Architectural Treatment (Design Standards)

2.1 All rooftop coverings, flashings, skylights, vents and piping, roof access and smoke hatches, interior side of parapet walls, and all other such rooftop components, shall be completely screened from public view by the building's parapet walls and/or architectural elements, excepting roof coverings specifically designed as an architectural feature of the building. **(Planning)**

Parking, Circulation and Access

2.2 "No Parking/Fire Lane" signs and/or Red Painted Curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would encroach on the not less than 20-foot clear width requirement pursuant to Fire Department Standard Nos. B-001 and B-004, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

2.3 Single-family cluster and multiple-family development projects shall provide enhanced paving at all Project points of vehicular ingress and egress, which shall extend from the boundary street property line, to the first intersecting parking space or drive aisle, for a minimum depth of 20 feet into the project site. The final enhanced paving material, design, color, and finish, shall be subject to review and approval by the Planning Director. **(Planning)**

2.4 Single-family cluster and multiple-family development projects shall provide decorative interlocking concrete pavers at all pedestrian crossings at private streets and drive aisles throughout the Project. The final walkway design, color, and finish, shall be subject to review and approval by the Planning Director. **(Planning)**

2.5 Driveways/alleyways throughout single-family cluster development projects shall be paved with decorative interlocking concrete pavers. The final driveway/alleyway paver design, color, and finish, shall be subject to review and approval by the Planning Director. **(Planning)**

Walls and Fences

2.6 Security shrubbery, with automatic irrigation system, shall be installed adjacent to all fences and walls that adjoin common and public access areas. **(Police)**

2.7 Barbed wire, razor wire, electrified fencing, and other similar security fencing, shall not be installed in residential zones. **(Police)**

Site Lighting

2.8 Areas outside apartments, duplexes, and condominiums, are to be provided with a photocell operated exterior lighting system, which switches on at sunset and switches off at sunrise. This is to include walkways, doorways, and other areas used by the public. Minimum 0.5 footcandle of light shall be maintained in all common areas. **(Police)**

2.9 During hours of darkness, all open parking lots and carports shall be provided with minimum one-footcandle of light, measured on the parking surface. Lighting devices shall be fully protected with weather and vandalism resistant covers. **(Police)**

2.10 Single-family dwellings shall be provided with exterior light fixtures at all exterior building entrances. **(Police)**

2.11 For all multiple-family and nonresidential development projects, the Applicant/developer shall submit exterior lighting plans for Police Department review and approval, which includes photometric plans covering all exterior areas of the project site (together with all areas of the site covered by carports), luminaire throw patterns, and luminaire cut sheets, prior to building permit issuance. **(Police)**

Landscape Design and Irrigation

2.12 For traditional single-family development projects, the table below (*Minimum On-Site Tree Requirement for Single-Family Projects (excluding palms)*) establishes the minimum number of trees required for each lot, based upon lot size(s). **(Landscape)**

Minimum On-Site Tree Requirement for Single-Family Projects (excluding Palms)		
Lot Sizes (In SF)	Minimum No. Trees Required	Minimum Percent Shade Trees Required
More than 40,000	7 per lot	50%

Minimum On-Site Tree Requirement for Single-Family Projects (excluding Palms)		
Lot Sizes (In SF)	Minimum No. Trees Required	Minimum Percent Shade Trees Required
20,000 to 40,000	5 per lot	50%
15,000 to 19,999	4 per lot	50%
7,200 to 14,999	3 per lot	50%
Less than 7,200	2 per lot	50%

2.13 Each single-family dwelling/lot shall also be provided with front yard landscaping and a permanent automatic irrigation in the front yard of each lot. At a minimum, a seeded turf lawn, appropriate shrubs and trees and an automatic irrigation system shall be provided. Furthermore, a variety of typical landscape designs shall be provided for use on each lot within the subdivision. **(Planning)**

2.14 Multiple-family projects shall be provided with full landscape improvements throughout the development. At a minimum, a seeded turf lawn, appropriate trees, shrubs and groundcovers, and a permanent automatic irrigation system, shall be provided. **(Planning)**

3.0 Public and Private Utilities Requirements

Streets

3.1 Structures built in excess of 150 feet from of the public right-of-way shall provide an approved turnaround pursuant to Ontario Fire Department Standard B-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. The Chief may make an exception when the buildings are completely protected with an automatic fire sprinkler system. **(Fire)**

4.0 Public Safety Requirements

Security

4.1 All exterior swinging doors of any residential building or attached garage, including the door leading from the garage area into the dwelling unit, shall be equipped as follows:

(a) All wood doors shall be of solid core construction, with a minimum thickness of 1-3/4 inches, or with panels not less than 9/16 inch thick;

(b) A single or double door shall be equipped with a single cylinder deadbolt lock. The bolt shall have a minimum projection of one inch and be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least 3/4 inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard and shall be connected to the inner portion of the lock by connecting screws of at least 1/4 inch in diameter. A dual locking mechanism constructed so that both deadbolt and latch can be retracted by a single action of the inside door knob, or lever, may be substituted; provided, it meets all other specifications for locking devices;

(c) When not required for exiting purposes, the inactive leaf of double doors shall be equipped with metal flush bolts having a minimum embedment of 5/8 inch into the head and threshold of the door frame;

(d) Glazing in exterior doors or within 12 inches of any locking mechanism shall be of fully tempered glass or rated burglary resistance glazing;

(e) Except where clear vision panels are installed, all front exterior doors shall be equipped with a wide angle (180 degree) door viewer, not to be mounted more than 58 inches from the bottom of the door;

(f) Fully tempered glass or rated burglary resistance glazing shall be used if a window is within 40 inches of any locking mechanism;

(g) Garage doors without automatic openers installed will have two exterior slide locks, one on each side of the door. Garage doors with automatic garage door openers require one slide lock;

(h) Doorjamb shall be installed with solid backing in such a manner that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of 6 inches each side of the strike plates;

(i) Jambs for all doors shall be constructed or protected so as to prevent violation of the strike plates;

(j) The strike plate for deadbolts on all wood framed doors shall be constructed of minimum 16 gauge steel, bronze, or brass and secured to the jamb by a minimum of 2 screws, which must penetrate at least 2 inches into solid backing beyond the surface to which the strike is attached; and

(k) Hinges for out-swinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins. **(Police)**

4.2 Apartments, condominiums, or any other multiple-unit building with a common attic, shall have a resident controlled locking device installed to each scuttle-hole or access-way. The locking device shall prevent entry to any one residence from another, and shall not lock behind a resident, trapping them in the attic. **(Police)**

Fire Safety

4.3 All residential-type chimneys shall be equipped with an approved spark arrester, which is constructed to meet the requirements of the California Building Code. **(Fire)**

4.4 Units located on a cul-de-sac street that exceeds 300 feet in length shall be sprinklered. **(Fire)**

4.5 All multiple-family dwelling units shall be sprinklered. **(Fire)**

4.6 Single station smoke detectors are required to be installed pursuant to California Building Code, and California Fire Code, requirements. **(Fire)**

4.7 The water supply, including mains and hydrants, shall be acceptably tested and approved by the Fire Departments prior to the framing stage of construction, to assure availability and reliability for fire-fighting purposes. **(Fire)**

5.0 Permitting/Construction Requirements

Building Permit Application Submittal

1.1 When submitting permit applications for new single-family dwellings within Ontario Ranch (formerly New Model Colony), a table summarizing all lots/tract, addresses, models, square footage, and number of plumbing fixtures shall be included on the construction drawings. **(Building)**

1.2 When submitting permit applications for production homes, include two sets of site plans showing the setback from property lines and the model number/type for the production homes. In addition, provide a plot plan on an 8-1/2 x 11 inch sheet for each production home, showing the building setbacks and the model number/type. **(Building)**

1.3 Provide to OMUC for review and approval, all applicable shop submittals for potable water, recycled water, and sewer improvements located in the public right-of-way, as shown on the approved improvement plans, including any grading plans with proposed work within the public right-of-way. All shop submittals shall be consistent with the approved Equivalent Materials List, City Standard Drawings, and Design Guidelines and Specifications. **(Engineering)**

PART 3: NONRESIDENTIAL DEVELOPMENTS

1.0 General Development Requirements

Addressing

1.1 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multiple tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Said numbers shall contrast with their background (see Fire Department Standard Nos. H-003 and H-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>). Multiple building complexes shall have building directories provided at the main entry(ies). Said directory(ies) shall be designed to the requirement of the Fire and Police Departments. **(Fire)**

1.2 Addresses for individual units should be clearly marked and well lit. Room directories shall be placed around the perimeter of the development (placement, size and lighting will be approved by Building, Police, Fire and Planning Departments). **(Police)**

1.3 Roof top numbers shall be maintained by the property owner and must be repainted every 3 years. **(Police)**

2.0 Development Plan Requirements

Architectural Treatment (Design Standards)

2.1 All building drainage gutters, down spouts, vents, etc., shall be completely concealed from public view or shall be architecturally compatible (decorative) with the exterior building design and color. **(Planning)**

2.2 The vent pipes for underground fuel tanks for service stations shall be installed within the canopy columns to visually screen the pipes from public view. Details shall be submitted on the construction plans to reflect this requirement and shall be reviewed and approved by the Planning Department prior to building permit issuance. **(Planning)**

Parking, Circulation and Access

2.3 All driveways shall be provided with an enhanced pavement treatment. Generally, the enhanced pavement treatment shall extend from the property line (back of the approach apron), into the site, to the first intersecting drive aisle or parking space. **(Planning)**

2.4 Bumper guard or wheel stops shall be provided, where necessary, to protect a structure or parked vehicle. In lieu of wheel stops, 2 feet of additional area may be added to sidewalks or landscape areas to serve as an automobile overhang. **(Planning)**

2.5 Access roadways that exceed 150 feet in length shall have an approved turnaround designed pursuant to Fire Department Standard No. B-002, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

2.6 Any time prior to the commencement of on-site combustible construction and/or storage, a minimum 26-foot wide all weather access road shall be provided to within 150 feet of all portions of the exterior walls of the first story of any building, unless otherwise specifically approved by the Fire Marshal and other emergency services. **(Fire)**

Easements

2.7 Underground fire mains that cross property lines shall be provided with CC&Rs, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of Fire Department plan check. **(Fire)**

2.8 Access drives that cross property lines shall be provided with CC&Rs, access easements, and/or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of Fire Department plan check. **(Fire)**

Loading and Outdoor Storage Areas

2.9 Outdoor storage shall only be permitted within those areas shown on the approved site plan. Areas designated for off-street parking, loading, circulation, and maneuvering, shall not be used for the outdoor storage of materials or equipment. **(Planning)**

2.10 Outdoor loading and storage areas shall be screened from view of public and private streets, major drive aisles through the site, residential land uses, offices located on-site and on adjoining properties, public facilities, and institutional uses on adjoining properties, with a solid, view-obstructing wall. Chainlink fencing with slat material or tennis court windscreen material shall not be used as screening for storage areas. **(Planning)**

2.11 The height of screen walls shall be determined by a Sight-Line Analysis/Wall Section Plan, which shall show that all roll-up doors will be screened from view from adjoining parcels and public streets. **(Planning)**

2.12 Prior to the commencement of construction, a "horizontal height mock up" shall be constructed for review and approval by Planning Department staff to verify the adequacy of screen wall heights from the freeway and streets. The mock up should be located at the lowest elevation on the site. **(Planning)**

2.13 No materials or equipment shall be stored to a height greater than adjacent screen walls. **(Planning)**

Site Lighting

2.14 The canopy lighting units for service stations shall be recessed to avoid the light bleeding from under the canopy. Details shall be submitted on the construction plans, which shall be reviewed and approved by the Planning Department prior to building permit issuance. **(Planning)**

2.15 The following standards shall apply to lighting, address identification, and parking areas:

- (a)** Lighting in exterior areas shall be in vandalism resistant fixtures;
- (b)** The developer shall submit certified exterior lighting plans showing luminaire throw pattern and cut sheets of luminaires to be used prior to building permits being issued; and

(c) Interior night lighting shall be constructed and maintained in those areas that are visible from the street (ground floor level only). **(Police)**

Signs

2.16 As a design feature of the building, structure, or business establishment, neon lighting shall be reviewed in the same manner as a sign, ensuring enhancement of the building or structure in which it is placed or installed. Neon lighting shall be limited to confined areas, such as building entries or special architectural features. **(Planning)**

2.17 Neon lighting incorporated into a sign or advertising structure shall be counted toward the total allowable signage for the establishment it serves. **(Planning)**

2.18 Temporary signs may be displayed for a maximum 7 days duration during the specified "holiday sale periods" (President's Day, Memorial Day, Independence Day, and Labor Day), and during the specified "additional periods" (four unspecified periods per calendar year) for which a Temporary Use Permit has been issued, not to exceed a total of 56 days per calendar year. Each "additional period" may be used consecutively with "holiday sale periods," not to exceed a total of 6 consecutive periods (42 consecutive days). **(Planning/Housing)**

2.19 Window signage, painted or otherwise, shall not exceed 25 percent of the total window area. **(Planning/Housing)**

3.0 Public and Private Utilities Requirements

Utilities

3.1 When booster fire pumps take suction from the public water supply, it must be demonstrated with hydraulic calculations at the time of plan review that the supply is capable of providing 150 percent of the rated capacity of the fire pump **(Fire)**

3.2 The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties, and shall not cross any public street. **(Fire)**

Streets

3.3 "No Parking/Fire Lane" signs and/or Red-Painted Curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would encroach on the 26-foot clear width requirement pursuant to Fire Department Standard Nos. B-001 and B-004, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

Fire Hydrants

3.4 The water supply, including mains and hydrants, shall be acceptably tested and approved by the Fire Department prior to the framing stage of construction and/or onsite combustible storage, to assure availability and reliability for firefighting purposes. Phased construction shall ensure that the water systems are independently adequate to provide for the necessary fire flow from phase-to-phase in the construction planning. **(Fire)**

4.0 Public Safety Requirements

Security

4.1 An approved Key Box is required on this Project. The Ontario Fire Department requires that all industrial/ commercial buildings provide Fire Department access. Key boxes shall be applied per Fire Department Standard No. H-001, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. Master keying of building(s) may reduce the size and/or quantity of boxes required. **(Fire)**

4.2 Swinging exterior glass doors, wood or metal doors with glass panels, solid wood, or metal doors, shall be constructed or protected as follows:

(a) Wood doors shall be of solid core construction, with a minimum thickness of 1-3/4 inches. Wood pane doors with panels less than one inch thick shall be covered on the inside with a minimum 16 gauge sheet steel, or its equivalent, which is to be attached with screws, minimum 6 inches on center. Hollow steel doors shall be of a minimum 16 gauge, and have sufficient reinforcement to maintain the designed thickness of the door when any locking device is installed; such reinforcement being able to restrict collapsing of the door around any locking device; and

(b) Except where double cylinder deadbolts are utilized, any glazing in exterior doors, or within 48 inches of any door locking mechanism, shall be constructed or protected as follows:

(1) Fully tempered glass or rated burglary resistance glazing;
(2) Iron or steel grills of at least one-eighth inch material, with a minimum 2 inch mesh secured on the inside of the glazing may be utilized; or

(3) The glazing shall be covered with iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel material, spaced not more than 5 inches apart, secured on the inside of the glazing;

(4) Conditions 4.2(b)(2) and (3), above, shall not be implemented so as to interfere with the operation of opening windows if such windows are required to be opened by the Building Code. **(Police)**

4.3 All swinging exterior wood and steel doors shall be equipped as follows:

(a) A single or double door shall be equipped with a double cylinder deadbolt. The bolt shall have minimum projection of one inch, and shall be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least 3/4-inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard, a minimum of 5 pin tumblers, and shall be connected to the inner portion of the lock by connecting screws at least 1/4-inch in diameter. The provisions of this subsection do not apply where:

- (1)** Panic hardware is required; or
- (2)** An equivalent device is approved by the enforcing authority.

(b) Double doors shall be equipped as follows:

(1) When not required for exiting purposes, the inactive leaf of a double door shall be equipped with metal flush bolts having a minimum embedment of 5/8-inch into the head and threshold of the door frame; and

(2) Double doors shall have an astragal constructed of steel a minimum of 0.125-inch thick, which will cover the opening between the doors. The astragal shall be a minimum of 2 inches wide, and extend a minimum of one-inch beyond the edge of the door to which it is attached. The astragal shall be attached to the outside of the active door by means of welding or with nonremovable bolts spaced not more than 10 inches on center. **(Police)**

4.4 Aluminum frame swinging doors shall be equipped as follows:

(a) The jamb on all aluminum frame swinging doors shall be so constructed or protected to withstand 1,600 pounds of pressure in both a vertical distance of 3 inches and a horizontal distance of one-inch, each side of the strike, so as to prevent violations of the strike;

(b) Except when panic hardware is required, a single or double door shall be equipped with a double cylinder deadbolt with a bolt projection exceeding one-inch, or a hook shaped or expanding dog bolt that engages the strike sufficiently to prevent spreading. The deadbolt lock shall have a minimum of 5 pin tumblers and a cylinder guard. **(Police)**

4.5 Panic hardware, whenever required by the California Building Code or California Code of Regulation Title 19 (Public Safety), shall be installed as follows:

(a) Panic hardware shall contain a minimum of 2 locking points on each door;

(b) On single doors, panic hardware may have one locking point which is not to be located at either the top or bottom of the door frame. The door shall have an astragal constructed of steel 0.125 inches thick which shall be attached with nonremovable bolts to the outside of the door. The astragal shall extend a minimum of 6 inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of 2 inches wide and extend a minimum of one-inch beyond the edge of the door to which it is attached;

(c) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point which will close the opening between them, but not interfere with the operation of either door. **(Police)**

4.6 Horizontal sliding doors shall be of the inside slider type and equipped with a metal guide track at top and bottom and a cylinder lock and/or padlock with a hardened steel shackle which locks at both heel and toe, and a minimum 5 pin tumbler operation with a nonremovable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position. **(Police)**

4.7 In office buildings with multiple occupancies, all entrance doors to individual office suites shall meet the construction and locking requirements for exterior doors. **(Police)**

4.8 Windows shall be deemed accessible if less than 12 feet above ground. Accessible windows and all exterior transoms having a pane exceeding 96 square inches in an area, with the smallest dimension exceeding 6 inches and not visible from a public or private vehicular access-way, shall be protected in the following manner:

(a) Fully tempered glass or burglary resistant glazing;

(b) The following window barriers may be used, but shall be secured with nonremovable bolts:

(1) Inside or outside iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel material, spaced not more than 5 inches apart and securely fastened; or

(2) Inside or outside iron or steel grills of at least 1/8-inch material, with not more than a 2-inch mesh, and securely fastened.

(c) If a side or rear window is the type that can be opened, it shall, where applicable, be secured on the inside with either a slide bar, bolt, crossbar, auxiliary locking device, or padlock with hardened steel shackle and minimum 4 pin tumbler operation;

(d) The protective bars or grills shall not interfere with the operation of opening windows if such windows are required to be opened by the Uniform Building Code. **(Police)**

4.9 Roof openings shall be equipped as follows:

(a) All skylights on the roof of any building or premises used for business purposes shall be provided with:

- (1) Rated burglary resistant glazing;
- (2) Iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel material under the skylight, and securely fastened; or
- (3) A steel grill of at least 1/8-inch material with a maximum 2-inch mesh under the skylight and securely fastened. Smoke and heat vents must have a minimum of one-inch mesh per Fire Department requirements.

(b) All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

- (1) If the hatchway is of wooden material, it shall be covered on the inside with at least 16 gauge sheet metal, or its equivalent, attached with screws;
- (2) The hatchway shall be secured from the inside with a slide bar or slide bolts; and
- (3) Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges;

(c) All air duct or air vent openings exceeding 96 square inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering the same with either of the following:

- (1) Iron bars of at least 1/2-inch round or one-inch by 1/4-inch flat steel materials spaced no more than 5 inches apart and securely fastened; or
- (2) Iron or steel grills of at least 1/8-inch material with a maximum 2-inch mesh and securely fastened;
- (3) If the barrier is on the outside, it shall be secured with bolts which are nonremovable from the exterior;
- (4) Conditions (1) and (2), above, must not interfere with venting requirements creating a potentially hazardous condition to health and safety or conflict with the provisions of the California Building Code or California Code of Regulations Title 19 (Public Safety). **(Police)**

4.10 Permanently affixed ladders leading to roofs shall be fully enclosed with sheet metal to a height of 10 feet. This covering shall be locked against the ladder with a case hardened hasp, secured with nonremovable screws or bolts. Hinges on the cover will be provided with nonremovable pins when using pin-type hinges. If a padlock is used, it shall have a hardened steel shackle, locking at both heel and toe, and a minimum 5 pin tumbler operation, with nonremovable key when in an unlocked position. **(Police)**

Elevators

4.11 Passenger elevators, the interiors of which are not completely visible when the car door is open, shall have mirrors so placed as to make visible the whole of the elevator interior to prospective passengers outside the elevator; mirrors shall be framed and mounted to minimize the possibility of their accidentally falling or shattering. **(Police)**

4.12 The elevator emergency stop button shall be so installed and connected as to activate the elevator alarm. **(Police)**

Security Fencing

4.13 If wrought iron fencing is used, it shall be 6 feet high, open ended, and pickets shall be minimum 4 inches on center. If block wall fencing is used, it shall be minimum 6 feet high, with security shrubbery and antigraffiti measures (such as vines) will be used. **(Police)**

Helicopter Pads

4.14 Any building that is required by City law or ordinance to maintain a helicopter pad, shall allow access to Ontario Police Department helicopters, as needed. **(Police)**

Public Safety 800 MHZ Radio System Interference

4.15 No existing or future wireless telecommunications facility shall interfere with any public safety radio communications system including, but not limited to, the 800 MHz radio system operated by the West End Communication Authority (WECA), which provides public safety communications during emergencies and natural disasters. Pursuant to Government Code Section 38771, a violation of this standard constitutes a public nuisance. **(Police)**

4.16 If any wireless telecommunications facility is found to interfere with a public safety radio communications system, or any system facilitating the transmission or relay of voice or data information for public safety, the carrier and/or property owner shall immediately cease operation of the radio channel(s) causing system interference. Operation of an offending wireless telecommunications facility shall only be allowed to resume upon removal, or other resolution, of the interference, to the satisfaction of the City. **(Police)**

Burglar Alarm Systems

4.17 Burglar alarm systems are recommended for all businesses, and a robbery alarm should be considered for certain retail businesses. **(Police)**

4.18 If an alarm is installed in any commercial or industrial building, a blue flashing light shall be installed on the rooftop. This light shall be screened from public view but visible from the air. Such a blue flashing light is recommended for residential, but is optional. The blue flashing light shall meet the specifications approved by the Police Department. **(Police)**

5.0 Permitting/Construction Requirements

Hand-Portable Fire Extinguishers

5.1 Hand-portable fire extinguishers are required to be installed prior to occupancy. Contact the Fire Prevention Bureau during the latter stages of construction to determine the exact number, type and placement required pursuant to Fire Department Standard No. C-001, which may be viewed online at <http://www.ontarioca.gov/fire/fire-prevention/standards-forms>. **(Fire)**

5.2 Provide to OMUC for review and approval, all applicable shop submittals for potable water, recycled water and sewer improvements in public right-of-way per the approved improvement plans; including, any grading plans with proposed work within the public right-of-way. All shop submittals shall be consistent with the approved Equivalent Materials List, City Standard Drawings and Design Guidelines and Specifications. **(Engineering)**

EXHIBIT A: SOUTH ARCHIBALD TCE PLUME BOUNDARY MAP

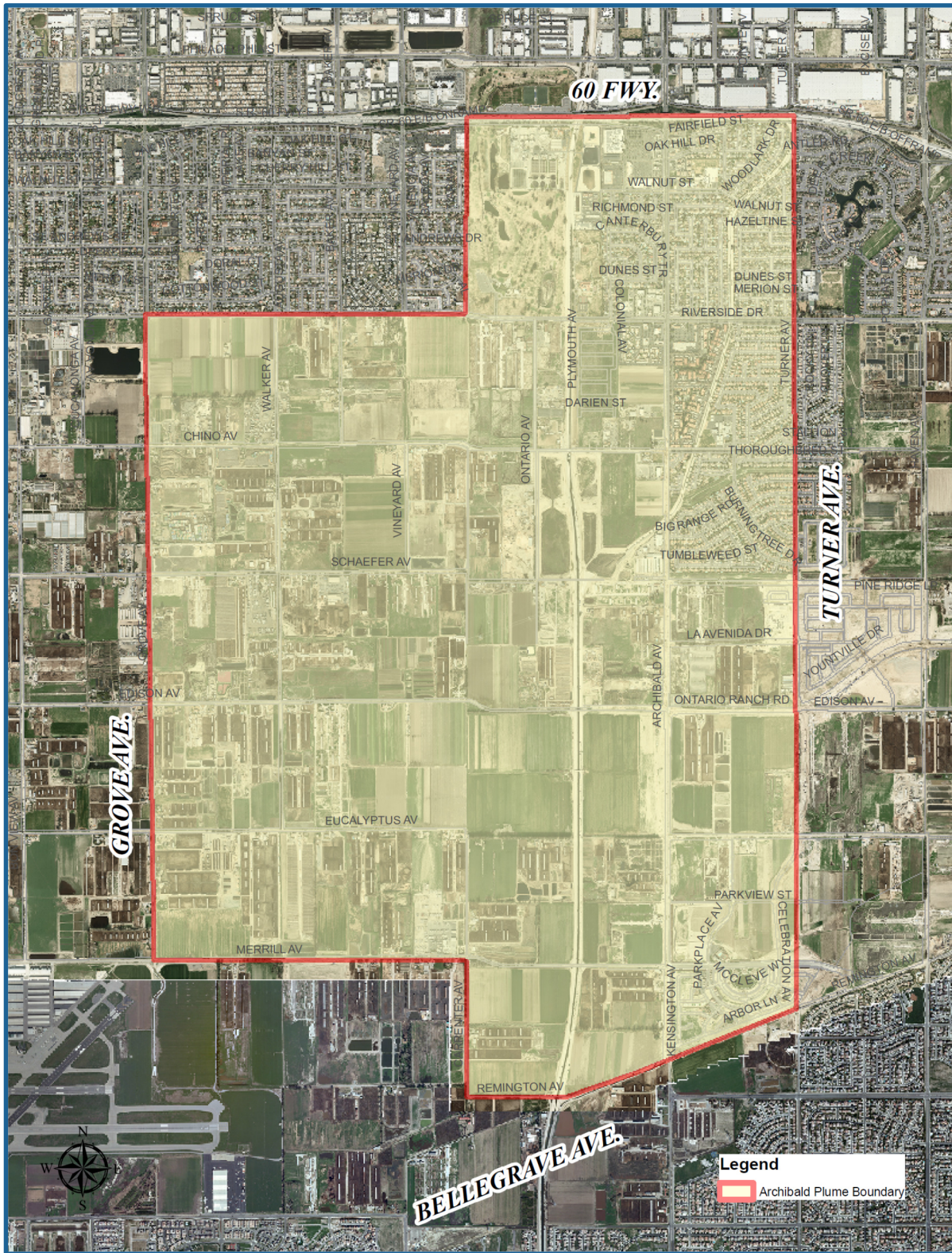


EXHIBIT B: SOUTH ARCHIBALD TCE PLUME SAMPLE DISCLOSURE LETTER

[Insert Date]

[Insert Name]

[Insert Business Name]

[Insert Address]

[Insert City State Zip]

RE: South Archibald Trichloroethylene (TCE) Plume Disclosure

To Whom It May Concern,

The City of Ontario ("City") has approved/will be approving, development in the [insert description] area, within the next few years, subject to the appropriate and required statutory process. This letter is intended to serve as notice to all potential property owners of the existence of contaminants, as well as a toxic plume, which may exist in, under, or near the owner's property.

The toxic plume is in the groundwater, within an area in the central Chino Basin, generally located south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of trichloroethylene, a discontinued industrial solvent, and is subject to a clean-up under the supervision of the California Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal of trichloroethylene via groundwater wells, and treatment of the contaminated water to diminish the plume and minimize its migration. In addition, a domestic water supply of potable water from the City's municipal water will be served to residences with affected private domestic wells. Finally, the Regional Board will continue to monitor all impacted areas and private domestic wells, to ensure that residents' health and the environment are properly safeguarded. These remedial actions were explained to the public in two City public meetings held in September 2015.

Further and more recent information may be found on the City of Ontario website, at www.ontarioca.gov. Information may also be found at www.tceplumecleanup.com, including a fact sheet about the plume, remedial reports, and a list of frequently asked questions, along with specific milestones related to the Regional Board's clean-up procedure.

Respectfully,

CITY OF ONTARIO

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
CONSENT CALENDAR

SUBJECT: PURCHASE OF MOBILE RAMP SYSTEM FROM PATRIOT3 INC. AND TACTICAL RESPONSE VEHICLE FROM Lenco ARMORED VEHICLES

RECOMMENDATION: That the City Council authorize the City Manager to execute a sole source purchase contract with Patriot3, Inc. of Fredericksburg, Virginia in the amount of \$230,000 (includes sales tax and performance bond) for the purchase of a mobile ramp system and the procurement of a tactical response vehicle from Lenco Armored Vehicles of Pittsfield, Massachusetts in the amount of \$370,000 consistent with the terms and conditions of Department General Services (DGS) Contract 4-08-71-0077C.

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

FISCAL IMPACT: On February 21, 2017, the City Council approved the Fiscal Year 2016 Urban Area Security Initiative (UASI) Grant Program spending plan for \$600,000 which included the purchase of a Tactical Response Vehicle. This purchase adheres to the approved grant spending plan.

BACKGROUND: The purchase of a tactical vehicle with mobile ramp system will enhance the regional response capabilities in the west end of San Bernardino County as a mutual aid resource for surrounding and regional agencies including the Ontario International Airport.

Patriot3 Inc. is a sole source manufacturer and marketer of the Mobile Adjustable Ramp System (MARS) Elevated Tactics System. The MARS system design is protected under a United States patent and is the only dual ramp system available in the U.S. The MARS system has a unique interoperability with the Lenco Ballistic Engineered Armored Response (B.E.A.R.) response vehicle that will provide superior ballistic performance. Lenco Armored Vehicles and Patriot3 are the only manufacturer, distributor, and authorized dealer or supplier for the Lenco B.E.A.R/MARS or its equivalent in the United States.

In general conformance with the provisions of Government Code Section 54201 through 54204 and Ontario Municipal Code, Section 2-6.11 (b)(3), allows for the purchase of supplies and equipment

STAFF MEMBER PRESENTING: Brad Kaylor, Police Chief

Prepared by: Donna Bailey

Department: Police

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

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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 might otherwise be possible. DGS Cooperative Contract 4-08-71-0077C meets the provisions of the Government Code. This contract provides for the purchase and warranty of law enforcement equipment and vehicles.

CITY OF ONTARIO

Agenda Report
April 18, 2017

SECTION:
PUBLIC HEARINGS

SUBJECT: A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-007, REVISING PROVISIONS OF DEVELOPMENT CODE CHAPTER 5.0 (ZONING AND LAND USE) PERTAINING TO ACCESSORY DWELLINGS (FORMERLY REFERRED TO AS SECOND DWELLINGS), TO INCORPORATE RECENT CHANGES IN THE STATE'S ACCESSORY DWELLING UNIT LAWS (SB 1069, AB 2299 & AB 2406)

RECOMMENDATION: That the City Council introduce and waive further reading of an ordinance approving File No. PDCA16-007, a Development Code Amendment revising the City's land use and development regulations pertaining to Accessory Dwellings, to incorporate recent changes in the State's Accessory Dwelling Unit laws.

COUNCIL GOALS: Maintain the Current High Level of Public Safety
Operate in a Businesslike Manner
Focus Resources in Ontario's Commercial and Residential Neighborhoods

FISCAL IMPACT: Adoption of the proposed ordinance will have no direct fiscal impact.

BACKGROUND: In response to recent changes in State law prescribed by SB 1069, AB 2299 and AB 2406, the Planning Department has initiated a Development Code Amendment which proposes revisions to certain provisions of Development Code Chapter 5.0 (Zoning and Land Use) pertaining to Accessory Dwellings (formerly referred to as Second Dwellings). Proposed is the restructure of the "Accessory Residential Structures" land use category of Development Code Table 5.02-1 (Land Use Matrix), adding the "Accessory Dwellings" land use subcategory and allowing Accessory Dwelling Units (ADUs) in conjunction with single-family dwellings, as permitted land uses within all residential zoning districts.

Furthermore, the Ordinance will delete the current "Second Dwellings" provisions contained in Development Code Section 5.03.355, leaving the section to be designated "Reserved." New "Accessory Dwellings" development standards will be established within existing Development Code Section 5.03.010 (Accessory Residential Structures), and provisions governing ADUs will be added. The

STAFF MEMBER PRESENTING: Scott Murphy, Planning Director

Prepared by: Charles Mercier
Department: Planning

City Manager
Approval: 

Submitted to Council/O.H.A. 04/18/2017

Approved: _____

Continued to: _____

Denied: _____

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proposed Development Code revisions, as prescribed by SB 1069, AB 2299, and AB 2406, are summarized below:

[1] The following definitions have been added:

[a] **Accessory Dwelling Unit (ADU)** means attached or detached dwelling units with complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot in which an existing principal single-family dwelling is situated. ADUs also include Efficiency Dwelling Units and Manufactured Homes. The classifications of ADU are as follows:

- [i] **Standard ADU** means an ADU that is an independent unit and is attached to or detached from the principal single-family dwelling; and
- [ii] **Integrated ADU** means an ADU that: [1] is on a lot zoned for single-family residential use, which contains one legally established single-family dwelling unit; [2] is contained within the principal dwelling or contained within a legally established accessory structure; [3] has independent exterior access from the principal residence; and [4] has side and rear setbacks sufficient for fire safety.

[b] **Efficiency Dwelling Unit (EDU)** means an ADU having a minimum living area of 150 SF which is for occupancy by no more than two persons. Furthermore, an EDU shall contain a separate bathroom and an area containing an efficiency kitchen which, at a minimum, includes a sink, cooking appliance, refrigeration facility, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the EDU.

[2] A policy statement has been added, which deems an ADU to be a single-family residential land use that is consistent with the Policy Plan (General Plan) Land Use Plan and zoning designations for the lot on which the ADU is located and is not considered to exceed the allowable density for the lot on which the ADU is located.

[3] The following development standards have been added:

[a] The increased floor area of an attached ADU cannot not exceed 50 percent of the existing living area, with a maximum increase in floor area of 850 square feet.

[b] The total floor area of a detached ADU unit may not exceed 850 square feet.

[c] An ADU may be leased or rented. The minimum lease/rental term can be no less than 30 days. (This restriction is intended to preclude Airbnb-type short term rentals).

[d] No setback is required for an existing garage or existing space above an existing garage that is converted to an ADU.

[e] A minimum 5-foot setback is required from side and rear property lines for new floor area constructed above a garage.

[f] When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, replacement parking is required to be provided on the property, which may be in any configuration including covered or uncovered spaces, tandem spaces, or by use of mechanical lifts (stacked parking spaces); however, off-street parking is not required if:

- [i] The ADU is located within one-half mile of City-approved public transit;
- [ii] The ADU is located within an historic district or architectural conservation area;
- [iii] The ADU is attached to the principal single-family dwelling or an existing accessory structure, and shares living area with the principal dwelling;
- [iv] An on-street parking permit is required, but is not offered to the ADU occupant; or
- [v] A City-approved car share vehicle is stationed within one block of the ADU.

[g] ADUs must provide off-street parking at the rate of one space per bedroom (formerly one space per unit).

[h] ADUs are not required to provide fire sprinklers if they are not required for the principal dwelling.

[i] Not more than one ADU is allowed on a lot and an ADU cannot be constructed if a guesthouse already exists on the lot.

[j] An ADU is only allowed in conjunction with an existing single-family dwelling located within a residential zoning district and one of the dwellings on the lot must be owner occupied.

[k] An Integrated ADU must comply with the setback requirements applicable to the principal single-family dwelling or accessory structure in which it is apart.

[l] No passageway (a pathway that is unobstructed clear to the sky, which extends from the street to the entrance of an ADU) shall be required in conjunction with the construction of an ADU.

[m] Prior to the issuance of a building permit for an ADU, a restrictive covenant running with the land must be recorded which prohibits the sale of the ADU separate from the sale of the principal dwelling and includes restrictions to ensure the on-going compliance with all applicable Development Code requirements.

On March 28, 2017, the Planning Commission conducted a public hearing to consider the proposed Development Code Amendment (File No. PDCA16-007). Upon conclusion of the public hearing, the Planning Commission voted unanimously (7-0) to recommend that the City Council approve the proposed Development Code Amendment.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed Development Code Amendment is consistent with the principles, goals, and policies contained within the Vision, Governance, and Policy Plan (General Plan) components of The Ontario Plan (TOP).

COMPLIANCE WITH THE HOUSING ELEMENT: The proposed Development Code Amendment is consistent with the principles, goals, and policies contained within the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as State law provides that local agencies establish

regulations providing for Accessory Dwelling Units, in an effort to increase the number of affordable housing units throughout the State.

COMPLIANCE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP): The project site is located within the Airport Influence Area of Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

ENVIRONMENTAL REVIEW: The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to: [1] Section 21080.17 of the CEQA Statute, which applies to ordinances implementing law relating to the construction of second units; and [2] Section 15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-007, A DEVELOPMENT CODE AMENDMENT REVISING VARIOUS PROVISIONS OF DEVELOPMENT CODE CHAPTER 5.0 (ZONING AND LAND USE) AND CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS) PERTAINING TO ACCESSORY DWELLING UNITS (FORMERLY REFERRED TO AS SECOND DWELLINGS), INCORPORATING RECENT CHANGES IN THE STATE'S ACCESSORY DWELLING UNIT LAWS (AS PRESCRIBED BY SENATE BILL 1069, AND ASSEMBLY BILLS 2299 AND 2406), AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Ontario ("Applicant") has initiated an Application for the approval of a Development Code Amendment, File No. PDCA16-007, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

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

WHEREAS, on December 1, 2015, the City Council approved a comprehensive update to the Ontario Development Code (Ordinance No. 3028), which became effective on January 1, 2016.

WHEREAS, the Ontario Planning Department has initiated alterations to the Development Code to incorporate recent changes in the State of California's Accessory Dwelling Unit laws (formerly referred to as Secondary Dwellings), as prescribed in Senate Bill 1069 and Assembly Bill 2299, which were signed into law on September 27, 2016, and Assembly Bill 2406, which was signed into law on September 28, 2016; and

WHEREAS, a project is exempt from CEQA if the activity: [1] is an ordinance implementing State law relating to the construction of second units (Section 21080.17 of the CEQA Statute); and/or [2] is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (CEQA Guidelines Section 15061(b)(3)); and

WHEREAS, the Project is located within the Airport Influence Area of Ontario International Airport (ONT), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and is subject to, and must be consistent with, the policies and criteria set forth in the ONT 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, on March 28, 2017, the Planning Commission of the City of Ontario conducted a public hearing to consider the proposed Development Code Amendment and concluded the hearing on that date. Upon conclusion of the public hearing, the Planning Commission voted to approve Resolution No. PC17-018, recommending that the City Council approve the Application; and

WHEREAS, on April 18, 2017, the City Council of the City of Ontario conducted a public hearing to consider the proposed Development Code Amendment and concluded said hearing on that date. Upon conclusion of the public hearing, the City Council voted to approved the introduction (first reading) of this Ordinance, and waived further reading of the Ordinance; 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. *Development Code Amendment - Chapter 5.0 (Zoning and Land Use).* Chapter 5.0 (Zoning and Land Use) of the Ontario Development Code is hereby amended as follows:

a. Development Code Division 5.02 (General Land Use Provisions) shall be amended, revising the "Accessory Residential Structures" land use category of Table 5.02-1 (Land Use Matrix), and subsequent land use subcategories, including "Accessory Dwellings," and "Accessory Residential Structures," shall read as shown in Exhibit A, attached;

b. Development Code Division 5.03 (Standards for Certain Land Uses, Activities and Facilities) shall be amended as follows:

1. The title prescribed for Development Code Section 5.03.010 shall be revised to read "Accessory Residential Structures," and the prescribed standards shall be revised to read as shown in Exhibit B, attached; and

2. The title and standards prescribed by Development Code Section 5.03.355 shall be deleted in whole, and said Section shall be "reserved" for future use.

c. The "Second Dwellings" off-street parking requirement prescribed in (row A.6) Table 6.03-1 (Off-Street Parking Requirements) of Development Code Division 6.03 (Off-Street Parking and Loading), shall be deleted, and the table shall be renumbered in correct alphanumeric order.

SECTION 2. *Development Code Amendment - Chapter 6.0 (Development and Subdivision Regulations).* Chapter 6.0 (Development and Subdivision Regulations) of the Ontario Development Code is hereby amended as follows:

a. Development Code Division 6.01 (District Standards and Guidelines) shall be amended as follows:

1. Table 6.01-1 (Traditional Single-Family Residential Development Standards) shall be amended, deleting all “Detached Accessory Structure and Second Dwelling Requirements;”

2. Table 6.01-2A (Small Lot Single-Family Residential Development Standards – Traditional Subdivisions) shall be amended, deleting all “Detached Accessory Structure and Second Dwelling Requirements;”

3. Table 6.01-2B (Small Lot Single-Family Residential Development Standards – Alley-Loaded Subdivisions) shall be amended, deleting all “Detached Accessory Structure and Second Dwelling Requirements;” and

4. Table 6.01-2C (Small Lot Single-Family Residential Development Standards – Cluster Subdivisions) shall be amended, deleting all “Detached Accessory Structure and Second Dwelling Requirements.”

b. Development Code Division 6.03 (Off-Street Parking and Loading) shall be amended, revising Table 6.03-1 (Off-Street Parking Requirements) to add “Accessory Dwelling Units” in correct alphanumeric order, as a Single-Family Dwellings sub group, which shall read as follows:

<i>Land Uses, Activities and Facilities</i>	<i>No. of Parking Spaces Required</i>
A. Residential	
6. Single-Family Dwellings	
c. Accessory Dwelling Units	One space per bedroom, except as may be otherwise provided by Subsection A (Accessory Dwelling Units) of Section 5.03.010 of this Development Code

SECTION 3. 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:

a. The administrative record have been completed in compliance with CEQA the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines; and

b. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA), and the guidelines promulgated thereunder, pursuant to: [1] Section 21080.17 of the CEQA Statute, which applies to ordinances implementing law relating to the construction of second units; and [2] Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the activity in question will have a significant effect on the environment; and

c. The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and

d. The determination of the CEQA exemption reflects the independent judgment of the City Council.

SECTION 4. *Housing Element Consistency.* 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 will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project does not specifically affect 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 5. *Airport Land Use Compatibility Plan (ALUCP) Consistency.* 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, and finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the Ontario International Airport ALUCP.

SECTION 6. *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:

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

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

SECTION 7. *City Council Action.* Based upon the findings and conclusions set forth in Sections 1 through 6 above, the City Council hereby APPROVES the subject Development Code Amendment, File No. PDCA16-007.

SECTION 8. *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 9. *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 10. *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 11. *Effective Date.* This Ordinance shall become effective 30 days following its adoption.

SECTION 12. *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 _____ 2017.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council of the City of Ontario held _____ and adopted at the regular meeting held _____, 2017 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)

**EXHIBIT A — Proposed Amendment to Development Code Division 5.02 — Amends the
“Accessory Residential Structures” Land Use Category of Table 5.02-1 (Land Use Matrix)**

Table 5.02-1: Land Use Matrix

2012 NAICS Code	Land Uses, Activities, and Facilities <i>Note: Properties within the Airport Influence Area (AIA) established by the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the land use requirements and standards of the ALUCP.</i>	Residential Zoning Districts				Commercial Zoning Districts						Mixed-Use Zoning Districts			Industrial Zoning Districts					Specialized Use & Overlay Zoning Districts								Additional Regulations			
		AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	CS	CN	CC	CR	CCS	OL	OH	MU-1	MU-2	MU-11	BP	IP	IL	IG	IH	AG	CIV	MHP	ONT	OS-C	OS-R	RC		UC		
00	RESIDENTIAL																														
	Accessory Residential Structures																														
	• Accessory Dwelling Units	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	---	See Subsection A (Accessory Dwelling Units) of Section 5.03.010
	• Accessory Residential Structures (includes guesthouses, garages, carports, garden and tool sheds, and other ancillary buildings and structures determined appropriate by the Planning Director)	P	P	P	P	---	---	---	---	---	---	P	---	---	---	---	---	---	---	---	P	---	P	---	---	---	---	---	---	---	See Subsection B (Accessory Residential Structures) of Section 5.03.010

**EXHIBIT B — Proposed Amendment to Development Code Division 5.03
(Standards for Certain Land Uses, Activities and Facilities)**

5.03.010: Accessory Residential Structures

This Section shall govern the development and use of buildings and structures that are accessory to single-family dwellings, and are attached to, or detached from, the main dwelling, such as accessory dwelling units, carports, garages, garden and tool sheds, guesthouses, and other similar ancillary buildings and structures.

A. Accessory Dwelling Units.

1. **Purpose.** The purpose of this Subsection A is to establish standards for the construction and use of Accessory Dwelling Units in conjunction with existing single-family dwellings located within single-family or multiple-family zoning districts. These standards have been established in compliance with GC 65852.2, which governs Accessory Dwelling Units.

2. **Applicability.** In compliance with the provisions of State Accessory Dwelling Unit law, the provisions of this Subsection A shall govern the establishment and use of Accessory Dwelling Units within the City of Ontario. An Accessory Dwelling Unit is either [i] an independent dwelling attached to an existing single-family dwelling, [ii] a dwelling attached to the primary single-family dwelling, and shares living space; or [iii] an independent unit that is detached from the primary single-family dwelling.

3. **Definitions.** As used in this Subsection A, the words or phrases listed below shall have the meanings thereafter specified:

a. **Accessory Dwelling Unit (ADU).** An attached or detached dwelling unit with complete independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot in which an existing principal single-family dwelling is situated. An ADU also includes Efficiency Dwelling Units, and a Manufactured Homes as defined by Health and Safety Code Section 18007. The Classifications of ADU are as follows:

(1) **Standard ADU.** An ADU that is an independent unit attached to the principal existing single-family dwelling, or an independent unit that is detached from the principal single-family dwelling. A Standard ADU shall comply with the requirements of Paragraph A.5 of this Section.

(2) **Integrated ADU.** An ADU that [i] is on a lot zoned for single-family residential uses, which contains one legally established single-family dwelling unit; [ii] is contained within, and shares living area with, the principal dwelling or legally established accessory structure; [iii] has independent exterior access from the primary residence; and [iv] has side and rear setbacks sufficient for fire safety.

b. **Efficiency Dwelling Unit (EDU).** As provided in HSC Section 17958.1, an ADU having a minimum living area of 150 SF, which is for occupancy by no more than two persons. Furthermore, an EDU shall contain a separate bathroom and an area containing an efficiency kitchen, which, at a minimum, includes a sink, cooking appliance, refrigeration facility, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the EDU.

4. **Policy Plan (General Plan) and Zoning Consistency.** An ADU that conforms to this Subsection A shall:

a. Be deemed an accessory use or an accessory building;

b. Be deemed a single-family residential land use that is consistent with the existing Policy Plan Land Use Plan and zoning designations for the lot on which the ADU is located;

c. Not be considered to exceed the allowable density for the lot on which the ADU is located; and

d. Not be considered in the application of any ordinance, policy or program to limit residential growth.

5. Development Standards for Standard ADUs. Standard ADUs shall comply with the following development standards:

a. A Standard ADU shall only be allowed in conjunction with an existing single-family dwelling located within a single-family or multiple-family zoning district. The Standard ADU may continue as a living space only if one dwelling on the lot is owner occupied.

b. A Standard ADU that is attached to the principal residential structure shall comply with the development standards applicable to the primary dwelling (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code), except as otherwise provided by this Section.

c. A Standard ADU that is attached to the principal residential structure shall contain no more than 50 percent of the gross floor area of the principal single-family dwelling, not to exceed 850 SF.

d. A Standard ADU that is detached from the principal residential structure shall comply with the development standards contained in Table 5.03-1 (Development Standards for Detached Accessory Dwelling Units), below:

Table 5.03-1: Development Standards for Detached Accessory Dwelling Units

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
A. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	14 FT				
B. Maximum Area	850 SF				
C. Minimum Setbacks					
1. From Street Side Property Line	10 FT				Notes 2 and 3
2. From Interior Side Property Line	10 FT		5 FT		Notes 2 and 3
3. From Rear Property Line					
SF a. Width of Structure ≤25	5 FT				Note 2
SF b. Width of Structure >25	10 FT				Notes 2 and 3
4. Minimum Separation Between Structures	6 FT				Note 4
5. Minimum Separation from Major Pipelines	50 FT				Note 5

Table 5.03-1: Development Standards for Detached Accessory Dwelling Units

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
D. Off-Street Parking	<p>[1] Comply with the minimum off-street parking requirements for ADUs contained in Table 6.03-1 (Off-Street Parking Requirements) of this Development Code.</p> <p>[2] Required parking spaces for ADUs may be provided as tandem parking on an existing driveway pursuant to the requirements for ADUs in Section 6.03.025 (Tandem Parking) of this Development Code, and may be permitted within setback areas, unless it is determined by the Planning Director to not be feasible based upon specific site, fire, and life safety conditions.</p>				Notes 6 and 7

Notes:

1. Detached Accessory Residential Structures in excess of 14 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.
2. No additional setback is required for an existing garage, or existing space above an existing garage, that is converted to an ADU.
3. New floor area constructed above an existing garage shall not be required a side and/or rear property line setback of more than 5 FT.
4. For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures, provided:
 - a. The accessory structure is located within a side or rear yard area;
 - b. The accessory structure does not exceed 5 FT in length and/or width, and 6 FT in height; and
 - c. The accessory structure is screened from view of public or private streets.
5. Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:
 - a. Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and
 - b. Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.
6. No off-street parking is required in any of the following situations:
 - a. The ADU is located within one-half mile of City and/or local transit authority-approved public transit;
 - b. The ADU is located within an historic district or architectural conservation area established pursuant to Section 4.02.040 (Historic Preservation—Local Historic Landmark and Local Historic District Designations, Historic Resource Tiering, and Architectural Conservation Areas) of this Development Code;
 - c. The ADU is built within the existing primary single-family dwelling or an existing accessory structure;
 - d. An on-street parking permit is required, but is not offered to the occupant of the ADU; or
 - e. A City-approved car share vehicle is stationed within one block of the ADU.
7. When off-street parking required pursuant to this Development Code, which is located in a garage, carport, or covered parking structure, is demolished in conjunction with the construction of an ADU, the required off-street parking spaces must be replaced on the property. The replacement parking spaces may be located in any configuration on the same lot, including, but not limited to, covered spaces, uncovered spaces, tandem spaces, or by use of mechanical automobile parking lifts. However, if no additional parking is required for the ADU, then the replacement parking spaces must be replaced as required by this Development Code.

e. A Standard ADU shall not be sold separate from the principal residential dwelling, and may be leased or rented for a term of less than 30 days.

f. A Standard ADU is not required to provide fire sprinklers if they are not required for the primary single-family dwelling.

g. A Standard ADU may be metered separately from the primary dwelling for gas, electricity and water services. A sewer connection separate from the primary dwelling may also be provided.

h. If an entrance to a Standard ADU is provided separate from the primary dwelling, the entrance shall not be on the same street exterior elevation as the main dwelling.

i. No passageway (a pathway that is unobstructed clear to the sky, and extends from a street to an entrance of an accessory dwelling unit) shall be required in conjunction with the construction of a Standard ADU.

j. A Standard ADU shall comply with the requirements of OMC Title 8 (Building Regulations).

k. Prior to issuance of a building permit, the owner must record a restrictive covenant pursuant to Paragraph 7 (Restrictive Covenant) of this Subsection A.

l. A lot developed with a Standard ADU shall maintain a useable rear yard that is equal to a minimum of 10 percent of the net lot area. In addition, a traditional single-family dwelling shall maintain a useable rear yard having minimum dimension of 20 FT in any direction, and a small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any direction.

6. Development Standards for Integrated ADUs. Integrated ADUs shall comply with the following development standards:

a. An Integrated ADU shall only be permitted in conjunction with an existing single-family dwelling located within a single-family. The use of the Integrated ADU as an independent living space may continue only if one dwelling on the lot is owner occupied.

b. Not more than one Integrated ADU is allowed on a lot, and an Integrated ADU shall not be constructed if an ADU or guesthouse already exists on the lot; however, this provision does not preclude the conversion of one existing accessory residential structure to another.

c. An Integrated ADU shall contain no more than 50 percent of the gross floor area of the principal single-family dwelling, not to exceed 850 SF.

d. An Integrated ADU shall comply with the setback requirements applicable to the principal dwelling or legally established accessory structure in which it is integrated, as prescribed by this Section.

e. An Integrated ADU is not intended for sale separate from the primary single-family residence, but may be leased or rented for a term of no less than 30 days.

f. An Integrated ADU is not required to provide fire sprinklers if they are not required for the primary single-family dwelling.

g. No passageway (a pathway that is unobstructed clear to the sky, and extends from a street to an entrance of an ADU) shall be required in conjunction with the construction of an Integrated ADU.

h. An Integrated ADU shall comply with the requirements of OMC Title 8 (Building Regulations).

i. Prior to issuance of a building permit, the owner must record a restrictive covenant pursuant to Paragraph 7 (Restrictive Covenant) of this Subsection A.

7. Restrictive Covenant. Prior to the issuance of a building permit for an ADU, a restrictive covenant running with the land, which is binding on the property owner and their successors in interest, shall be recorded with the office of the San Bernardino County Recorder, which specifies that the use of the ADU as an independent living space may continue only if one dwelling on the lot is occupied by the property owner, and a prohibition on the separate sale of the ADU. Furthermore; restrictions may be included that are intended to ensure on-going compliance with the provisions of this Subsection B.

B. Accessory Residential Structures.

1. Purpose. The purposes of this Subsection B is to establish standards for the construction and use of Accessory Residential Structures (other than Accessory Dwelling Units allowed pursuant to Subsection A of this Section) in conjunction with existing single-family dwellings located within single-family or multiple-family zoning districts. (*Note: The construction and use of Accessory Residential Structures in conjunction with existing multiple-family dwellings shall be subject to the development standards applicable to the principal multiple-family dwellings.*)

2. Applicability. For purposes of this Subsection B, the herein established development standards shall apply to Accessory Residential Structures such as garages, carports, guesthouses, storage sheds, pool houses, recreation rooms, etc., which are incidental or subordinate to the principal single-family dwelling or use.

3. Definitions. As used in this Section, the words or phrases listed below shall have the meanings thereafter specified:

a. *Accessory Residential Structure.* A structure that is incidental or subordinate to the principal residential dwelling on the same site, or the use of which is incidental or subordinate to the use of the principal residential dwelling of the site.

b. *Attached Accessory Residential Structure.* An Accessory Residential Structure that is joined to the principal residential dwelling by means of a shared common wall, or is joined by a roof that extends the full width of the smaller of two connecting structures, creating a covered breezeway. An Attached Accessory Residential Structure is deemed to be attached to, and a part of, the principal residential dwelling.

c. *Breezeway.* A fully roofed, open passage that connects two buildings, such as a house and garage.

4. General Requirements. Accessory detached residential structures, and shall be developed pursuant to the following standards:

a. Accessory Residential Structures shall only be allowed on a lot containing a single-family dwelling, and may be attached to the principal single-family dwelling, or may be an independent structure that is detached from the principal single-family dwelling.

b. An Accessory Residential Structure that is attached to the principal single-family dwelling shall be subject to the development standards applicable to the principal single-family dwelling (refer to Section 6.01.010 (Residential Zoning Districts) of this Development Code).

c. An Accessory Residential Structure that is detached from the principal residential structure shall comply with the development standards contained in Table 5.03-2 (Development Standards for Accessory Residential Structures), below:

Table 5.03-2: Development Standards for Detached Accessory Residential Structures

Requirements	Residential Zoning Districts				Additional Regulations
	AR-2 & RE-2	RE-4 & LDR-5	MDR-11, 18 & 25	HDR-45	
E. Maximum Height					
1. Conditional Use Permit Required	35 FT				Note 1
2. Permitted by Right	14 FT				
F. Maximum Area					
1. Conditional Use Permit Required	As deemed appropriate by the Approving Authority				Note 2
2. Permitted by Right	650 SF/1,050 SF				Note 2
3. Guesthouses	650 SF				
G. Minimum Setbacks					
1. From Street Side Property Line	10 FT				Notes 3 and 4
2. From Interior Side Property Line	10 FT	0 FT/5 FT			Notes 3 and 5
3. From Rear Property Line					
SF a. Width of Structure ≤25	5 FT				Note 3
SF b. Width of Structure >25	10 FT				Note 3
4. From Alley Property Line (alley-facing garages only)	6 FT				Note 6
H. Minimum Separation Between Structures	6 FT				Note 3
I. Minimum Separation from Major Pipelines	50 FT				Note 7

Notes:

1. Detached Accessory Residential Structures in excess of 14 FT in height shall require Conditional Use Permit (or Certificate of Appropriateness for structures on the Ontario Register of Historic Places) approval.
2. Detached accessory structures in excess of 650 SF in area shall require Conditional Use Permit or Certificate of Appropriateness approval, as applicable, except that the maximum area allowed without benefit of Conditional Use Permit or Certificate of Appropriateness approval may be increased to 1,050 SF for detached accessory structures containing parking spaces required pursuant to Table 6.03-1 (Off-Street Parking Requirements) of this Development Code.
3. For child play structures, doghouses, and other similar accessory structures, there shall be no minimum required setback or separation between buildings/structures, provided:
 - a. The accessory structure is located within a side or year yard area;
 - b. The accessory structure does not exceed 5 FT in length and/or width, and 6 FT in height; and
 - c. The accessory structure is screened from view of public or private streets.
4. Garages with vehicle doors facing a public street shall be setback a minimum of 20 FT behind the street property line (minimum 18 FT behind the street property line if an overhead rollup garage door is provided).
5. Within the MDR-11, MDR-18, MDR-25, and HDR-45 zoning districts, the interior side setback shall be 5 FT for structures located 75 FT or less from the front property line, and 0 FT for structures located more than 75 FT from the front property line. For a setback less than 3 FT, the Zoning Administrator may require that an easement be provided on the contiguous lot to ensure access to all sides of the structure for the purpose of building maintenance.
6. A detached garage that takes access from a public alley shall be setback a minimum of 6 FT from the property line that is common to the public alley, measured from the wall containing the vehicle access door.

7. *Includes major high pressure pipelines for fuel oil, gasoline, and diesel and aviation fuels within the City. Existing pipelines include:*

- a. *Two parallel pipelines (a 16-inch and a 20-inch) that enter the City at Benson Avenue, traveling parallel to the northerly side of the Southern Pacific right-of-way to Ontario International Airport, then parallel to the southerly side of the Southern Pacific right-of-way, then parallel to the northerly side of the right-of-way beyond Ontario International Airport, then exiting the City at Etiwanda Avenue; and*
- b. *Two parallel pipelines that traverse the easterly portion of the City, entering the City at the southerly portion of Milliken Avenue, then traveling north under Milliken Avenue to Inland Empire Boulevard, then east to Rochester Avenue, then north to the City Limits.*

d. An Accessory Residential Structure that is detached from the principal single-family dwelling shall be located on the rear one-half of the lot on which it is constructed.

e. The sum total of the area of all Accessory Residential Structures on a lot, excepting ADUs conforming to Subsection A (Accessory Dwelling Units) of this Section, shall be equal to no more than 50 percent of the gross floor area of the principal single-family dwelling.

f. An Accessory Residential Structure shall not contain a kitchen or cooking facilities (excluding outdoor kitchens and cooking facilities).

g. The size, footprint, height, bulk, and scale of an Accessory Residential Structure shall be compatible with the principal single-family dwelling, and other Accessory Residential Structures in the surrounding neighborhood.

h. The area of an Accessory Residential Structure shall be the minimum necessary to house, shelter, or secure the use proposed within the structure; however, in no case shall the total gross floor area of all Accessory Detached Residential Structures on a lot exceed the area contained in the main dwelling, excepting those accessory structures used for animal keeping purposes. In calculating the area of all Accessory Residential Structures on a lot, required parking within a garage shall be excluded from the calculation, up to a maximum of 3 covered parking stalls (maximum 651 SF).

i. Accessory Residential Structures shall match the principal single-family dwelling with respect to architectural design and detailing, roof material and design, exterior color, exterior finish materials, window and door design, and design and placement of attic vents, excepting those Accessory Detached Residential Structures less than 120 SF in area, and those used solely for animal keeping purposes within the AR-2 and RE-2 zoning districts, and the AG Overlay district. For the purposes of this Section, Accessory Residential Structures intended solely for animal keeping purposes may also be used for the storage of vehicles, machinery, and equipment used in animal keeping.

j. Accessory Residential Structures shall not be located within front yards, street side yards of corner lots, or in front of the main dwelling.

k. An Accessory Residential Structure containing mechanical or other fixed equipment capable of creating a noise that is audible beyond the property line shall be placed a minimum of 5 FT from an interior side or rear property line.

l. An Accessory Residential Structure shall only be placed within the interior side or rear yard area of a lot.

m. A lot developed with an Accessory Residential Structure shall maintain a useable rear yard that is equal to a minimum of 10 percent of the net lot area. In addition, a traditional single-family dwelling shall maintain a useable rear yard having minimum dimension of 20 FT in any direction, and a small lot single-family dwelling shall maintain a useable rear yard having a minimum dimension of 10 FT in any direction.

n. On a reversed corner lot, an Accessory Residential Structure shall comply with the following:

(1) The Accessory Residential Structure located within the rear yard area shall not project beyond the minimum required front yard setback of the adjoining key lot, and shall be located no closer than 5 FT from the side property line of the key lot (rear property line of the reverse corner lot); and

(2) The Accessory Structure shall be no closer to the rear property line than the minimum required side yard setback on the adjoining key lot.

5. Guesthouses. In addition to the standards applicable to Other Accessory Residential Structures contained in Subsection B of this Section, guesthouses shall comply with the following additional standards:

a. Not more than one Guesthouse shall be permitted per lot containing a principal single-family dwelling, and a Guesthouse shall not be constructed if an Accessory Dwelling Unit exists on the lot.

b. A Guesthouse shall be for the sole use of the family of the occupants of the main dwelling and persons employed on the premises, or for temporary use by non-paying guests for a period not to exceed 90 days within any 120-day period. In addition, Guesthouses shall not be rented or otherwise used as a separate, independent residence.

6. Carports. No Carport shall be allowed within a front or street side yard setback area. Carports shall not be permitted in lieu of a garage required pursuant to the provisions of Table 6.03-1 (Off-Street Parking Requirements) of this Development Code, unless otherwise permitted by this Section.

7. Restrictive Covenant. Prior to the issuance of a building permit for an Accessory Residential Structures, the Planning Director may require that a restrictive covenant running with the land, which is binding on the property owner and their successors in interest, be recorded with the office of the San Bernardino County Recorder, which specifies that the Accessory Residential Structure shall not be used as an independent dwelling unit. Furthermore, restrictions may be included that are intended to ensure on-going compliance with the provisions of this Subsection B.