

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

March 27, 2018

Ontario City Hall
303 East "B" Street, Ontario, California 91764

6:30 PM

WELCOME to a meeting of the Ontario Planning/Historic Preservation Commission.

All documents for public review are on file in the Planning Department located at 303 E. B Street, Ontario, CA 91764.

- *Anyone wishing to speak during public comment or on a particular item should fill out a green slip and submit it to the Secretary.*
- *Comments will be limited to 5 minutes. Speakers will be alerted 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 the Commission's jurisdiction. Remarks on other agenda items will be limited to those items.*
- *Remarks from those seated or standing in the back of the chambers will not be permitted. All those wishing to speak including Commissioners and Staff need to be recognized by the Chair before speaking.*
- *The City of Ontario will gladly accommodate disabled persons wishing to communicate at a public meeting. Should you need any type of special equipment or assistance in order to communicate at a public meeting, please inform the Planning Department at (909) 395-2036, a minimum of 72 hours prior to the scheduled meeting.*
- *Please turn off all communication devices (phones and beepers) or put them on non-audible mode (vibrate) so as not to cause a disruption in the Commission proceedings.*

ROLL CALL

DeDiemar __ Delman __ Downs __ Gage __ Gregorek __ Reyes __ Willoughby __

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

- 1) Agenda Items
- 2) Commissioner Items

PUBLIC COMMENTS

Citizens wishing to address the Planning/Historic Preservation Commission on any matter that is not on the agenda may do so at this time. Please state your name and address clearly for the record and limit your remarks to five minutes.

Please note that while the Planning/Historic Preservation Commission values your comments, the Commission cannot respond nor take action until such time as the matter may appear on the forthcoming agenda.

CONSENT CALENDAR ITEMS

All matters listed under CONSENT CALENDAR will be enacted by one summary motion in the order listed below. There will be no separate discussion on these items prior to the time the Commission votes on them, unless a member of the Commission or public requests a specific item be removed from the Consent Calendar for a separate vote. In that case, the balance of the items on the Consent Calendar will be voted on in summary motion and then those items removed for separate vote will be heard.

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of February 27, 2018, approved as written.

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW

FOR FILE NO. PDEV17-056: A Development Plan (File No. PDEV17-056) to construct 229 single-family homes on 59.8 acres of land within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, located at the southeast corner of Archibald Avenue and Schaefer Avenue. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-201-15 and 0218-201-44) **submitted by Western Pacific Housing, Inc., DBA: D.R. Horton.**

PLANNING COMMISSION PUBLIC HEARING ITEMS

For each of the items listed under PUBLIC HEARING ITEMS, the public will be provided an opportunity to speak. After a staff report is provided, the chairperson will open the public hearing. At that time the applicant will be allowed five (5) minutes to make a presentation on the case. Members of the public will then be allowed five (5) minutes each to speak. The Planning Commission may ask the

speakers questions relative to the case and the testimony provided. The question period will not count against your time limit. After all persons have spoken, the applicant will be allowed three minutes to summarize or rebut any public testimony. The chairperson will then close the public hearing portion of the hearing and deliberate the matter.

HISTORIC PRESERVATION ITEMS

B. EIGHTEENTH ANNUAL MODEL COLONY AWARDS FILE NO. PHP18-003: A request for the Historic Preservation Commission to accept the nominations for the Eighteenth Annual Model Colony Awards; **submitted by City of Ontario. City Council presentation of Awards.**

1. File No. PHP18-003 (Model Colony Awards)

Motion to Approve/Deny

PLANNING COMMISSION ITEMS

C. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP17-021 AND PDEV17-046: Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0216-081-25) **submitted by Fast 5 Xpress Car Wash. Continued from February 27, 2018 meeting.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PCUP17-021 (Conditional Use Permit)

Motion to Approve/Deny

3. File No. PDEV17-046 (Development Plan)

Motion to Approve/Deny

D. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PDEV17-033 AND PCUP17-015: A Development Plan (File No. PDEV17-033) and Conditional Use Permit (File No. PCUP17-015) to construct and establish a drive-thru restaurant for Raising

Cane's Chicken Fingers, totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 1008-431-21); **submitted by Raising Cane's Chicken Fingers.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PCUP17-015 (Conditional Use Permit)

Motion to Approve/Deny

3. File No. PDEV17-033 (Development Plan)

Motion to Approve/Deny

E. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN REVIEW, AND CONDITIONAL USE PERMIT FOR FILE NO. PDEV17-061 AND FILE NO. PCUP18-007:

A Development Plan (File No. PDEV17-061) and Conditional Use Permit (File No. PCUP18-007) to construct and establish a non-stealth wireless telecommunications facility for T-Mobile (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-122-06) **submitted by T-Mobile.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15303

2. File No. PCUP18-007 (Conditional Use Permit)

Motion to Approve/Deny

3. **File No. PDEV17-061** (Development Plan)

Motion to Approve/Deny

F. **ENVIRONMENTAL ASSESSMENT, SPECIFIC PLAN REVIEW FOR FILE NO. PSP16-003 AND WILLIAMSON ACT CANCELLATION FOR FILE NO. PWIL18-002:**

A public hearing to consider certification of the Environmental Impact Report, (SCH#2017031048) including the adoption of a Statement of Overriding Considerations, for File No. PSP16-003 and a Specific Plan (Colony Commerce Center East) request (File No. PSP16-003) to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 94 acres of land, which includes the potential development of 2,362,215 square feet of industrial and business park development and a petition to cancel William Act Contract 70-159. The project site is bounded by Archibald Avenue to the east, the San Bernardino/Riverside County boundary to the south, the Cucamonga Creek Flood Control Channel to the west and Merrill Avenue to the north. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and Chino Airport, and was evaluated and found to be consistent with the policies and criteria of both the ONT Airport and Chino Airport Land Use Compatibility Plans (ALUCP). (APNs: 218-311-02, 218-311-03, 218-311-07, 218-311-08, 218-311-10 & 218-311-13); **submitted by CapRock Partners Land & Development Fund I, L.P. City Council action is required.**

1. **CEQA Determination**

Motion to recommend Approval/Denial of the Certification of an EIR, with a Statement of Overriding Considerations

2. **File No. PSP16-003** (Specific Plan)

Motion to recommend Approval/Denial

3. **File No. PWIL18-002** (Williamson Act Cancellation)

Motion to recommend Approval/Denial

G. **ENVIRONMENTAL ASSESSMENT, DEVELOPMENT CODE AMENDMENT AND ZONE CHANGE REVIEW FOR FILE NOS. PDCA18-001 & PZC18-001:**

A Development Code Amendment (File No. PDCA18-001) to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit, and a Zone Change (File No. PZC18-001) from OH (High Intensity Office) to CR (Regional Commercial) on 2.34 acres of land located the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140), certified by the City of Ontario City Council on January 27, 2010, in conjunction with File No. PGPA06-001. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and

was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0210-551-01) **submitted by Carvana, LLC. City Council action is required.**

1. CEQA Determination

No action necessary – use of previous Addendum to an EIR

2. File No. PZC18-001 (Zone Change)

Motion to recommend Approval/Denial

3. File No. PDCA18-001 (Development Code Amendment)

Motion to recommend Approval/Denial

H. ENVIRONMENTAL ASSESSMENT DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, AND VARIANCE REVIEW FOR FILE NO. PDEV18-003, PCUP18-001 & PVAR18-002: A Development Plan (File No. PDEV18-003) and Conditional Use Permit to construct and operate a 5,781-square foot, 70-foot high automotive sales facility (Carvana), and a Variance to deviate from the maximum number of allowed wall signs on a commercial building, from 3 signs to 4 signs, on 2.34 acres of land located the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0210-551-01) **submitted by Carvana, LLC.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PVAR18-002 (Variance)

Motion to Approve/Deny

3. File No. PCUP18-001 (Conditional Use Permit)

Motion to Approve/Deny

4. File No. PDEV18-003 (Development Plan)

Motion to Approve/Deny

- I. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT16-003/TT 20012:** A Tentative Tract Map (File No. PMTT16-003/TT 20012) to subdivide 37.47 acres of land into 176 numbered lots and 47 lettered lots for public streets, landscape neighborhood edge areas and common open space purposes, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. (APNs: 0218-201-20, 0218-201-26 and 0218-201-27); **submitted by Ontario Avenida Associates, LLC.**

1. CEQA Determination

No action necessary – use of previous Addendum to an EIR

2. File No. PMTT16-003 (Tract Map)

Motion to Approve/Deny

- J. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA17-007:** A Development Agreement between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT Airport. (APNs: 0218-201-20, 0218-201-26 and 0218-201-27); **submitted by Ontario Avenida Property Owner LLC. City Council Action is required**

1. CEQA Determination

No action necessary – use of previous Addendum to an EIR

2. File No. PDA17-007 (Development Agreement)

Motion to recommend Approval/Denial

K. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT FILE NO. PDCA18-002:

A Development Code Amendment proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation, generally located north of Mission Boulevard, south of Airport Drive, east of Grove Avenue, and west of Haven Avenue; 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. The project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan; **City Initiated. City Council action is required.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15061(b)(3)

2. File No. PDCA18-002 (Development Code Amendment)

Motion to recommend Approval/Denial

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing): Met on March 8, 2018
- 2) New Business
- 3) Nominations for Special Recognition

DIRECTOR'S REPORT

- 1) Monthly Activity Report

If you wish to appeal any decision of the Planning/Historic Preservation Commission, you must do so within ten (10) days of the Commission action. Please contact the Planning Department for information regarding the appeal process.

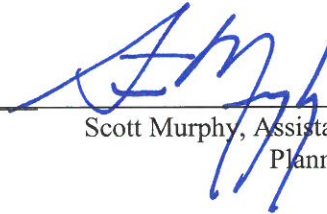
If you challenge any action of the Planning/Historic Preservation Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning/Historic Preservation Commission at, or prior to, the public hearing.



I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **Friday, March 23, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Gwen Berendsen, Secretary Pro Tempore



Scott Murphy, Assistant Development Director
Planning/Historic Preservation
Commission Secretary

**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

February 27, 2018

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**CITY OF ONTARIO PLANNING COMMISSION/
HISTORIC PRESERVATION MEETING**

MINUTES

February 27, 2018

REGULAR MEETING: City Hall, 303 East B Street
Called to order by Chairman Delman at 6:30 PM

COMMISSIONERS

Present: Chairman Delman, Vice-Chairman Willoughby, DeDiemar, Gage, Gregorek, and Reyes

Absent: Downs

OTHERS PRESENT: Assistant Development Director Murphy, City Attorney Pierucci, Assistant Planning Director Wahlstrom, Principal Planner Zeledon, Senior Planner Batres, Senior Planner Mejia, Senior Planner Noh, Associate Planner Chen, Assistant Planner Vaughn, Assistant City Engineer Do, Assistant Building Official Rico, and Planning Secretary Berendsen.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gregorek.

ANNOUNCEMENTS

Mr. Murphy stated that Item B is being requested to be continued to the March 27, 2018 meeting and there are items regarding revisions for Items E and F, in front of them.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

Planning/Historic Preservation Commission Minutes of January 23, 2018, approved as written.

It was moved by Gage, seconded by Willoughby, to approve the Planning Commission Minutes of January 23, 2018, as written. The motion was carried 6 to 0.

PUBLIC HEARING ITEMS

- B. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP17-021 AND PDEV17-046:** Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0216-081-25) **submitted by Fast 5 Xpress Car Wash.**

Mr. Murphy stated staff is recommending that Item is being continued to the March 27, 2018 meeting.

PUBLIC TESTIMONY

No one responded.

PLANNING COMMISSION ACTION

It was moved by Reyes, seconded by Gregorek, to continue PCUP17-021 and PDEV17-046 to the March 27, 2018 meeting. The motion was carried 6 to 0.

- C. ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT16-018 (PM 19827) AND PDEV16-032:** A Tentative Parcel Map (PMTT16-018/PM 19827) to subdivide 3.98 acres of land into 2 parcels in conjunction with a Development Plan (File No. PDEV16-032) to construct a 25,512 square foot industrial building on Parcel 1. The project is located at the southwest corner of State Street and Mountain Access Road, at 1121 West State Street within the IL (Light Industrial) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APNs: 1011-191-02 and 1011-191-03); **submitted by Chris Evans.**

Associate Planner, Denny Chen, presented the staff report. He described the location, and the current configuration of the parcel, and the new parcel map. He described the landscaping, architectural design, and parking. He stated that staff is recommending the Planning Commission approve File Nos. PMTT16-018 and PDEV16-032, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the

conditions of approval.

PUBLIC TESTIMONY

Shakil Patel, the architect and representative for the applicant Chris Evans, appeared and spoke. He stated it was a very challenging project and he has worked diligently with the staff to present this articulated project.

As there was no one else wishing to speak, Chairman Delman closed the public testimony

Mr. Reyes stated that he liked the elements that the building is projecting here. He also stated this is a unique sight and he is glad that the applicant worked diligently with the staff, as it is highly visible on Mountain Ave., to have these types of architectural elements of design. He stated he sees a lot of positive things in this project.

Mr. Delman stated that he agrees with Mr. Reyes comments, and that this is a hard area to put two suites of this size on, but the Planning department staff did a great job of pulling it together and making it work.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Reyes, to adopt a resolution to approve the Tentative Parcel Map, File No., PMTT16-018, and the Development Plan, File No., PDEV16-032, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- D. ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR17-006 AND PDEV17-027:** A Variance (File No. PVAR17-006) to deviate from the Grove Avenue Specific Plan building setback standard along Grove Avenue, from 40 feet to 30 feet, and reduce the interior building setback, from 10 feet to 0 feet, in conjunction with a Development Plan (File No. PDEV17-027) to construct a 23,570 square-foot warehouse/office building on 1.27 acres of land located at 930 S. Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Minor Alterations to Land) and Section 15332 (In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plans (ALUCP) for ONT, provided certain conditions are met; (APN: 1049-384-09) **submitted by The Heaton Company.**

Assistant Planner, Alexis Vaughn, presented the staff report. She described the location and the variance being proposed, and the warehouse size and architectural design, landscape, access and parking. She stated that staff is recommending the Planning Commission approve File Nos. PVAR17-006 and PDEV17-027, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the

conditions of approval.

Mr. Willoughby wanted clarification regarding the proposed setback of 30 feet and how it relates to other projects in the surrounding area.

Ms. Vaughn stated the project to the north has a setback of about 27 feet, which is already less than what is being proposed here and has no landscaping. She also stated the new project to the east will also have a 30 foot landscape setback.

Mr. Willoughby wanted clarification regarding the project they did not too long ago to the south and what type of setbacks are there.

Mr. Murphy stated to his recollection the setback is about 38 feet.

PUBLIC TESTIMONY

Ignascio Crespo, the architect and representative for the project, appeared and spoke. He stated this was a challenging project and that is why they are asking for the variance on the project.

As there was no one else wishing to speak, Chairman Delman closed the public testimony

Mr. Reyes stated he was glad the landscape was detailed in the presentation, which gives them a better understanding of what the open spaces are being used for. He stated that he is okay with the setback being requested, as he was looking at the setback to the property to the north. He thinks we have a nice looking building to go along this sight.

PLANNING COMMISSION ACTION

It was moved by Gage, seconded by Reyes, to adopt a resolution to approve the Variance, File No., PVAR17-006, and the Development Plan, File No., PDEV17-027, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- E. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA16-002:** A Development Agreement (File No. PDA16-002) between the City of Ontario and CVRC Ontario Investments, LLC, for the potential development of up to 480 residential units (File No. PMTT16-004/TT 19966) on 111.10 acres of land within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (State Clearing House No. 2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08,

218-102-10, 218-102-11) submitted by CVRC Ontario Investments, LLC. City Council action is required.

- F. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT16-004 (TTM 19966):** A Tentative Tract Map (File No. PMTT16-004/TTM 19966) to subdivide 111.10 acres of land into 480 numbered lots and 92 lettered lots within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (State Clearing House No. 2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11) submitted by CVRC Ontario Investments, LLC.

Senior Planner, Lorena Mejia, presented the staff report. She described the history of the property and the location. She described the paseo and park areas and the proposed lot counts and descriptions. She explained the Development Agreement and the phases and the financial commitments it includes. She stated that staff is recommending the Planning Commission recommend for approval File No. PDA16-002 and approve File No. PMTT16-004, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Murphy explained the revisions within the items in front of the Commissioners. He stated that for Item E there is a change on page 13 with the addition of item E which refers to a 10 day written notice from the current owner to the city for the applicant owner to acquire the title of the property. The current property owner was concerned that if the applicant did not close on the property, they didn't want to be responsible to uphold the agreement. We have worked on some language that gives the property owner an out and basically states, if the property doesn't close the Development Agreement becomes null and void. Mr. Murphy stated the other item relating to Item F is a modification relating to section 1.1 3a, just the added phrase that the tentative tract map is contingent on the Development Agreement being reviewed and approved by the City Council.

PUBLIC TESTIMONY

Mike White, with CVRC, appeared and spoke. He wanted to thank the staff for their time and stated it was a pleasure working with them. He stated the staff report is great. He wanted to point out that within the overall specific plan for the parcels that they control, they are able to build up to 587 units, and they are coming in with 479 units, so they are not maxing the project. He stated that he thinks this is a great project and good for the area.

Mr. Willoughby stated it looks like a lot of work went into the project and he appreciates the larger lot sizes, which are needed and there are consumers that want those.

Mr. White stated they kept that in mind while doing this project, because they felt there was a need for it.

As there was no one else wishing to speak, Chairman Delman closed the public testimony

Mr. Reyes wanted to thank staff for working with the applicant and incorporating all the fine details into the project. He stated that he had lived off Riverside and Campus and that Riverside is used as an alternate to the 60 freeway, to commute between Eastville, Corona, and in the future South Ontario. He stated what is being seen on Riverside is going to become even more important and he wants to make sure that as we work with builders in the future, that we get them to look at monument signs, especially at Vineyard.

PLANNING COMMISSION ACTION

It was moved by Reyes, seconded by Gregorek, to recommend adoption of a resolution to approve the Development Agreement, File No. PDA16-002, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

It was moved by Willoughby, seconded by Gregorek, to adopt a resolution to approve the Tentative Tract Map, File No., PMTT16-004, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs. The motion was carried 6 to 0.

- G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA05-001:** A Development Agreement Amendment (Second Amendment – File No PDA05-001) between the City of Ontario and Edenglen Ontario, to clarify and update the timing of the construction of public infrastructure, the development impact fee provisions, and the extension of the term of the agreement to serve Tract Map No's 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, and 18791, generally located north of Chino Avenue, south of Riverside Drive, east of Mill Creek Avenue, and west of the SCE utility corridor, within Planning Areas 1 through 8 of the Edenglen Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan Environmental Impact Report (SCH# 2004051108) that was adopted by the City Council on November 5, 2005. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-171-15; 0218-921-07, 08, 16, 19, 22, and 30; 0218-931-01 through 25; 218-931-75 through 89; 0218-932-01 through 21; 0218-933-01 through 17; 0218-934-01 through 24; 0218-935-01-through 04; 0218-935-12 through 19; 0218-935-22 through 38; 0218-941-01 through 39; 0218-941-55 through 93; 0218-951-01 through 70; 0218-952-19 through 82; 0218-954-01 through 42; 0218-955-01 through 42; 0218-956-01 through 58; 0218-961-07 through 88) **submitted by Edenglen Ontario, LLC. City Council action is required.**

Mr. Willoughby recused himself, as he is a resident in this area.

Assistant Development Director, Scott Murphy, presented the staff report. He described the history of the Development Agreement and how Brookfield continued development in this area even during the great recession and after NMC Builders stopped their infrastructure improvements. Staff worked on interim solutions with Brookfield so things could continue to move forward during this time. However, at this time some of the terms of the Development Agreement have expired and clarification and timing of the infrastructure elements, especially sewer, storm drains and recycled water, needed to be worked out. He stated that staff is recommending the Planning Commission recommend approval of File No. PDA05-001, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

PUBLIC TESTIMONY

Tim Roberts with Brookfield, appeared and spoke. He stated that even though this project predates him joining Brookfield, they are honored that Mr. Murphy would recognize them for the effort in continuing the project during the great recession. He also stated that Brookfield has great appreciation for staff working with them on this project and they support the terms of this agreement completely.

As there was no one else wishing to speak, Chairman Delman closed the public testimony

Mr. Gregorek stated that the development has progressed in a positive way and thinks it is good that we can get this project close to completion. He stated he would be supporting this development agreement.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Gregorek, to recommend adoption of a resolution to approve the Development Agreement Amendment, File No., PDA05-001, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gage, Gregorek, and Reyes; NOES, none; RECUSE, Willoughby; ABSENT, Downs. The motion was carried 5 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee did not meet.

Development Code Review (Ad-hoc): This subcommittee did not meet.

Zoning General Plan Consistency (Ad-hoc): This subcommittee did not meet.

New Business

Mr. Gage stated that while driving on Euclid in the downtown area during the evening, he noticed semi-trucks parked bumper to bumper overnight and wants to know about posting

no overnight parking signs in this area.

Mr. Murphy stated that at a previous City Council meeting Councilman Bowman raised the same point and Traffic Engineering and Police are looking at what we need to do to be able to enforce that and prevent it from occurring. He stated he will let the Commission know once an action has been reached.

Mr. Reyes stated that over the weekend he drove over to Beaumont and he has read a few articles about Caltrans working with cities to improve off ramps areas. He stated he had brought this up years ago and was told that off ramps are not city but Caltrans domain. He stated that he likes the idea of cities reaching out and working with Caltrans to develop nicer off ramps. He cited examples in the surrounding area and with the airport back in our domain, he just wanted to know what direction staff is getting from the City Council on this. He also wanted clarification on entry monuments and signage compared to other cities signage in the area. He stated he wants to be updated on these type of items and kept in the loop. He thinks these areas are important to keep looking at as our development grows and how are we, as a planning commissioner and planning department, setting ourselves up to do a great job for our city.

Mr. Murphy stated that within Ontario Ranch there is a streetscape master plan that does identify a hierarchy of entry monumentation into the city. He stated that if you are driving north on Archibald into the city, in the medium there is a 26 foot tall entry tower that will give you an idea of what we can expect to see, as the development continues. He stated that if it is the commission's desire he can certainly put together something that shows them the hierarchy and examples of what is coming. He addressed the issue of the off ramps and stated that the Archibald and Haven ramp improvements were a project between the city and Caltrans. He stated that there is an emphasis on the part of the city to enhance those areas as much as we can. He described the 10 freeway improvements coming and the treatment along the I10 corridor are being addressed and looked at, and he could show them those at the next briefing. He stated the new Caltrans director of district 8 seems to be more ready to work with cities on improvements within their right-a-way, which may help us with the outdoor café seating we are looking to do on Euclid.

Mr. Gregorek wanted an update on the truck stops in the Ontario Ranch area, as it is becoming a safety issue in the area.

Mr. Murphy stated there are 29 properties that are in various stages of enforcement activity and the direction given is that we are to continue going after those individuals and if need be getting court orders to shut them down. He stated they are working with BB&K to keep it moving forward.

Mr. Delman stated the Ontario Heritage is having its 2nd Annual St. Patty's Day Golf Tournament which will be on Friday March 16th and invited everyone to attend.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Mr. Murphy stated the Monthly Activity Reports are available in their packet.

ADJOURNMENT

Gregorek motioned to adjourn, seconded by Willoughby. The meeting was adjourned at 7:39 PM.

Secretary Pro Tempore

Chairman, Planning Commission



**PLANNING COMMISSION
STAFF REPORT**
March 27, 2018

SUBJECT: A Development Plan (File No. PDEV17-056) to construct 229 single-family homes on 59.8 acres of land within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, located at the southeast corner of Archibald Avenue and Schaefer Avenue. (APNs: 0218-201-15 and 0218-201-44) **submitted by Western Pacific Housing, Inc., DBA: D.R. Horton.**

PROPERTY OWNER: Western Pacific Housing, Inc., DBA: D.R. Horton

RECOMMENDED ACTION: That the Planning Commission approve File No. PDEV17-056, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 59.8 acres of land located at southeast corner of Archibald Avenue and Schaefer Avenue, within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, and is depicted in **Figure 1: Project Location**, below. The project site gently slopes from north to south and is currently rough graded. The properties to the north are existing single-family residential units and is located within the Low Density Residential (LDR-5) zoning district. The properties to the east are vacant and mass graded and are located within Planning Areas 9A (Low Density Residential) and 9B (Middle School) of The Avenue Specific Plan. The properties to the south are rough graded and existing agricultural/dairy uses and are located within Planning Areas 7 and 8A (Low Density Residential) of The Avenue Specific Plan. The properties to the west are existing agricultural/dairy uses and are located within Planning Areas 4 and 5 (Medium Density Residential and Low Density Residential) of The Avenue Specific Plan.



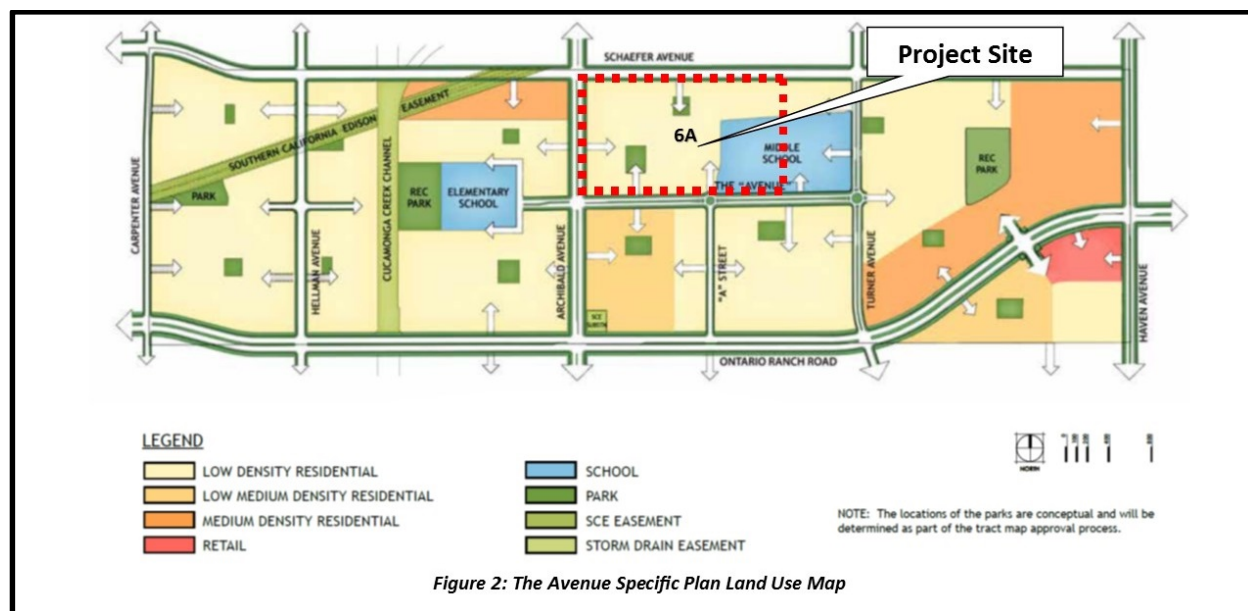
Figure 1: Project Location

Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	3/19/18	Approve	Recommend
Submittal Date:	11/10/17	ZA			
Hearing Deadline:	N/A	PC	3/27/18		Final
		CC			

PROJECT ANALYSIS:

[1] Background — The Avenue Specific Plan and Environmental Impact Report (EIR) were approved by the City Council on December 19, 2006. The Avenue Specific Plan establishes the land use designations, development standards, and design guidelines for 568 acres, which includes the potential development of 2,875 dwelling units and approximately 131,000 square feet of commercial.

On May 22, 2007, the Planning Commission approved Tentative Tract Map 18419 to subdivide 59.8 acres of land into 229 single-family lots and 25 lettered lots, which laid out the residential neighborhood and internal street circulation (see **Figure 2: The Avenue Specific Plan Land Use Map**, below). The lots range in size from 2,880 square feet to 9,888 square feet, with an average lot size of 4,160 square feet. DR Horton has submitted a development plan application to construct 229 single-family homes (80 Alley Loaded and 149 Conventional products). On March 19, 2018, the Development Advisory Board recommended approval of the application to the Planning Commission.



[1] Site Design/Building Layout — The project proposes the development of 229 single-family homes (80 Alley Loaded and 149 Conventional products) that will be oriented toward the street (architectural forward) with front entries and walks facing the street (**See Exhibit A – Site Plan**). The Conventional products will provide garage access from the public street and the Alley Loaded product will provide garage access from a private lane. The project includes ten floor plans and three architectural styles per plan. The ten floor plans include the following:

Alley Loaded:

- Plan 1: 1,222 square feet, 3 bedrooms, great room and 2 baths.
- Plan 2: 1,470 square feet, 3 bedrooms, loft, great room and 2 baths.
- Plan 3: 1,640 square feet, 3 bedrooms (option for 4th bedroom and 3rd bath), great room and 2 baths.

45'x 85' Conventional:

- Plan 1: 1,725 square feet, 3 bedrooms, great room and 2.5 baths.
- Plan 2: 1,982 square feet, 3 bedrooms (option for 4th bedroom), loft, great room and 2.5 baths.
- Plan 3: 2,016 square feet, 3 bedrooms, loft, great room and 2.5 baths.
- Plan 4: 2,322 square feet, 4 bedrooms, loft, great room and 3 baths.

55'x 90' Conventional:

- Plan 1: 2,137 square feet, 3 bedrooms (option for 4th bedroom), great room and 2 baths.
- Plan 2: 2,548 square feet, 5 bedrooms, bonus room, great room and 3 baths.
- Plan 3: 2,709 square feet, 3 bedrooms, loft, suite, great room and 3.5 baths.

All plans incorporate various design features, such as single and two-story massing, varied entries, front porches and a great room. The alley loaded homes will have a two-car garage and the conventional homes will have a two-car garage and driveway. The conventional homes feature shallow and/or mid recessed garages, which locates the garage a minimum of 3 to 11 feet behind the front elevation/living space. To minimize visual impacts of garages, techniques such as the use of single-story massing on the front entries, second-story cantilever elements above garages, varied first and second-story roof massing, and door header trim and details above garages will be incorporated on the various elevations (**Figures 3 and 4: Typical Plotting**).



Figure 3: Typical Conventional Plotting

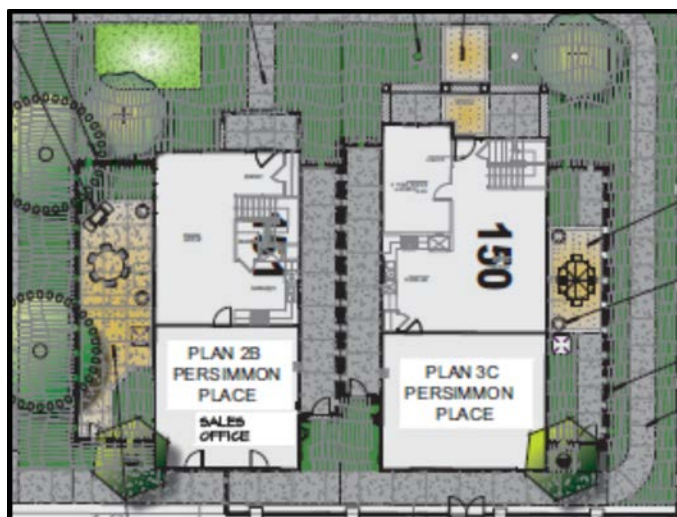


Figure 4: Typical Alley Loaded Plotting

[2] Site Access/Circulation — The project street frontage improvements along Archibald Avenue were partially constructed by NMC Builders, LLC. The applicant will be responsible to construct the remaining Archibald Avenue improvements (i.e. last lane, parkway and neighborhood edge) along the project site’s frontage. Additionally, the applicant is required to construct Schaefer Avenue along the northern frontage of the project site and La Avenida Drive along the southern project frontage. Primary vehicular access into the development will be provided from Archibald Avenue, Schaefer Avenue and La Avenida Drive.

[3] Parking — The proposed conventional single-family homes will provide a two-car garage and a standard two-car driveway. The Alley Loaded homes will have garage access from a private lane and will provide a two-car garage, the proposed products meet The Avenue Specific Plan and Development Code requirements. Additionally, the project provides 233 on-street parking spaces for visitors. As demonstrated within Table 1 below, the parking analysis concluded that there will be an average of 4.3 parking spaces per unit, which should be more than adequate to accommodate both resident and visitor parking.

Summary of Parking Analysis							
Product	Number of Units	Garages	Driveways Parking	On-Street Parking	Total Provided	Req. Per Unit	+/- Parking
Parking Per Unit							
SF Conventional	149	2	2	131	727	298	
Alley Loaded	80	2		102	262	160	
Total	229			233	989	458	+531
					4.3 spaces per unit		

[4] Architecture — The architectural styles proposed include Spanish, Bungalow and California Ranch. The styles complement one another through the overall scale, massing, proportions and details. The proposed home designs are consistent with the design guidelines of the Specific Plan. Each architectural style will include the following details (**See Exhibit B – Floor Plans and Elevations**):

Spanish: Varying gable and hipped roofs with “S” concrete roof tiles; stucco finish; decorative tile arched entries and covered porches; cantilevered elements with corbels; decorative foam eaves; decorative tile or wrought iron elements below gable ends; arched headers above garage doors; decorative shutters and window framing, wrought iron potshelves and decorative tubular steel porch railing.

Bungalow: Varying gable roofs with flat concrete roof tiles, wooden outlookers and vertical siding below gable ends, knee braces, stucco finish, shingle siding, cantilevered elements; covered porches with decorative wood porch railing and brick veneer bases and window framing.

California Ranch: Varying gable, Dutch gable and hipped roofs with flat concrete roof tiles, wooden knee braces below gable ends, stucco finish, horizontal siding, cantilevered elements with corbels; covered porches with a simple wood post columns, decorative shutters and window framing.

[5] Landscaping/Open Space — The related Tentative Tract Map (File No. PMTT06-066/TT18419) will facilitate the construction of sidewalks, parkways, and open space areas within the project site. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of private park per 1,000 residents. The proposed project is required to provide a 1.74 acre park to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is proposing a total of 2.23-acres of private pocket parks that are strategically located within walking distance for the future residents of the community (**See Exhibit C – Conceptual Landscape Plans**). The pocket parks will include various amenities such as, two tot lots (Age 2-5 and 5-12), BBQ's, picnic tables, picnic table shade structures, two half-court basketball courts, exercise stations and meandering pathways.

Additionally, the parkways and development entries within the tract incorporates various street tree themes that include 24-inch, 36-inch and 60-inch box Brisbane Box, California Pepper, Camphor, Holly Oak, Chinese Flame Tree, London Plane Tree and Jacaranda. Also, a combination of 24-inch and 36-inch box accent and shade trees will be provided within the pocket parks that include Golden Honey Locust, Pink Trumpet Tree, Lavender Crape Myrtle Multi-Trunk, True Green Elm and Chinese Pistache. The typical front yard and alley landscape for the Alley Loaded product includes accent trees such as 24-inch box Arbutus Standard, Crape Myrtle Coral Pink and Western Redbud trees. The typical front yard landscape for the Conventional product includes accent trees such as 24-inch box, Weeping Bottle Brush, Desert Museum Palo Verde, Desert Willow, Australian Willow and Western Redbud trees. The development also includes a variety of shrubs and

groundcovers that are low water usage and drought tolerant to be planted throughout the project site.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

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

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

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

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

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

Housing Element:

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

➤ H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

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

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

Community Economics Element:

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

➤ CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

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

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

- CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

- CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

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

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

- S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

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

- CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

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

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

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

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

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

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

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

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

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

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (229) and density (3.83 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with an overall density range of 2-12 DU/AC.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the 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 environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant Rough Graded	Low Density Residential	The Avenue Specific Plan	Planning Area 6A (Low Density Residential)
<i>North</i>	Single-Family Residential	Low Density Residential	Low Density Residential (LDR-5)	
<i>South</i>	Vacant Rough Graded and Agricultural/Dairy Uses	Low Density Residential	The Avenue Specific Plan	Planning Areas 7 and 8A (Low Density Residential)
<i>East</i>	Vacant Rough Grade	Low Density Residential and Public School	The Avenue Specific Plan	Planning Areas 9A and 9B (Low Density Residential and Middle School)
<i>West</i>	Agricultural/Dairy Uses	Low Medium Density Residential and Low Density Residential	The Avenue Specific Plan	Planning Areas 4 and 5 (Medium Density Residential and Low Density Residential)

General Site & Building Statistics - Conventional

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Maximum coverage (in %):</i>	55%	14%-54%	Y
<i>Minimum lot size (in SF):</i>	3,200 SF	3,807 SF	Y
<i>Front yard setback (in FT):</i>	12'	12'	Y
<i>Side yard setback (in FT):</i>	5'	5'	Y
<i>Rear yard setback (in FT):</i>	10'	15'	Y
<i>Maximum height (in FT):</i>	35'	27'	Y
<i>Parking:</i>	2-car garage	2-car garage	Y

General Site & Building Statistics – Alley Loaded

<i>Item</i>	<i>Required Min./Max.</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Maximum coverage (in %):</i>	55%	28%-52%	Y
<i>Minimum lot size (in SF):</i>	2,380 SF	3,801 SF	Y
<i>Front yard setback (in FT):</i>	10'	12'	Y
<i>Side yard setback (in FT):</i>	5'	5'	Y
<i>Rear yard setback (in FT):</i>	5'	15'	Y
<i>Maximum height (in FT):</i>	35'	25'	Y
<i>Parking:</i>	2-car garage	2-car garage	Y

Exhibit A: Site Plan



Exhibit B — FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 1



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 2

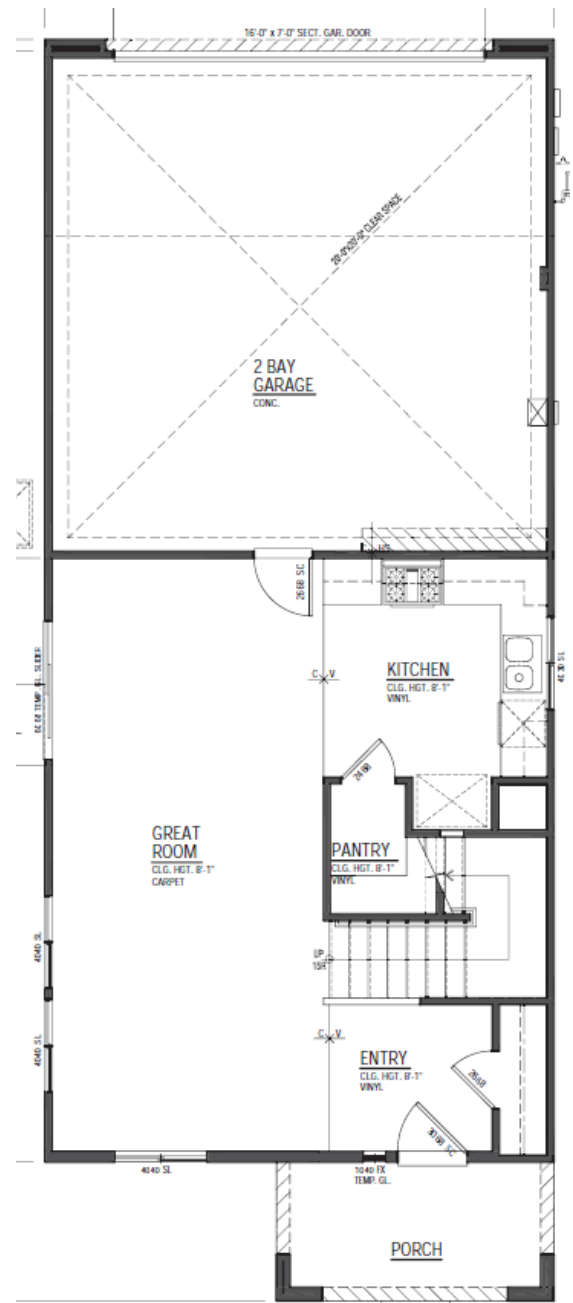
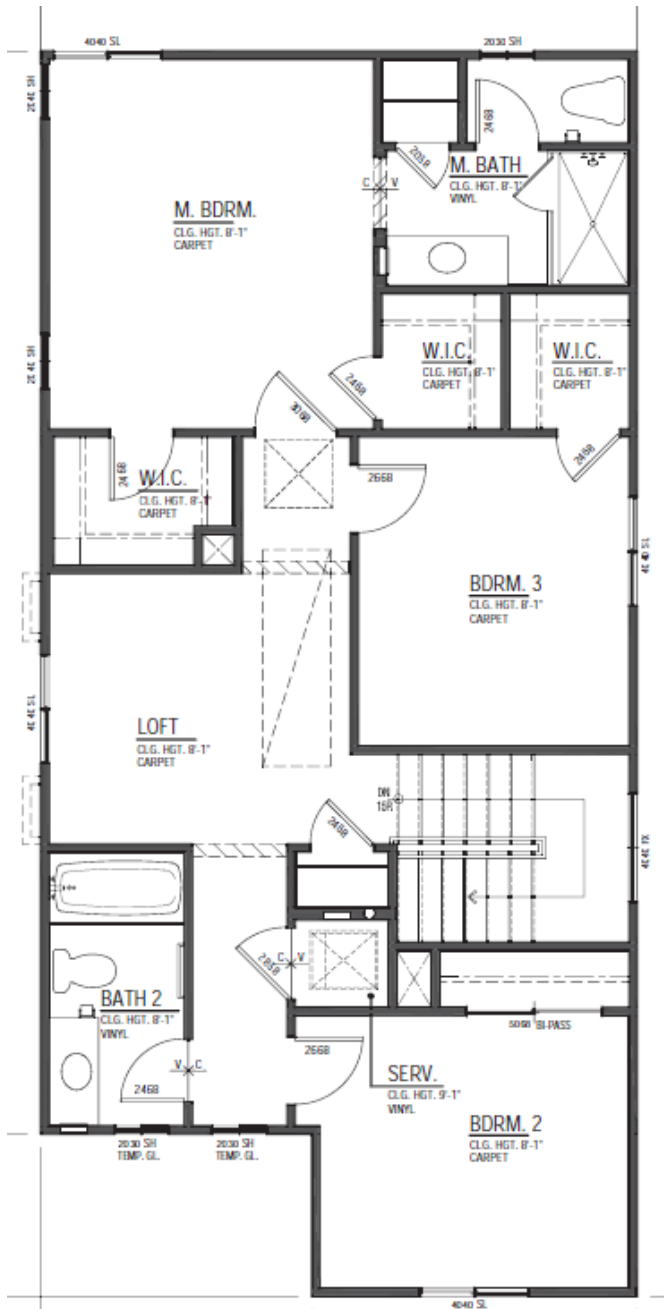


Exhibit B — FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 2



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 3



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 1

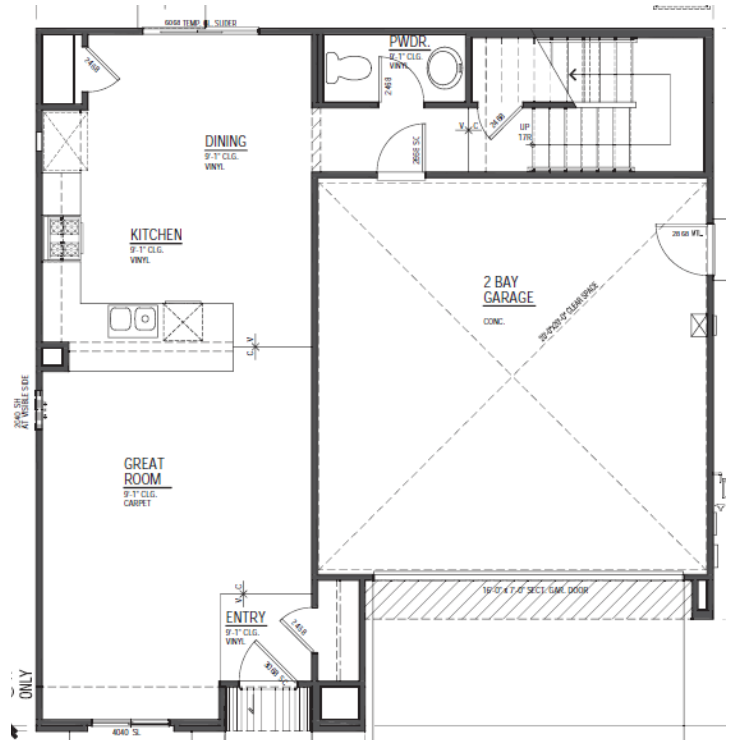
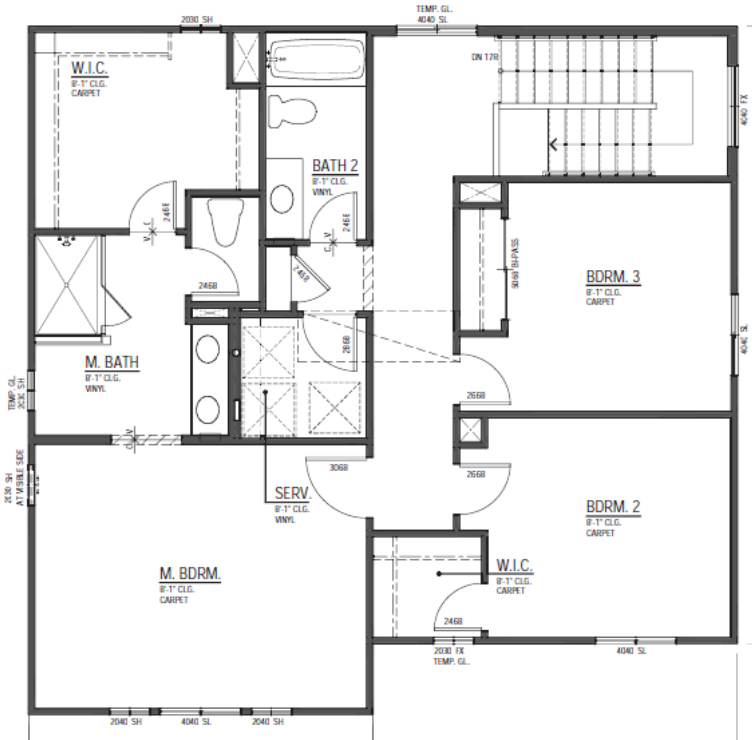


Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 1



Elevation A - Spanish

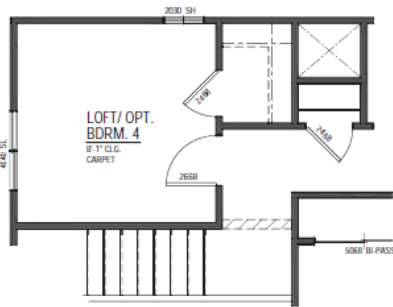


Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 2



Opt. Bdrm. 4

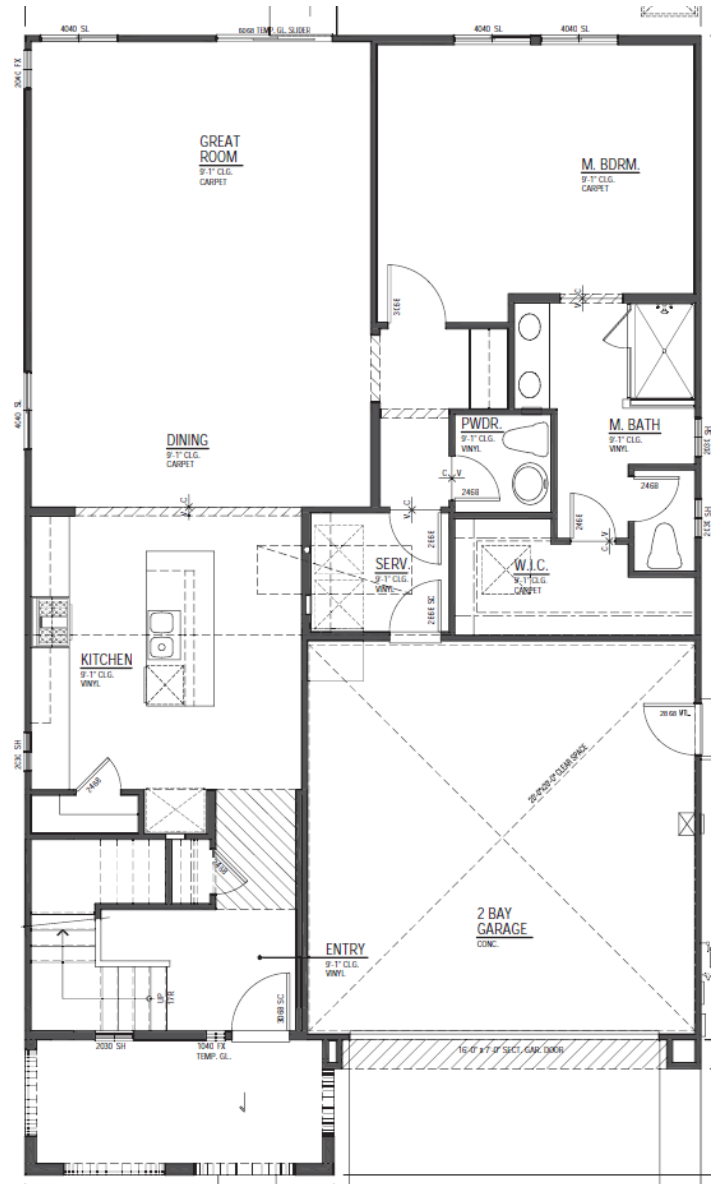
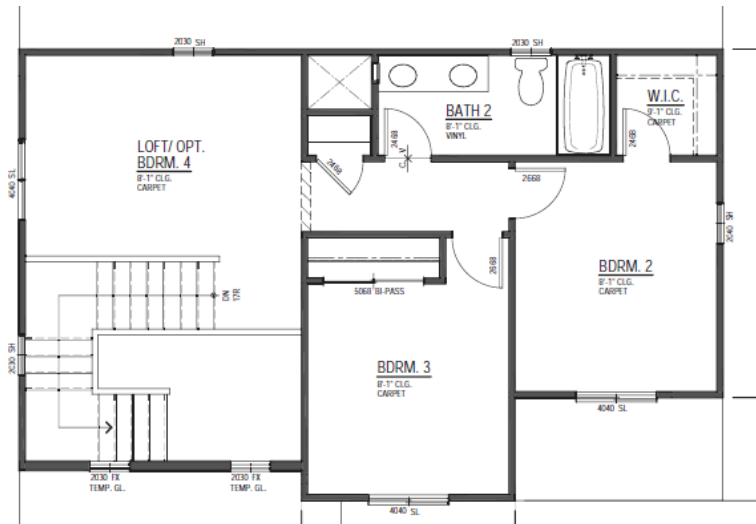


Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 2



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 3

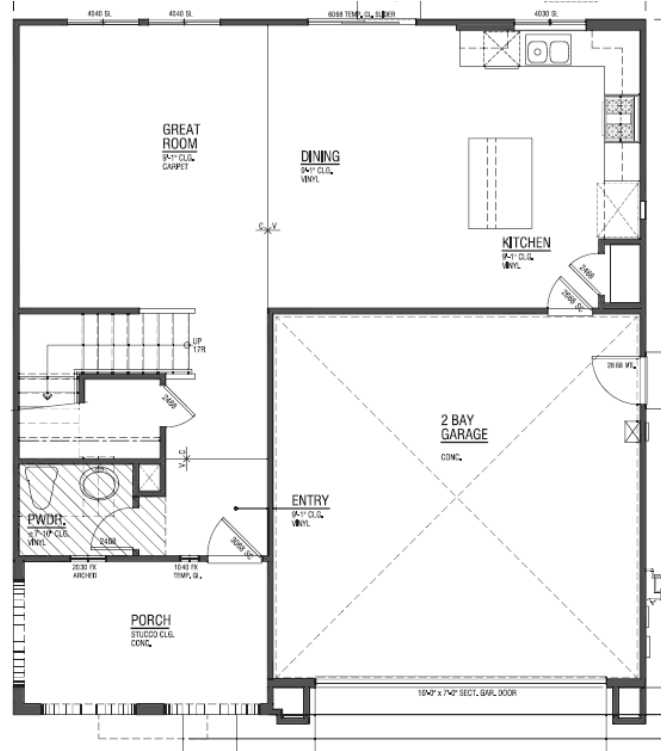
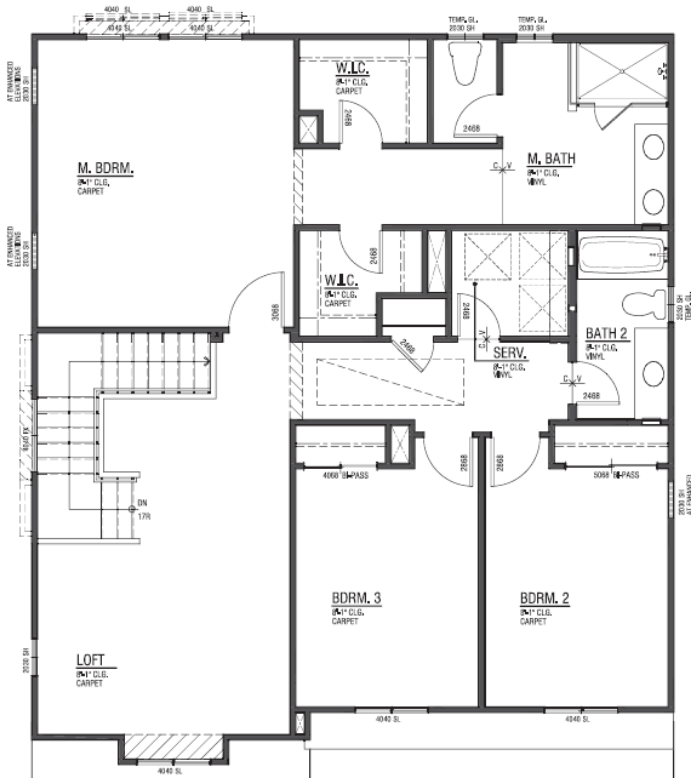


Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 3



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 4

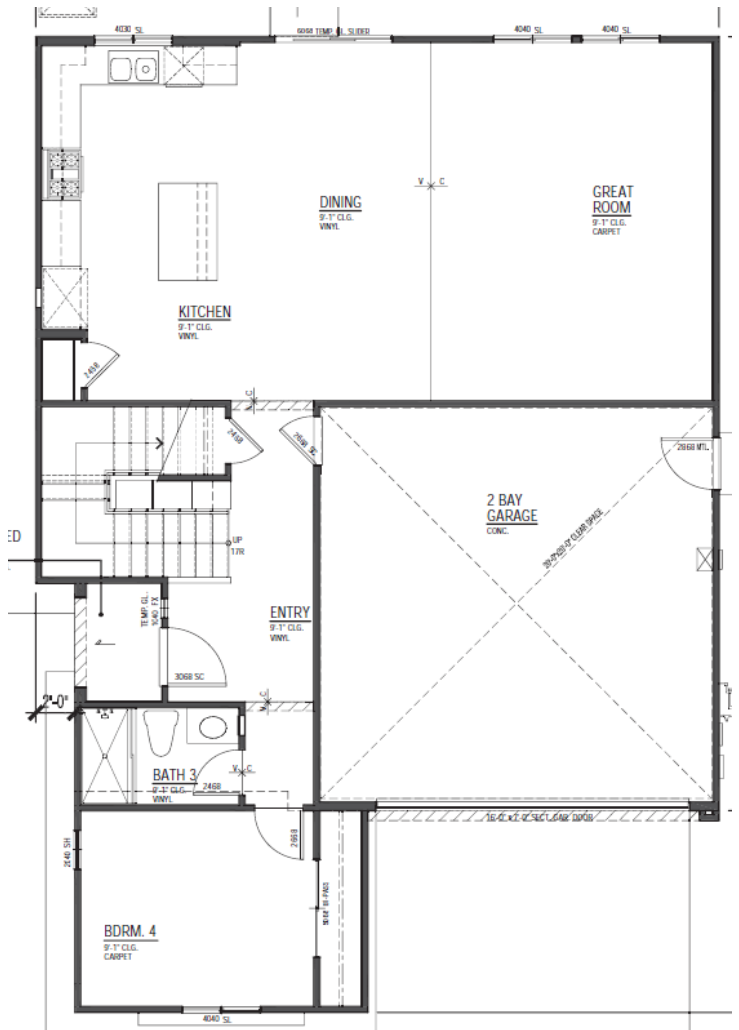
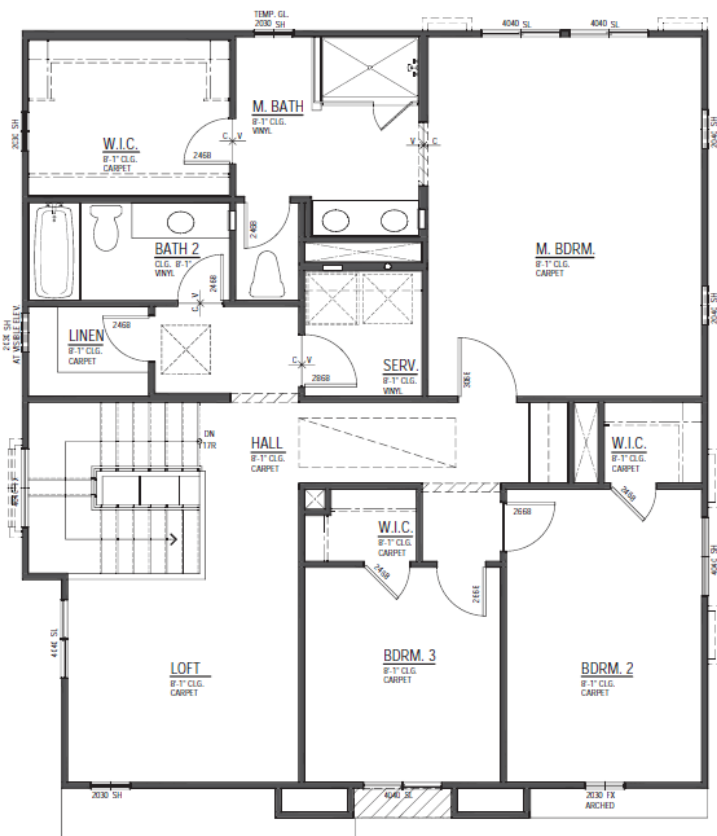


Exhibit B — FLOOR PLANS AND ELEVATIONS: 45' X 85' PLAN 4



Elevation A - Spanish

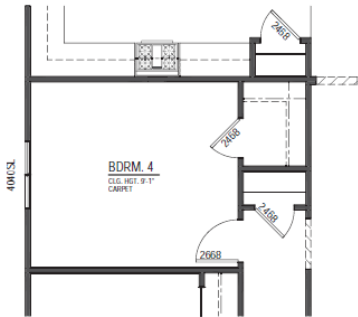


Elevation C - Bungalow

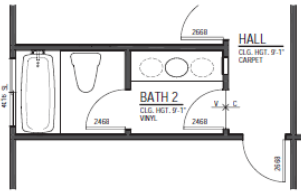


Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: 55' X 90' PLAN 1



Opt. Bedroom 4



Opt. Compartment Bath 2

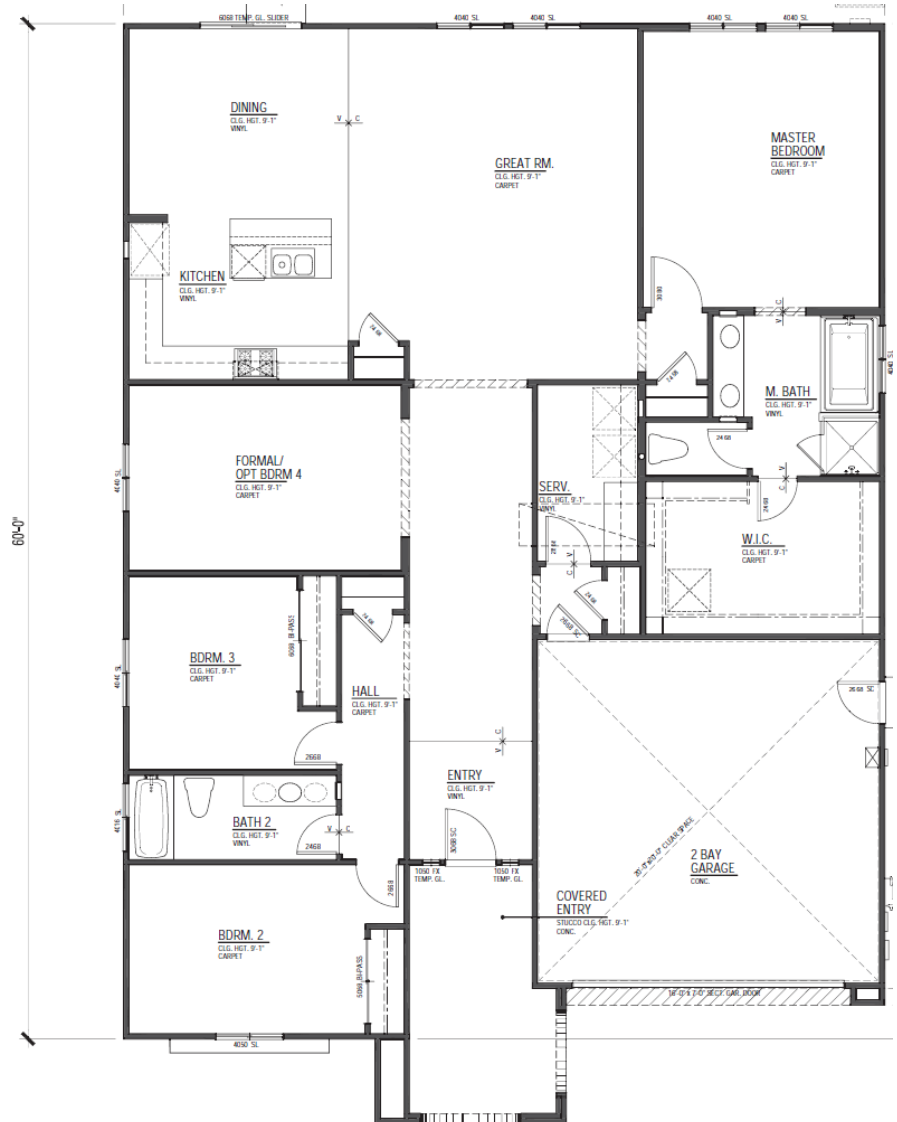


Exhibit B — FLOOR PLANS AND ELEVATIONS: 55' X 90' PLAN 1



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: 55' X 90' PLAN 2

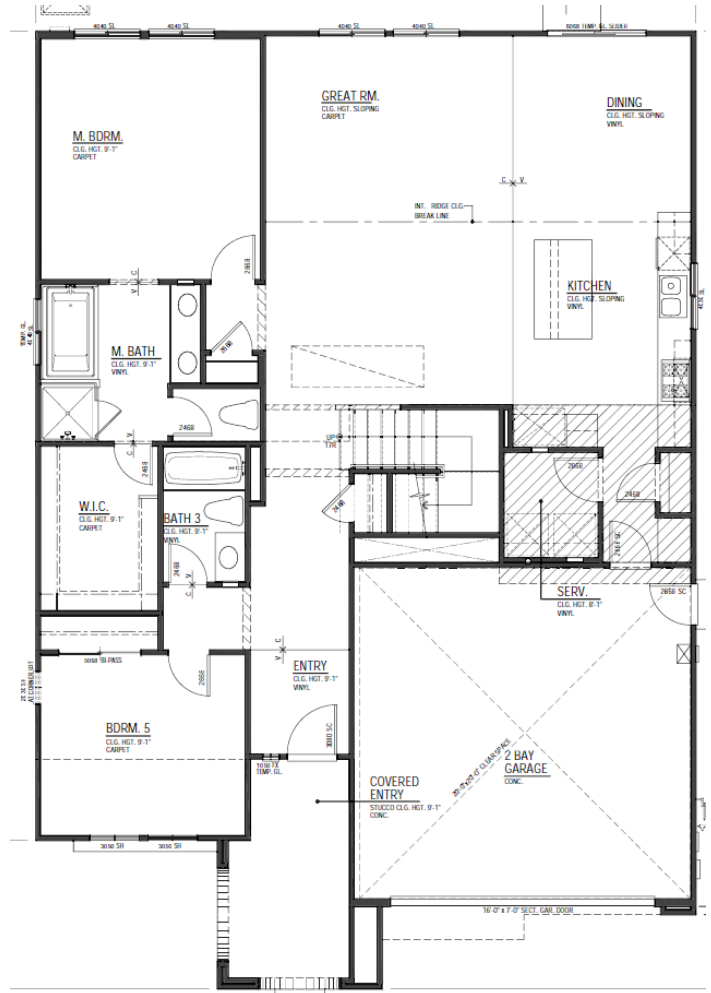
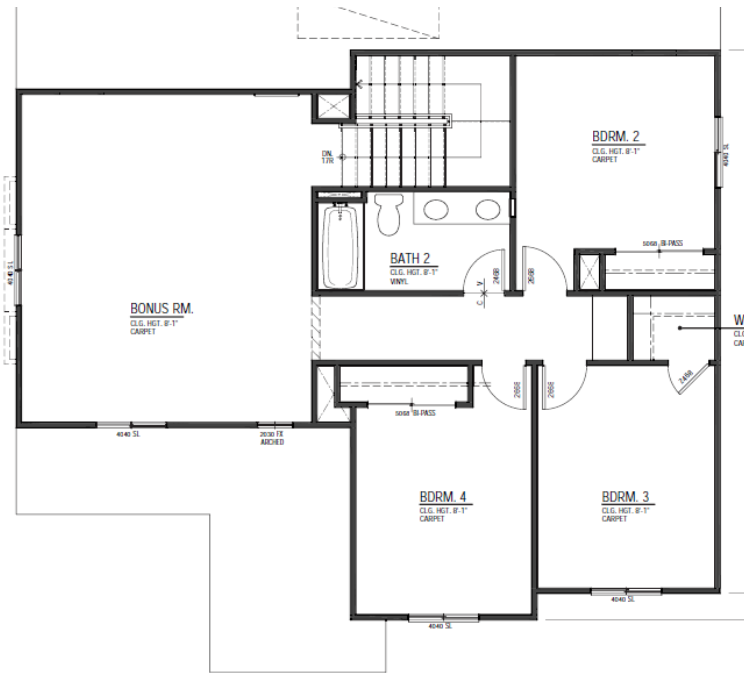


Exhibit B — FLOOR PLANS AND ELEVATIONS: 55' X 90' PLAN 2



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — FLOOR PLANS AND ELEVATIONS: 55' X 90' PLAN 3

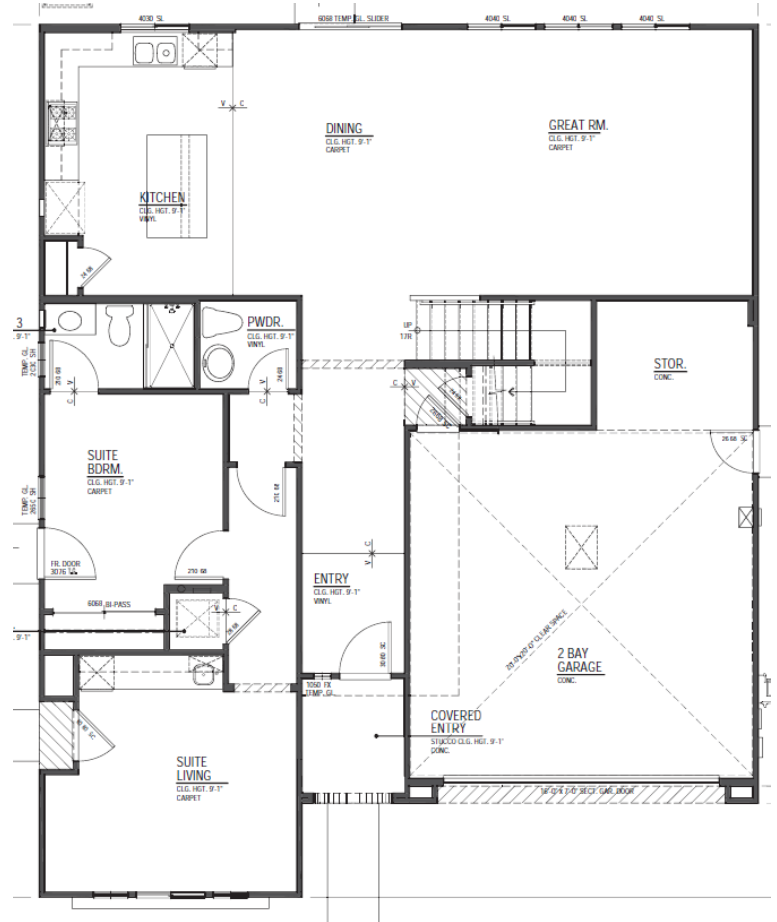
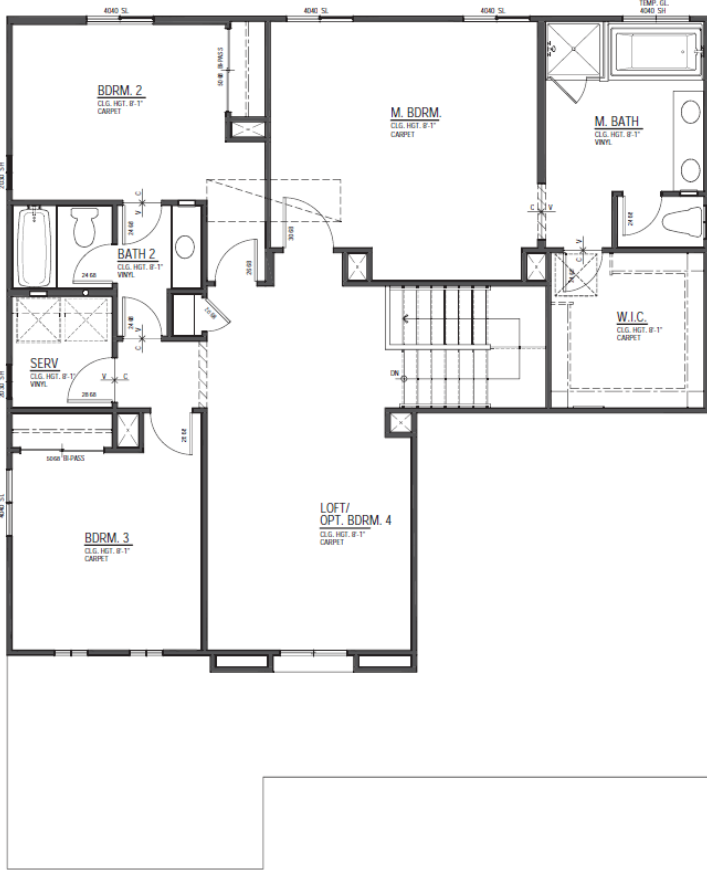


Exhibit B — FLOOR PLANS AND ELEVATIONS: 55' X 90' PLAN 3



Elevation A - Spanish



Elevation C - Bungalow



Elevation B - California Ranch

Exhibit B — SAMPLE ENHANCED ELEVATIONS: 45' X 85' PLAN 4 SPANISH



Left



Front



Right



Rear

Artist's conception; colors, etc. and application may vary.

Exhibit C — CONCEPTUAL LANDSCAPE PLAN – POCKET PARKS

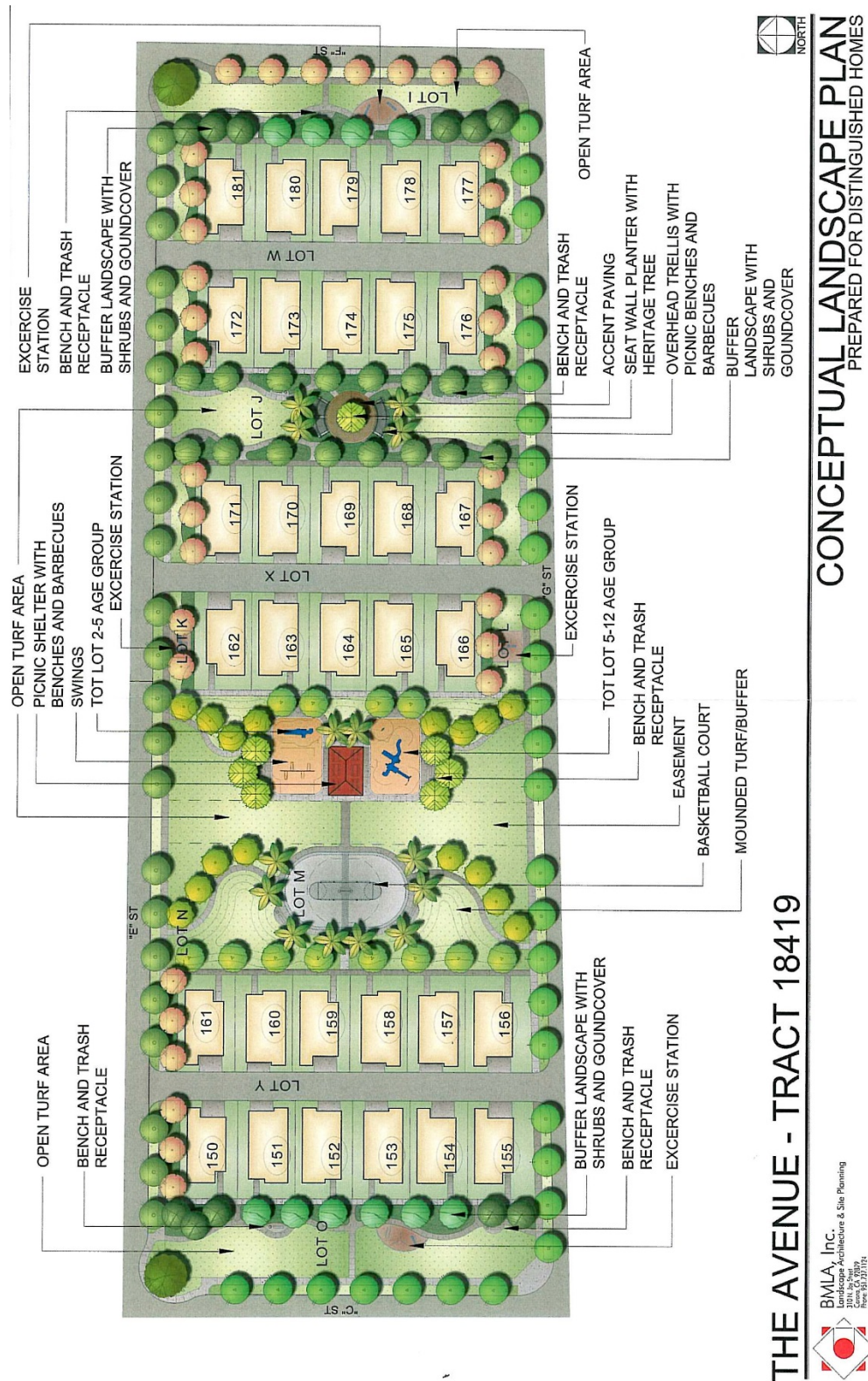
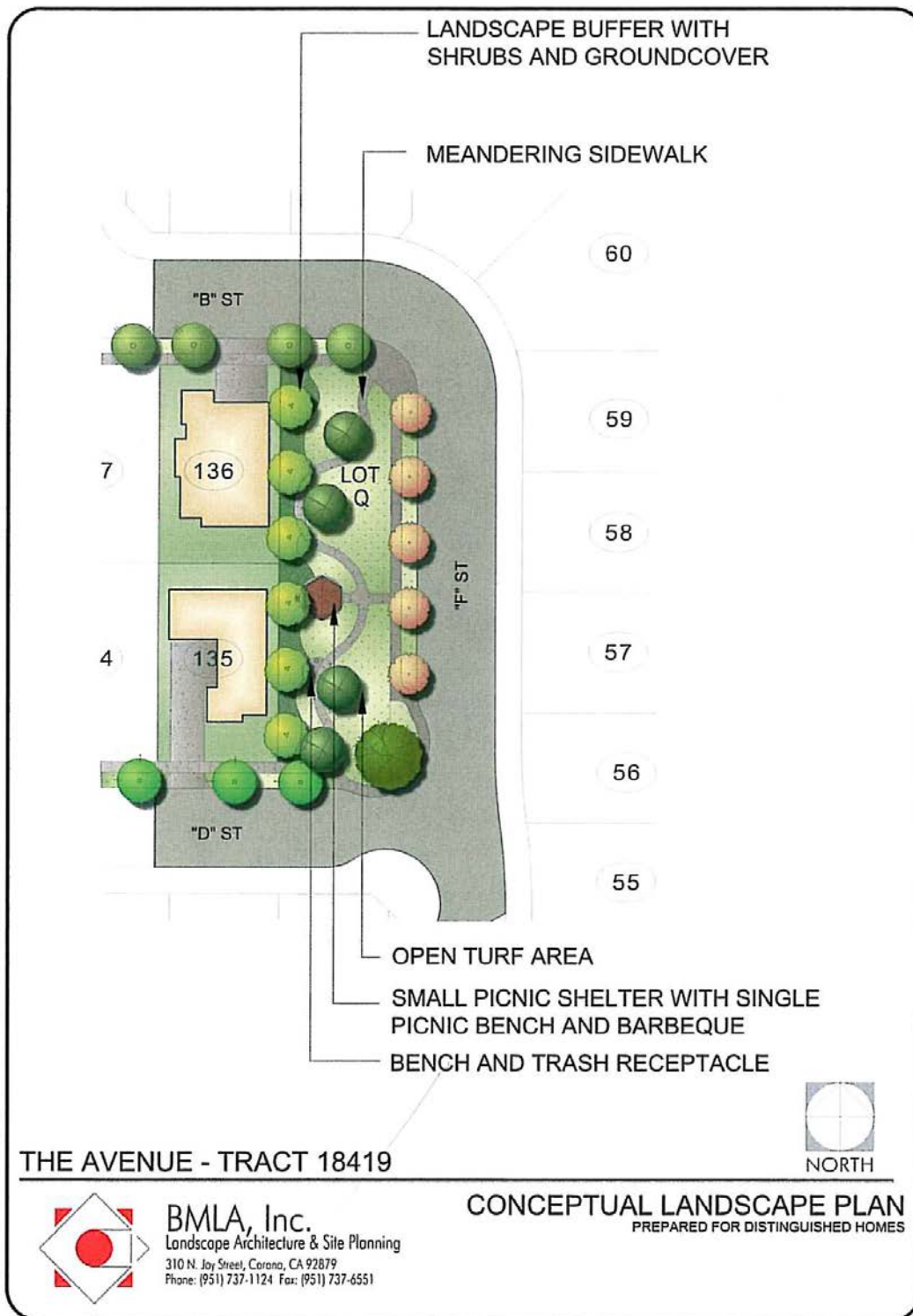


Exhibit C — CONCEPTUAL LANDSCAPE PLAN – POCKET PARKS



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-056, A DEVELOPMENT PLAN TO CONSTRUCT 229 SINGLE-FAMILY HOMES ON 59.8 ACRES OF LAND LOCATED WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREA 6A OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-201-15 AND 0218-201-44.

WHEREAS, Western Pacific Housing, Inc., DBA: DR Horton ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-056, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 59.8 acres of land generally located at the southeast corner of Archibald Avenue and Schaefer Avenue within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, and is presently rough graded; and

WHEREAS, the properties to the north are existing single-family residential units and are located within the Low Density Residential (LDR-5) zoning district. The properties to the east are vacant and mass graded and are located within Planning Areas 9A (Low Density Residential) and 9B (Middle School) of The Avenue Specific Plan. The properties to the south are rough graded and existing agricultural/dairy uses and are located within Planning Areas 7 and 8A (Low Density Residential) of The Avenue Specific Plan. The properties to the west are existing agricultural/dairy uses and are located within Planning Areas 4 and 5 (Medium Density Residential and Low Density Residential) of The Avenue Specific Plan; and

WHEREAS, the Development Plan proposes to construct 229 single-family homes (80 Alley Loaded and 149 Conventional products). The lots range in size from 2,880 square feet to 9,888 square feet, with an average lot size of 4,160 square feet, which meets the minimum lot size of 2,380 square feet (Alley Loaded) and 3,200 square feet (Conventional) consistent with the Product Types 1C and 2 Development Standards of The Avenue Specific Plan; and

WHEREAS, ten floor plans are proposed with three elevations per plan; and

WHEREAS, the architectural styles of the proposed single-family homes include Spanish, Bungalow and California Ranch styles; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 19, 2006, and this Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), and an initial study has been prepared to determine possible environmental impacts; and

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

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on March 19, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that

date, voting to issue Decision No. DAB18-018, recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation. Based upon the facts and information contained in the previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Avenue Specific Plan Environmental Impact Report, certified by the City of Ontario City Council on December 19, 2006.

(2) The previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109), and all mitigation measures previously adopted with the addendum to The Avenue Specific Plan EIR (SCH# 2005071109), are incorporated herein by this reference.

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the

preparation of a subsequent or supplemental addendum to The Avenue Specific Plan EIR (SCH# 2005071109) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that will require major revisions to the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was prepared, that will require major revisions to the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the addendum to The Avenue Specific Plan EIR (SCH# 2005071109); or

(b) Significant effects previously examined will be substantially more severe than shown in the addendum to The Avenue Specific Plan EIR (SCH# 2005071109); or

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

(d) Mitigation measures or alternatives considerably different from those analyzed in the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available

Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (229) and density (3.83 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with an overall density range of 2-12 DU/AC.

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

SECTION 5: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Low Density Residential land use district of the Policy Plan Land Use Map, and the Low Density Residential (Planning Area 6A) land use district of The Avenue Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The Development Plan has been required to comply with all provisions of Product Types 1C and 2 Residential Development Standards of The Avenue Specific Plan. Future neighborhoods within The Avenue Specific Plan and

surrounding area will provide for diverse housing and highly amenitized neighborhoods that will be compatible in design, scale and massing to the proposed development.

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and Low Density Residential (Planning Area 6A - Product Types 1C and 2) land use district of The Avenue Specific Plan, as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions.

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Planning Commission has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of The Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and The Avenue Specific Plan. Additionally, the environmental impacts of this project were previously reviewed in conjunction with The Avenue Specific Plan Environmental Impact Report (SCH#2005071109). This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of The Avenue Specific Plan that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (conventional and alley loaded single-family residential). As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in The Avenue Specific Plan. Additionally, the Development Plan complies with all provisions of Product Types 1C and 2 Residential Development Standards of The Avenue Specific Plan.

SECTION 6: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 7: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-056
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: March 27, 2018
File No: PDEV17-056
Related Files: PMTT06-066/TT18419

Project Description: A Development Plan (File No. PDEV17-056) to construct 229 single-family homes on 59.8 acres of land located within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, located at the southeast corner of Archibald Avenue and Schaefer Avenue. (APNs: 0218-201-15 and 0218-201-44) **submitted by Western Pacific Housing, Inc., DBA: D.R. Horton.**

Prepared By: Henry K. Noh, Senior Planner
Phone: 909.395.2429 (direct)
Email: hnoh@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) 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 Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

2.6 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.7 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.8 Disclosure Statements.

(a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:

(i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

(ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.

(iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

(iv) This tract is part of a Landscape Maintenance District. The homeowner(s) will be assessed through their property taxes for the continuing maintenance of the district.

2.9 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSPA13-003, a(n) Amendment to The Avenue Specific Plan for which a(n) addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was adopted by the City Council on June 17, 2014. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/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.

2.10 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.11 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.12 Additional Requirements.

(a) The Ontario Climate Action Plan (CAP) requires new development to be 25% more efficient. The applicant has elected to utilize the Screening Tables provided in the CAP instead of preparing separate emissions calculations. By electing to utilize the Screening Tables the applicant shall be required to garner a minimum 100 points to be consistent with the reduction quantities outlined in the CAP. The applicant shall identify on the construction plans the items identified in the attached industrial Screening Tables.

(b) Off-Site Subdivision Signs.

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) 945-1884.

(c) The applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for this project. The location of the mailboxes shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

(d) The applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.

(e) Dairy Separation Requirement for Residential Development.

The following separation requirements from existing dairies/feed lots shall apply to new residential development or structures used for public assembly purposes from existing dairies/feed lots.

A minimum 100' separation shall be required between a new residential, commercial or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-foot separation requirement may be satisfied by an off-site easement acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map.

(f) Final architecture for the proposed project shall be reviewed and approved by the Planning Department prior to the issuance of building permits.

(g) All applicable conditions of approval of Development Agreement (File No. PDA07-001) shall apply to this tract.

(h) All applicable conditions of approval of The Avenue Specific Plan shall apply to this tract.

(i) All applicable conditions of approval of the "B" Map TT 18419 (File No. PMTT06-066) shall apply to this Development Plan.

(j) The Private Parks (Lots I, J, M and O) and Paseos (Lots D, H, S and T) shall be constructed prior to the issuance of the certificate of occupancy of the 115th home.



City of Ontario
 Planning Department
 303 East B Street
 Ontario, California 91764
 Phone: 909.395.2036
 Fax: 909.395.2420

Table 1: GHG Reduction Measures Screening Table for Residential Development

Feature	Description	Assigned Point Values	Project Point Values
Reduction Measure PS E1: Residential Energy Efficiency			
Building Envelope			
Insulation	2008 Baseline (walls: R-13; roof/attic: R-30)	0	12
	Modestly Enhanced Insulation (walls: R-13; roof/attic: R-38)	12	
	Enhanced Insulation (rigid wall insulation: R-13; roof/attic: R-38)	15	
	Greatly Enhanced Insulation (spray foam wall insulated walls R-15 or higher, roof/attic R-38 or higher)	18	
Windows	2008 Baseline Windows (0.57 U-factor, 0.4 solar heat gain coefficient (SHGC))	0	7
	Modestly Enhanced Window Insulation (0.4 U-Factor, 0.32 SHGC)	6	
	Enhanced Window Insulation (0.32 U-Factor, 0.25 SHGC)	7	
	Greatly Enhanced Window Insulation (0.28 or less U-Factor, 0.22 or less SHGC)	9	
Cool Roof	Modest Cool Roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance)	10	10
	Enhanced Cool Roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance)	12	
	Greatly Enhanced Cool Roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance)	14	
Air Infiltration	Minimizing leaks in the building envelope is as important as the insulation properties of the building. Insulation does not work effectively if there is excess air leakage.		10 8
	Air barrier applied to exterior walls, caulking, and visual inspection such as the HERS Verified Quality Insulation Installation (Q11 or equivalent)	10	
	Blower Door HERS Verified Envelope Leakage or equivalent	8	
Thermal Storage of Building	Thermal storage is a design characteristic that helps keep a constant temperature in the building. Common thermal storage devices include strategically placed water filled columns, water storage tanks, and thick masonry walls.		
	Modest Thermal Mass (10% of floor or 10% of walls: 12" or more thick exposed concrete or masonry. No permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	2	
	Enhanced Thermal Mass (20% of floor or 20% of walls: 12" or more thick exposed concrete or masonry. No permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	4	
Heating/Cooling Distribution System	Minimum Duct Insulation (R-4.2 required)	0	12
	Modest Duct insulation (R-6)	7	
	Enhanced Duct Insulation (R-8)	8	
	Distribution loss reduction with inspection (HERS Verified Duct leakage or equivalent)	12	

PDEV17-056

Table 1: GHG Reduction Measures Screening Table for Residential Development

Feature	Description	Assigned Point Values	Project Point Values
Space Heating/ Cooling Equipment	2008 Minimum HVAC Efficiency (SEER 13/60% AFUE or 7.7 HSPF)	0	4
	Improved Efficiency HVAC (SEER 14/65% AFUE or 8 HSPF)	4	
	High Efficiency HVAC (SEER 15/72% AFUE or 8.5 HSPF)	7	
	Very High Efficiency HVAC (SEER 16/80% AFUE or 9 HSPF)	9	
Water Heaters	2008 Minimum Efficiency (0.57 Energy Factor)	0	15
	Improved Efficiency Water Heater (0.675 Energy Factor)	12	
	High Efficiency Water Heater (0.72 Energy Factor)	15	
	Very High Efficiency Water Heater (0.92 Energy factor)	18	
	Solar Pre-heat System (0.2 Net Solar Fraction)	4	
	Enhanced Solar Pre-heat System (0.35 Net Solar Fraction)	8	
Daylighting	Daylighting is the ability of each room within the building to provide outside light during the day, reducing the need for artificial lighting during daylight hours:		
	<ul style="list-style-type: none"> ▪ All peripheral rooms within the living space have at least one window (required) 	0	
	<ul style="list-style-type: none"> ▪ All rooms within the living space have daylight (through use of windows, solar tubes, skylights, etc.) 	1	
	<ul style="list-style-type: none"> ▪ All rooms daylighted 	2	
Artificial Lighting	2008 Minimum (required)	0	10
	Efficient lights (25% of In-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15 to 40 watt fixtures; 60 lumens/watt for fixtures >40watt)	8	
	High Efficiency lights (50% of in-unit fixtures are high efficacy)	10	
	Very High Efficiency Lights (100% of in-unit fixtures are high efficacy)	12	
Appliances	Energy Star Refrigerator (new)	1	1
	Energy Star Dish Washer (new)	1	
	Energy Star Washing Machine (new)	1	
Building Placement	North/South alignment of building or other building placement such that the orientation of the buildings optimizes natural heating, cooling, and lighting.	5	
Shading	At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on Jun 21st.	4	
Energy Star Homes	EPA Energy Star for Homes (version 3 or above)	25	
Independent Energy Efficiency Calculations	Provide point values based upon energy efficiency modeling of the Project. Note that engineering data will be required documenting the energy efficiency and point values based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.	TBD	
Other	This allows innovation by the applicant to provide design features that increases the energy efficiency of the project not provided in the table. Note that engineering data will be required documenting the energy efficiency of innovative designs and point values given based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.	TBD	

Table 1: GHG Reduction Measures Screening Table for Residential Development

Feature	Description	Assigned Point Values	Project Point Values
Existing Residential Retrofits	The applicant may wish to provide energy efficiency retrofit projects to existing residential dwelling units to further the point value of their project. Retrofitting existing residential dwelling units within the City is a key reduction measure that is needed to reach the reduction goal. The potential for an applicant to take advantage of this program will be decided on a case by case basis and must have the approval of the Ontario Planning Department. The decision to allow applicants to participate in this program will be evaluated based upon, but not limited to, the following:	TBD	
	<ul style="list-style-type: none"> Will the energy efficiency retrofit project benefit low income or disadvantaged residents? 		
	<ul style="list-style-type: none"> Does the energy efficiency retrofit project fit within the overall assumptions in reduction measures associated with existing residential retrofits? 		
	<ul style="list-style-type: none"> Does the energy efficiency retrofit project provide co-benefits important to the City? 		
	<ul style="list-style-type: none"> Point value will be determined based upon engineering and design criteria of the energy efficiency retrofit project. 		
Reduction Measure PS E2: Residential Renewable Energy Generation			
Photovoltaic	Solar Photovoltaic panels installed on individual homes or in collective neighborhood arrangements, such that the total power provided augments:		2
	<ul style="list-style-type: none"> Solar Ready Homes (sturdy roof and solar ready service panel) 	2	
	<ul style="list-style-type: none"> 10% of the power needs of the project 	10	
	<ul style="list-style-type: none"> 20% of the power needs of the project 	15	
	<ul style="list-style-type: none"> 30% of the power needs of the project 	20	
	<ul style="list-style-type: none"> 40% of the power needs of the project 	28	
	<ul style="list-style-type: none"> 50% of the power needs of the project 	35	
	<ul style="list-style-type: none"> 60% of the power needs of the project 	38	
	<ul style="list-style-type: none"> 70% of the power needs of the project 	42	
	<ul style="list-style-type: none"> 80% of the power needs of the project 	46	
	<ul style="list-style-type: none"> 90% of the power needs of the project 	52	
	<ul style="list-style-type: none"> 100% of the power needs of the project 	58	
Wind Turbines	Some areas of the City lend themselves to wind turbine applications. Analysis of the area's capability to support wind turbines should be evaluated prior to choosing this feature.		
	Individual wind turbines at homes or collective neighborhood arrangements of wind turbines such that the total power provided augments:		
	<ul style="list-style-type: none"> 10% of the power needs of the project 	10	
	<ul style="list-style-type: none"> 20% of the power needs of the project 	15	
	<ul style="list-style-type: none"> 30% of the power needs of the project 	20	
	<ul style="list-style-type: none"> 40% of the power needs of the project 	28	
	<ul style="list-style-type: none"> 50% of the power needs of the project 	35	
	<ul style="list-style-type: none"> 60% of the power needs of the project 	38	
	<ul style="list-style-type: none"> 70% of the power needs of the project 	42	

Table 1: GHG Reduction Measures Screening Table for Residential Development

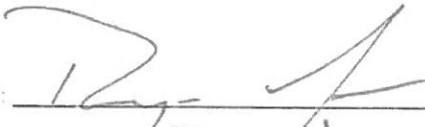
Feature	Description	Assigned Point Values	Project Point Values
	<ul style="list-style-type: none"> ▪ 80% of the power needs of the project ▪ 90% of the power needs of the project ▪ 100% of the power needs of the project 	46 52 58	
Off-Site Renewable Energy Project	The applicant may submit a proposal to supply an off-site renewable energy project, such as renewable energy retrofits of existing homes that will help implement renewable energy within the City. These off-site renewable energy retrofit project proposals will be determined on a case by case basis, and must be accompanied by a detailed plan that documents the quantity of renewable energy the proposal will generate. Point values will be determined, based upon the energy generated by the proposal.	TBD	
Other Renewable Energy Generation	The applicant may have innovative designs or unique site circumstances (such as geothermal) that allow the project to generate electricity from renewable energy not provided in the table. The ability to supply other renewable energy, and the point values allowed, will be decided based upon engineering data documenting the ability to generate electricity.	TBD	
Reduction Measure PS W1: Residential Water Conservation			
Irrigation and Landscaping			
Water Efficient Landscaping	Limit conventional turf to < 50% of required landscape area	0	
	limit conventional turf to < 25% of required landscape area	4	
	No conventional turf (warm season turf to < 50% of required landscape area and/or low water using plants are allowed)	6	
	Only California Native Plants that requires no irrigation or some supplemental Irrigation	8	
Water Efficient Irrigation Systems	Low precipitation spray heads < .75"/hour, or drip irrigation	2	
	Weather based Irrigation control systems or moisture sensors (demonstrate systems 20% reduced water use)	3	
Recycled Water	Recycled connections (purple pipe) to irrigation system on site	6	
Water Reuse	Gray water Reuse System collects Gray water from clothes washers, showers and faucets for Irrigation use,	12	
Storm Water Reuse Systems	Innovative on-site stormwater collection, filtration and reuse systems are being developed that provide supplemental irrigation water and provide vector control. These systems can greatly reduce the irrigation needs of a project. Point values for these types of systems will be determined based upon design and engineering data documenting the water savings.	TBD	
Potable Water			
Showers	Water Efficient Showerheads (2.0 gpm)	3	3
Toilets	Water Efficient Toilets (1.5 gpm)	3	3
Faucets	Water Efficient faucets (1.28 gpm)	3	3
Dishwasher	Water Efficient Dishwasher (6 gallons per cycle or less)	1	1
Washing Machine	Water Efficient Washing Machine (Water factor < 5.5)	1	
WaterSense	EPA WaterSense Certification	12	

Table 1: GHG Reduction Measures Screening Table for Residential Development

Feature	Description	Assigned Point Values	Project Point Values
Reduction Measure PS T1: Land Use Based Trips and VMT Reduction			
Mixed Use	Mixes of land uses that complement one another in a way that reduces the need for vehicle trips can greatly reduce GHG emissions. The point value of mixed use projects will be determined based upon a Transportation Impact Analysis (TIA) demonstrating trip reductions and/or reductions in vehicle miles traveled. Suggested ranges: <ul style="list-style-type: none"> Diversity of land uses complementing each other (2-28 points) Increased destination accessibility other than transit (1-18 points) Increased transit accessibility (1-25 points) Infill location that reduces vehicle trips or VMT beyond the measures described above (points TBD based on traffic data). 	TBD	
Residential Near Local Retail (residential only projects)	Having residential developments within walking and biking distance of local retail helps to reduce vehicle trips and/or vehicle miles traveled. The point value of residential projects in close proximity to local retail will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled (VMT)	TBD	
Other Trip Reduction Measures	Other trip or VMT reduction measures not listed above with TIA and/or other traffic data supporting the trip and/or VMT for the project.	TBD	
Reduction Measure PS T2: Bicycle Master Plan			
Bicycle Infrastructure	Ontario's Bicycle Master Plan is extensive and describes the construction on 11.5 miles of Class I bike paths and 23 miles of Class II and Class III bikeways to build upon the current 8 miles of bikeways.	TBD	
	Provide bicycle paths within project boundaries.	TBD	
	Provide bicycle path linkages between residential and other land uses.	2	
	Provide bicycle path linkages between residential and transit.	5	
Reduction Measure PS T3: Neighborhood Electric Vehicle Infrastructure			
Electric Vehicle Recharging	Provide circuit and capacity in garages of residential units for use by an electric vehicle. Charging stations are for on-road electric vehicles legally able to drive on all roadways including Interstate Highways and freeways	1	1
	Install electric vehicle charging stations in the garages of residential units	8	
Total Points Earned by Residential Project:			102

Certification

I, the undersigned, hereby certify that the statements and information provided in this **GHG Reduction Measures Screening Table**, and in any attached exhibits, present the data and information required for this application to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date: 11.13.17 Signature: 
Name (print or type): Ryan Jaeger



CITY OF ONTARIO MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development and Environmental], Traffic/Transportation Division,
Ontario Municipal Utilities Company and Management Services Department)

DATE: February 27, 2018

DAB MEETING DATE: March 19, 2018

PROJECT ENGINEER: Miguel Sotomayor, Associate Engineer *MS*
909-395-2108

PROJECT PLANNER: Henry Noh, Senior Planner
909-395-2429

PROJECT: PDEV17-056; A Development Plan to construct 229 single family dwellings within The Avenue Specific Plan. Related Files; Tract Map No. TM-18419.

APPLICANT: Western Pacific Housing, Inc. – D.R. Horton
LOCATION: Southeast corner of Archibald Avenue and Schaefer Avenue

This project shall comply with the requirements set forth in the General Standard Conditions of Approval adopted by the City Council (Resolution No. 2017-027) and the Project Specific Conditions of Approval specified herein. The Applicant shall be responsible for the completion of all conditions prior to issuance of permits and/or occupancy clearance.

1. The applicant/developer shall design and construct full public improvements as required by the Conditions of Approval for TM-18419, the Development Agreement by and between City of Ontario and Western Pacific Housing, Inc., and the La Avenida Construction Reimbursement letter dated October 12, 2017.
2. The applicant/developer shall obtain all required MDD Water Availability Certificates prior to building permit release. MDD certificates for 191 out of 229 units have been submitted (38 units still remaining).
3. The applicant/developer shall form a CFD as required by the conditions of approval for TM-18419.
4. The applicant/developer shall be responsible to design and construct in-tract and off-tract fiber

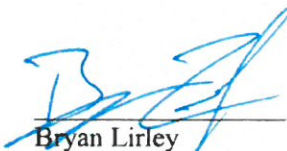


optic conduit system and connect to the existing fiber optic system per the Fiber Optic Master Plan.

5. CC&Rs: Tract map shall include a CC&R document that includes the following provisions (CC&R document shall be submitted with precise grading for review and approval of Ontario Municipal Utility Company):
 - A. Solid Waste Collections:
 - i. The Residential Refuse & Recycling Plan, revision dated 2/28/18, shall be included in the CC&R's with a provision that the HOA will enforce the can collections placement requirements of this Plan.
 - ii. The CC&Rs will include a specific provisions referencing the Residential Refuse & Recycling Plan, revision 2-28-18, and specifically requiring that:
 - a. Lot 184 shall place all solid waste cans in the alley adjacent to Lot 210 and facing Lot 183 for collections.
 - b. Lot 196 & Lot 197 shall place all solid waste cans in the alley adjacent to Lot 200 and facing Lot 198 for collections.
 - c. Lot 213 & Lot 214 shall place all solid waste cans in the alley adjacent to Lot 229 and facing Lot 212 for collections.
 - d. Lots 218 through Lots 225 shall place all solid waste cans in the alley between Lot 225 & Lot 226 for collections.
6. Solid Waste Collections: The Developer shall provide the buyers of Lot 184, Lot 196, Lot 197, Lot 213, Lot 214, and Lots 218 through Lot 225 an informational disclosure with map exhibit showing the designated can placement locations for collections for these lots, based upon the designated collections locations on the Residential Refuse & Recycling Plan, revision 2-28-18. This informational disclosure with map exhibit shall be submitted with Precise Grading Plan for review and approval of Ontario Municipal Utility Company.
7. Solid Waste Handling Plan (SWHP): The Residential Refuse & Recycling Plan, revision 2-28-18m shall be update and revised in to a SWHP and be submitted with Precise Grading Plan for review and approval of Ontario Municipal Utility Company. The SWHP shall follow the SWHP Guidance Document available from OMUC and shall have at minimum all the following elements:
 - A. SWHP Content and Format: The Solid Waste Handling Plan shall demonstrate compliance with the Services Standards in the City's Solid Waste Planning Manual (available online at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>) and shall contain, at a minimum, the following elements:
 - i. A statement identifying the Service Requirements being used (e.g. Single Family Detached with automated cans, Multi-family/ Commercial with bins, etc.) and describing the solid waste handling operation (for instance, will there be scouting services, etc.)




- ii. A table utilizing the metrics on Page 8 of the Planning Manual and calculating the volume (gallons or cubic yards), quantity, and service schedule for each type of can and bin required for each Service Category (refuse, recycled, etc.).
- iii. An Engineering Site Plan drawn to scale that shows :
 - a. A detail of the Solid Waste Vehicle with dimensions and annotation that states the minimum turning radii and path of travel widths actually being used on the plan.
 - b. The Solid Waste Vehicle turning movements and paths of travel in each direction of travel and at all intersections. All paths of travel shall be 15 feet wide minimum.
 - c. All parking stalls and parallel parking spaces along all streets, alleys, or aisles.
 - d. All proposed curbs and areas designated and striped/signed as "No Parking".



Bryan Lirley
Principal Engineer

3/7/18
Date



Khoi Do, P. E.
Assistant City Engineer

3-7-18
Date

- c: Khoi Do, P.E., Engineering/Land Development
Bryan Lirley, P.E., Engineering/Land Development



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Henry Noh, Senior Planner

DATE: November 16, 2017

SUBJECT: FILE #: PDEV17-056 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, November 30, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan to construct 229 homes on approximately 48.9 acres located on the southeast corner of Schaefer Ave and Archibald Ave, within Planning Area 6A of the Avenue Specific Plan (APNs: 0218-201-15 and 0218-201-44).

RELATED FILE: TRACT MAP 18419

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Department: Landscape Planning
Signature: Carolyn Bell
Title: Landscape Architect
Date: 12/14/17

**CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
303 East "B" Street, Ontario, CA 91764**

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
Carolyn Bell, Sr. Landscape Planner

12/14/17
Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PDEV17-056	Case Planner: Henry Noh
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Project Name and Location:
Avenida - The Avenue SP
SEC Schaefer and Archibald Ave

Applicant/Representative:
Western Pacific Housing - DR Horton – Rudy Provost
2280 Wardlow Ave ste 100
Corona, CA 92880

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | A Preliminary Landscape Plan (dated 11/7/17) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents. |
| <input type="checkbox"/> | A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval. |

CORRECTIONS REQUIRED

Civil/ Site Plans

- Site Plan sheets 2 and 3: Show 5' lettered lot between private property and sidewalk missing on the east side of Dryden ave, Lot 211, 199, 155, 156, 210, 185, 45, 38, 5, 21.
- Correct Archibald Ave section E-E, G-G and plan to show a 10' parkway, (not 21') 5' sidewalk and total 50' neighborhood edge.
- Correct Schaefer Ave section F-F, J-J and plan to show a 7' parkway, 5' sidewalk and adjacent 8' DG multi-purpose trail (not concrete).
- Correct La Avenida Dr sections H-H, O-O, Q-Q, P-P and plan to show a 7' parkway, 5' sidewalk and
- Show transformers on plan, and dimension a 4' set back from paving.
- Locate utilities including light standards, fire hydrants, and water and sewer lines to not conflict with required street tree locations 30' oc. Coordinate civil plans with landscape plans
- Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
- Show typical lot drainage detail with a catch basin and gravel sump below each before exiting property.
- Note and show on constriction plans: all AC units shall be located in residential side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side shall be added for access.

Landscape Plans

- Show all utilities on the landscape plans. Coordinate so utilities are clear of required tree locations.
- Provide an overall plan with street trees, front yard trees and a separation of HOA maintained

landscape from privately maintained landscape.

12. Irrigation systems shall provide separate valves for trees stream bubblers with pc screens.
13. Replace short lived, high maintenance, plants too large for site or poor performing plants: Rhus, Nassella, Westringia, Lantana, Senna artemisioides, Muhlenbergia rigens; Consider M. capillaris or dubia, Acacia aneura, Acacia willardiana, Achillea, Senecio, Fragaria, Bulbine, Juniper horizontalis 'Wiltonii'. Show shrub spacing equal to the mature diameter. Trees may have a 6' diameter of mulch only at base.
14. Note for agronomical soil testing and include report on landscape construction plans. For phased projects, a new report is required for each phase or a minimum of every 6 homes in residential developments.
15. Call out all fences and walls, materials proposed and heights.
16. Show concrete mowstrips to identify private ownership from HOA maintenance areas.
17. Typical lot drainage shall include a catch basin with a perforated bottom and gravel sump below each before exiting property.
18. Residential projects shall include a 30" wide solid surface walkway (concrete, pavers, etc.) on at least one side to access the back yard and to move equipment or trash receptacles.
19. Show 25% of trees as California native (Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, Sambucus Mexicana, etc.) in appropriate locations.
20. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
21. Provide phasing map for multi-phase projects.
22. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—5 or more acres	\$2,326.00
Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections per phase)	\$278.00
Inspection—Field - additional.....	\$83.00

Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Senior Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: December 13, 2017

SUBJECT: PDEV17-056 - A Development Plan to construct 229 dwellings on 48.9 acres of land located at the southeast corner of Schaefer and Archibald Avenues, within Planning Area 6A of the Avenue Specific Plan (APNs: 0218-201-15 and 0218-201-44). Related File: TT 18419

-
- The plan **does** adequately address Fire Department requirements at this time.
- Standard Conditions of Approval apply, as stated below.

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Varies (1,222 Sq Ft – 2709 Sq Ft)
- D. Number of Stories: 2
- E. Total Square Footage: Varies
- F. 2016 CBC Occupancy Classification(s): R

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on "Fire Department" and then on "Standards and Forms."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access 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 building plan check.
- 2.5 "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 obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1500 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, 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. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard Choose an item.. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 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. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-056
 Address: Southeast corner of Schaefer Avenue & Archibald Avenue
 APN: 0218-201-15 & 0218-201-44
 Existing Land Use: Vacant
 Proposed Land Use: Construct 229 single family residential homes
 Site Acreage: 48.9 Proposed Structure Height: 27 feet
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Henry Noh
 Date: 12/12/17
 CD No.: 2017-084
 PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input type="radio"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>200 ft +</u>	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP
 Consistent
 Consistent with Conditions
 Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

See attached Real Estate Transaction Disclosure condition:

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2017-084
PALU No.: _____

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: November 20, 2017
SUBJECT: PDEV17-056

-
- The plan **does** adequately address the departmental concerns at this time.
- No comments
- Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director
 Scott Murphy, Assistant Development Director (Copy of memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Paul Ehrman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, T. E., Traffic/Transportation Manager
 Lorena Mejia, Senior Planner
 Steve Wilson, Engineering/NPDES
 Joe De Sousa, Supervising code Enforcement Officer
 Jimmy Chang , IT Department
 David Simpson, IT Department (Copy of memo only)

FROM: Henry Noh, Senior Planner

DATE: November 16, 2017

SUBJECT: FILE #: PDEV17-056 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, November 30, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan to construct 229 homes on approximately 48.9 acres located on the southeast corner of Schaefer Ave and Archibald Ave, within Planning Area 6A of the Avenue Specific Plan (APNs: 0218-201-15 and 0218-201-44).

RELATED FILE: TRACT MAP 18419

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

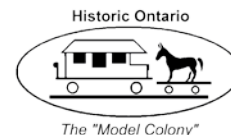
POLICE
Department

Douglas Sorel
Signature

MANAGEMENT
ANALYST
Title

12/5/17
Date

PLANNING / HISTORIC PRESERVATION COMMISSION STAFF REPORT



DATE: March 27, 2018
FILE NO: PHP18-003
SUBJECT: 2018 "Model Colony" Awards
LOCATION: Citywide
APPLICANT: City Initiated
PROPERTY OWNER: N/A

RECOMMENDATION:

That the Planning/Historic Preservation Commission approve the 2018 "Model Colony" Awards.


BACKGROUND:

In 2000, the City Council adopted the Model Colony Awards to recognize outstanding efforts to restore, rehabilitate, and preserve Ontario's historic places. This is the eighteenth consecutive year that the City has conducted the awards program. The award categories include: Restoration, Rehabilitation, John S. Armstrong Landscape, Founder's Heritage Award, George Chaffey Memorial, and Merit. Past Model Colony Award recipients included Ontario's schools, churches, single-family residences, historic multi-family properties, and joint public/private preservation projects.

There are 4 nominations this year which include 3 single-family residences and one commercial building. On March 8, 2018, the Historic Preservation Subcommittee (HPSC) reviewed the nominations. The 2018 Model Colony Awards will be presented to award recipients by the City Council during a special ceremony and reception on May 1, 2018.

2018 AWARD NOMINEES:

For their outstanding efforts in the field of historic preservation, the nominees are:

Case Planner:	Elly Antuna, Assistant Planner	Hearing Body	Date	Decision	Action
Planning Director Approval:		HPSC:	03/08/2018	Approve	Review
Submittal Date:	N/A	PC / HPC:	03/27/2018		Final
Hearing Deadline:	N/A	CC:	05/01/2018		Presentation

**Founder's Heritage Award:
Award Recipient:**

The Benton Ballou House
Dr. Stephen and Edith Wierzbinski

In 1920, Benton Ballou and his wife Alice contracted prominent local builders Campbell Construction Company to build this beautiful Prairie style house for a cost of \$16,000. Benton Ballou was one of Ontario's early pioneers and had extensive holdings in peach orchards in the lands east of Ontario. He also owned the patent on a peach pitting machine which was used in about 50 packing houses. Benton Ballou was the original owner of what today is known as Hofer Ranch. Paul B. Hofer, Sr. was Benton Ballou's nephew. Benton Ballou lived in this impressive house on Princeton until his death in 1957.



The two-story, Prairie style home sits on an oversized lot within the College Park Historic District. The Prairie style is one of the few indigenous American styles. This style of architecture is usually marked by its integration with the surrounding landscape. Horizontal lines were intended to unify the structure with the native prairie landscape of the Midwest. The Benton Ballou House is square in plan with a flat roof, has a decorative parapet surrounding the second story, wide overhanging eaves with curvilinear brackets, and is covered in stucco siding. Large square columns support a porch roof that extends along a portion of the primary facade. The home features multi-paned double-hung wood windows surrounded by decorative wood trim and a wide recessed front door. Also present on the property is a smaller, single-story dwelling and a detached 2-car garage, both were constructed in the same architectural style.

The interior of the home features a formal living room with a Batchelder fireplace containing tile panels displaying peacocks in a garden. The fireplace is flanked by original candelabra sconces. The dining room retains the original built in drawers and cupboards. The original hardwood floors, wood trim, bathroom tile, picture rail hanging system, doors and glass doorknobs are present throughout the home. The original furnaces and a whole house vacuum system are located in the ½ basement.

The current property owners purchased the home in 1971, and are the homes longest residents. For nearly half a century, the Wierzbinski's have lovingly cared for this home. Besides a kitchen remodel, some interior paint and the installation of solar panels on the detached garage, the home remains in its original state. Through the property owner's outstanding stewardship, this home remains an excellent example of the Prairie architectural style and a significant Contributor to the College Park Historic District.

Rehabilitation Award: Ontario Laundry Company
Award Recipient: Jose and Gloria Campuzano

This two-story commercial building, was constructed in the 1940s in the Streamline Moderne/Art Deco architectural style and was designated by Ontario City Council as Local Landmark No. 6 on June 6, 1995. The site was home to laundries since 1896 including the “Ontario Laundry Company” (est. 1911). The building was home to several tenants since serving as a laundry, most recently the building housed a variety of restaurants. In 2015, Jose and Gloria Campuzano leased the space to open a second restaurant, with the original “Gloria’s Cocina Mexicana” successfully operating in Downey, CA.



Construction commenced and in September 2015, a stop work notice was issued for unpermitted exterior alterations, including removal of the original Art Deco style blue tile on the base of the building façade. Soon after a Certificate of Appropriateness was approved for a rehabilitation project including certain exterior alterations. The building was painted in a period appropriate off-white color with black trim for contrast. All the original steel frame windows were repaired and the trim was painted black. The existing modern aluminum storefront doors were replaced with simple wood frame doors with glass and an Art Deco iron design. All exterior light fixtures were replaced with period appropriate wall lanterns and light posts.

The glazed ceramic tile that was removed from the building façade at the base had a distinct cobalt blue color with a unique beveled design. The applicant was able to find a tile that closely matched the original tile in material, size, shape, color and design. The replacement tile was installed in the same locations, orientation, and patterns as the original tile. New floor tile was installed in the outdoor patio area that once served as a driveway for the laundry, along with a trellis and a colorful mural depicting a ballet folklorico dancer. The planters were painted and landscaped with a variety of succulents.

The interior of the building was completely transformed to accommodate the proposed restaurant. Period appropriate light fixtures were installed throughout the building, the kitchen and restrooms were remodeled and new paint and finishes were applied. The rehabilitation project highlights the building’s unique Art Deco/Streamline Moderne features while creating a vibrant backdrop for the new use.

Award of Merit: The Henry C. Hamilton House
Award Recipient: Alexander and Leticia Mendez

The Henry C. Hamilton House is a two-story residence constructed in the Craftsman Bungalow architectural style. The home is situated on a corner lot within the El Morado Court Historic District, a well-established, single-family neighborhood that consists of many styles of homes, including Craftsman Bungalow, Pueblo, and Prairie Revival.



The two-story residence has identical front and side facing gables, wide overhanging eaves and exposed rafters. The gables are supported by 3 pair of ornately carved purlins. The home is clad in narrow clapboard wood siding, features a wraparound porch and an attached porte-cochere. Wood framed hung and fixed windows, a half glass wood entry door and multi-pane French doors are on the second story. The front porch is accented by Arts and Crafts style light fixtures. The interior of the home retains all the original wood flooring and trim, doors and hardware. Other unique features still intact include pocket doors and built in cupboards throughout the home.

A Mills Act Contract was recorded on the property in 2007 and all improvements had been completed prior to the current property owner's purchase. Some improvements completed under the Mills Act Contract include exterior and interior paint, repair of damaged wood siding and water damaged ceilings, and electrical repairs and upgrades. Although the building had been vacant for several years prior the most recent change in ownership, the home had been impeccably maintained and had many of the original features preserved and restored. The present owners purchased the home in 2017 primarily because of their fondness of historic buildings and the Craftsman style of architecture. The current property owners have continued to maintain and preserve this historic home and are excellent stewards.

Rehabilitation Award: 111 West J Street
Award Recipient: Jessie and Tina Rodriguez

The single-family residence located at 111 West J Street was constructed in the Craftsman Bungalow architectural style circa 1923. The two-story home features a low pitched gabled roof, with a wide eave overhang, exposed rafters and decorative beams at the gable ends. Other elements that are representative of the Craftsman style include horizontal wood siding, wood framed hung, fixed and multi-pane ribbon windows, and an impressive rock front porch with tapered rock columns.



In early 2014, a stop work notice was issued for unapproved work, including the partial demolition of an historic garage that was being lifted by the roots of an adjacent mature oak tree. Later that year a Certificate of Appropriateness was approved to legalize a second story addition, add a first floor deck and new French door, and to relocate and reconstruct the historic garage. The property changed owners in 2016 with several projects not completed, when Jessie and Tina Rodriguez were brought on to assist with the rehabilitation project. The Rodriguez's are no strangers to rehabbing historic buildings and have successfully rehabbed numerous historic homes in the surrounding communities.

The project team made a significant effort to preserve and restore many of the building's original features. Interior work included the installation of custom farm style kitchen cabinets with Carrara marble counter tops and a pressed tin backsplash. Original wood floors, trim and built-ins were refinished. The coffered ceiling in the living room was painted and refinished, highlighting the living rooms character. The bathrooms were completely remodeled with period appropriate tile and fixtures. Exterior work includes the repair and repainting of the original wood siding, trim and wood framed windows. The unpermitted second story addition at the rear of the residence was modified from a shed roof to a more appropriate gable roof, resulting in a seamless addition. The detached garage was repaired and moved 3 feet to the west of its original location, preserving in place the mature oak tree while retaining the historic garage on site. The front yard also received an update with new landscaping including flowers in the front porches planter wall.

COMPLIANCE WITH THE ONTARIO PLAN:

The Model Colony Awards Program is consistent with the principles, goals and policies contained in the following components of The Ontario Plan (TOP), including: (1) Vision, (2) Governance, and (3) Policy Plan (General Plan):

[1] City Council Priorities

Goals:

- Invest in the Growth and Evolution of the City's Economy
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities.

[2] Vision

Distinctive Development

- Development Quality: A community that is so well maintained and litter-free that its properties uniformly convey a sense of prosperity that is readily apparent and a symbol of community pride.

Dynamic Balance

- An appreciation for the “personality and charm” of this community, preserving important characteristics and values even as growth and change occur, all the while retaining a distinctive local feel where people love to be.

[3] Governance

Governance – Decision Making

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices
 - G1-1 Consistency with Policies. We require that staff recommendations to the City Council be consistent with adopted City Council Priorities (Goals and Objectives) and the Policy Plan.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

[4] Policy Plan (General Plan)

Community Design – Image & Identity

- Goal CD1: A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses
 - CD1-3: Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

Community Design – Historic Preservation

- Goal CD4: Historic buildings, streets, landscapes and neighborhoods, as well as the story of Ontario's people, businesses, and social and community organizations, that have been preserved and serve as a focal point for civic pride and identity.
 - CD4-6: Promotion of Public Involvement in Preservation. We engage in programs to publicize and promote the City's and the public's involvement in preservation efforts.
 - CD4-7: Public Outreach. We provide opportunities for our residents to research and learn about the history of Ontario through the Planning Department, Museum of History and Art, Ontario and the Robert E. Ellingwood Model Colony History Room.

Community Design – Protection of Investment

- Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
 - CD5-4: Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.



**PLANNING COMMISSION
STAFF REPORT**
March 27, 2018

SUBJECT: A Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. APN: 0216-081-25; **submitted by Fast 5 Xpress Car Wash.**

PROPERTY OWNER: Azorean Grove Investments

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PCUP17-021 and PDEV17-046, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 0.93 acres of land located at 2345 S. Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan, and is depicted in **Figure 1: Project Location**, below. The project site is currently developed with a restaurant, which will be demolished to accommodate this project. The property to the north of the site is within the Commercial land use designation of the Grove Avenue Specific Plan, and is developed with a self-storage facility. The property to the east of the site is within the Mobile Home Park (MHP) zone, and is developed with mobile home residential units. The property to the south of the site is within the Commercial land use designation of the Grove Avenue Specific Plan, and is developed with a hotel. The property to the west of the site is within the Community Commercial (CC) zone, and is developed with a retail commercial center.



Figure 1: Project Location

Case Planner:	Alexis Vaughn	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	3/19/18	Approve	Recommend
Submittal Date:	9/14/17	ZA			
Hearing Deadline:		PC	3/27/18		Final
		CC			

PROJECT ANALYSIS:

[1] Background — On October 7, 1987, the Development Advisory Board approved a Site Plan (File No. 3679-S) for a 5,150 square-foot restaurant and a request for a shared parking and access plan with the neighboring property to the south (Country Inn Hotel).

On September 14, 2017, Fast 5 Xpress submitted a Development Plan to construct a 4,500 square-foot self-serve carwash in conjunction with a Conditional Use Permit, within the Commercial land use district of the Grove Avenue Specific Plan. The Grove Avenue Specific Plan requires Conditional Use Permit review for full-service and self-service carwashes. The Ontario Development Code requires the Planning Commission to review Conditional Use Permits in conjunction with Development Plans.

On March 19, 2018, the Development Advisory Board reviewed the subject applications and recommended that the Planning Commission approve the proposed project, subject to the departmental conditions of approval included with this report. The proposed project's pertinent site and development statistics are listed in the Technical Appendix of this report.

[2] Site Design/Building Layout — The existing 5,150 square-foot restaurant (Royal Cut) and parking lot will be demolished in order to accommodate the proposed project. The project proposes a 4,500 square-foot self-service carwash, arranged in an east-west configuration. The proposed floor plan includes an electric room, an equipment room, a wash tunnel, an office, a small restroom for customers, and a small detached sales office (see **Exhibit C: Floor Plan**). The sales office will be stationed on an island between the two drive aisles. There are two drive aisles proposed for patrons to enter, one of which will be for pre-paid members and the other for pay-per-visit customers. The sales office will allow for staff to take payment transactions and guide patrons toward the wash tunnel (see **Figure 2: Site Plan**, below).

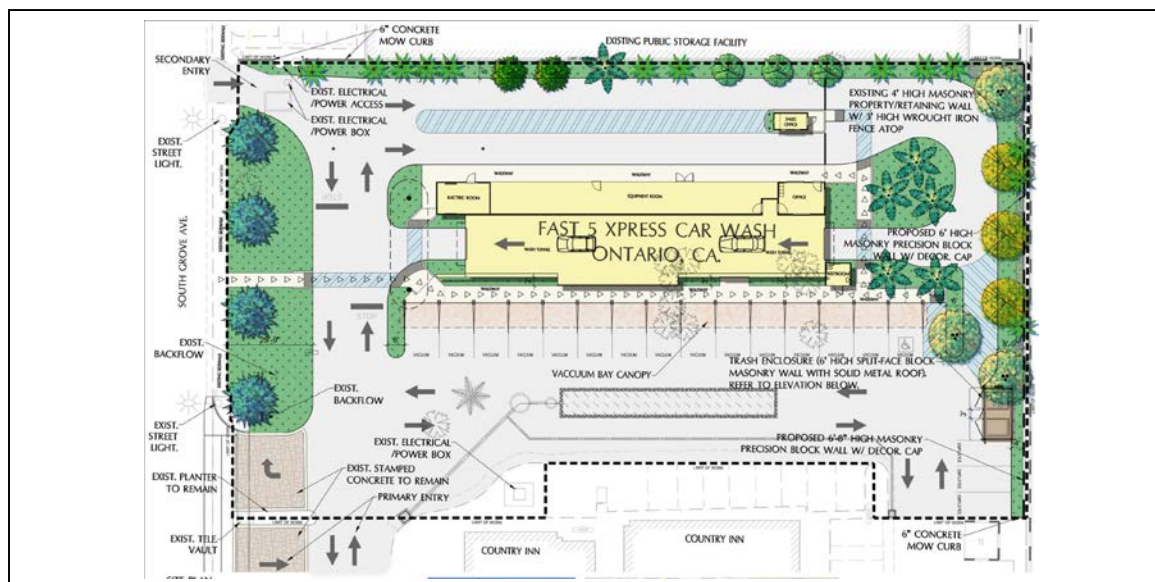


Figure 2: Site Plan

The applicant has made efforts to isolate significant noise-generating elements away from the adjacent sensitive uses (residential mobile home park and hotel). The equipment room, which houses systems for both the carwash tunnel as well as the motor system for the vacuums, is on the north end of the building, facing the existing self-storage facility. The exit of the tunnel, the largest producer of noise, is oriented toward Grove Avenue (approximately 195 feet from the east property line). The vacuum stalls are directly adjacent to the south elevation of the building, and are located approximately 75 feet away from the hotel's north façade (See **Exhibit B: Site Plan and Conceptual Landscape Plan**). The vacuum station compressors will be conditioned to include "silencers", with the motor for the vacuums located within a fully-enclosed equipment room (located approximately 85 feet from both the south and east property lines) to minimize noise impacts to adjacent sensitive uses. An eight-foot block wall will be constructed for additional noise abatement, as well as for security purposes for the adjacent residential units.

[3] Noise Study — Per the City of Ontario's Municipal Code, the allowed equivalent noise level for Mobile Home Parks and for Commercial Property is 65 dBA from 7 a.m. to 10 p.m., unless the ambient noise exceeds the respective City noise limit.

On November 15, 2017, Advanced Engineering Acoustics prepared a noise study for the project during the peak noise hours between 7:15 a.m. and 9:30 a.m. (See **Exhibit H: Acoustic Analysis**) The study revealed that the current ambient noise levels (without the proposed carwash) along the eastern property line, adjacent to the Mobile Home Park, were generally below the allowable noise standard of 65 dBA for a Mobile Home Park use. However, the study also observed spikes above 65 dBA, particularly at 8:15 a.m., when the noise level increased to a high of 87.3 dBA with an average of 66.7 dBA. The noise study also looked at the existing ambient noise levels along the south property line, adjacent to the Country Inn Suites Hotel. The study indicated that the current ambient noise levels were generally in excess of the 65 dBA threshold for commercial uses, with an observed high of 92.2 dBA and an average of 70.3 dBA at 9:00 a.m. The study also determined that the existing increase in ambient noise levels (spikes) for residential and commercial uses above 65 dBA were due to the drive-by traffic along Grove Avenue and the I-60 freeway during peak time hours (7:15 a.m. to 9:30 a.m.).

The analysis concluded that the combination of the existing ambient noise and the proposed daytime operations of the carwash would not exceed the Mobile Home Park and commercial noise limits of 65 dBA, provided that certain operational recommendations be incorporated into the project: carwash staff is to enforce that car radios be turned off while at the carwash, including while patrons are using the vacuums and compressed air nozzles to strip off excess water; and the provision of on-site signage to state this condition and to give consideration for the neighboring properties. These recommendations have been incorporated within the conditions of approval for the project.

Staff has placed additional conditions on the project to help mitigate any other potential issues due to noise, such as no noise permitted prior to 6:50 a.m. for setup, ensuring that the mechanical equipment room doors remain closed during operational hours, and that the vacuum station compressors be equipped with “silencers”, which have been provided for the Monrovia Fast 5 Xpress location with a similar type of project location (adjacent to a hotel, Mobile Home Park, and commercial uses).

Since the acoustical analysis was performed, staff has required certain changes to the project that have been incorporated to further help to mitigate any potential impacts to the ambient noise level. These changes include the requirement of an 8-foot wall along the eastern property line adjacent the Mobile Home Park and the elimination of two vacuum stations which were originally located directly adjacent to the Mobile Home Park.

[4] Site Access/Circulation — Access to the site is provided by a 16-foot enter-only drive aisle at the northwest corner of the project site and a shared 60-foot ingress/egress drive aisle that runs east-west along the southern portion of the project site on the western property line. There are two drive aisles proposed for patrons to enter, one of which will be for pre-paid members and the other for pay-per-visit customers. Patrons will enter the carwash tunnel on the east and exit on the western end, and may either leave the site or pull around to utilize the vacuum stations.

[5] Parking — The project has provided off-street parking pursuant to the “Car Washes, Full-Service and Self-Service” parking standards specified in the Development Code. The off-street parking calculations for the Project are as follows:

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Car Washes, Full-Service and Self-Service	4,500 SF	One space per employee, minimum 10 spaces; plus required parking for accessory uses (i.e., motor vehicle repair and service, and retail uses).	10	18
TOTAL	4,500 SF		10	18

The project is required to provide a minimum of 10 off-street parking spaces pursuant to the parking standards specified in the Development Code and has provided 18 spaces, exceeding the minimum standards. 15 of the stalls include vacuum stations, and three standard parking spaces have been provided for employee parking.

[6] Architecture — The project includes two buildings, one which incorporates the office, wash tunnel, restroom, and mechanical rooms, and the other acting as a small sales office. The two buildings feature a simple and modern commercial style, utilizing the following architectural treatments (see **Exhibit D: Elevations**):

- White stucco panels with vertical reveal lines;
- Orange metal awnings;
- Horizontal and angled metal parapets with a contrasting blue band at the base;
- Standing seam metal roof; and
- A decorative architectural element at the carwash tunnel exit along the west elevation, displaying signage for the building. In addition, 15 canopies will be provided for the vacuum stalls, as shown in **Figure 3: Vacuum Bay Canopy**, below.

[7] Landscaping — The project provides landscaping along the street frontage, the perimeter of the site as appropriate, and along the drive aisles and parking spaces. The Grove Avenue Specific Plan requires parcels fronting Grove Avenue, south of Belmont Avenue, to provide a substantial front landscape buffer, with a 25' average and 20' minimum. The project is proposing 29'-9" front landscape buffer, including the parkway. The Specific Plan also requires a minimum of 15% landscaping coverage, and 18% will be provided, exceeding the minimum requirements (see **Exhibit B: Conceptual Landscape Plan**). The project will maintain approximately half of the existing mature trees on site, including two Paper Bark trees and 17 Queen Palms (one California Fan Palm and 18 Queen Palms will be removed to accommodate the new building, parking, and drive aisles). The landscape plan proposes a variety of new trees and shrubs throughout the site, including:

- 3 x Paper Bark Trees (48" box);
- 4 x Canary Island Pine Trees (36" box);
- 3 x Coast Live Oak Trees (36" box);
- 6 x Queen Palm (12' BTH);
- 3 x Brisbane Box Trees (36" box); and
- An assortment of low-water-use 5- and 1-gallon shrubs and vines.



Figure 3: Vacuum Bay Canopy

[8] Conditional Use Permit – Pursuant to the Grove Avenue Specific Plan, Conditional Use Permit (CUP) review is required for “full-service and self-service carwashes” within the Commercial land use designation. The intent of a CUP application and review is to ensure that the proposed use will be operated in a matter consistent with all local regulations, and to ensure the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity. The applicant, Fast 5 Xpress, has been successfully operating self-service-style carwashes at approximately 10 other locations in Southern California. Fast 5 Xpress is in the planning stages for an additional 10 locations, including the City of Ontario.

Fast 5 Xpress operates an “express car wash”, which is a cross between a traditional automated gas station carwash tunnel and a self-service carwash. The proposed project carwash tunnel utilizes higher-quality technologies than traditional automated tunnels to wash and dry. All water used on site is filtered and recycled, and all grease, oils, and solids are collected onsite and hauled to an offsite environmental waste collection center. Customers are able to utilize free vacuums to clean the inside of their vehicle, and a vending machine with items such as air fresheners, trash bags, and cleaning wipes is adjacent to the vacuum stations for added convenience. The average wait time for a wash and dry is five minutes or less from start to finish, with typical Fast 5 Xpress locations servicing an average of 650 patrons per day. Washes vary from \$6 to \$16, depending on features and finishing options. Club membership packages are also available, from \$19.99 to \$39.99 per month.

Fast 5 Xpress employs 3-4 people per location, including a greeter who welcomes customers with gifts such as free coffee, stickers for kids, and biscuits for dogs; a loader who guides customers into the tunnel and checks cars for pre-existing damage; and a manager and/or assistant manager who is responsible for customer service, site pickup and maintenance, and ensuring customer compliance with site rules such as no loud music coming from cars while vacuuming or idling in line. General hours of operation are from 7:00 a.m. to 8:00 p.m., with winter hours from 7:00 a.m. to 7:00 p.m., seven days a week.

[9] Public Comments and Community Meeting – On January 9, 2018, the Planning Department sent a notice of proposed project to the community, including the entire Mobile Home Park community located to the east of the project site. Staff received 18 written comments and six phone calls regarding the project. The Planning Department conducted a community meeting on Tuesday, February 20, 2018, at the Rancho Ontario Mobile Home Park’s community center. The purpose of the neighborhood meeting was to review the Development Plan and Conditional Use Permit with the surrounding residents, answer any questions, and receive comments on the proposed project. A total of 23 people signed in at the meeting. The following is a list of concerns which were raised by attendees, along with staff responses:

a) **SAFETY**

- *Several residents stated that they were concerned about drug use, crime, and prostitution at the adjacent hotel (Country Inn, 2359 S. Grove Avenue) that could potentially also occur on the project site. Additionally, they stated their concerns with homeless encampments on adjacent parcels (Public Storage, 2249 S. Grove Avenue and Office Depot, 2205 S. Grove Avenue to the north; the Country Inn Hotel and freeway to the south) that could potentially spread to the project site.*

Staff response – Planning staff referred concerns regarding drug use, crime, prostitution, and homeless encampments to the Police Department to follow up on and address as necessary. These issues are pre-existing to the area and the Ontario Police Department is aware of these issues and is working to address these concerns. Staff has conditioned that the project site comply with all applicable requirements of the Ontario Municipal Code regarding public safety and building security standards (including proper site lighting), shall maintain the site free of graffiti and vandalism, and shall promptly report any criminal activities to the Ontario Police Department. Further, the applicant has stated that he is committed to a graffiti- and crime-free site, and will implement changes as necessary to serve as a deterrent. Lastly, the Ontario Police Department has conditioned that a video surveillance system be installed on site.

- *Residents expressed that the existing six-foot walls and fencing adjacent to the Mobile Home Park are insufficient for security, as vagrants and trespassers may easily hop the walls.*

Staff response – The City has conditioned that the project provide an eight-foot wall along the east property line on the project site, which will both help deter trespassers as well as reduce noise impacts to the adjacent Mobile Home Park site. The walls north of the project site to Philadelphia Avenue and south of the project site to the freeway will remain as-is, at approximately six feet high; however, the Ontario Police Department has been alerted to concerns from adjacent residents regarding property safety.

- *Residents issued concerns about nighttime security, when the carwash facility is closed.*

Staff response – The project has been conditioned to provide nighttime security lighting per the Ontario Municipal Code standards. Additionally, the building will be locked and secured at night, including the wash tunnel. The vacuum stations' motors will be deactivated, so that no person may utilize

the site after-hours. Further, the Ontario Police Department has conditioned that a video surveillance system be installed on site.

b) NOISE:

- *Residents were concerned that the general car wash operations (i.e. vacuums, blowers, loud radios, etc.) will increase the already-significant ambient noise of the area due to the freeway and Grove Avenue.*

Staff response – As previously discussed in this report, a noise study was prepared for the project (See **Exhibit H: Acoustic Analysis**). The analysis concluded that the combination of the existing ambient noise and the proposed daytime operations of the carwash would not exceed the Mobile Home Park and commercial noise limits of 65 dBA, provided that certain operational recommendations be incorporated into the project:

- Carwash staff is to enforce that car radios be turned off while at the carwash, including while patrons are using the vacuums and compressed air nozzles to strip off excess water.
- The carwash is to provide on-site signage to state this condition and to give consideration for the neighboring properties.

Staff has placed additional conditions on the project to help mitigate any other potential issues due to noise, such as:

- No noise permitted prior to 6:50 a.m. for setup.
- Carwash staff is to ensure that the mechanical equipment room doors remain closed during operational hours.
- The vacuum station compressors are to be equipped with “silencers”, which have been provided for the Monrovia Fast 5 Xpress location with a similar type of project location (adjacent to a hotel, Mobile Home Park, and commercial uses).
- The installment of an 8-foot wall along the eastern property line adjacent the Mobile Home Park.
- The elimination of two vacuum stations which were originally located directly adjacent to the Mobile Home Park.

c) TRAFFIC:

- *Concerns were raised that the car wash will cause an increase of traffic on Grove Avenue, especially during peak hours. Additionally, residents were concerned about the ability of vehicles to enter and exit the driveways safely, as well as the adequacy of on-site queueing for the car wash so that cars will not overflow onto Grove Avenue.*

Staff response – The applicant has stated that the majority of customers visiting the site will be spontaneous in nature rather than regionally drawn to the site, including persons already in the adjacent shopping areas or those already in transit along Grove Avenue. Further, Traffic Engineering staff has reviewed a queueing study provided by the applicant, which demonstrates that on-site queueing is sufficient to meet the worst-case scenario and that vehicles should not back up onto Grove Avenue. Staff has also required a condition of approval that the driveway at the northwest corner of the site be closed by staff, should the on-site queueing have cars stacked within 40 feet of the public right-of-way line.

d) ENVIRONMENTAL:

- *Residents raised concerns about chemicals, detergents, grease, and oil generated by the facility permeating into the soil and storm drains.*

Staff response – The facility is equipped with certified underground tanks which collect all residue from the car wash. A specialty waste management company comes once a month to clean out the tank and haul the waste off-site for treatment. Additionally, all of the detergents used on-site are biodegradable, and that water used for washing cars is treated and recycled for re-use in the wash bay.

- *Several residents were concerned about air quality due to dust from construction (this project site and others), as well as chemicals from the car wash operations.*

Staff response – For all new development projects, standard conditions of approval dictate that specific mitigation measures must be met for all project sites, to reduce fugitive dust and dirt from leaving a project site. In addition, any complaint regarding fugitive dust would be forwarded to the local Air Quality Management District, or “AQMD”. The applicant stated that there would be no smell or mist permeating outside the car wash bay.

e) ZONING/LAND USE:

- *Residents were concerned that there is an abundance of car washes in the area, and a lack of good restaurants. Additionally, a resident expressed concern that the City was pushing the restaurant out of business, and that the City was not choosing the best use for the site.*

Staff response – City staff is bound by zoning regulations and The Ontario Plan when making decisions on projects. Staff explained that, since the property does not belong to the City of Ontario, the City does not have control over the current business leaving or the property being sold to any particular company. As car washes are a conditionally-permitted use for the Commercial land use designation of the Grove Avenue Specific Plan, the applicant has the right to apply for permits for their project, and the City has the right to impose certain conditions of approval on the project to help minimize any potential impacts. Additionally, the current property and restaurant owner is interested in retiring and is looking for the best bid for his land. He retains the right to sell his property to anyone, whether the buyer is interested in building another restaurant, a car wash, or any other type of permitted use in the Specific Plan. The applicant explained that, while other types of car washes may exist in the area, there is currently no competition for the proposed type of car wash here. He also explained that his company worked directly with a property broker, who suggested the site. He said that neither he nor City staff approached the owner of Royal Cut Restaurant directly asking him to sell.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Governance.

Decision Making:

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

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

[3] Policy Plan (General Plan)

Land Use Element:

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

Community Economics Element:

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

➤ CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

➤ CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

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

Community Design Element:

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

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

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

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

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

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

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

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the 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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions described in this section.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Restaurant	General Commercial (0.4 FAR)	Grove Avenue Specific Plan	Commercial
<i>North</i>	Self-Storage Facility	General Commercial (0.4 FAR)	Grove Avenue Specific Plan	Commercial
<i>South</i>	Hotel	General Commercial (0.4 FAR)	Grove Avenue Specific Plan	Commercial
<i>East</i>	Mobile Home Park	Low-Medium Density Residential (5.1-11 du/ac)	Mobile Home Park	N/A
<i>West</i>	Retail Commercial Center	General Commercial (0.4 FAR)	Community Commercial	N/A

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	0.93 Acres	N/A	
<i>Lot/Parcel Size:</i>	0.93 Acres	N/A	
<i>Building Area:</i>	4,500 square feet	N/A	
<i>Floor Area Ratio:</i>	0.11	0.4 (Max.)	Y
<i>Building Height:</i>	22 feet	35 feet (Max.)	Y

Off-Street Parking:

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Car Washes, Full Service and Self Service</i>	4,500 SF	One space per employee, minimum 10 spaces; plus required parking for accessory uses (i.e., motor vehicle repair and service, and retail uses).	10	17
TOTAL	4,500 SF		10	17

Exhibit A: Project Location Aerial



Exhibit B: Site Plan and Conceptual Landscape Plan

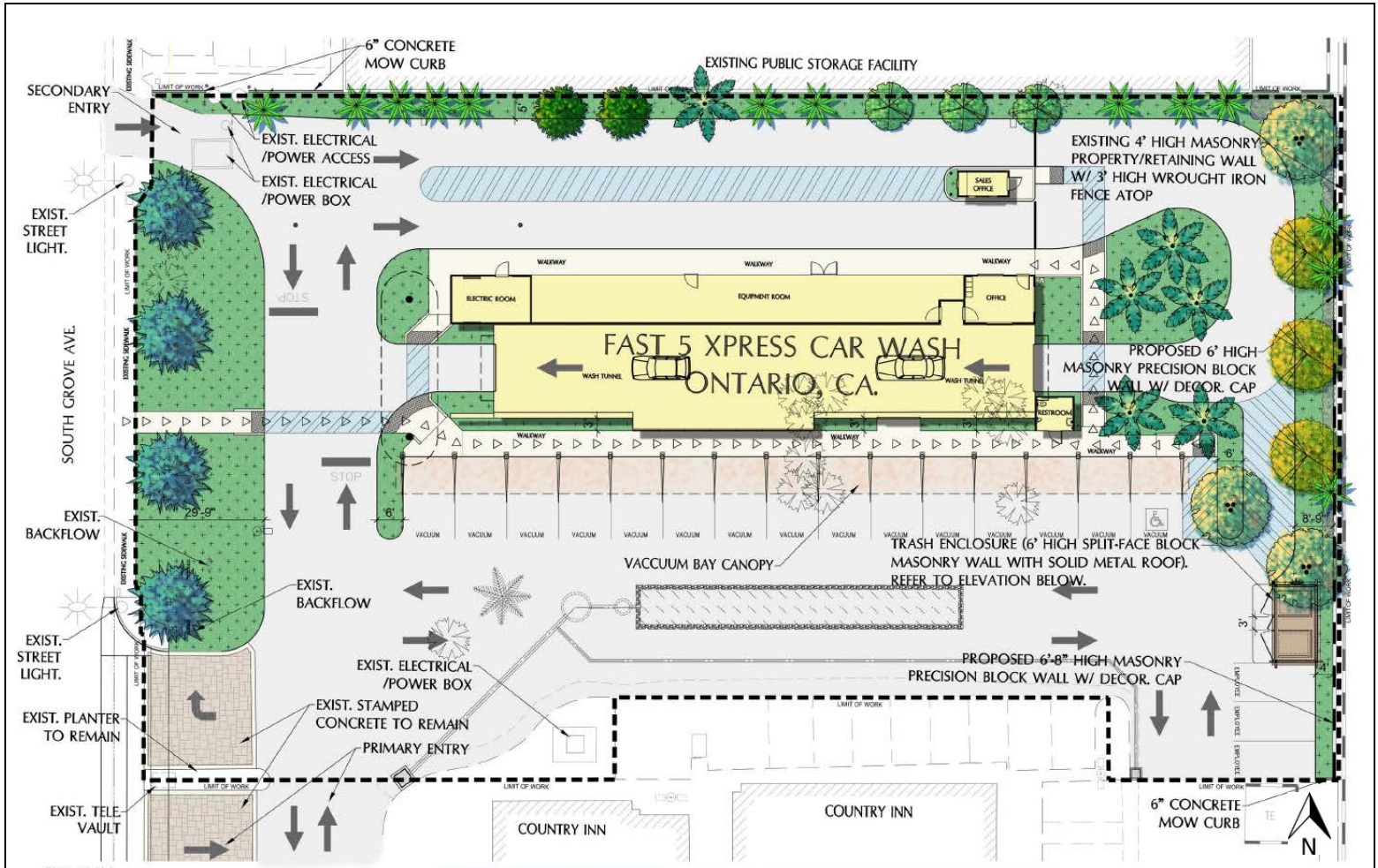


Exhibit C: Floor Plan

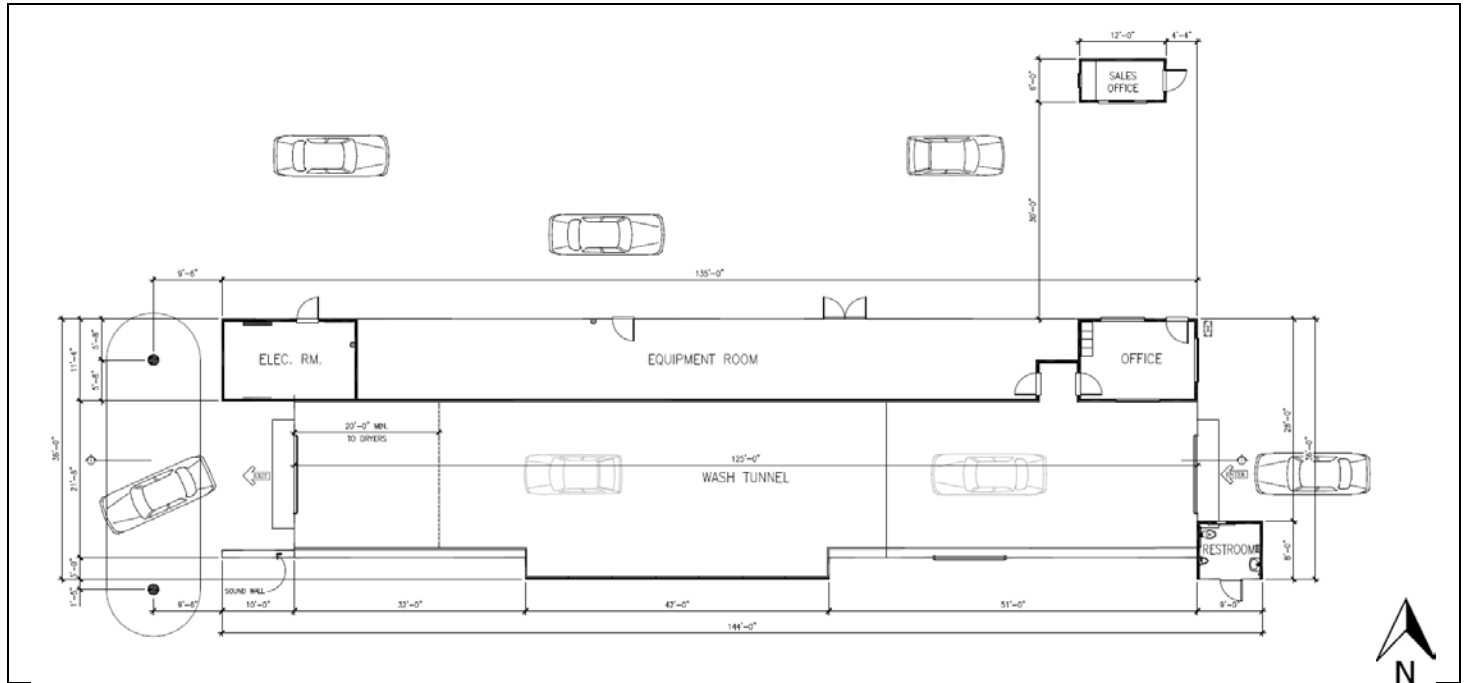


Exhibit D: Elevations

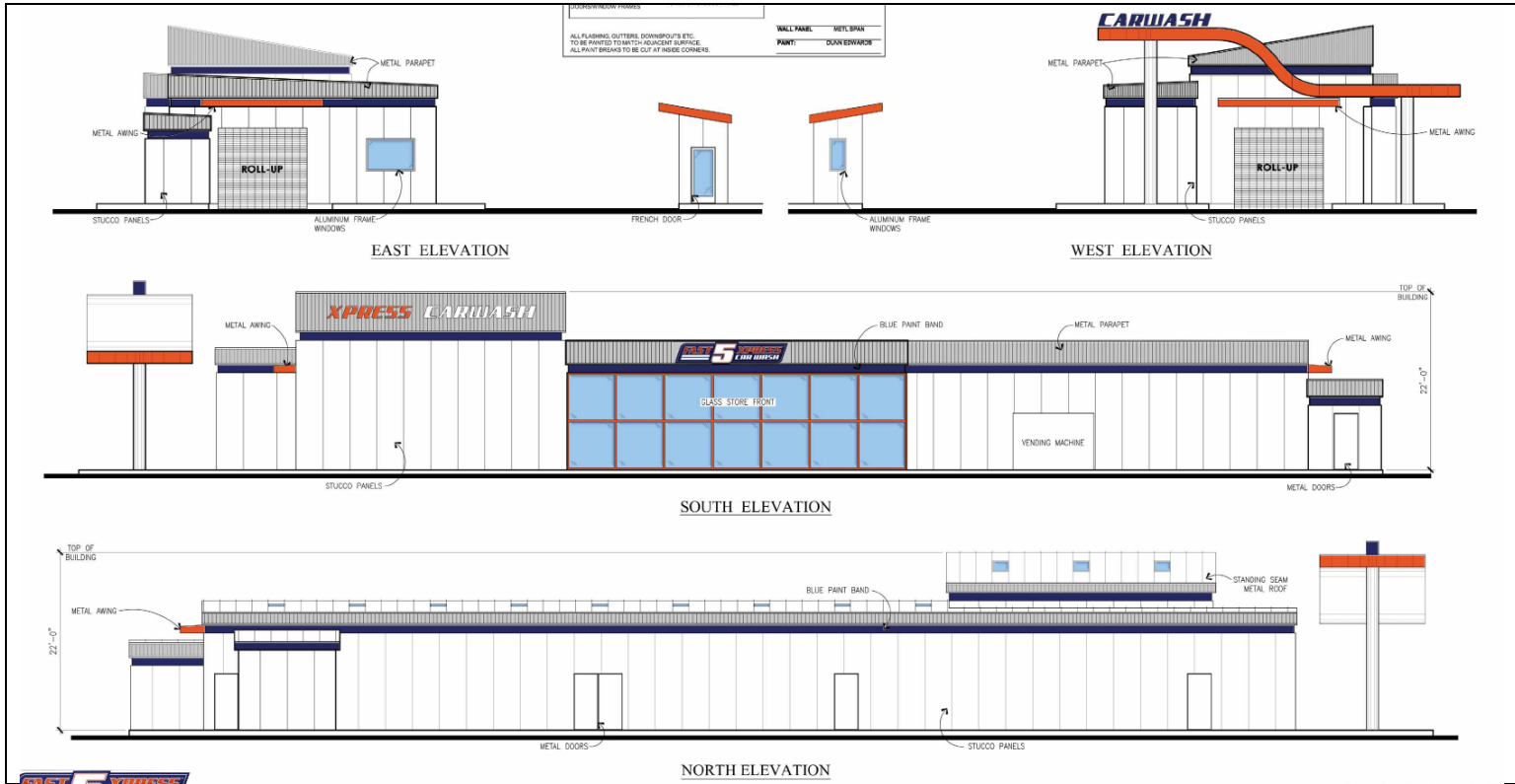


Exhibit E: Abated Worst Noise Contours

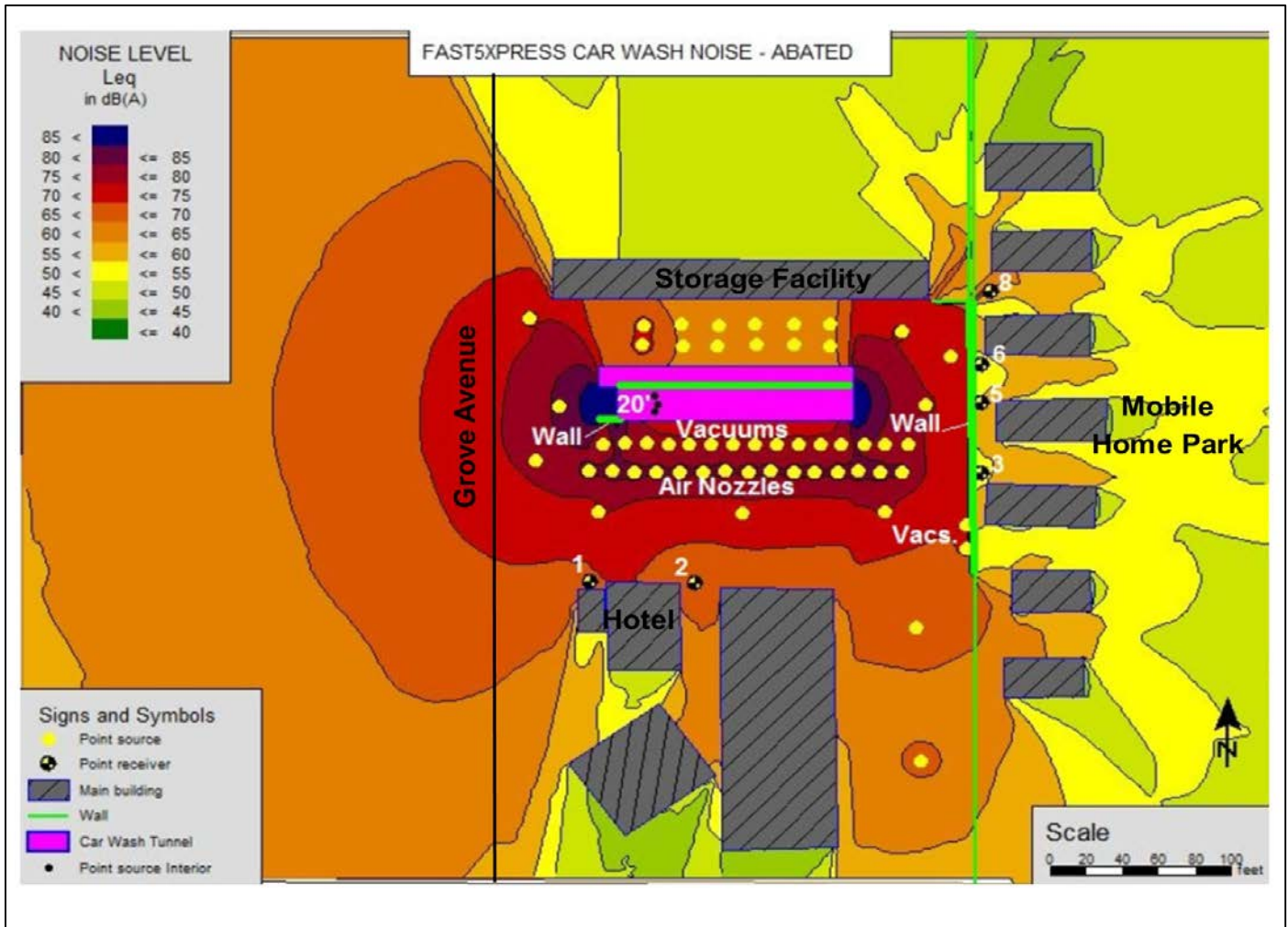


Exhibit F: Public Comments Received

(Public comments to follow this page)

Today, Friday, January 19, 2018, is the DEADLINE

Email your comments NOW

Stop the Car Wash replacement of Royal Cut Restaurant

Yes, you read that right, the below NOTICE we all received just two(2) days ago is forewarning us that a Drive-Thru Car Wash is replacing Royal Cut Restaurant!

The property where Royal Cut sits has already been sold, we can't stop the demise of Royal Cut; but we CAN stop a Drive-Thru Car Wash from going in; but we have to Comment NOW

We CAN force Public Hearing and Stop a Crime Magnet from happening Gangs, drug dealers, & the like hang out at these Drive-Thru car washes...Do you want that?

What about the little value we have left in our homes, what do you think will happen if this Car Wash comes to pass?

Email your Comments Now; Today (01/19/2018) is the Deadline:
Alexis Vaughn, Assistant Planner
avaughn@ontarioca.gov

Call with your Comments Now; Today (01/19/2018) is the Deadline
Alexis Vaughn, Assistant Planner
(909) 395-2418

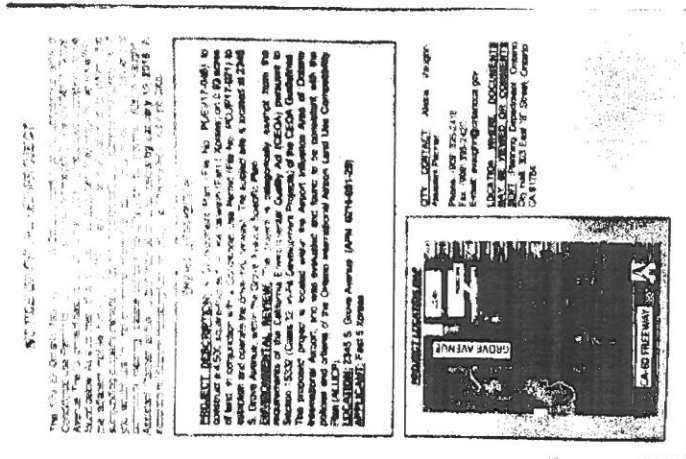
Fax your Comments Now, today (01/19/2018) is the Deadline
Alexis Vaughn, Assistant Planner
Fax: (909) 395-2420

Stop the creation of Crime Magnet in our backyard

Stop the creation of another reason for our home values to drop; let alone value demise it can cause Rancho Ontario Mobile Home Park as a whole; as a Community.

Unite!

Stop the Car Wash!!



*No CAR WASH PLEASE.
THANK YOU*

FAX COVER SHEET

TO	HenryNoh
COMPANY	CityofOntario, Planning Dept
FAXNUMBER	19093952420
FROM	StevenKalla
DATE	2018-01-19 22:17:55 GMT
RE	PlannedDevelopment(PDEV17-046)

COVER MESSAGE

The Notice was received via US Mail on 01/17/2018; but noted therein was a Deadline for Comments/Questions of Today, 01/19/2018. All Comments/Questions, per the Notice, were to be directed to what turns to be someone who is not in the office today (Alexis Vaughn): whose Auto-Reply says she will not be back in the office until January 31, 2019.

In order to comply with the Deadline and avert my Email from laying dormant in Ms. Vaughn's Inbox, I am exercising one of the other options: fax. Please see attached

Thank you

StevenKalla

From: Alexis Vaughn <AVaughn@ontarioca.gov>
To: Steven Kalla <sdkpi@verizon.net>
Subject: AutomaticreplyProposedProject(DevelopmentPlanPDEV17-046)
Date: Fri,Jan19,20181:42pm

Hello,

I am out of the office and am expected to return on Wednesday, January 31, 2018. If you require immediate assistance, please contact the Planning Department directly at (909) 395-2036, or, if your question is related to a specific project, you may contact my supervisor, Henry Noh, at (909) 395-2429.

Thank you,

Alexis Vaughn
Assistant Planner
Planning Department
City of Ontario

From: Steven Kalla <sdkpi@verizon.net>
To: av Vaughn <avaughn@ontarioca.gov>
cc: clb68@clb68@aol.com;sdkpi@verizon.net
Subject: Proposed Project. (Development Plan PDEV17-046)
Date: Fri,Jan19,20181:40pm

To whom it may concern:

First of all, I would have written sooner but I did not receive the Notice until Wednesday 01/17/2018; and, upon 2nd review last night I noted today's deadline for contact; so, please forgive if my thoughts are not well presented.

However, my wife and I are very much opposed to this planned usage for 2345 S. Grove Ave (APN 0216-081-25) where the current Royal Cut Restaurant sits. My wife and I live at the Rancho Ontario Mobile Home Park; we have been here for twelve (12) years as of March 6th. We have enjoyed the peace and tranquility, as best as possible with the increasing development surrounding this Park that once was an oasis.

We're not opposed to growth; and, the development that growth brings. We're not opposed to the right of a Business Owner to sell his business & land; and, move on. That's all fine. However, the planned usage of this parcel seems to me to be contrary to the protection of Senior Citizens. As you are aware, Rancho Ontario Mobile Home Park is a Seniors only community of some 450 units. Therefore, at least 450 Senior Citizens live here; probably closer to 600 when you consider most do not live alone. Ownership of this park elected to modify the methodology of security here; and, frankly its less oversight than before. No, that's not your concern, but addresses the planned usage of said parcel, that will attract a different demographic & activity than a fine dining restaurant does. Is that safe for neighboring 600+ Senior Citizens?

Eliminating a Fine Dining establishment in favor of a Drive-Thru car wash is not in the best interest of neighboring Senior Citizens. Not only do these Senior Citizens homes back right up to this parcel; these Seniors will have to forge through the increased traffic uses this kind of usage will bring; leading to potentially more traffic accidents; thus, potential more injured Seniors. What about this planned usage's hours of operation as it relates to noise levels for the Senior Citizen residents of Rancho Ontario Mobile Home Park, especially those whose backyards are right up against the wall of this planned usage's parcel.

I, frankly, have not had the time to find another location of this corporation to see what it looks like or its activity; but, I perceive it to be very similar to the one already nearby on the north side of Holt just east of Grove. But, the activity

I've witnessed there is less conducive to a peaceable, tranquil and safe lifestyle that Senior Citizens seek & deserve; and, there are 600+ Senior Citizens whose safe, tranquil community abuts this parcel.

The Royal Cut Restaurant is housed in a beautiful structure, it is very attractive and dresses up the area; will a Drive-Thru Car Wash do the same for this neighborhood? Mobile/Modular Homes by nature have a Market Value challenge; a neighboring Drive-Thru Car Wash in lieu of a neighboring Fine Dining establishment, next door, will only make that Market Value challenge even more difficult to manage.

And, what about the Hotel/Motel next door; wouldn't it be better served by a retail or food establishment rather than a dirty noisy vehicle service establishment? Demographics of patrons to the Hotel/Motel will change; thus, increasing the crime and lack of safety for the neighboring Senior Citizens.

I realize this Email can in no way overturn the decision; but it is a vessel to formally request a Public Hearing; and, allow the residents of Rancho Ontario Mobile Park; as well as, other concerned citizens and business owners, be given an opportunity voice their concerns and objections

Thank you for your time

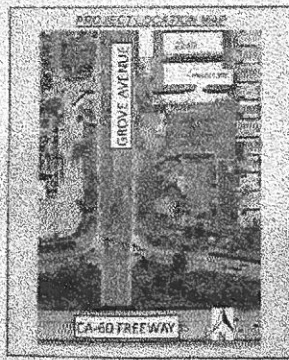
Sincerely

Steven & Charlotte Kalla
Residents- Rancho Ontario Mobile Home Park
E-mail: sdkpi@verizon.net

NOTICE OF PROPOSED PROJECT

The City of Ontario has received a Development Plan of subdivision with a Conceptual Site Plan for a residential development at 2445 S. Grove Avenue. The City is currently reviewing the project's plans and the layout below. As a condition of the approval, the applicant is required to address the following items: 1. The applicant shall provide a site plan showing the proposed project and the surrounding area. 2. The applicant shall provide a site plan showing the proposed project and the surrounding area. 3. The applicant shall provide a site plan showing the proposed project and the surrounding area.

PROJECT DESCRIPTION: A Development Plan of subdivision to construct a 4.76-acre residential development (R1) located at 2445 S. Grove Avenue. The project consists of 10 lots, each 0.476 acres in size. The applicant is required to provide a site plan showing the proposed project and the surrounding area. The applicant shall provide a site plan showing the proposed project and the surrounding area. The applicant shall provide a site plan showing the proposed project and the surrounding area.



CITY CONTACT: Anna Vaughn, Assistant Planner
Phone: (909) 255-2418
Fax: (909) 255-2420
Email: av Vaughn@ontario.ca

LOCATION WHERE DOCUMENTS MAY BE VIEWED OR COMMENTS SENT: Planning Department, Ontario City Hall, 305 East 'B' Street, Ontario, CA 91776



Alexis Vaughn

From: Sylvia DeVries <sylvia@selectvl.net>
Sent: Thursday, January 18, 2018 12:22 PM
To: Alexis Vaughn
Subject: Proposed Project on Grove

Hello Mr Vaughn,

I live at the Rancho Ontario Mobile Home Park and also work in Ontario. The traffic on Philadelphia and Grove is awful. From 3pm-6pm Monday-Friday that intersection is gridlocked. The traffic going South on Grove completely blocks the intersection and drivers trying to cross over cannot enter because everything is blocked. Either something needs to be done about the signal on Grove at the Lowes center and again at the 60 frwy area so that it is all better coordinated, or please don't build one more business because of the extreme traffic jams. If the traffic was not bad enough up and down Grove, then there is the traffic issue on Philadelphia, which can be packed when there is an issue on the 60 frwy- and we, at the park are unable to exit onto to Philadelphia because of all the traffic.

Also, when it rains Philadelphia and Grove become a river and if that drainage outlet becomes clogged on Philadelphia-there is major flooding.

I also oppose it because of crime. We don't need more crime in our area. The crime in the mobile park jumped in recent years and the major cause is young people climbing the fence at night. We don't need to be exposed to more crime.

So unless the city can guarantee some relief to the constant gridlock on Grove and Philadelphia and that the residents of the park will not see a higher rate of crime-then go ahead and build.

Thank you,

Sylvia deVries
1456 E Philadelphia #289
Ontario, CA 91761

2

Alexis Vaughn

From: Art Farin <artfarin@yahoo.com>
Sent: Friday, January 19, 2018 9:54 AM
To: Alexis Vaughn
Subject: Stop car wash replacement of Royal Cut restaurant

Sir.... I am against your plan to give permit to a car wash to be built to replace Royal cut... thank you

Sent from Yahoo Mail for iPhone

Alexis Vaughn

From: Mkcctl <mkcctl@aol.com>
Sent: Friday, January 19, 2018 10:09 AM
To: Alexis Vaughn
Subject: [BULK] Car Wash

Importance: Low

Hello

I want to Stop the Car Wash replacement of Royal Cut Restaurant located on Grove in Ontario.
I'm a Home Owner since 1982 and don't see a need for another Car Wash on a busy street like Grove Ave.
Lets keep that location for a restaurant.

Thank You, Mark Conner

Alexis Vaughn

From: Alan Gibbs <cooper112015@gmail.com>
Sent: Friday, January 19, 2018 10:38 AM
To: Alexis Vaughn
Subject: Car Wash Replacement

I see no need to tear down a "landmark" and install a car wash There are many other vacant fields on corners within blocks of the proposed spot Use one of those and knock out the dust and dirt from blowing winds Yes, a car wash brings in jobs and other "stereo-types" but look at the location; already enough traffic probs with the freeway off ramp and turning across traffic can result in more accidents I think the location is the wrong idea, find somewhere more logistically suitable

Alan

Sent from my iPhone

5

Alexis Vaughn

From: David Welch <superdavewelh@hotmail.com>
Sent: Friday, January 19, 2018 10:43 AM
To: Alexis Vaughn
Subject: Voicing my opinion

To Alexis Vaughn: Asst. Planner, City of Ontario

I am writing to voice my opposition to the the city permitting the proposed car wash to be located at 2345 S. Grove Ave at the current location of the Royal Cut restaurant. A busy Drive-Thru Car Wash would not only create additional traffic issues because of its proximity to the freeway, but it would create a significant increase in the noise level for the residents of the neighboring senior mobile home park. The property could easily accommodate a different restaurant or a retail store that would provide similar tax income to the city without creating additional traffic at an already congested stretch of Grove Ave, or create noise issues that would negatively impact the quality of life of the park residents.

Sincerely,

David and Cathy Welch
1456 E. Philadelphia ST SPC 339
Ontario, CA 91671

Alexis Vaughn

From: Sharon <shodge11@verizon.net>
Sent: Friday, January 19, 2018 11:29 AM
To: Alexis Vaughn
Subject: Car Wash on Grove Avenue

Sharon
shodge11@verizon.net

Dear Ms Vaughn,

I am writing in regards to the car wash for Grove Avenue.

I noticed on the flyer you sent out (ONLY 2 days before the deadline) that the car wash is exempt from environmental studies. I would like to know why this would be since some of the products used in car washes contain Hydroflouric acid among other abrasive products. I have a hard time believing that I am not at risk from the chemicals that will be used. I would like to voice my opinion that this should NEVER be built next door to 400 residents, not to mention that many seniors have breathing problems some of which are severe.

Also, I have been told that the crime rates are higher near carwashes. and this will probably GREATLY decrease the value of the homes in this park.

I loved living in Ontario because I believed that they did what was best for their constituents. I ask that you please do not ok this project. If you are insistant that this be done then I believe a meeting with the residents around this area should be done.

Thank you,

Sharon Hodge
1456 E Philadelphia St, Spc 235
Ontario CA 91761

Email: shodge11@verizon.net

Alexis Vaughn

From: Diane Emery <leemery@verizon.net>
Sent: Friday, January 19, 2018 12:26 PM
To: Alexis Vaughn
Subject: [BULK] Car wash

Importance: Low

We will would like to vote against the proposed car wash moving into the Royal Cut restaurant location on South Grove Avenue. We live in the Rancho Ontario Mobile Home Park. This is a senior citizens park . I think this type of business would create a little more stress for the residents of this neighborhood.
Thank you listening.

Larry and Diane Emery
1456 E. Philadelphia St. # 192
Ontario, CA 91761
909-947-6818

Alexis Vaughn

From: lorraineaj@yahoo.com
Sent: Friday, January 19, 2018 12:50 PM
To: Alexis Vaughn
Subject: 2345 s Grove Ave. Ontario

Please no car wash at proposed site. Is it not bad enough we already have a motel on that corner that attracts illegal activity and criminal element?! Take a little pride in our city. Don't allow south Grove to become a skid row. I am a tax paying voting member of this community and would like to have pride in my city. I say NO to this proposal of a car wash.
Sincerely,
Concerned Ontario resident

Sent from my iPhone

Alexis Vaughn

From: Steven Kalla <sdkpi@verizon.net>
Sent: Friday, January 19, 2018 1:41 PM
To: Alexis Vaughn
Subject: Proposed Project. (Development Plan PDEV17-046)

To whom it may concern:

First of all, I would have written sooner but I did not receive the Notice until Wednesday 01/17/2018; and., upon 2nd review last night I noted today's deadline for contact; so, please forgive if my thoughts are not well presented.

However, my wife and I are very much opposed to this planned usage for 2345 S. Grove Ave (APN 0216-081-25) where the current Royal Cut Restaurant sits. My wife and I live at the Rancho Ontario Mobile Home Park; we have been here for twelve (12) years as of March 6th. We have enjoyed the peace and tranquility, as best as possible with the increasing development surrounding this Park that once was an oasis.

We're not opposed to growth; and, the development that growth brings. We're not opposed to the right of a Business Owner to sell his business & land; and, move on. That's all fine. However, the planned usage of this parcel seems to me to be contrary to the protection of Senior Citizens. As you are aware, Rancho Ontario Mobile Home Park is a Seniors only community of some 450 units. Therefore, at least 450 Senior Citizens live here; probably closer to 600 when you consider most do not live alone. Ownership of this park elected to modify the methodology of security here; and, frankly its less oversight than before. No, that's not your concern, but addresses the planned usage of said parcel, that will attract a different demographic & activity than a fine dining restaurant does. Is that safe for neighboring 600+ Senior Citizens?

Eliminating a Fine Dining establishment in favor of a Drive-Thru car wash is not in the best interest of neighboring Senior Citizens. Not only do these Senior Citizens homes back right up to this parcel; these Seniors will have to forge through the increased traffic uses this kind of usage will bring; leading to potentially more traffic accidents; thus, potential more injured Seniors. What about this planned usage's hours of operation as it relates to noise levels for the Senior Citizen residents of Rancho Ontario Mobile Home Park, especially those whose backyards are right up against the wall of this planned usage's parcel.

I, frankly, have not had the time to find another location of this corporation to see what it looks like or its activity; but, I perceive it to be very similar to the one already nearby on the north side of Holt just east of Grove. But, the activity I've witnessed there is less conducive to a peaceable, tranquil and safe lifestyle that Senior Citizens seek & deserve; and, there are 600+ Senior Citizens whose safe, tranquil community abuts this parcel.

The Royal Cut Restaurant is housed in a beautiful structure, it is very attractive and dresses up the area; will a Drive-Thru Car Wash do the same for this neighborhood? Mobile/Modular Homes by nature have a Market Value challenge; a neighboring Drive-Thru Car Wash in lieu of a neighboring Fine Dining establishment, next door, will only make that Market Value challenge even more difficult to manage.

And, what about the Hotel/Motel next door; wouldn't it be better served by a retail or food establishment rather than a dirty noisy vehicle service establishment? Demographics of patrons to the Hotel/Motel will change; thus, increasing the crime and lack of safety for the neighboring Senior Citizens.

I realize this Email can in no way overturn the decision; but it is a vessel to formally request a Public Hearing; and, allow the residents of Rancho Ontario Mobile Park; as well as, other concerned citizens and business owners, be given an opportunity voice their concerns and objections

9 COTD.

Thank you for your time

Sincerely

Steven & Charlotte Kalla
Residents- Rancho Ontario Mobile Home Park
E-mail: sdkpi@verizon.net

Alexis Vaughn

From: grammy abbott <ohgrammy@yahoo.com>
Sent: Friday, January 19, 2018 1:44 PM
To: Alexis Vaughn
Subject: Grove Drive-Thru Car Wash

Alexis Vaughn,

The proposed drive-thru car wash will bring a great addition of traffic to Grove. History in this city has proven that drive-thru car washes drive up crime, drug deals as well as gang hang outs. It is of great concern to place such a threat so close to a senior community. This proposal will also aid in driving down property values. Please reconsider such a detrimental decision.

Concerned Citizen,
Beverly Abbott
Ranch Ontario Space #428

Alexis Vaughn

From: Peggy Compau <pmcompau@yahoo.com>
Sent: Friday, January 19, 2018 1:50 PM
To: Alexis Vaughn
Subject: Car wash

I certainly would not like to see a Self Service car wash so close to where I live. Which happens to be in the Ontario Mobile Home Park. I feel it could be very unsafe and uncomfortable for the Seniors in the Park. Please have some consideration for the elderly. Thank you.

Alexis Vaughn

From: Connie Otis <cmotis2@gmail.com>
Sent: Friday, January 19, 2018 2:28 PM
To: Alexis Vaughn
Subject: Proposed car wash

Please register my opposition to the proposed car wash at the now "Royal Cut" location. I believe this would be a detriment to our community and neighborhood. We have a car wash facility located just south of the 60 Freeway at Vineyard, so we don't need another one.
Thank you for your consideration.

Consuelo Otis
(909) 673-0700

Sent from my iPad

Alexis Vaughn

From: gjqgomez@aol.com
Sent: Friday, January 19, 2018 2:46 PM
To: Alexis Vaughn
Subject: [BULK] Car Wash, Grove Avenue

Importance: Low

Alexis Vaughn,

I am writing in protest of the proposed drive-through self service car wash being considered at 2345 So. Grove Avenue.

As it is, the traffic congestion on Grove Avenue is almost unbearable now with all the warehouses going up in our area bringing an unprecedented number of semi-trucks onto Grove Avenue and Philadelphia Street. it is almost impossible to exit our location unto Philadelphia St.

I believe entering and exiting a car wash onto Grove Avenue will create more congestion. It will also bring more noise, unhealthy air that we already have due to the vehicles and trucks on surface streets, let alone the unhealthy air from the nearby 60 Freeway.

We live in a senior park and this will add more crime as well.

I definitely oppose the city considering such a self-service or full-service car wash being at this location.

Respectfully,

Gloria J. Gomez
Rancho Ontario Mobile Home Park
Space 249
(909) 923-2180

Neighbors joining in on this protest:

Stella & Antonio Alarcon
Space 292

Micaela Hull
Space 327

Alexis Vaughn

From: Barbara Sudds <barbarasudds@yahoo.com>
Sent: Friday, January 19, 2018 3:41 PM
To: Alexis Vaughn
Subject: [BULK] Proposed car wash at Grove Ave. on the Royal Cut Restaurant Property

Importance: Low

As a homeowner in the Rancho Ontario Mobile Home Park I strongly object to this new business which will further cause problems in our Park since this will be adjacent to our location and will be available 24 hours a day without supervision. We object to the type of business that will bring further criminal problems to our area. Since all of the residents are 55 yrs. or older and have already experienced criminal problems we do not want other probable happenings.

We have already experienced devaluations of our homes and this type of business will only continue this loss of value to our resident homeowners.

Please refuse the plans for the 24 Hour Drive Thru Car Wash as has been proposed

Sincerely,

Barbara Sudds
Space 188

Alexis Vaughn

From: gjqgomez@aol.com
Sent: Friday, January 19, 2018 4:44 PM
To: Alexis Vaughn; Henry Noh
Subject: Proposed car wash 2345 S. Grove, Ontario

Alexis Vaughn,

I am adding another neighbor's name who is also protesting the proposed self-service car wash at the above location:

Mary Maxie
Rancho Ontario Mobile Home Park
Space 247

If you need their telephone numbers, I will get their permission to send them to you.

Thank you.

Gloria Gomez,
ROMHP
Space 249

16

Alexis Vaughn

From: gabriel.osamor1 <gabriel.osamor1@verizon.net>
Sent: Friday, January 19, 2018 10:40 PM
To: Alexis Vaughn
Subject: Now

We do not want a car wash in our backyard please
STOP NO CAR WASH!!!

Sent from my Verizon, Samsung Galaxy smartphone

Alexis Vaughn

From: gabriel.osamor1 <gabriel.osamor1@verizon.net>
Sent: Friday, January 19, 2018 10:43 PM
To: Alexis Vaughn
Subject: RE: Automatic reply: Now

Just wanted to say,
NO CAR WASH

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Alexis Vaughn <AVaughn@ontarioca.gov>
Date: 1/19/18 10:40 PM (GMT-08:00)
To: "gabriel.osamor1" <gabriel.osamor1@verizon.net>
Subject: Automatic reply: Now

Hello,

I am out of the office and am expected to return on Wednesday, January 31, 2018. If you require immediate assistance, please contact the Planning Department directly at (909) 395-2036, or, if your question is related to a specific project, you may contact my supervisor, Henry Noh, at (909) 395-2429.

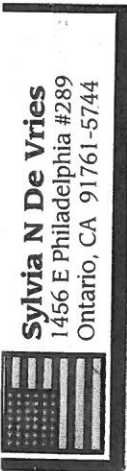
Thank you,

Alexis Vaughn

Assistant Planner

Planning Department

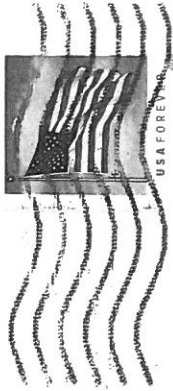
City of Ontario



Sylvia N De Vries
1456 E Philadelphia #289
Ontario, CA 91761-5744

SANTA ANA CA 926

03 FEB 2018 PM 10 L



RECEIVED
FEB 05 2018
City of Ontario
Planning Department

Ontario Planning Dept
Ontario City Hall
303 East B Street
Ontario, CA 91764

Hello,

I did express my concerns
via email & phone message
However this article dated Jan 28
brings my concerns to light.
I also cannot believe that the city
will allow this constant noise
with seniors living next door.

Thank you Sylvia De Vries
Rancho Matate Home Pub





Video

Live

Shows

Good Morning America Good Morning America

Menu



LOG IN

World News Tonight World News Tonight

Nightline Nightline

2017-2018 City Director Andrew McCabe stepping down from his post immediately, sources say

This Week This Week

The View The View

What Would You Do? What Would You Do?

ABC News Features ABC News Features



U.S.

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Visual Reality

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BREAKING NEWS

Multiple Deaths & Multiple Injuries After Shooting In Melcroft, Fayette County

Associated Press

In this frame from video, police work at the scene of a fatal shooting at a car wash in Melcroft, Pa., Sund... more +

A shooter driven by jealousy opened fire and killed four people at a car wash early Sunday morning in Pennsylvania, while a woman hiding in the back of a pickup truck suffered only minor injuries, according to state police and family of the victims.

Police said Timothy Smith, 28, was on life support and not expected to survive after suffering a gunshot wound to his head during the attack at Ed's Car Wash around 3 a.m. in Saltlick Township, a rural town about 55 miles (89 kilometers) southeast of Pittsburgh. Police said it was possible that the gunshot wound was self-inflicted.

Police would not go into details about how Smith knew the victims, but Chelsie Cline's half-sister, Sierra Kolarik, told the Pittsburgh Tribune-Review that Smith had developed an obsession with Cline.

Cline shared a meme on her Facebook page last week that read, "After this week, I rllly (sic) need to get taken out ... on a date or by a sniper either one is fine w me at this point." A Facebook friend of hers named Tim Smith replied, "I could do both."

Porterfield's pregnant wife, Jenna Porterfield, 24, told the Pittsburgh Post-Gazette that a state police investigator told her that Smith was a jealous former boyfriend of Cline.

Porterfield said that she was told by family members of other victims that her husband and Cline had spent the past two days together after Cline ended a relationship with Smith. Porterfield said that she and her husband — who were married in November — had been "having some troubles" this month.

"I'm not holding that against Will. We weren't fighting. We were fixing. And if he was with someone else while we were having problems, honestly, I don't care what he did. I'm not going to hold that against him," Porterfield told the newspaper. "I'd give anything to have him back."

Smith was first to arrive at the scene and was parked on the side of the two-bay car wash when Porterfield and Cline arrived, police said. Smith shot them when they got out and walked to the side of the car wash, they said.

Snyder and Seth Cline arrived at the same time and police said Smith opened fire on them. Another woman in the rear seat of the extended cab pickup truck only suffered injuries from broken glass.

Police said Smith had several magazines for the semi-automatic rifle and the handgun.

Cayleigh Myers said she was friends with Seth Cline, Chelsie Cline's half-sibling, and described the construction worker as "very outgoing, very funny and very smart."

"You always had fun when you were around him," Myers said. "He would give his shirt off his back for you, anything, it didn't matter what it was, what time it was, if you need him, you could call him. He was everything."

Presented 3/6/18
by David Walthall

FAST 5 XPRESS CAR WASH PROPOSED CARWASH IN ONTARIO

Dear Ontario City Council Members,

The residents of Rancho Ontario Mobile Home Park, held a meeting on Saturday March 3, 2018 to discuss our possible issues with the proposed car-wash planned for 2345 S. Grove Ave. in the City of Ontario. Listed below are those issue in no particular order of importance's. We request you take our concerns into your decision making process when discussing this project, its due to be heard at the Planning Department on March 27, 2018.

Thank You
Residents of Rancho Ontario MHP

Residents concerns about this proposal:

- 1) Constant noise from Machines (Dryers/ Vacuums) running from 7am – 8pm
- 2) Loud Music from Customers (**Have staff instruct customers to turn down their music, possibly as a condition of use permit**)
- 3) Emissions from cars, up to 33 vehicles on the lot at any given time
- 4) Traffic impact on Grove Ave (This was mentioned many times by different residents)
- 5) Site security along the back fence (**possible tall thick hedge, and or a 10' fence to prevent climbers**)
- 6) Residents are concern about increase crime in the senior mobile home park
- 7) Environmental issues are also a concern, chemicals that will be used to clean the vehicles.

Gwen Berendsen

From: Al Boling
Sent: Thursday, March 08, 2018 10:14 AM
To: Scott Murphy
Cc: Gwen Berendsen; Cindy Antillon; Nicole Escalante
Subject: FW: citizen inquiry - DeVries, Sylvia (re:Fast 5 Express Car Wash)

Scott,

Please read the following email trail. Contact the RP and let her know that we received her comments for the item being heard by PC. Also give her date/time of the PC meeting.

Let me know outcome so that we can dispo on our side.

Thanks.

Al B.

-----Original Message-----

From: Al Boling
Sent: Thursday, March 8, 2018 10:13 AM
To: 'Paul Leon' <ont.kids@verizon.net>; Alan Wapner <AWapner@ontarioca.gov>; Jim Bowman <JBowman@ontarioca.gov>; Debra Dorst-Porada <DPorada@ontarioca.gov>; Ruben Valencia <RValencia@ontarioca.gov>
Cc: Scott Ochoa <SOchoa@ontarioca.gov>; Cindy Antillon <CAntillon@ontarioca.gov>; Nicole Escalante <NEscalante@ontarioca.gov>
Subject: citizen inquiry - DeVries, Sylvia (re:Fast 5 Express Car Wash)

Mayor and City Council,

The following message came in via the City website regarding the car wash item to be considered by Planning Commission this month. I have forwarded the message to Planning for inclusion in the official record on the matter.

Not sure if weighing in on this issue, this early in the process, is appropriate; but wanted to provide one-way info on how a resident feels on the matter.

Planning will contact and make sure she understands that her concerns will be included in the official record. We'll also make sure she knows when the PC meeting is.

Al B.

-----Original Message-----

From: webmaster@ontarioca.gov [mailto:webmaster@ontarioca.gov]
Sent: Thursday, March 8, 2018 10:04 AM
To: Council Member Public E-Mail Address <CouncilMemberPublicE-MailAddress@ci.ontario.ca.us>
Subject: Form submission from: Contact City Council

Name: Sylvia De Vries
Phone: 9099238143

Email: sylvia@Selectvl.net

Comment / Questions / Concerns:

I reside at 1450 E Philadelphia St, Ontario, CA Rancho Ontario Mobile Home Park. I did attend the March 6 Council Meeting and Dave, a resident of the park expressed our concerns with the Fast 5 Xpress Car Wash that is to be build on the lot now occupied by The Royal Cut Restaurant. My concern is the emissions from the 33+ cars that will idyll while they wait to proceed thru this car wash. Our park community is a 55+ park and the vast majority of the residents are 70+. Many are in poor health. My neighbor suffers from COPD and another has major Heart issues. I, myself, am a cancer survivor and after much research the Dr determined the cause of my cancer was environmental.

Our park are is already overwhelmed by pollution. The 60 frwy is 24 hours of trucks and car pollution-Grove has become a major artery for truck traffic and because of the backed up traffic Southbound on Grove all that traffic idylls and these emissions are again transferred to our park. The traffic on the 60 frwy, Grove Avenue and Philadelphia has increased in the past years and adding this Express car wash with 33+ car capacity and operating 7 days a week for 13 hours a day will only cause more pollution.

As Mayor pro tem Wapner stated concerning his cancer issue, once you have had that diagnosis your life changes and you become more aware of pollution and issues that contribute adversely to your health. Many of us cannot afford to move to a healthier area, we moved in many years ago when the traffic and noise was not a major issue.

Thank you for your consideration of this issue, and if you have a suggestion or can direct us to a State Agency that can assist us with our pollution concerns, we would appreciate it as the emissions concern is a critical issue with the park community.

Thank you for your time spent reading this email.

Sylvia De Vries

Rancho Ontario Mobile Home Park

1450 E Philadelphia Ave #289

Ontario, CA 91761

Exhibit G: Business Information Package

(Business Information Package to follow this page)

THANKS A
million
OVER 5 MILLION
SERVED



FAST 5 XPRESS
CAR WASH

Fast5Xpress.com



Fast5Xpress is a rapidly-growing company that has washed over five million cars since its inception, and is planning on opening 30 stores throughout Southern California, giving more customers access to quick, affordably-priced car washes

Fast5Xpress offers a different way to do business, with stores providing a clean, fresh environment and a pricing structure that won't break the bank: washes vary from **\$6-\$16** depending on the features and finishing options the consumer chooses. In addition to single wash pricing, Fast5Xpress also offers club membership packages ranging from **\$19.99 per month** to **\$39.99 per month** for unlimited washes. Regardless of the level or package chosen, there are plenty of free perks included with every wash, like self-serve vacuum stations, scented dashboard wipes and trash bags for the car, temporary tattoos for kids, and dog treats for canine passengers, just to name a few.

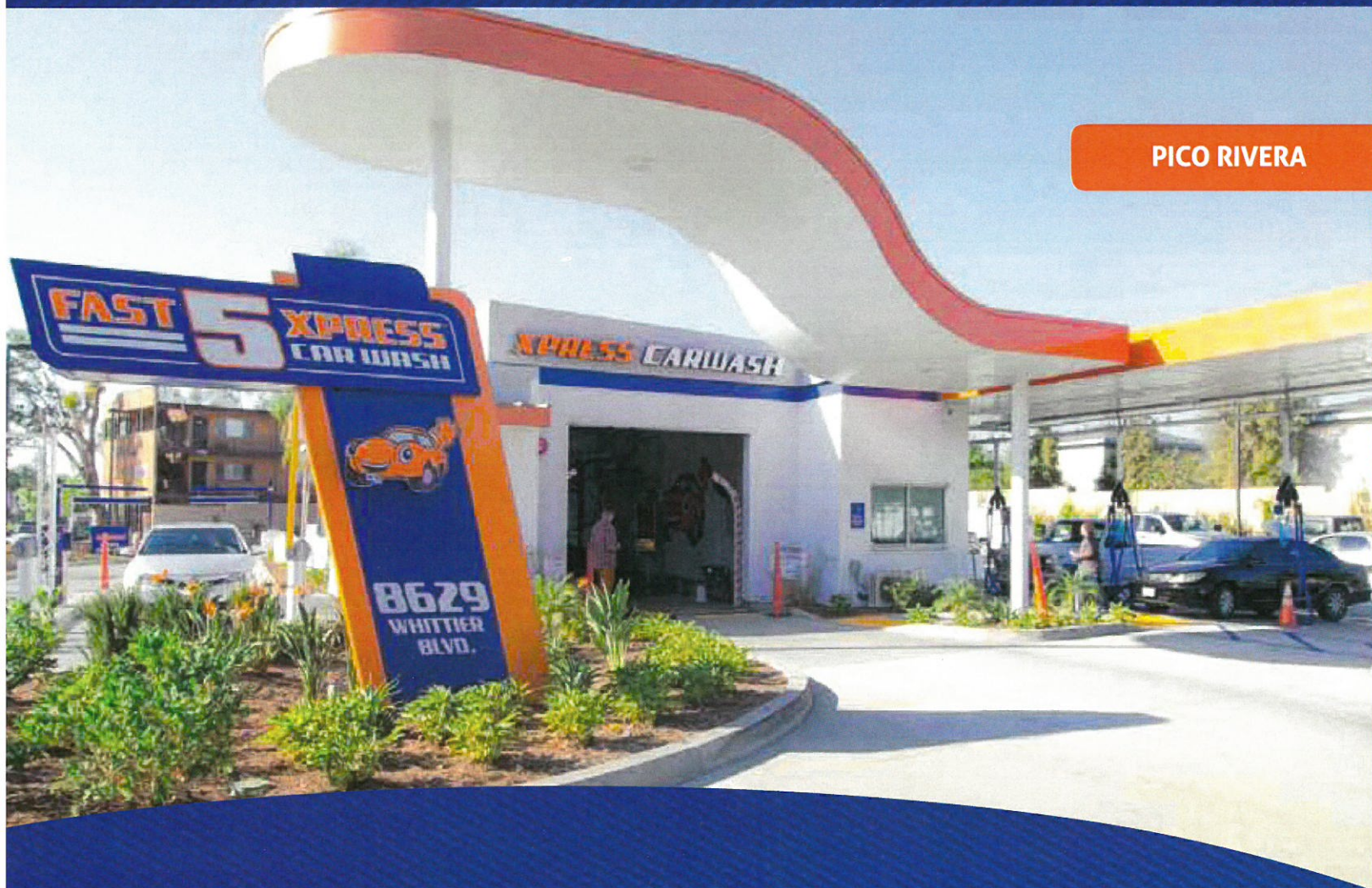
Fast5Xpress recently unveiled their sixth location in Costa Mesa, spending four million dollars on new technology and equipment for the most effective, safe and efficient express car wash experience available.



The first step in the wash process is determining which package level from Bronze to Platinum best suits the driver's needs. The tunnel operator then guides the car onto the conveyer belt and into the tunnel. The driver and any other passengers get to stay in the car – to the delight of kids and kids-at-heart—while the rollers and water streams do their magic. Although the actual wash is an automated process, Fast5Xpress's investment in superior machinery makes the difference between an express wash and a full-service wash virtually imperceptible on the exterior of the car. Plus, its' gentle touch makes the wash safe for all cars, including high-end luxury vehicles.

The wash and dry process takes approximately five to seven minutes, and then the squeaky-clean car exits the tunnel and has access to a row of free vacuums.

Store employees exude the company's upbeat culture, and strive to make every wash experience a pleasant one. From the moment the smiling greeter welcomes the car to the store's entrance to the time it pulls out of the tunnel, it's clear that friendly customer service is a high priority.



For a company that washes a high volume of cars on a daily basis, being conscious of the environment is essential, especially in drought-ridden California. Because of that, Fast5Xpress recycles 80% of their water. In addition to eco-friendly water, all detergents used are biodegradable and environmentally-friendly. Fast5Xpress provides personalized service and an exceptional car wash at a fraction of the cost and time, while being good to the planet. This model has garnered a loyal following and continues to attract new customers daily, contributing to Fast5Express growth and expansion.

For further information, please contact:

Tom Utman

Partner

tutman@fast5xpress.com

(949) 275-1858 direct



To whom it may concern:

Fast 5 Xpress wishes to become part of your community. Fast 5 is the new generation of car washes. Fast 5 is not your average car wash for the following reasons:

It's Fun – Adults, Teens, Children and pets love us! With our great prices, mascot stickers for the kids, treats for pets and free vacuums, the entire family is happy without breaking their wallet.

It's Faster – Fast 5 Xpress Patrons are in and out within 5 minutes. This allows more time to spend at adjacent retail stores, generating more sales tax revenues for the City.

It's Greener – Fast 5 Xpress reclaims 80% of its water. Fast 5 washes over 200,000 cars per year per location. Fast 5 Xpress uses approximately 25 gallons of water per car wash, a savings of approximately 20 million gallons of water per year vs. the same individual washing his or her car in the drive way or within a parking lot inside an apartment complex using 125 – 150 gallons of city water per wash. In addition, Fast 5 uses non-toxic, biodegradable detergents. Fast 5 cares about the planet as much as each community member. Fast 5 does not sell any petroleum products and all solids from the car wash are captured onsite whereby no solids, oils, grease, etc. flow into the Community's storm drain system.

It's an amazing value – Wash packages are priced from \$6 - \$14.

Our Mission – It is Fast 5's Mission to keep your car clean without damaging our planet or your wallet while conserving our limited water resources by recycling onsite.

To further familiarize you with Fast 5, please review YELP reviews and visit our web site to view a short animation of our operation at www.fast5express.com. Our Patrons are saying that Fast 5 has the best customer service and are extremely happy Fast 5 has opened a facility within their community. Most cities embrace our service and appreciate we are educating the community on how to save water.

Please visit one of our facilities:

567 San Nicolas Drive Suite 390., Newport Beach, California 92660
Telephone (949) 640-6420 (949) 640-9310

1



- Irvine: 3080 Main Street (a Ground Lease with The Irvine Company – a retail Pad);
- Costa Mesa: 481 E. 17th Street (a Ground Lease with a Family Trust – a retail Pad);
- Fullerton: 285 E. Orangethorpe (a Ground Lease with Kimco Realty – a retail Pad);
- South Gate: 5810 Firestone Blvd. (a Ground Lease with Catellus Realty – a retail Pad);
- Pico Rivera: 8629 Whittier Blvd. (a Ground Lease with Evergreen Development – a retail Pad);
- Perris: 1721 N. Perris Blvd. (a Ground Lese with Evergreen Development – a retail Pad);
- Monrovia: 935 Huntington Drive (a Ground Lease with a Family Trust – a retail Pad);
- Murrieta: 40172 Murrieta Hot Springs Road (a Ground Lease with a Family Trust – a retail Pad)
- Norwalk – 1335 Firestone Blvd. (a Ground Lease with a Family Trust – a closed automobile dealership).
- Pasadena – 2400 E. Colorado Blvd. (a Ground Lease with a Family Trust)

Other facilities opening soon:

- Torrance: within a Shopping Center at 190th and Normandie (a Ground Lease with a Family Trust – a retail Pad); Under Construction
- Beaumont: a new retail center at 2nd and Highland Springs Rd. (a Ground Lease with Rich Development – a retail Pad);
- San Bernardino: SEC of Tippecanoe Ave. and E. Gould Street (a Ground Lease with Farmer Boys restaurant):
- Yucaipa: NWC of Yucaipa Ave. and 7th Street (a Ground Lease with a Family Trust – a retail Pad)
- Eastvale: A new retail center across from Wal-Mart (A Ground Lease with Orbis Retail Partners)
- Eastvale: A Ground Lease with Lewis Retail
- Garden Grove: A Ground Lease with a Family Trust
- Ontario – A Ground Lease with Calbay Retail Development
- Laguna Niguel – A Ground Lese with Buie-Stoddard Retail Partners
- Laguna Hills – A Ground Lease with a Family Trust.

FAQ's

[What is an Express Car Wash?](#)



An express car wash is the new generation of environmentally friendly car wash facilities. It is fast, effective and inexpensive. Sixty (60) percent of our Patrons are women with children not wanting to unbuckle her children from their safety seats but need a fast and inexpensive car wash. In less than 5 minutes and \$6 your car is washed and dried without ever getting out of your car. Patrons never expose recently purchased items, electronics, groceries, sport equipment, etc. to theft. The facility is equipped with over \$1,000,000 of new quieter wash and dry equipment. Fast 5 will invest approximately \$3,500,000 per facility, without the cost of land. On a normal weekday, Fast 5 will wash an average of 650 cars per day. On Friday, Saturday and Sundays, Fast 5 washes over 1,000 cars per day or a car wash in less than 1 minute.

Why in Shopping Centers?

Tenants within shopping centers greatly appreciate the added customers that come into the Center because of Fast 5's great operation, marketing and customer service. Fast 5 pulls customers into Centers because the service is inexpensive, takes less than 5 minutes and each facility is located where customers are shopping, therefore extremely convenient.

How is the Express Car Wash different than other car washes?

Previous to the new generation of express car washes, there were three (3) types of commercial car washes.

- **Full Service Car Wash** – This experience is costly (\$10 – \$30 plus tips), requires 10 – 20 onsite employees “touching” your car inside and out, and is time consuming, 30 – 45 minutes.
- **Gas Station Car Wash** – This type of car wash is usually attached behind a gas station. Costs range from \$6 - \$12 and operates without employees. The equipment is minimal; the tunnel is short, much louder due to the type of blowers used and not effective in producing a quality wash or dry car. This type of car wash is know in the industry as a “roll over” wash as only one car is washed at a time. In addition, usually there is an additional charge for using the onsite vacuums.
- **Self-service car wash** – This type of car wash is for the “do-it-yourself” user who inserts dollar bills or quarters into a machine, the water and soap disperse through a hand held sprayer for a few minutes. When time runs out the user must insert more money to



extend the time for soap and water to be dispersed. In addition, there is an additional charge for vacuuming.

Most Fast 5 facilities have 120' to 150' tunnels filled with \$1,000,000 of high tech computerized equipment. The length of the tunnel and the cloth rollers at the exit of the tunnel acts as sound buffers. The Fast 5 operation is nothing one has experienced in the past.

How does a Fast 5 car wash work?

The Fast 5 operation requires only 3 or 4 employees. Each employee wears a clean pressed uniform. The employees are the following: **The Greeter** – this person greets each Patron, offers free coffee (when there is no waiting), Hi 5 stickers are given to children in the car and a dog biscuit if there is a dog in the car. **The Loader** – this is a person at the entry to the tunnel who guides your car into the tunnel, checks to see if your radio antenna is down and walks around the car to determine if there is any existing damage to the car. Once the Loader guides the car onto the conveyor, it becomes a ride. The kids love it! The remaining person onsite is the **Manager and / or assistant Manager** who is responsible for customer service, making sure there is no trash or debris onsite, there is no loitering and no loud music coming from cars while Patrons vacuum at Fast 5's free vacuum stations. The bottom line is the operation is quiet, safe, fun, quick, clean, environmentally friendly, and inexpensive for the Patrons.

What are the hours of Operation?

Fast 5 opens at 7:00 AM and closes by 8:00 PM, seven days a week. When Fast 5 closes, the property is gated at each entry so no vehicles can drive onto the site. Fast 5 is NOT the usual retail or fast food operation that remains open late into the night.

What about the environment and water?

All water used onsite is filtered and recycled. Most other car washes do not recycle water and most water and residue drain directly into the City's storm drain system. At Fast 5 absolutely NO residue drains into the City's storm drain system. All grease, oils, solids are collected onsite and hauled offsite to a collection center for environmental waste. Fast 5 protects the environment. All soaps are biodegradable and produce no odor and nearly 20 million gallons of water will be saved each year from washing down the local storm drains, polluting our precious environment.

What else does Fast 5 sell?



Fast 5 does NOT sell gas, diesel, or other petroleum products or merchandise of any kind. Fast 5 sells only **High Quality Car Washes – Period.**

Who are the owners of Fast 5?

There are four (4) principal Partners of Fast 5: Mr. Steve Clark, Mr. Warren Fix, Mr. Curt Ensign and Mr. Tom Utman.

➤ **Mr. Steve Clark:** Mr. Clark's extensive due diligence process into the express car wash business ignited his interest in the Fast 5 start up plans. As a result of Mr. Clark's research, Mr. Clark became a Partner and investor, joining the Board of Directors. Mr. Clark's 40+ years experience with start-ups and real estate development has extended from coast to coast. Mr. Clark's projects are nationally acclaimed and highly regarded. Mr. Clark's extensive real estate experience includes everything from appraiser to licensed general contractor to property manager to consultant and developer of offices, homes, hotels, retail centers, apartments, industrial facilities, and multi-state fast food outlets. Mr. Clark has developed over 2,000 apartment units, 3.5 million square feet of industrial properties, and managed over 3,000 homes and multi-family units. Mr. Clark's role is to oversee the national expansion of Fast 5.

○ **Some personal and professional highlights of Mr. Clark:**

- Native of Kansas and a graduate of Wichita State University;
- Served as a Director and real estate consultant for 5 years (late 70's / early 80's) to several food service corporations operating in North / South Carolina, Georgia, and Tennessee with sixty-five restaurants;
- Developed real estate projects from Arizona, California, New Mexico, and Colorado to Connecticut, Massachusetts, and New York to Florida to Illinois, Indiana, Iowa, Michigan, Louisiana, Missouri, Oklahoma, Texas and Kansas.
- Appointed by the Governor of Kansas to the Kansas Board of Regents from 1999 to 2002;
- Served on the Board's of Central Bank and Trust, The Kansas State Bank & Trust and presently serves on the Board of Intrust Bank of Wichita, which is the largest locally owned bank in Kansas with assets in excess of \$3.5 Billion.



- **Mr. Warren D. Fix:** Mr. Fix has an extensive career in finance and management with a focus in real estate, hospitality, agriculture and financial services. During Mr. Fix's 25 years with The Irvine Company, The Irvine Company became one of the nations' most prestigious and profitable real estate companies.

Mr. Fix has a keen eye for business opportunities that show significant financial promise. And that is why Mr. Fix became an investor and Partner in Fast 5. Mr. Fix's financial due diligence confirmed that this business model, along with the unique skills of each Partner, were a perfect combination for launching the first national express car wash brand. Mr. Fix's role will be to build strong financials for Fast 5.

- **Some personal and professional highlights of Mr. Warren Fix:**

- Mr. Fix graduated from Claremont McKenna College, UCLA Executive Management Program, the Stanford Financial Management Program and the UCLA Anderson Corporate Director Program;
- Served as a CPA at PriceWaterhouseCooper;
- Mr. Fix was instrumental in The Irvine Company's development of residential, for-sale housing, apartments, commercial, industrial, retail, hotel, cablevision and other land related uses;
- Mr. Fix held several executive positions including Chief Financial Officer and served as a member of the Executive Committee of the Board of Directors for The Irvine Company;
- Mr. Fix managed the development of 100 + extended stay hotels for Candlewood Hotel Company;
- Mr. Fix led and managed the IPO of Candlewood in 1996, raised over \$150 million in equity and capital and over \$750 million of debt to support the development of hotels;
- Mr. Fix served as the CFO for Candlewood Hotels until Candlewood was sold to Intercontinental Hotel Corporation and HPT (now Center Trust), a retail REIT (NYSE);
- Presently Mr. Fix is a Partner in The Contrarian Group, a private investment company headed by Peter Ueberroth.



➤ **Mr. Curt Ensign:** Mr. Ensign is Co-Founder of Fast5Xpress Car Wash. For the past 25 years, Mr. Ensign has been an entrepreneur and homebuilder. Mr. Ensign's success has been founded on sound acquisition strategies coupled with a commitment to quality construction. After extensive research and market studies, Mr. Ensign became convinced the express car wash business was a unique business opportunity that hasn't been fully realized. Therefore, Mr. Ensign shifted the focus and resources of his company (New West Properties and Development Co,) to launch Fast5Xpress. Mr. Ensign acts as the Chief Operating Officer and his company plays a key role in construction of the Fast 5 facilities.

○ **Some personal and professional highlights of Mr. Curt Ensign:**

- Mr. Ensign is a native of California and a graduate of UCLA. Mr. Ensign earned an MBA at Dartmouth College;
- Mr. Ensign served with The Irvine Company in residential development;
- Mr. Ensign managed the operating divisions for several homebuilding companies;
- Mr. Ensign established New West Properties and Development Co. and acquired 6,500 residential lots that were later sold to homebuilders.
- Before co-founding Fast 5, Mr. Ensign, through his company New West Homes, built and sold over 1,000 homes throughout southern California.

➤ **Mr. Thomas L. Utman:** Mr. Utman is Co-Founder of Fast5Xpress Car Wash. Mr. Utman is a true entrepreneur. Mr. Utman has a proven track record of discovering unique business opportunities and building strong teams to implement the business model. Mr. Utman has over 40 years of experience in planning, developing and leasing major real estate projects across California. Mr. Utman discovered the express car wash business model in 2010. After 2 years of due diligence, Mr. Utman contacted Mr. Ensign, a close friend, to further investigate the business model. As a Partner and Co-Founder, Mr. Utman's acts as the Partner in charge of site acquisitions and government entitlements in order to obtain Building Permits. Once entitlements are in place, Mr. Ensign takes over operations.

○ **Some personal and professional highlights of Mr. Thomas Utman:**



- A California native and graduate of University of Southern California;
- Mr. Utman represented The Irvine Company as a real estate broker leasing office buildings from 1972 – 1978;
- Mr. Utman Co-Founded Pacer Homes and was President from 1979 – 1989;
- Mr. Utman built and owned Costco's first mega store in southern California;
- Mr. Utman built and owned Whirlpool Corporation's largest distribution center in the United States (at the time in Ontario, California);
- Mr. Utman Co-Owned and developed a 93-unit mobile home park in Pacifica, CA.

How is Fast 5 financed?

Until recently all acquisitions and development costs were internally financed with cash equity invested by the Partners. Each facility cost between \$3,500,000 - \$5,000,000, without land cost. However, due to the strong cash flow from all Fast 5 facilities, the Partners are now negotiating with Intrust Bank in Wichita, Kansas for a portion of construction financing and California Bank and Trust to supply permanent financing. **Upon request, Financial Statements will be provided.**

Who are some references?

Fast 5 has been vetted by some of the best retail developers in southern California. Upon request, Fast 5 can provide references from The Irvine Company, Kimco Realty, Catellus Realty, Evergreen Development, Red Mountain Realty, Rich Development, and a number of individuals that have executed Ground Leases with Fast 5.

Fast5Xpress Car Wash has become the largest express car wash operator in southern California washing over 2 million cars per year.



Summary of Fast 5 Opened and Planned Facilities

Fast 5 Opening Dates:

1. Irvine: February 14, 2013 – 3080 Main Street – Irvine Company Ground Lease
2. Norwalk: February 13, 2014 – 1335 Firestone Blvd. – Family Trust
3. Monrovia: May 16, 2014 – 935 E. Huntington Dr. – Family Trust
4. Murrieta: August 20, 2014 – 40172 Murrieta Hot Springs Road. – Family Trust
5. Pico Rivera: October 2, 2014 Pico – 8629 Whittier Blvd. – Evergreen Development
6. Costa Mesa: August 27, 2015 – 481 E. 17th Street. – Family Trust
7. South Gate: March 10, 2016 – 5810 Firestone Blvd. - Catellus
8. Fullerton: December 15, 2016 - 285 E. Orangethorpe Ave. – Kimco Realty
9. Perris: March 14, 2017 - 1721 N. Perris Blvd. – Evergreen Development
10. Pasadena: November 21, 2017 – 2400 E. Colorado Blvd., - Family Trust

Planned Openings for year 2018 or Early 2019:

1. City of Los Angeles, Harbor Gate, 190th Street and Normandie Ave; Under Construction in a Walmart Shopping Center – Family Trust
2. Yucaipa – Ground Lease signed. CUP in process – Family Trust;
3. San Bernardino – Ground Lease signed. CUP in process – Farmer Boys excess site;
4. Beaumont – Ground Lease signed. CUP Approved and Construction Drawings in process – Rich Development;
5. Santa Ana – Tustin and 17th Street – LOI (Letter of Intent) has been signed – Family Trust;

567 San Nicolas Drive, Suite 390, Newport Beach, California 92660
Telephone (949) 640-6420 fax (949) 640-9310



6. Ontario – 2345 S. Grove Street. Ground Lease signed and CUP in process - Calbay Development;
7. Laguna Niguel – Crown Valley and Greenfield – New Ground Lease with Buie-Stoddard Group.
8. Laguna Hills – Alicia Parkway – Family Trust – Signed LOI
9. Garden Grove – Valley View Street and Chapman – signed LOI
10. Eastvale – Hamner Ave. and Riverboat Street – signed LOI with Lewis Retail
11. Eastvale – Limonite and Archibald – Orbis Retail Partners

Locations Wanted

1. Long Beach
2. Upland / Rancho Cucamonga
3. Corona
4. Riverside
5. Stanton
6. Temecula / Murrieta
7. Glendale / Azusa / Glendora
8. Chino / Chino Hills
9. Covina / West Covina
10. Whittier / La Habra
11. South Bay
12. San Diego County
13. Ventura County
14. San Barbara County,

Please note: From the time a site is identified, it usually takes 4 - 6 months to process the CUP (Conditional Use Permit); 6 - 9 months to design and process the Construction Drawings; and 6 – 7 months to build the facility; a total of 18 - 24 months.

Goal: The goal of Fast 5 is to be the best Express Car Wash Brand in Southern California; with 50 locations within 3 hours from Fast 5's Corporate Offices in Newport Center; with the best Team Members providing fantastic Customer Service.

567 San Nicolas Drive, Suite 390, Newport Beach, California 92660
Telephone (949) 640-6420 fax (949) 640-9310

Exhibit H: Acoustic Analysis

(Acoustic Analysis to follow this page)

AMBIENT AND OPERATIONS NOISE STUDY FOR A PROPOSED FAST5XPRESS CAR WASH IN THE CITY OF ONTARIO

REVISION NO. 1

Revision 4



November 15, 2017

PREPARED FOR:

FAST5XPRESS
567 San Nicolas, Suite 390
Newport Beach, CA 92660

PREPARED BY:

ADVANCED ENGINEERING ACOUSTICS
663 Bristol Avenue
Simi Valley, CA 93065
805-583-8207

1. Introduction

At the request of Mr. Thomas Utman (Fast5Xpress), and in compliance with requirements of the city of Ontario (City), a revised noise study has been conducted by Advanced Engineering Acoustics (AEA). Fast5Xpress has plans to build an express car wash at 2345 S. Grove Ave. (about 520 feet north of the 60 Freeway) in Ontario, CA (see Figure 1). In order to document the level of potential noise from the new car wash operations for this commercial business, AEA has conducted noise monitoring of idling carwash cars, compressed air nozzle car wash noise, obtained noise measurements of proposed operating dryer system and vacuum equipment for the proposed car wash facility and has measured the ambient noise at the mobile home park and mixed-use properties adjacent to the location of the proposed new car wash. This revised report gives the existing ambient noise and the predicted car wash operations noise at the nearby hotel with a single family residence and mobile home park property lines.

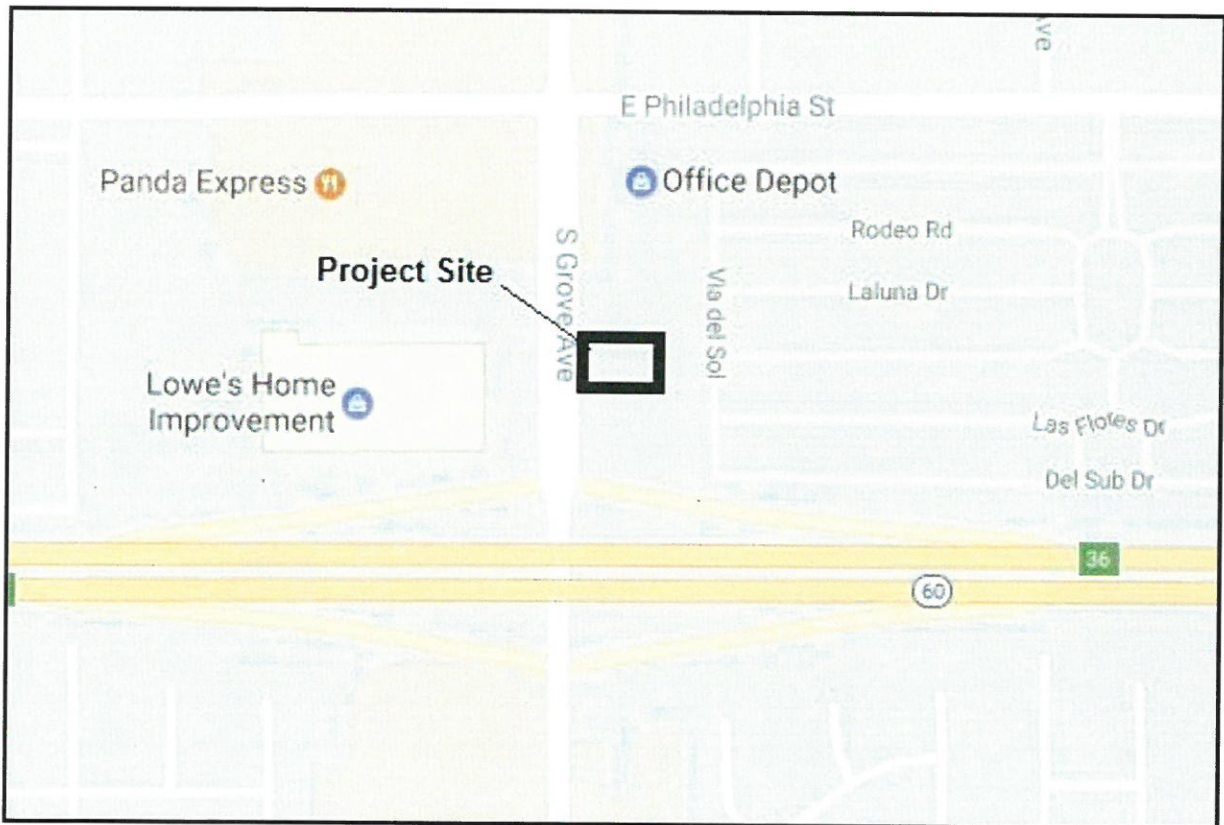


Figure 1. Project Vicinity Map

2. Sound Fundamentals

Physically, sound pressure magnitude is measured and quantified in terms of the decibel (dB), which is associated with a logarithmic scale based on the ratio of a measured sound pressure to the reference sound pressure of 20 micropascal ($20 \mu\text{Pa} = 20 \times 10^{-6} \text{ N/m}^2$). However, the decibel system can be very confusing. For example, doubling or halving the number of sources of equal noise output (a 2-fold change in acoustic *energy*) changes the noise level at the receptor by only 3 dB, which is a barely perceptible sound change for humans. While doubling or halving the sound *loudness* at the receptor results in a 10 dB change and also represents a 10-fold change in the acoustic *energy*.

The human hearing system is not equally sensitive to sound at all frequencies. Because of this variability, a frequency-dependent adjustment called "A-weighting" has been devised so that sound may be measured in a manner similar to the way the human hearing system responds. The A-weighted sound level is abbreviated "dBA". Figure 2 gives typical A-weighted sound levels for various noise sources and the typical responses of people to these levels.

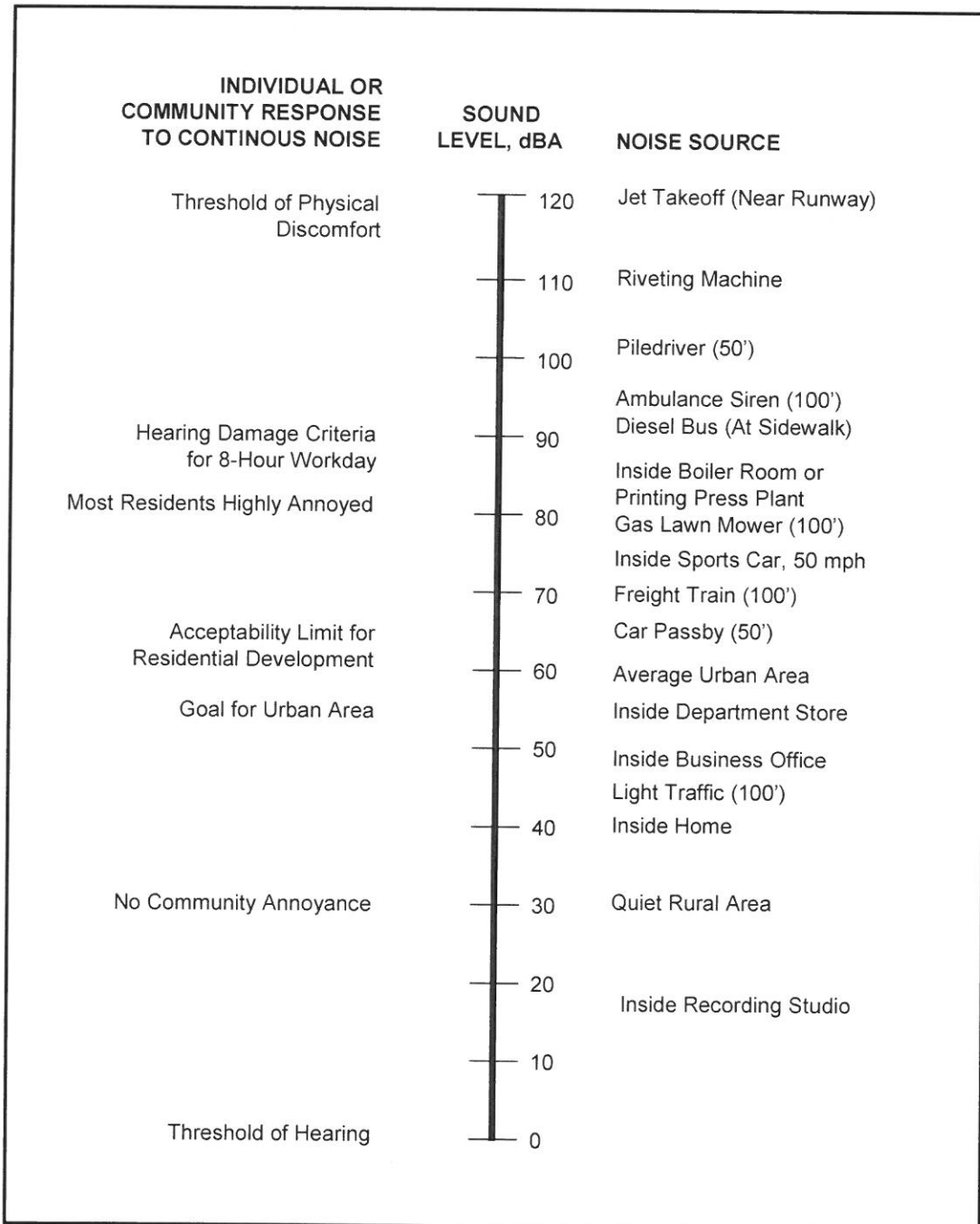


Figure 2 - Typical Sound Levels and their Effect on People

Normally, ambient sounds change with the daily cycle of human activities. To account for these changes, the energy average sound level has been adopted and this sound descriptor is used by the City and in this report as the energy average equivalent sound level, L_{eq} . The L_{eq} is defined as the continuous A-weighted sound level that, in a specified period of time, contains the same sound energy as the actual time-varying sound during that period. It is a particularly stable and predictable descriptor for traffic and environmental noise and, at the same time, is well-correlated to people's reaction to noise. The City noise code calls for a noise measurement time period of 15 minutes.

3. City Noise Standards

The city of Ontario has established stationary source noise limits to ensure that all segments of the community will be protected from excessive noise intrusion. The applicable noise standards are contained within Section 5-29.04 of the City of Ontario Noise Ordinance. The Noise Ordinance allows a noise source to be in compliance until it exceeds 65 dBA Leq (15 min) or, if the ambient noise exceeds the respective City noise limit, is greater than the measured Leq (15 min) ambient level.

Sec. 5-29.04. Exterior noise standards.

(a) *The following exterior noise standards, unless otherwise specifically indicated, shall apply to all properties within a designated noise zone.*

<i>Allowable Exterior Noise Level (1)</i>		<i>Allowed Equivalent Noise Level, Leq. (2)</i>	
<i>Noise Zone</i>	<i>Type of Land Use</i>	<i>7 a.m. to 10 p.m.</i>	<i>10 p.m. to 7 a.m.</i>
<i>I</i>	<i>Single-Family Residential</i>	<i>65 dBA</i>	<i>45 dBA</i>
<i>II</i>	<i>Multi-Family Residential, Mobile Home Parks</i>	<i>65 dBA</i>	<i>50 dBA</i>
<i>III</i>	<i>Commercial Property</i>	<i>65 dBA</i>	<i>60 dBA</i>
<i>IV</i>	<i>Residential Portion of Mixed Use</i>	<i>70 dBA</i>	<i>70 dBA</i>
<i>V</i>	<i>Manufacturing and Industrial, Other Uses</i>	<i>70 dBA</i>	<i>70 dBA</i>

(1) *If the ambient noise level exceeds the resulting standard, the ambient noise level shall be the standard.*

(2) *Measurements for compliance are made on the affected property pursuant to § 5-9.15.*

(b) *It is unlawful for any person at any location within the incorporated area of the City to create noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which noise causes the noise level, when measured at any location on any other property, to exceed either of the following:*

(1) *The noise standard for the applicable zone for any fifteen-minute (15) period; and*

(2) *A maximum instantaneous (single instance) noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response).*

(c) *In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.*

(d) The Noise Zone IV standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property or use, if the noise originates from that commercial property or use.

(e) If the measurement location is on a boundary between two (2) different noise zones, the lower noise level standard applicable to the noise zone shall apply.

(§ 2, Ord. 2888, eff. March 6, 2008)

4. Sound Monitoring Equipment and Locations

In monitoring the proposed car wash location's area ambient noise, AEA used three Larson-Davis Model 820 Type 1 Integrating Sound Meters to monitor the various noise producing activities near the existing mobile home residences east and mixed-use residence south of the project site. Each sound meter system is in current laboratory calibration and was field calibrated according to the manufacturer's instructions just prior to making the sound measurements.

The four ambient noise monitoring positions (see Figure 3) were five feet above grade. SLM 1a was 105 feet east of the centerline of So. Grove Avenue and about 90 feet south of the proposed car wash tunnel exit centerline. SLM 1b was 150 feet east of the centerline of So. Grove Avenue and about 80 feet south of the car wash tunnel. SLM 2 was 360 feet east of the centerline of So. Grove Avenue and about 65 feet east of the tunnel entrance. SLM 3 was 360 feet east of the centerline of So. Grove Avenue and about 73 feet NE of the entrance.

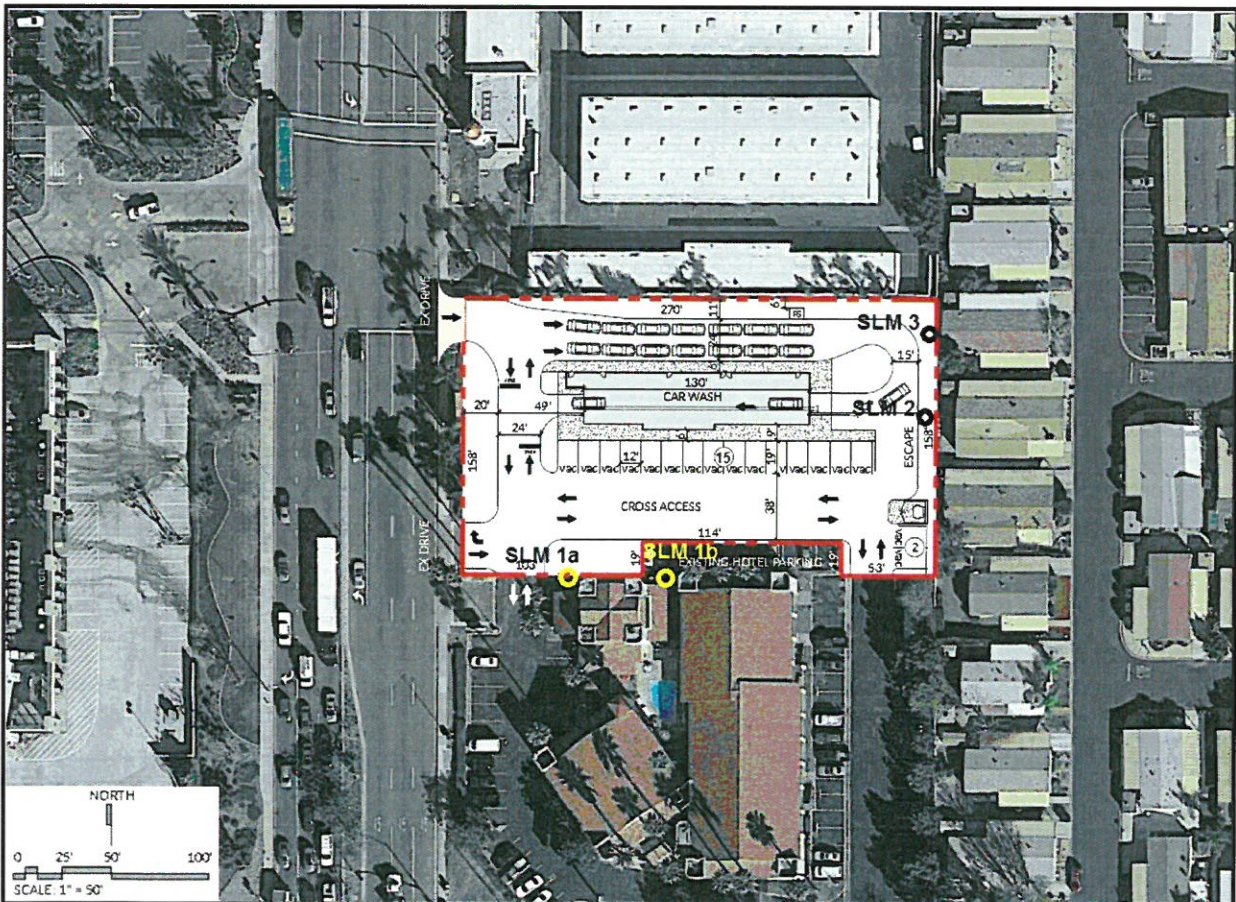


Figure 3. Aerial View of Project Site with Sound Meter Locations

5. Sound Measurements and Results

Ambient noise was monitored on April 28, 2017 near the adjacent residential-use properties over a 2-½ hour morning commute monitoring period from 7:15 a.m. to 9:45 a.m. The ambient noise measurement results for the project vicinity are given in Tables 1 to 4.

The ambient noise measurement results include the 15 minute energy equivalent average sound level (Leq(15m)), the minimum sound level (Lmin) and the maximum sound level (Lmax). In addition, the noise measurements include the percentile or exceedance levels (L%). An L(2) exceedance level is the sound level that is exceeded for 2% of the measurement period. The L(8) exceedance level is the sound level that is exceeded for 8% of the time. L(25) and (L50) are the sound levels that are exceeded for 25% and 50% of their respective time periods. All noise level data herein are referenced to 20 micropascal (20 µPa) and are A-weighted sound levels (dBA) taken with the required “slow” response setting.

Table 1. Hotel Property Line Ambient Noise Monitoring Results (SLM 1a)

Date	Start Time	Leq(15m)	Lmax	Lmin	L(2)	L(8.)	L(25)	L(50)
28-Apr-17	7:15	67.4	75.5	61.6	73.2	70.4	67.9	67.4
28-Apr-17	7:30	67.7	87.5	58.4	72.8	69.6	67.5	67.7
28-Apr-17	7:45	68.7	86.7	61.8	75.7	70.5	68.1	68.7
28-Apr-17	8:00	69.0	83.5	60.3	75.4	71.5	68.8	69.0
28-Apr-17	8:15	67.0	70.9	63.3	70.8	70.0	67.8	67.0

Table 2. Hotel Property Line Ambient Noise Monitoring Results (SLM 1b)

Date	Start Time	Leq(15m)	Lmax	Lmin	L(2)	L(8.)	L(25)	L(50)
28-Apr-17	8:45	68.2	85.2	61.4	72.0	70.4	68.0	66.2
28-Apr-17	9:00	70.3	92.2	62.0	75.6	71.0	68.9	67.6
28-Apr-17	9:15	68.2	79.5	62.1	73.9	70.9	68.5	67.1
28-Apr-17	9:30	69.4	80.4	64.0	75.7	72.1	69.5	68.1

Table 3. E. Property Line Ambient Noise Monitoring Results (SLM 2)

Date	Start Time	Leq(15m)	Lmax	Lmin	L(2)	L(8.)	L(25)	L(50)
28-Apr-17	7:15	61.1	68.6	39.6	65.9	63.9	61.5	60.3
28-Apr-17	7:30	60.9	76.5	54.5	65.3	62.7	61.2	60.0
28-Apr-17	7:45	61.7	76.7	56.5	68.0	63.4	61.6	60.4
28-Apr-17	8:00	62.2	75.3	56.2	66.9	64.0	62.5	61.4
28-Apr-17	8:15	62.3	74.5	56.0	68.4	64.9	62.7	60.8
28-Apr-17	8:30	62.5	77.7	56.7	70.7	64.5	61.9	60.5
28-Apr-17	8:45	62.0	81.3	56.2	65.9	63.7	62.0	60.6
28-Apr-17	9:00	62.4	79.6	55.3	69.2	63.9	62.0	60.8
28-Apr-17	9:15	61.8	72.8	58.6	65.5	63.5	62.2	61.3

Table 4. NE Property Line Ambient Noise Monitoring Results (SLM 3)

Date	Start Time	Leq(15m)	Lmax	Lmin	L(2)	L(8.)	L(25)	L(50)
28-Apr-17	7:15	60.3	68.9	57.2	65.6	63.0	60.3	59.1
28-Apr-17	7:30	59.2	73.5	54.2	63.9	61.5	59.5	58.3
28-Apr-17	7:45	60.5	76.2	56.4	66.2	61.7	60.3	59.5
28-Apr-17	8:00	60.8	70.5	56.0	65.9	62.6	61.0	60.3
28-Apr-17	8:15	66.7	87.3	56.6	74.6	69.9	62.3	59.0
28-Apr-17	8:30	60.9	76.3	55.1	69.6	62.0	59.1	58.2
28-Apr-17	8:45	59.5	69.5	55.1	66.3	61.7	59.4	58.1
28-Apr-17	9:00	61.1	73.5	56.2	67.2	62.9	61.4	59.8
28-Apr-17	9:15	59.8	63.8	57.5	62.2	61.3	60.4	59.6
28-Apr-17	9:30	62.4	68.3	59.4	66.3	64.8	62.9	61.8

The measured 9 a.m. 15-minute ambient noise at the Hotel ambient noise monitoring SLM 1b location was greater than the mixed-use property daytime noise limit of 70 Leq(15m) dBA. Thus, the measured 15 minute ambient noise of 70.3 dBA becomes the project-limiting noise level at the mixed-use SLM 1b location. The measured 8:15 a.m. 15-minute ambient noise at the NE mobile home ambient noise monitoring SLM 3 location was greater than the mobile home property daytime noise limit of 65 Leq(15m) dBA. Thus, the measured 15 minute ambient noise of 66.7 dBA becomes the noise level limit at the SLM 3 location. Note also that the easterly mobile homes and yards have a 4-foot high masonry property line wall.

6. Unabated Projected Noise Modeling and Results

The planned hours of operation of the proposed car wash are limited to daytime hours seven (7) days a week. The project layout shows the number of idling patron vehicles queued up for a car wash at a time could be fourteen (14). In addition, there are seventeen (17) vacuum stations and 15 air nozzles. An equipment room contains small pumps and the central vacuum tank. Computer modeling of the measured ambient noise, modeled receptor ambient noise along with the car wash equipment noise, transmitted through the car wash tunnel exit opening, entrance opening, the tunnel walls and tunnel roof. On-site patron vehicles have been modeled assuming a worst-case scenario of 14 queued idling vehicles and 11 low speed vehicle movements. Also, it is assumed there are 17 vehicles being vacuumed and 15 air nozzles operating at once. Modeling was conducted using the SoundPLAN™, Version 7.4, community noise modeling software. Table 5 shows the predicted unabated project noise at the four mobile home sites, the four ambient noise monitoring locations, and inside and outside the tunnel entrance and exit, due to the worst-case car wash operations. It is very unlikely that the worst-case conditions would actually occur, but the results of such an occurrence are given in Figure 4, which shows the worst-case scenario noise contours for an unabated car wash operation.

Table 5. Proposed Car Wash Unabated Worst-Case Noise

Adjacent Property Line Locations	Ambient Noise, Leq(15m), dBA	City Noise Limit, Leq(15m), dBA	Receptor Locations	Proposed Car Wash, Leq(15m), dBA
Site 1 (SW)	67.0 to 69.0	70	SLM 1a	75.4
Site 2 (S)	68.2 to 70.3	70.3	SLM 1b	67.2
Site 3 (SE)	--	65	Mobile Home Site	68.6
Site 4 (E) *	60.9 to 62.5	--	SLM 2 – E. Planter	72.3
Site 5 (E)	--		Mobile Home Site	70.4
Site 6 (ENE)	--	65	Mobile Home Site	68.8
Site 7 (NE) *	59.2 to 62.4	--	SLM 3 – NE Planter	70.9
Site 8 (NE) *	--	65	Mobile Home Site	63.8
Site A int & 9 ext *	--	--	Tunnel Entrance	87.3 // 78.0
Site B int & 10 ext *	--	--	Tunnel Exit	93.7 // 88.1

* Not on property lines.

Table 6 shows the predicted worst-case scenario unabated project noise at the adjacent southerly mixed-use and easterly mobile home lots for the unabated project noise combined with ambient noise. The unabated equipment noise modeling shows that all sites would have their zone noise limit exceeded unless the project noise is properly abated.

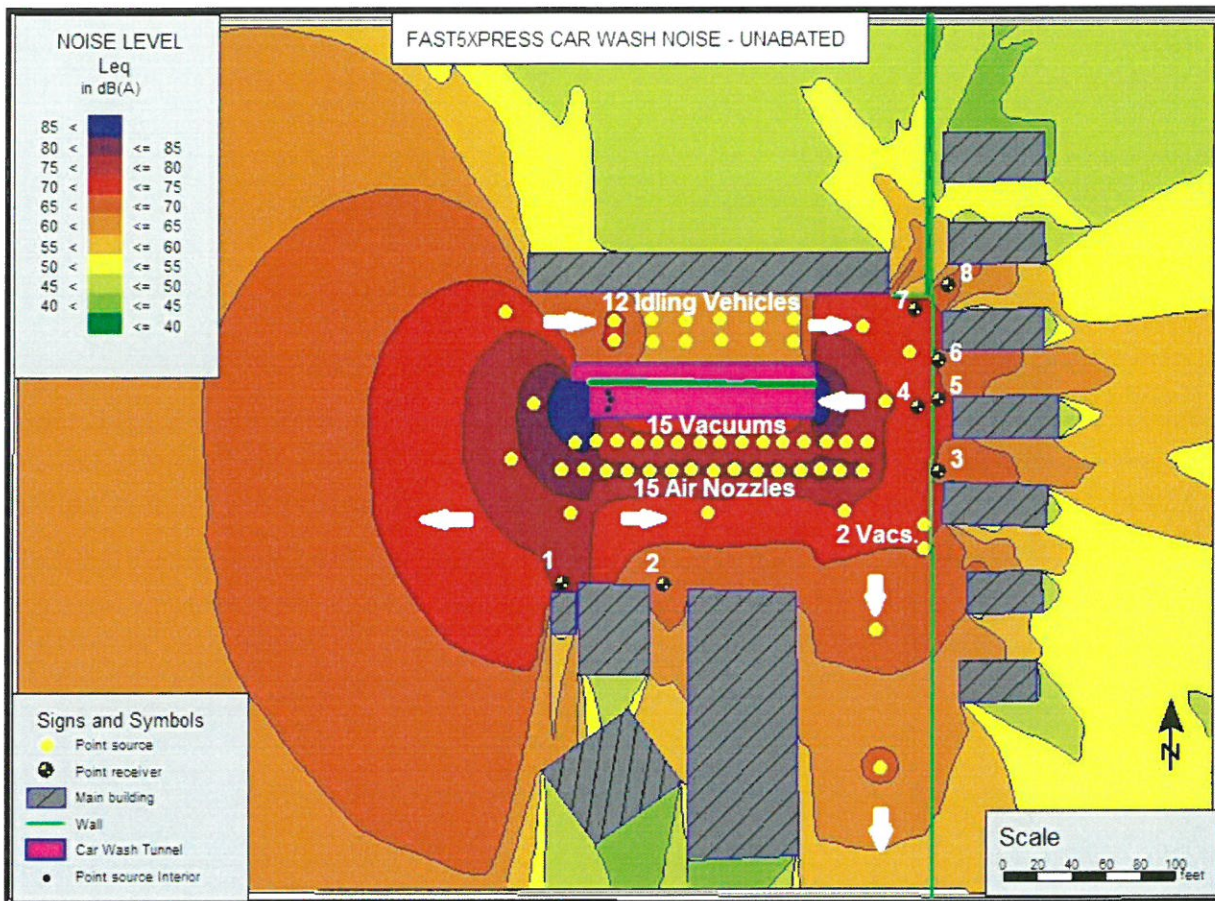


Figure 4. Proposed Car Wash Unabated Worst Noise Contours with Receptor Locations

Table 6. Unabated Worst-Case Combined Car Wash & Ambient Noise at Receptors

Adjacent Property Line Locations	Ambient Noise, Leq(15m), dBA	Modeled Project Noise, Leq(15m), dBA	Project Noise Limit, Leq(15m), dBA	Combined Combo Noise, Leq(15m), dBA	Project Noise Compliance
Site 1 (SW)	67.0 to 69.0	75.4	70	76.0 to 76.3	No
Site 2 (S)	68.2 to 70.3	67.2	70	70.7 to 72.0	No
Site 3 (SE)	(60 est.)	68.6	65	69.1	No
Site 4 (E) *	60.9 to 62.5	72.3	65	72.6 to 72.7	n/a
Site 5 (E)	(60 est.)	70.4	65	70.8	No
Site 6 (ENE)	(60 est.)	68.8	65	69.3	No
Site 7 (NE) *	59.2 to 62.4	70.9	66.7	71.2 to 71.5	n/a
Site 8 (NE) *	(60 est.)	63.8	65	65.3	No

* Not on Property Line (n/a = not applicable)

7. Project Noise Abatement Recommendations

Since the proposed project is not planning to operate after 10 p.m., the revised project noise study finds that the combination of the ambient noise and the proposed project’s daytime operational car wash noise would not exceed the mobile home noise limit. However, AEA still recommends the following noise abatement measures: (1) that the south wall of the car wash tunnel be extended to equal the westerly extent of the north side of the tunnel. It is also recommended that (2) the dryer blowers be moved 10 feet deeper into the exit end of the tunnel (thus 20 feet from the exit) to bring the car wash into compliance with the mixed-use portion of the city noise code.

8. Abated Projected Noise Modeling Results

A new updated SoundPLAN™, Version 7.4 computer model was developed for the measured area ambient noise, along with abated car wash equipment noise, propagating out the car wash tunnel exit and entrance openings and transmitted through the tunnel walls and roof. Exterior carwash related noise sources (newly measured idling cars and air nozzle noise) were also included in the new noise model, as was a newly proposed 6'8" high sound wall along a portion of the mobile home park property line. Table 7 shows the predicted abated project noise at the four monitored mobile home sites, the four ambient noise monitoring locations, and inside and outside the tunnel entrance and exit, due to the relocated car wash dryers (3 Motor City centrifugal fans), 14 idling vehicles waiting for a car wash and 17 vacuums operating simultaneously. As with the unabated case, it is unlikely that the worst-case conditions would actually occur, but the results of such an occurrence are given in Figure 5, which shows the worst-case abated car wash noise contours.

Table 7. Proposed Car Wash Abated Worst-Case Noise

Adjacent Property Line Locations	Ambient Noise, Leq(15m), dBA	City Noise Limit, Leq(15m), dBA	Receptor Locations	Proposed Car Wash, Leq(15m), dBA
Site 1 (SW)	67.0 to 69.0	70	SLM 1a	61.4
Site 2 (S)	68.2 to 70.3	70.3	SLM 1b	59.0
Site 3 (SE)	(60 est)	65	Mobile Home Site *	44.9
Site 5 (E)	(60 est)	65	Mobile Home Site *	47.9
Site 6 (ENE)	(60 est)	65	Mobile Home Site *	44.9
Site 8 (NE)	(60 est)	65	Mobile Home Site *	50.7

* With proposed new 6'8" property line sound wall.

Table 8 shows the predicted worst-case abated project noise at the adjacent southerly mixed-use and easterly mobile home lots for the project noise combined with ambient noise. All of the mobile home sites and both of the two mixed-use sites would comply with their respective zone noise limits. Figure 5 shows the worst-case abated noise contours with all equipment operating and when all specified noise abatement measures identified in this report are properly implemented. These include the new property line sound wall and tunnel blower locations 20 feet from the tunnel exit and 10-foot south tunnel wall westerly extension.

Table 8. Abated Worst-Case Combined Car Wash & Ambient Noise at Receptors

Adjacent Property Line Locations	Ambient Noise, Leq(15m), dBA	Modeled Project Noise, Leq(15m), dBA	Project Noise Limit, Leq(15m), dBA	Combined Combo Noise, Leq(15m), dBA	Project Noise Compliance
Site 1 (SW)	67.0 to 69.0	61.4	70	68.1 to 69.7	Yes
Site 2 (S)	68.2 to 70.3	59.0	70.3	68.7 to 70.6	Yes
Site 3 (SE)	(60 est)	44.9	65	60.1	Yes
Site 5 (E)	(60 est)	47.9	65	60.3	Yes
Site 6 (ENE)	(60 est)	44.9	65	60.1	Yes
Site 8 (NE)	(60 est)	50.7	65	60.5	Yes

9. Project Noise Conclusions and Recommendation

Since the revised proposed project is not planning to operate after 10 p.m., the new project noise study finds that the combination of the ambient noise and the proposed abated project's daytime operational car wash noise would not exceed the mobile home noise limit or the city mixed-use noise limit. In addition, we find that vacuuming noise from the two vacuum stalls

at the SE corner of the site would not exceed the ambient noise level at the mobile home nearest that location.

It is recommended that patron car radios be turned off while at the car wash. The only exception would be to allow Bluetooth-enabled headsets while patrons are vacuuming and using the compressed air nozzles to strip off excess water. Signage should state these conditions and request patron cooperation as a consideration for the neighbors.

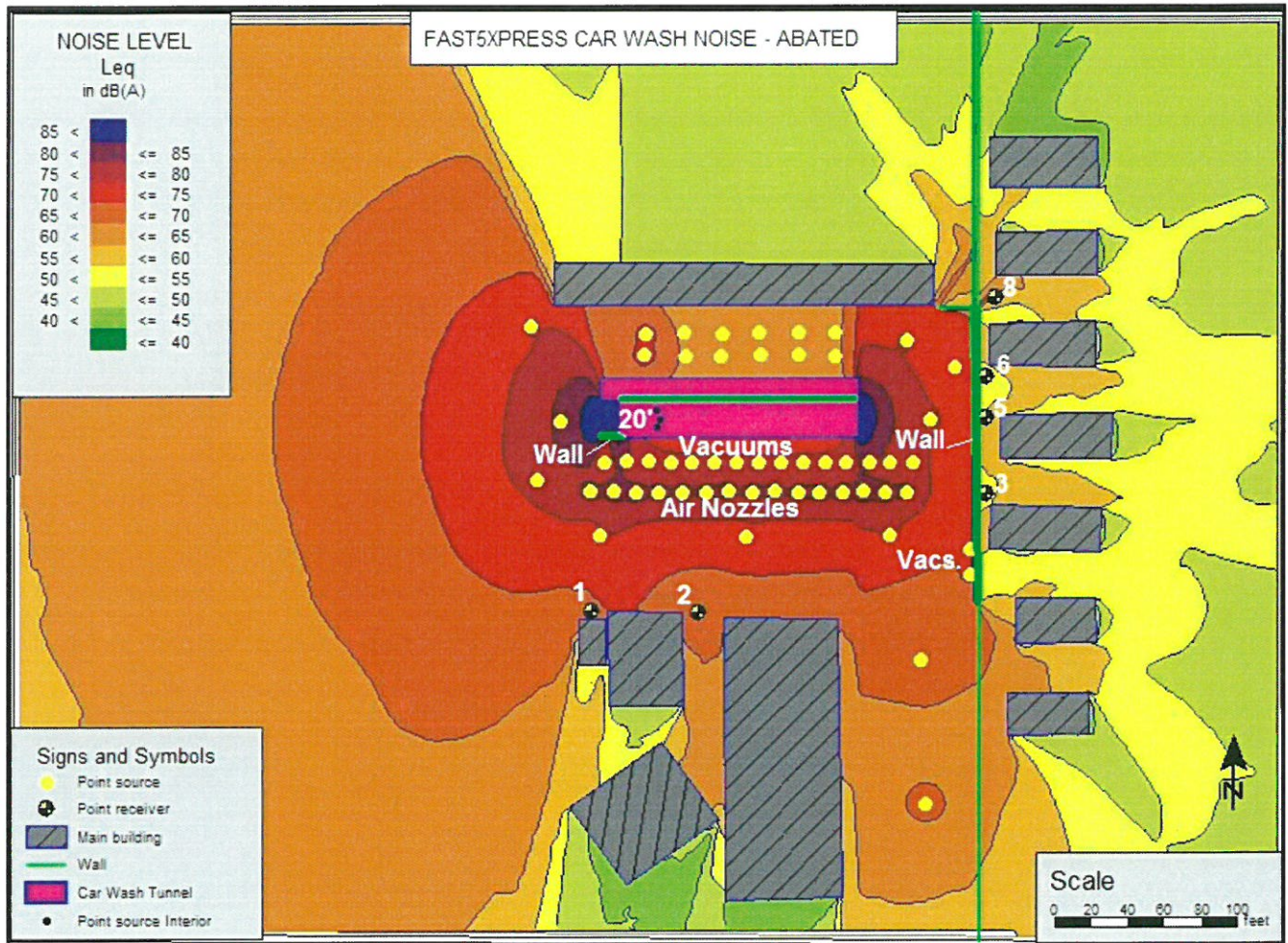


Figure 5. Proposed Car Wash Abated Worst Noise Contours with Receptor Locations

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP17-021, CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE A DRIVE-THRU CARWASH, ON 0.93 ACRES OF LAND, WITHIN THE COMMERCIAL LAND USE DESIGNATION OF THE GROVE AVENUE SPECIFIC PLAN, LOCATED AT 2345 S. GROVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0216-081-25.

WHEREAS, FAST 5 XPRESS ("Applicant") has filed an Application for the approval of a CONDITIONAL USE PERMIT, File No. PCUP17-021, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.93 acres of land generally located near the northeast corner of Grove Avenue and the CA-60 Freeway, at 2345 S. Grove Avenue within the Grove Avenue Specific Plan, and is presently improved with a restaurant; and

WHEREAS, the property to the north of the Project site is within the Commercial land use designation of the Grove Avenue Specific Plan, and is developed with a self-storage facility. The property to the east is within the Mobile Home Park zoning district, and is developed with a Mobile Home Park. The property to the south is within the Commercial land use designation of the Grove Avenue Specific Plan zoning district, and is developed with a hotel. The property to the west is within the Community Commercial zoning district, and is developed with a commercial center; and

WHEREAS, the Applicant is requesting a Conditional Use Permit in conjunction with a Development Plan (File No. PDEV17-046) to establish a 4,500 square-foot carwash facility; and

WHEREAS, the facility consists of a 4,428 square-foot building with an electrical room, equipment room, office, wash tunnel, and public restroom; and an ancillary 72 square-foot detached sales office; and

WHEREAS, Fast 5 Xpress has been successfully operating self-service-style carwashes at over 10 locations in the Southern California area and is proposing to expand to the City of Ontario. The proposed building and site plan have been designed to meet their business operation needs, while maintaining reciprocal access with the parcel to the south; and

WHEREAS, Fast 5 Xpress operates an "express car wash", which is a cross between a traditional automated gas station carwash tunnel and a self-service carwash where patrons pay per minute for various washing and drying tools. The proposed project carwash tunnel utilizes higher-quality technologies than traditional automated tunnels to

wash and dry. All water used on site is filtered and recycled, and all grease, oils, and solids are collected onsite and hauled to an offsite environmental waste collection center; and

WHEREAS, Fast 5 Xpress employs 3-4 people per location. The business will operate seven days a week, from 7:00 a.m. to 8:00 p.m.; and

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

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

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

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

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

WHEREAS, on March 19, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-012, recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: *Environmental Determination and Findings.* As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions described in this section; and

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

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

that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location, as well as the scale and intensity, of the Conditional Use Permit is in accord with the objectives and purposes of the Commercial land use designation of the Grove Avenue Specific Plan. Furthermore, the proposed car wash land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Specific Plan. The scale and intensity of the proposed carwash is consistent with other permitted land uses located within the Commercial land use designation of the Grove Avenue Specific Plan. The Commercial land use designation allows for general retail, service, and commercial uses, and permits other specific uses with similar characteristics with a Conditional Use Permit. This type of land use district is intended to provide commercial sales and retail facilities which support business operations within the Grove Avenue Corridor and/or serve the needs of airport-bound visitors, especially uses which can take advantage of high traffic volumes along Grove Avenue. The proposed Conditional Use Permit application is for establishing a self-service carwash. A Development Plan has been submitted in conjunction with the proposed Conditional Use Permit to construct a 4,500 square-foot building to accommodate the carwash and related functions. Furthermore, the project site is currently developed with a restaurant, which will be demolished to accommodate the carwash facility, and is surrounded on the north, west, and south by other existing commercial uses. The proposed use is not anticipated to create any impacts with implementation of the project's Conditions of Approval; therefore, the proposed use is consistent with the objectives, purposes, and development standards and guidelines of the City's Development Code and the Grove Avenue Specific Plan.

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed car wash land use will be located within the General Commercial land use district of the Policy Plan Land Use Map, and the Commercial land use designation of the Grove Avenue Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan. The General Commercial land use accommodates local and regional

serving retail, personal service, entertainment, dining, office, tourist-serving, and related commercial uses. The proposed Conditional Use Permit and Development Plan applications are for establishing a self-service carwash, which falls under personal services and related commercial uses. The project will be consistent with an array of TOP goals and policies, such as the incorporation of a variety of land uses and quality landscape and streetscape design, and improvement of the neighborhood. The proposed use is not anticipated to create any impacts with enforcement of the project's Conditions of Approval; therefore, the project 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.

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.*** The proposed car wash land use has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use is consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code, and the General Commercial land use district and Grove Avenue Specific Plan in which the project is located. A Development Plan has been submitted in conjunction with the proposed Conditional Use Permit to construct a 4,500 square-foot building to accommodate the carwash and related functions. The project has been designed to facilitate the business activities on-site while still allowing for reciprocal access to the southerly parcel. The project site is surrounded on the north, west, and south by other existing commercial uses and is currently developed with a restaurant, which will be demolished to accommodate the proposed carwash facility. The project shall incorporate extensive landscaping throughout the site, which will enhance the Grove Avenue streetscape, and the use will provide an added convenience to patrons of the nearby commercial shopping center. The proposed use is not anticipated to create any impacts with implementation of the project's Conditions of Approval, which will ensure that the proposed use will operate in a safe manner and be properly maintained and operated in accordance with the Ontario Development Code and the Grove Avenue Specific Plan.

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Planning Commission has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Grove Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located. The project site is located within

the Commercial land use designation of the Grove Avenue Specific Plan, for which a carwash is a conditionally-permitted use. The project proposes various improvements to the site, including enhanced landscaping at and beyond the parkway, improved drainage facilities, and a new eight-foot block wall along the east property line for safety and sound attenuation. Overall, the project will be conditioned to ensure that the proposed use will not be detrimental or injurious to the surrounding property or persons working or living in the surrounding neighborhood.

SECTION 4: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

SECTION 5: *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 6: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March, 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PCUP17-021
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: March 27, 2018

File No: PCUP17-021

Related Files: PDEV17-046

Project Description: A Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. APN: 0216-081-25; **submitted by Fast 5 Xpress Car Wash.**

Prepared By: Alexis Vaughn
Phone: 909.395.2416 (direct)
Email: avaughn@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year 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 Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

(d) The project is contingent upon Planning Commission approval of the related Development Plan (File No. PDEV17-046). All applicable Conditions of Approval of the related Application shall apply to the Conditional Use Permit Application.

2.3 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.4 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.5 Additional Requirements.

(a) All project noise mitigation recommendations by the project's acoustical engineer and by City of Ontario staff shall be followed so as to minimize all aspects of noise for adjacent properties, including, but not limited to:

(i) The south wall of the car wash tunnel be extended to equal the westerly extent of the north side of the tunnel.

(ii) Relocate the dryer blowers 10 feet deeper into the exit end of the tunnel (thus 20 feet from the exit).

(iii) Install an 8'-high block wall along the portion of the east property line, adjacent to residential units.

(iv) Hours of operation between 7:00 a.m. and 8:00 p.m., daily.

(b) The business' staff and management shall reinforce the following during operational hours so as to limit disruption to adjacent properties:

(i) No noise permitted prior to 6:50 a.m. for setup.

(ii) No patron car radios shall project sound.

(iii) Mechanical equipment room doors to remain closed during operational hours and proper ventilation shall be installed so as to prevent overheating during summer months.

(iv) Vacuum station compressors shall be equipped with "silencers".

(c) The property owner shall maintain the site free of graffiti and/or vandalism.

(d) The business and/or property owner shall promptly report any criminal activities occurring on-site to the Ontario Police Department.

(e) During regular business hours, the northern driveway approach on Grove Avenue shall be closed off when there are queued vehicles from the car wash within 40 feet from the Grove Avenue right-of-way.



CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director
 Scott Murphy, Planning Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
 Carolyn Bell, Landscape Planning Division
 Sheldon Yu, Municipal Utility Company
 Doug Sorel, Police Department
 Paul Ehrman, Deputy Fire Chief/Fire Marshal
 Jay Bautista, T. E., Traffic/Transportation Manager
 Lorena Mejia, Senior Planner
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director
 Jimmy Chang, IT Department
 David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 18, 2017

SUBJECT: FILE #: PCUP17-021

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, October 2, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit request to establish a 4,500 square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land within the commercial land use designation of the Grove Avenue Specific Plan, located at 2345 South Grove Avenue. (APN 0216-081-25).

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Landscape Planning
10/5/17
Department
Signature
Carol Bell
Landscape Planner
Title
Date

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Alexis Vaughn
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: October 2, 2017
SUBJECT: PCUP17-021

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

KS:lm





CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director
 Scott Murphy, Planning Director (Copy of Memo only)
 Cathy Wahlstrom, Principal Planner (Copy of memo only)
 Charity Hernandez, Economic Development
 Kevin Shear, Building Official
 Khoi Do, Assistant City Engineer
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 Lorena Mejia, Senior Planner
 Steve Wilson, Engineering/NPDES
 Bob Gluck, Code Enforcement Director
 Jimmy Chang, IT Department
 David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 18, 2017

SUBJECT: FILE #: PCUP17-021 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, October 2, 2017**.

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PROJECT DESCRIPTION: A Conditional Use Permit request to establish a 4,500 square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land within the commercial land use designation of the Grove Avenue Specific Plan, located at 2345 South Grove Avenue. (APN 0216-081-25).

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Broadband Ops. *Anno Vaca Sr. Systems Analyst* *11/2/2017*
 Department Signature Title Date

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-046, A DEVELOPMENT PLAN (FILE NO. PDEV17-046) TO CONSTRUCT A 4,500 SQUARE-FOOT SELF-SERVICE CARWASH (FAST 5 XPRESS), ON 0.93 ACRES OF LAND, WITHIN THE COMMERCIAL LAND USE DESIGNATION OF THE GROVE AVENUE SPECIFIC PLAN, LOCATED AT 2345 S. GROVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0216-081-25.

WHEREAS, Fast 5 Xpress ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-046, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.93 acres of land generally located near the northeast corner of Grove Avenue and the CA-60 Freeway, at 2345 S. Grove Avenue within the Grove Avenue Specific Plan, and is presently improved with a restaurant; and

WHEREAS, the property to the north of the Project site is within the Commercial land use designation of the Grove Avenue Specific Plan, and is developed with a self-storage facility. The property to the east is within the Mobile Home Park zoning district, and is developed with a Mobile Home Park. The property to the south is within the Commercial land use designation of the Grove Avenue Specific Plan zoning district, and is developed with a hotel. The property to the west is within the Community Commercial zoning district, and is developed with a commercial center; and

WHEREAS, the Applicant is requesting a Conditional Use Permit in conjunction with a Development Plan (File No. PDEV17-046) to establish a 4,500 square-foot carwash facility; and

WHEREAS, the facility consists of a 4,428 square-foot building with an electrical room, equipment room, office, wash tunnel, and public restroom; and an ancillary 72 square-foot detached sales office; and

WHEREAS, access to the site is provided via one 16-foot enter-only drive aisle and a shared 60-foot ingress/egress drive aisle that runs east-west along the southern portion of the project site on the west property line at Grove Avenue; and

WHEREAS, The project is required to provide a minimum of 10 off-street parking spaces pursuant to the parking standards specified in the Development Code and has provided 18 spaces, exceeding the minimum standards; and

WHEREAS, the Grove Avenue Specific Plan requires parcels fronting Grove Avenue, south of Belmont Avenue, to provide a substantial front landscape buffer, with a 25' average and 20' minimum. The project is proposing 29'-9" for the front setback, including the parkway along Grove Avenue. The Specific Plan also requires a minimum of 15% landscape coverage, and 18% will be provided, exceeding the minimum requirements. Landscaping is being provided along the street frontage, the perimeter of the site, and building and drive aisle-adjacent areas; and

WHEREAS, the proposed carwash facility features a modern commercial architecture, including white stucco panels with vertical reveal lines, orange metal awnings, horizontal and angled metal parapets with a contrasting blue band at the base, standing seam metal roof, and a decorative architectural element at the carwash tunnel exit along the west elevation, displaying signage for the building. In addition, 15 canopies will be provided for the vacuum stalls; and

WHEREAS, public utilities (water and sewer) are available to serve the project. Furthermore, the applicant has submitted a Preliminary Water Quality Management Plan (PWQMP) which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration. The proposed development will not substantially alter the existing drainage pattern. The onsite drainage will be conveyed by local gutters into two catch basin inlets located at the southerly boundary of the project. The drainage flow will be piped underground to a proposed Vortech Separator that will serve as the water quality pretreatment device. After pretreatment, stormwater will flow to underground storage chambers that will be for required water quality retention volume (DCV). Bypass flow will drain south to the hotel site, and captured flows will infiltrate into the ground within the storage chambers; and

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

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

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

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element

law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on March 19, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-013, recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions described in this section; and

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

SECTION 4: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing,

and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the General Commercial land use district of the Policy Plan Land Use Map, and the Commercial land use designation of the Grove Avenue Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained are consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed carwash facility will provide the area with an additional service, promoting a variety of land uses and building types in the area, per LU1-6 (Complete Community). Additionally, the project will be well-landscaped, and will contribute to the overall streetscape along Grove Avenue, per CD2-9 (Landscape Design) and CD3-6 (Landscaping).

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the Grove Avenue Specific Plan, including standards relative to the particular land use proposed (carwash), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions. The project site is bordered by commercial uses on the north, west, and south, and currently contains a two-story building, which will be demolished to accommodate the proposed carwash facility. The proposed one-story building will not impose any privacy or view issues, as it will be surrounded by taller buildings on the north and south. Further, an 8-foot solid block wall will be constructed along the east property line to improve privacy and sound attenuation to the adjacent mobile home park.

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Planning Commission has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Grove Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Grove Avenue Specific Plan. The proposed project is complementary to the surrounding

commercial development in terms of use and architecture, and will install an extensive landscape buffer along Grove Avenue. Additionally, conditions have been put in place to help mitigate any potential impacts to the Mobile Home Park residential units backing onto the project, along the east property line, and to the Country Inn hotel to the south. All oil, grease, and debris from the car wash bay are captured and hauled to an off-site location for treatment, and water from the car wash bay is recycled and reused. The facility uses non-toxic, biodegradable detergents. Additionally, a condition has been imposed that the on-site management close off the driveway at the northwest corner of the site, should the on-site queuing have cars stacked within 40 feet of the public right-of-way line, further promoting public safety on or near the site.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Grove Avenue Specific Plan that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (carwash facility). The project as proposed meets or positively exceeds all design guidelines, including parking, landscaping, setbacks, FAR, fencing, noise and debris attenuation, and circulation. As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Grove Avenue Specific Plan and the City's Development Code.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located

at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: **Certification to Adoption.** The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March, 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-046
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: March 27, 2018

File No: PDEV17-046

Related Files: PCUP17-021

Project Description: A Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. APN: 0216-081-25; **submitted by Fast 5 Xpress Car Wash.**

Prepared By: Alexis Vaughn
Phone: 909.395.2416 (direct)
Email: avaughn@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) 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 Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking

areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.7 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted 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 architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.8 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.9 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations). Signage requires a separate sign permit review and approval.

2.10 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.11 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(v) The Project site can be adequately served by all required utilities and public services.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/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.

2.12 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.13 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.14 Additional Requirements.

(a) All project noise mitigation recommendations by the project's acoustical engineer and by City of Ontario staff shall be followed so as to minimize all aspects of noise for adjacent properties, including, but not limited to:

(i) The south wall of the car wash tunnel be extended to equal the westerly extent of the north side of the tunnel.

(ii) Relocate the dryer blowers 10 feet deeper into the exit end of the tunnel (thus 20 feet from the exit).

(iii) Install an 8'-high block wall along the portion of the east property line, adjacent to residential units.

(iv) Hours of operation between 7:00 a.m. and 8:00 p.m., daily.

(b) The business' staff and management shall reinforce the following during operational hours so as to limit disruption to adjacent properties:

(i) No noise permitted prior to 6:50 a.m. for setup.

(ii) No patron car radios shall project sound.

(iii) Mechanical equipment room to remain closed during operational hours and proper ventilation shall be installed so as to prevent overheating during summer months.

(iv) Vacuum station compressors shall be equipped with "silencers".

(c) The property owner shall maintain the site free of graffiti and/or vandalism.

(d) The business and/or property owner shall promptly report any criminal activities occurring on-site to the Ontario Police Department.

(e) During regular business hours, the northern driveway approach on Grove Avenue shall be closed off when there are queued vehicles from the car wash within 40 feet from the Grove Avenue right-of-way.



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani , Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Joe De Sousa, Supervising Code Enforcement Officer
Jimmy Chang , IT Department
David Simpson , IT Department (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: January 04, 2018

REVISION NO. 1

SUBJECT: FILE #: PDEV17-046

Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, January 18, 2018**.

PROJECT DESCRIPTION: A Development Plan to construct a 4,500-square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land located at 2345 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan (APN 0216-081-25). Related File: PCUP17-021.

The plan does adequately address the departmental concerns at this time.

- No comments
- See previous report for Conditions
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Landscape Planning Carolyn Bell Sr landscape Architect
Department Signature Title Date 1/30/18

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
 303 East "B" Street, Ontario, CA 91764

PRELIMINARY PLAN CORRECTIONS

Sign Off

Carolyn Bell
 Carolyn Bell, Sr. Landscape Planner

1/29/18
 Date

viewer's Name:
Carolyn Bell, Sr. Landscape Planner

Phone:
(909) 395-2237

D.A.B. File No.:
 PDEV17-046 Rev 1

Case Planner:
 Alexis Vaughn

Project Name and Location:
 Self Service Car Wash – Fast 5 Express
 2345 S Grove Ave
 Applicant/Representative:
 Don Vogel
 567 San Nicolas Dr ste 390
 Newport Beach, Ca 92660

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 1/3/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

Landscape Plans

1. Provide a tree inventory for existing trees: Include existing trees within 15' of adjacent property (east side) that would be affected by new walls, footings or on-site tree planting.
2. Show appropriate parking lot shade trees with min 30' canopy at maturity such as Pistache, Ulmus, Koelreuteria, etc. Ok to avoid canopy area. Add shade trees in the west planter in place of 5 Queen palms. Relocate palms to narrow planters such as the NE and NW and SE planters at car wash bldg. Move Oak in 6' planter by ADA space to the larger planter area to north.
3. preliminary MAWA calculation.
4. Hydrozone #1, change moderate water plants to all low water plants or show 2 shrub hydrozones.
5. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:
 - Plan Check—less than 5 acres\$1,301.00
 - Inspection—Construction (up to 3 inspections per phase)\$278.00
 - Total Invoice #232018.....\$1509.00

Landscape construction plans with building permit number for plan check may be emailed to:
landscapeplancheck@ontarioca.gov



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

DAB MEETING DATE: March 19th, 2018

PROJECT: PDEV17-046, a Development Plan to construct a 4,500-square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land.

APN: 0216-081-25

LOCATION: 2345 South Grove Avenue

PROJECT ENGINEER: Antonio Alejos, Engineering Assistant *AA* (909) 395-2384

PROJECT PLANNER: Alexis Vaughn, Assistant Planner (909) 395-2416

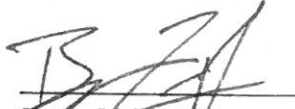
The following items are the Conditions of Approval for the subject project:

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. The Applicant/Developer shall equip the existing service for domestic and irrigation use with a backflow device per City standards.
3. The Applicant/Developer shall equip the existing sewer system with a sand & oil separator per City Standard Drawing Number 2202.
4. The Applicant/Developer shall abandon the existing sewer lateral and fire service no longer to be used per City standards.
5. The Applicant/Developer shall install parkway landscaping along the entire property frontage on Grove Avenue.
6. The Applicant/Developer shall replace the existing street light fixture with a current City approved LED equivalent fixture for one (1) existing street light located north of the southerly shared driveway approach fronting Grove Avenue in accordance with the Traffic & Transportation Guidelines Section 1.4 Street Light Plans.

7. The Applicant/Developer shall reconstruct the existing shared southerly driveway approach and conform to the City's standard commercial driveway approach per City Standard Drawing Number 1204.
 - a. The Applicant/Developer shall be responsible for street light relocation per City standards if the geometric changes to the driveway conflict with the existing street light.
8. The Applicant/Developer shall construct a new 2-bin trash enclosure with a solid roof per the Refuse & Recycling Planning Manual.
9. The Applicant/Developer or Occupant shall apply for a Wastewater Discharge Permit for the establishment, and shall comply will all the requirements of the Wastewater Discharge Permit.
 - a. Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact:
 - i. Michael Birmelin, Environmental Programs Director
Email: omucenvironmental@ontarioca.gov
Phone: (909) 395-2661
10. The Applicant/Developer shall pay an In-Lieu Fee, approximately \$25,000, to the Engineering Department for the installation of a future 48-inch storm drain along the project frontage at Grove Avenue. Final fee shall be determined based on the approved storm drain in-lieu fee cost estimate.
11. The Applicant/Developer shall pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$20,000, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.
12. Submit a Hydrology Report/Drainage Study. This study shall be approved by the Engineering Department prior to approval of any grading plan.
 - a. An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
13. Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.
14. Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.

Project File No. PDEV17-046 (Related to PCUP17-021)
Project Engineer: Antonio Alejos
DAB Date: 03/19/18


15. Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).
16. During regular business hours the northern driveway approach on Grove Avenue shall be closed-off when there are queued vehicles from the car wash within 40-ft from the Grove Avenue right-of-way.



Bryan Lirley, P.E.
Principal Engineer

3/5/18

Date



Khoi Do, P.E.
Assistant City Engineer

3/5/18

Date



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Planning Department

FROM: Douglas Sorel, Police Department

DATE: September 27, 2017

SUBJECT: PDEV17-046 AND PCUP17-021: A DEVELOPMENT PLAN AND
CONDITIONAL USE PERMIT APPLICATION TO CONSTRUCT AND
ESTABLISH A CAR WASH AT 2345 SOUTH GROVE AVENUE

The "Standard Conditions of Approval" contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements below.

- Required lighting for walkways, driveways, doorways, parking lots and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed and maintained on the building as stated in the Standard Conditions.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

In addition, the Ontario Police Department places the following conditions on the development:

- The business shall install and maintain a video surveillance system. Cameras shall be installed to cover, at a minimum, the car wash entrance, the car wash exit, all pedestrian doors leading into the business, all cash registers, and any coin payment boxes. Each camera shall record at a minimum resolution of 640x480 and a minimum of fifteen (15) frames per second. Recorded video shall be retained for a minimum of 30 days and made available to the Police Department upon request.
- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building.

structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns.



CITY OF ONTARIO

MEMORANDUM

TO: Alexis Vaughn, Assistant Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief / Fire Marshal
Fire Department

DATE: September 19, 2017

SUBJECT: PDEV17-046 - A Development Plan to construct a 4,500 square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land within the commercial land use designation of the Grove Avenue Specific Plan, located at 2345 South Grove Avenue. (APN 0216-081-25)

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
- Standard Conditions of Approval apply, as stated below.
-

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Type V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 4,509 Sq. Ft
- D. Number of Stories: 1
- E. Total Square Footage: 4,509 Sq. Ft
- F. 2016 CBC Occupancy Classification(s): B

CONDITIONS OF APPROVAL:

1.0 GENERAL

1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on "Fire Department" and then on "Standards and Forms."

1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.

2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access 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 building plan check.

2.5 "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 obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.

2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

3.0 WATER SUPPLY

3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1750 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inchont (p.s.i.) residual operating pressure.

3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.

3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire

Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

- 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 5.2 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. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Planning Director (Copy of Memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director
Jimmy Chang, IT Department
David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 18, 2017



SUBJECT: **FILE #: PDEV17-046**

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Monday, October 2, 2017**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan to construct a 4,500 square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land within the commercial land use designation of the Grove Avenue Specific Plan, located at 2345 South Grove Avenue. (APN 0216-081-25).

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Building
Department _____ Signature _____ Title _____ Date _____

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT, Alexis Vaughn
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: October 2, 2017
SUBJECT: PDEV17-046

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:1m



AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-046 and PCUP17-021
 Address: 2345 South Grove Avenue
 APN: 0216-081-25
 Existing Land Use: restuarant
 Proposed Land Use: 4,500 SF self service car wash
 Site Acreage: 0.93 Proposed Structure Height: 25 ft
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Alexis Vaughn
 Date: 11/7/17
 CD No.: 2017-066
 PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 ft +	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP
 ● Consistent
 Consistent with Conditions
 Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: _____



CITY OF ONTARIO MEMORANDUM

TO: Planning Commission

FROM: Jeanie Irene Aguilo, Assistant Planner *ja*

DATE: March 19, 2018

SUBJECT: Agenda Item D – File Nos. PDEV17-033, PCUP17-015

The applicant, Raising Cane's Chicken Fingers, is requesting this item be continued to the April 24, 2018 Planning Commission meeting to allow additional time to resolve issues regarding Engineering Conditions of Approval.



PLANNING COMMISSION STAFF REPORT

March 27, 2018

SUBJECT: A Development Plan (File No. PDEV17-061) and Conditional Use Permit (File No. PCUP18-007) to construct and establish a non-stealth wireless telecommunications facility for T-Mobile (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district. (APN: 0218-122-06) submitted by T-Mobile.

PROPERTY OWNER: Everett J. Delaura

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PDEV17-061 and PCUP18-007, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 10.17 acres of land located at 13434 South Ontario Avenue, within the within the SP/AG (Specific Plan/Agriculture Overlay) zoning district, and is depicted in Figure 1: Project Location, below. The areas to the north, south, east, and west of the project site are zoned SP, are within the AG Overlay district, and are developed with residential, and ancillary agricultural and animal keeping to the south and west (livestock farm), agricultural and ancillary residential uses to the north, and open space for the San Bernardino Flood Control System to the east.

PROJECT ANALYSIS:

[1] Background — The Applicant is requesting approval of a Development Plan (File No. PDEV17-061) to construct a 65-foot tall non-stealth telecommunications facility attached to an existing SCE transmission tower, with an accompanying 484-square foot equipment enclosure and a 6-foot high decorative block wall enclosure (see

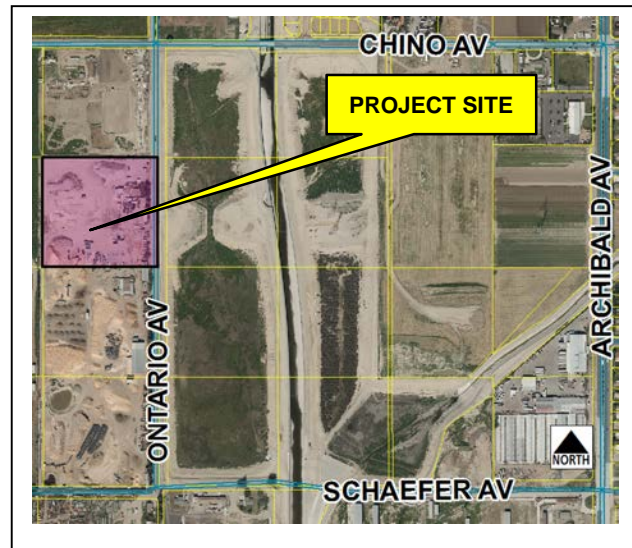


Figure 1: Project Location

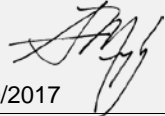
Case Planner:	Jeanie Irene Aguilo	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	03/19/2018	Approved	Recommend
Submittal Date:	12/20/2017	ZA			
Hearing Deadline:		PC	03/27/2018		Final
		CC			

Exhibit B—Site Plan and Exhibit C—Enlarged Site Plan). This application was filed in conjunction with a Conditional Use Permit (File No. PCUP18-007) to establish and operate the proposed facility.

On March 19, 2018, the Development Advisory Board reviewed the subject application, and recommended that the Planning Commission approve the proposed project.

[2] Site Design/Building Layout — The proposed non-stealth telecommunications facility will be located on an existing SCE transmission tower located east portion of the project site. The SCE transmission tower is located toward the center of the existing Artesia Sawdust Products operation, which is a wood byproducts and green material recycling facility. Currently, the existing SCE transmission tower measures at 149 feet to the top of the tower, with the proposed telecommunications antennas measured at 65 feet to the top of the antenna array. The proposed T-Mobile facility will enhance coverage within the Ontario Ranch area, which is currently lacking, as shown on the attached existing and proposed condition propagations maps (**see Exhibits E and F, attached**).

The maximum height allowed for a single-carrier telecommunication facility is 55-feet, and 65-feet for a co-located (two or more carriers) facility. The existing SCE tower is 149 FT and can accommodate at least two carriers; therefore, the proposed mounting height of the proposed wireless telecommunications antenna array is in compliance with the Development Code's maximum height restrictions. As shown on the tower elevations (**Exhibit D – Elevations**), a future second carrier could install their equipment on the SCE tower without creating interference with the other carrier, due to the extended tower height.

[3] Site Access/Circulation/Parking — Access to the wireless facility will be taken through a non-exclusive access route from Ontario Avenue. Additionally, one parking space adjacent to the lease area will be provided in accordance to the Development Code requirements, which will be used once or twice a month, when maintenance engineers visit the site.

As previously stated, the site is currently used by Artesia Sawdust Products, for a wood byproducts and green material recycling facility. The non-stealth design is compatible with the current use of the site and will not interfere with the surrounding area. The existing Eucalyptus tree windrow, along Ontario Avenue, will function as an additional landscape buffer to further assist the screening of the antennas. The new wireless facility will not create a significant new source of vehicle or truck traffic to the site.

[4] Architecture — The proposed project is consistent with the design guidelines set forth in the Ontario Development Code. The proposed non-stealth telecommunications facility meets the City's design guidelines, and will blend in with the surrounding scenery.

The proposed location provides an opportunity for the carrier (T-Mobile) to provide telecommunication coverage on residentially zoned properties to the east, and agricultural and future development to the north. Furthermore, the telecommunication facility has been designed for collocation, which will potentially eliminate the need for an additional separate facility in the area. The facility location is separated from the flood control system to the east, by Ontario Avenue, and is set back more than 170 feet west of the street property line. Additional specimen trees will screen the non-stealth telecommunication facility from view from the east, and will blend into the surrounding scenery. These separations will provide a buffer between the telecommunication facility and neighboring residential and agricultural uses.

[5] Signage — Pursuant to Development Code requirements, an informational sign (measuring 2 feet x 2 feet), which includes the carriers information and an emergency contact number, will be installed outside the facility enclosure.

[6] Conditional Use Permit— Pursuant to the City's Development Code, new antennas and wireless telecommunications facilities within the SP/AG (Specific Plan/Agriculture Overlay) zoning district require Conditional Use Permit review and approval in conjunction with a Development Plan. The intent of a CUP application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity. Therefore, the Development Advisory Board has recommended that the Planning Commission impose certain safeguards, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner

[2] Policy Plan (General Plan)

Land Use Element:

- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Community Economics Element:

- Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.
 - CE2-1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.
 - CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.
 - CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
 - CE2-5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

Community Design Element:

- Goal CD2: A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
 - CD2-1 Quality Architecture. We encourage all development projects to convey visual interest and character through:
 - Building volume, massing, and height to provide appropriate scale and proportion;
 - A true architectural style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and

- Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

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

- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

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

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

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

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the 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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Artesia Sawdust Products, Inc. (Forestry Services)	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>North</i>	Residential	LDR (Low Density Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>South</i>	Livestock	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>East</i>	San Bernardino Flood Control System	OS-NR (Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>West</i>	Livestock	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A

Exhibit A—PROJECT LOCATION MAP

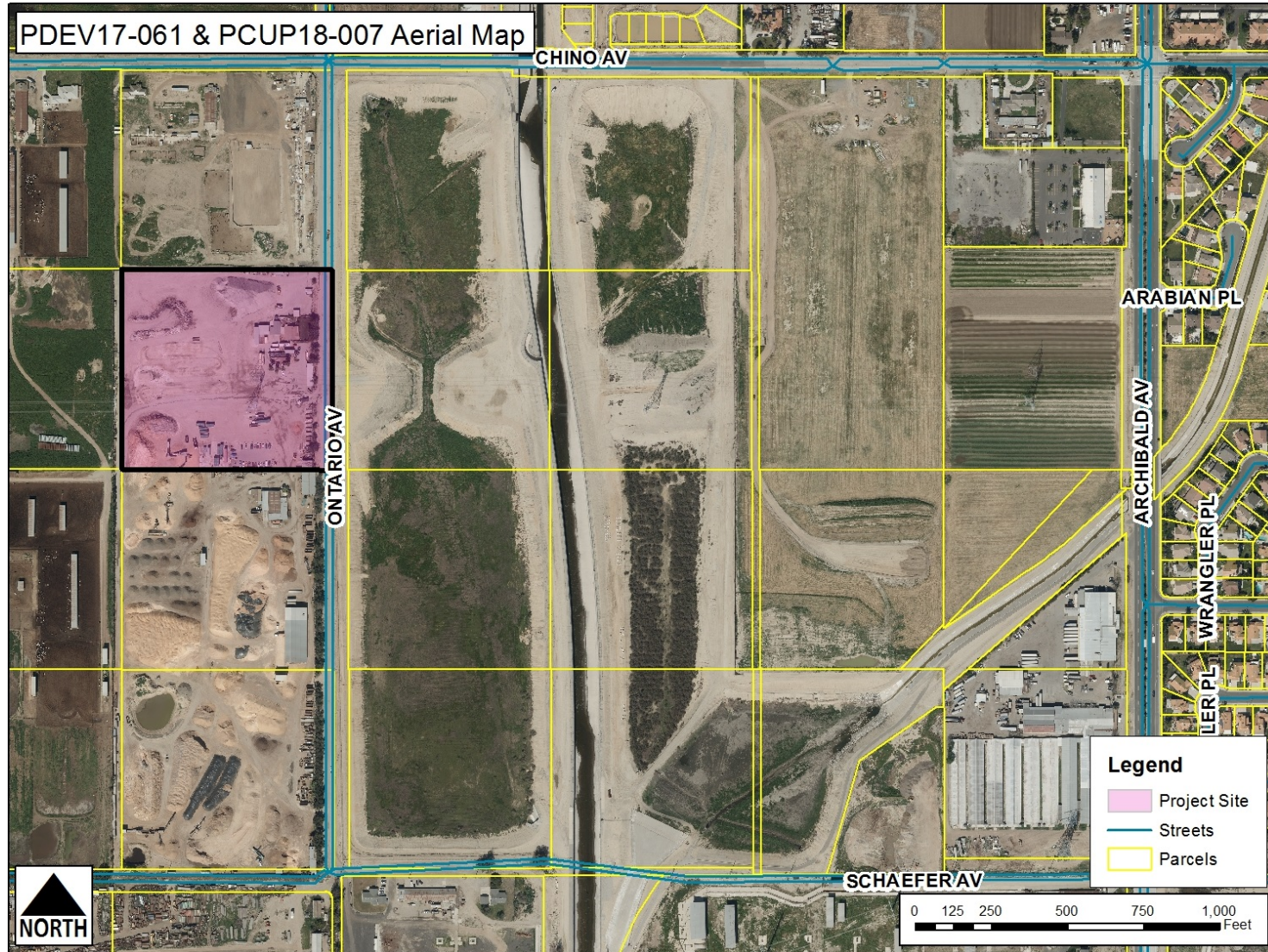


Exhibit B—PROJECT SITE PLAN

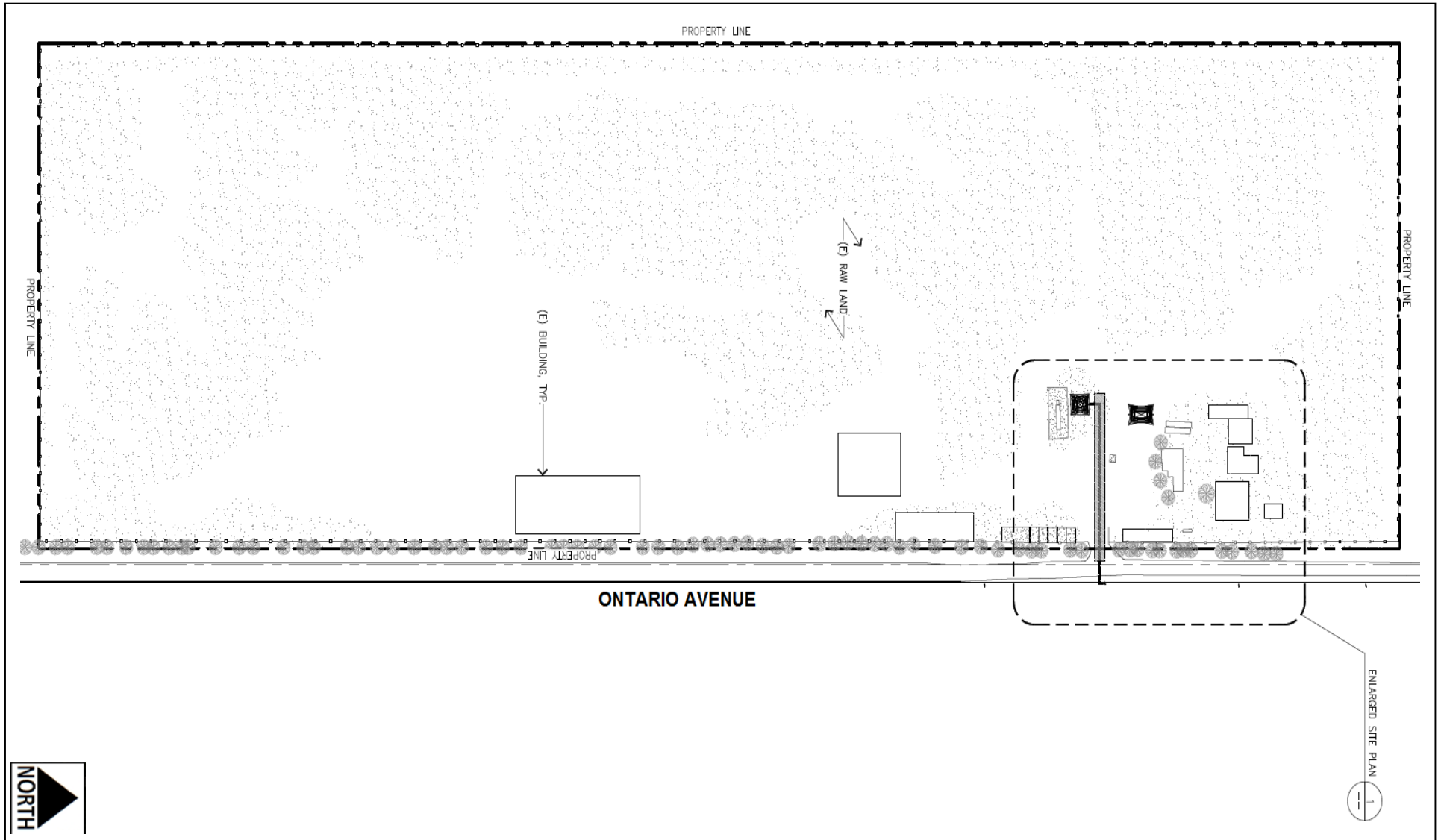


Exhibit C—ENLARGED SITE PLAN

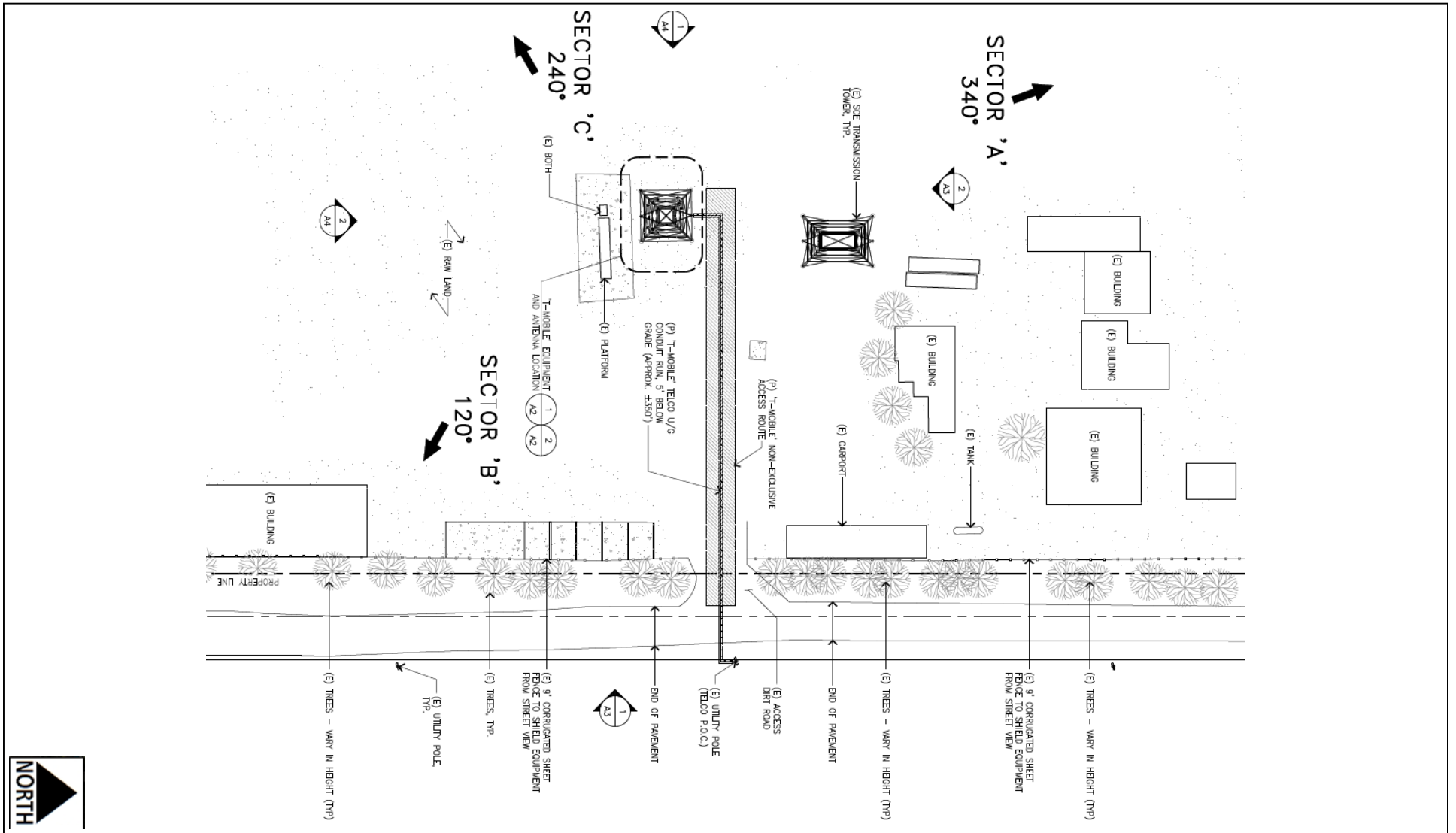


Exhibit D—ELEVATIONS

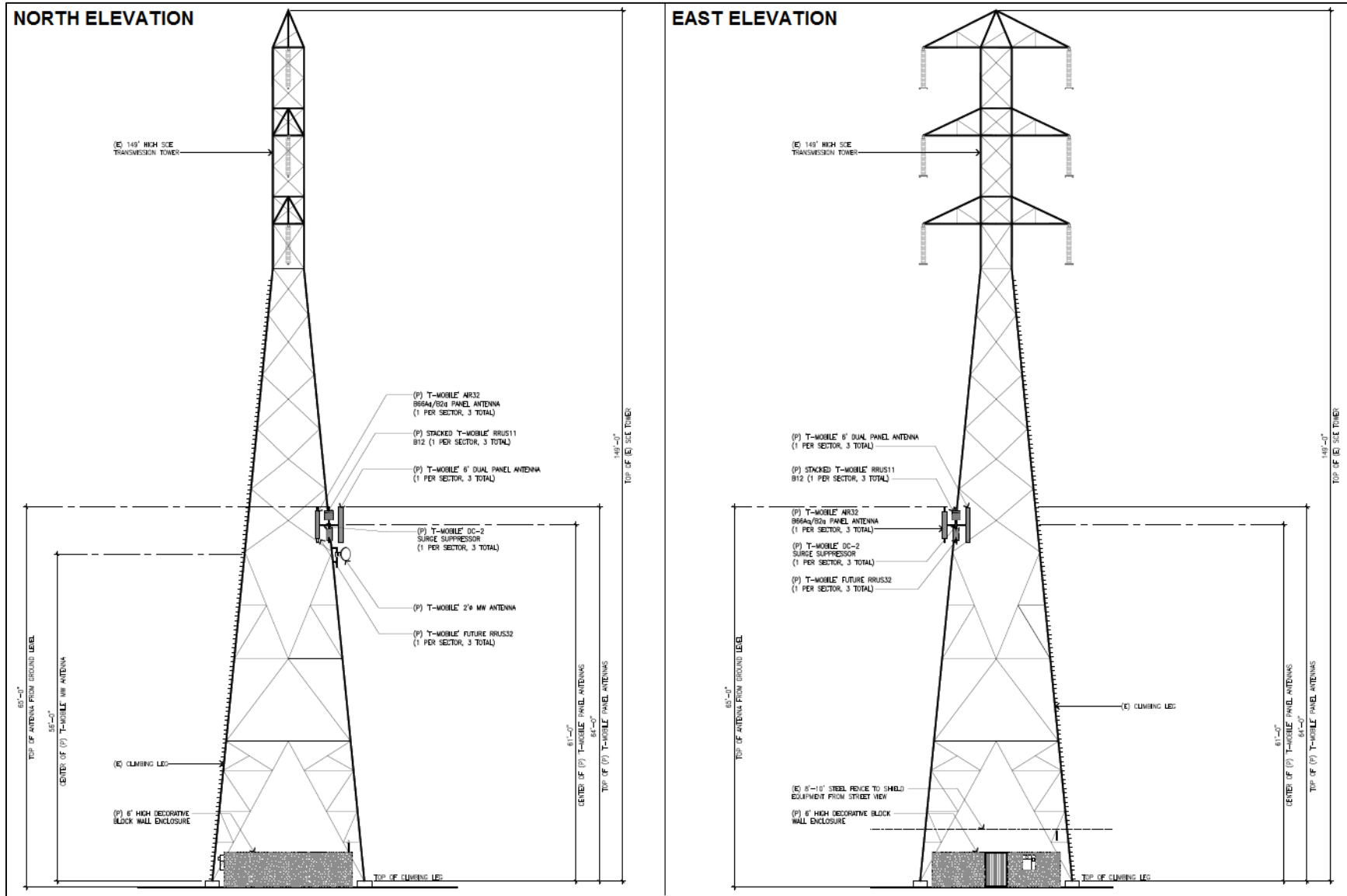
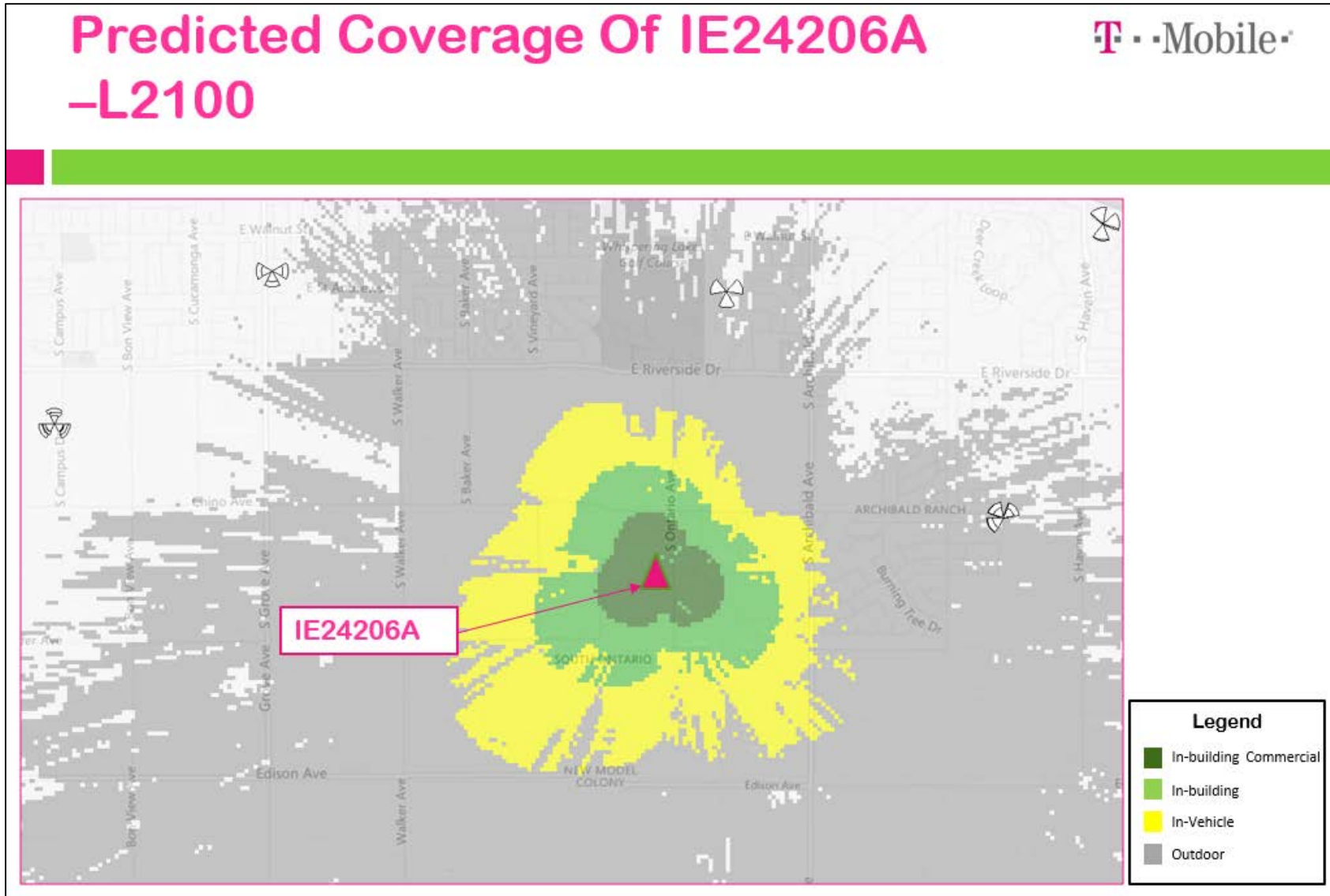


Exhibit F—PROPAGATION MAP, PREDICTED COVERAGE



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP18-007, A CONDITIONAL USE PERMIT TO ESTABLISH A NON-STEALTH WIRELESS TELECOMMUNICATIONS FACILITY (FOR T-MOBILE) ATTACHED TO AN EXISTING SCE TOWER, AND AN EQUIPMENT ENCLOSURE TOTALING 484 SQUARE FEET ON 10.17 ACRES OF LAND, LOCATED AT 13434 SOUTH ONTARIO AVENUE, WITHIN THE SP/AG (SPECIFIC PLAN/AGRICULTURE OVERLAY) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-122-06.

WHEREAS, T-MOBILE ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP18-007, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 10.71 acres of land, located at 13434 South Ontario Avenue within the SP/AG (Specific Plan/Agriculture Overlay) zoning district, and is presently improved with a wood byproducts and green material recycling facility; and

WHEREAS, the property to the north of the Project site is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with single family residential dwelling. The property to the east is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with the San Bernardino Flood Control District. The property to the south is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with a livestock farm. The property to the west is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with a livestock farm; and

WHEREAS, The Applicant is requesting Conditional Use Permit (File No. PCUP18-007) approval to establish a 65-foot tall non-stealth wireless telecommunication facility attached to an existing SCE transmission tower, with an accompanying 484 square-foot equipment enclosure and 6-foot high decorative block wall enclosure. This application was filed in conjunction with a Development Plan (refer to File No. PDEV17-061) to construct the proposed facility; and

WHEREAS, on March 19, 2018, the Development Advisory Board reviewed the subject application, and recommended that the Planning Commission approve the proposed project; and

WHEREAS, the proposed non-stealth telecommunications facility will be located on the eastern portion towards the center of the existing Artesia Sawdust Products, a wood byproducts and green material recycling facility. Currently, the existing SCE

transmission tower measures at 149 feet to the tower with the proposed antennas measured at 65 feet to the top of the antenna; and

WHEREAS, the maximum height allowed in the zone for a single telecommunication facility is 55-feet, and 65-feet for a co-located facility. The existing SCE tower is 149 FT and can accommodate two carriers. Therefore, the proposed mounting height of the proposed wireless telecommunications antenna array is in compliance with the Development Code's maximum height restrictions. As shown on the elevations, a future carrier could install their equipment on the SCE tower without creating interference with the other carrier, due to the extended tower height. The proposed T-Mobile facility will enhance coverage within the Ontario Ranch area, which is currently lacking; and

WHEREAS, Access to the wireless facility will be taken through a non-exclusive access route from Ontario Avenue and one parking space adjacent to the lease area will be provided. The site is currently used by Artesia Sawdust Products, for a wood byproducts and green material recycling facility. The non-stealth design is compatible with the current use of the site and will not interfere with the surrounding area. The existing Eucalyptus Tree windrow, along Ontario Avenue, will function as an additional landscape buffer to further assist screening of the antennas. The new wireless facility will not create a significant new source of vehicle or truck traffic. In accordance to the Development Code, the project will provide one parking space on site, which will be used once or twice a month, when maintenance engineers visit the site; and

WHEREAS, the proposed project is consistent with the design guidelines set forth in the Ontario Development Code. The proposed non-stealth telecommunications facility meets the City's design guidelines, and will blend in with the surrounding scenery; and

WHEREAS, the proposed location provides an opportunity for the carrier (T-Mobile) to provide telecommunication coverage on residentially zoned properties to the east, and agricultural and future development to the north. Furthermore, the telecommunication facility has been designed for collocation, which will potentially eliminate the need for an additional facility in the area. The facility location is separated from the flood control system to the east, by the street (Ontario Avenue), and is set back to a point more than 170 feet west of the front property line. Additional specimen trees will screen the non-stealth telecommunication facility from view from the east, and will blend into the surrounding scenery. These separations will provide a buffer between the telecommunication facility and neighboring residential and agricultural uses; and

WHEREAS, pursuant to Development Code requirements, an informational sign (measuring 2 feet x 2 feet), which includes the carriers information and an emergency contact number, will be installed outside the facility enclosure; and

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

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

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

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

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

WHEREAS, on March 19, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-016, recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral

evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 3: *Ontario International Airport Land Use Compatibility Plan ("ALUCP") Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors,

including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the SP/AG (Specific Plan/Agriculture Overlay) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed non-stealth wireless telecommunications facility land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the SP/AG (Specific Plan/Agriculture Overlay) zoning districts.

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed non-stealth wireless telecommunications facility land use will be located within the LDR/OS-NR (Low Density Residential / Open Space/Non-Residential) land use district of the Policy Plan Land Use Map, and the SP/AG (Specific Plan/Agriculture Overlay) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan.

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.*** The proposed non-stealth wireless telecommunications facility land use is located with the LDR/OS-NR (Low Density Residential / Open Space/Non-Residential) land use district, and the SP/AG (Specific Plan/Agriculture Overlay) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code.

(4) ***The proposed use at the proposed location would be consistent with the provisions of the Airport Land Use Compatibility Plan.*** The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT.

(5) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PCUP18-007
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: March 27, 2018

File No: PCUP18-007

Related Files: PDEV17-061

Project Description: A Development Plan (File No. PDEV17-061) and Conditional Use Permit (File No. PCUP18-007) to construct and establish a non-stealth wireless telecommunications facility for T-Mobile (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district (APN: 0218-122-06); **submitted by T-Mobile.**

Prepared By: Jeanie Irene Aguilo, Assistant Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) Conditional Use Permit approval shall become null and void one year 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 Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

2.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.7 Mechanical and Rooftop Equipment. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.8 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.9 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.10 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.11 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of

the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/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.

2.12 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.13 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-061, A DEVELOPMENT PLAN TO CONSTRUCT A NON-STEALTH WIRELESS TELECOMMUNICATIONS FACILITY (FOR T-MOBILE) ATTACHED TO AN EXISTING SCE TOWER, AND AN EQUIPMENT ENCLOSURE TOTALING 484 SQUARE FEET ON 10.17 ACRES OF LAND, LOCATED AT 13434 SOUTH ONTARIO AVENUE, WITHIN THE SP/AG (SPECIFIC PLAN/AGRICULTURE OVERLAY) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-122-06.

WHEREAS, T-MOBILE ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-061, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 10.71 acres of land, located at 13434 South Ontario Avenue within the SP/AG (Specific Plan/Agriculture Overlay) zoning district, and is presently improved with a wood byproducts and green material recycling facility; and

WHEREAS, the property to the north of the Project site is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with single family residential dwelling. The property to the east is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with the San Bernardino Flood Control District. The property to the south is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with a livestock farm. The property to the west is within the SP/AG (Specific Plan/ Agriculture Overlay) zoning district, and is developed with a livestock farm; and

WHEREAS, the Applicant is requesting approval of a Development Plan (File No. PDEV17-061) to construct and operate a 65-foot tall non-stealth telecommunications facility attached to an existing SCE transmission tower with an accompanying 484-square foot equipment enclosure and a 6-foot high decorative block wall enclosure. This application was filed in conjunction with a Conditional Use Permit (refer to File No. PCUP18-007) to establish the proposed facility; and

WHEREAS, on March 19, 2018, the Development Advisory Board reviewed the subject application, and recommended that the Planning Commission approve the proposed project; and

WHEREAS, the proposed non-stealth telecommunications facility will be located on the eastern portion towards the center of the existing Artesia Sawdust Products, a wood byproducts and green material recycling facility. Currently, the existing SCE

transmission tower measures at 149 feet to the tower with the proposed antennas measured at 65 feet to the top of the antenna; and

WHEREAS, the maximum height allowed in the zone for a single telecommunication facility is 55-feet, and 65-feet for a co-located facility. The existing SCE tower is 149 FT and can accommodate two carriers. Therefore, the proposed mounting height of the proposed wireless telecommunications antenna array is in compliance with the Development Code's maximum height restrictions. As shown on the elevations, a future carrier could install their equipment on the SCE tower without creating interference with the other carrier, due to the extended tower height. The proposed T-Mobile facility will enhance coverage within the Ontario Ranch area, which is currently lacking; and

WHEREAS, access to the wireless facility will be taken through a non-exclusive access route from Ontario Avenue and one parking space adjacent to the lease area will be provided. The site is currently used by Artesia Sawdust Products, a wood byproducts and green material recycling facility. The non-stealth design is compatible with the current use of the site and will not interfere with the surrounding area. The existing Eucalyptus tree windrow, along Ontario Avenue, will function as an additional landscape buffer to further assist screening of the antennas. The new wireless facility will not create a significant new source of vehicle or truck traffic. In accordance to the Development Code, the project will provide one parking space on site, which will be used once or twice a month, when maintenance engineers visit the site; and

WHEREAS, the proposed project is consistent with the design guidelines set forth in the Ontario Development Code. The proposed non-stealth telecommunications facility meets the City's design guidelines, and will blend in with the surrounding scenery; and

WHEREAS, the proposed location provides an opportunity for the carrier (T-Mobile) to provide telecommunication coverage on residentially zoned properties to the east, and agricultural and future development to the north. Furthermore, the telecommunication facility has been designed for collocation, which will potentially eliminate the need for an additional facility in the area. The facility location is separated from the flood control system to the east, by the street (Ontario Avenue), and is set back to a point more than 170 feet west of the front property line. Additional specimen trees will screen the non-stealth telecommunication facility from view from the east, and will blend into the surrounding scenery. These separations will provide a buffer between the telecommunication facility and neighboring residential and agricultural uses; and

WHEREAS, pursuant to Development Code requirements, an informational sign (measuring 2 feet x 2 feet), which includes the carriers information and an emergency contact number, will be installed outside the facility enclosure; and

WHEREAS, a Conditional Use Permit (File No. PCUP18-007) was submitted in conjunction with the Development Plan) to establish the wireless telecommunications facility. The Development Plan Application is contingent upon approval of the Conditional Use Permit Application; and

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

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

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

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on March 19, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-017, recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the LDR/OS-NR (Low Density Residential / Open Space/Non-Residential) land use district of the Policy Plan Land Use Map, and the SP/AG (Specific Plan/Agriculture Overlay) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, 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

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the SP/AG (Specific Plan/Agriculture Overlay) zoning district, including standards relative to the particular land use proposed (non-stealth wireless telecommunications facility), as-well-as building

intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, and City Council Priorities and Policy Plan components of The Ontario Plan; and

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (non-stealth telecommunications facility). As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located

at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: **Certification to Adoption.** The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-061
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: March 27, 2018

File No: PDEV17-061

Related Files: PCUP18-007

Project Description: A Development Plan (File No. PDEV17-061) and Conditional Use Permit (File No. PCUP18-007) to construct and establish a non-stealth wireless telecommunications facility for T-Mobile (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district (APN: 0218-122-06); **submitted by T-Mobile.**

Prepared By: Jeanie Irene Aguilo, Assistant Planner
Phone: 909.395.2418 (direct)
Email: jaguilo@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) 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 Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

2.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.7 Mechanical and Rooftop Equipment. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.8 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.9 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.10 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.11 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/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.

2.12 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.13 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.14 Additional Requirements.

(a) The approval of File No. PDEV17-061 shall be final and conclusive upon the approval of File No. PCUP18-007 by the City of Ontario Planning Commission.



CITY OF ONTARIO

MEMORANDUM

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

DAB MEETING DATE: March 19th, 2018

PROJECT: PDEV17-061, a Development Plan to construct a non-stealth wireless telecommunications facility (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land.

APN: 0218-122-06


LOCATION: 13434 South Ontario Avenue

PROJECT ENGINEER: Antonio Alejos, Engineering Assistant *AA* (909) 395-2384

PROJECT PLANNER: Jeanie Aguilo, Assistant Planner (909) 395-2418

The following items are the Conditions of Approval for the subject project:


1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. The Applicant/Developer shall process an irrevocable offer of dedication to dedicate additional right-of-way for a total width of 44-ft from the center line of Ontario Avenue along the entire property frontage.
3. The Applicant/Developer shall apply for an Encroachment Permit and process an Encroachment Agreement for the proposed conduit within the public right-of-way across Ontario Avenue.



Bryan Lirley, P.E.
Principal Engineer

3/8/18

Date



Khoi Do, P.E.
Assistant City Engineer

3-8-18

Date



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang , IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, January 18, 2018**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan approval to construct a non-stealth unmanned telecommunications facility (top of antenna at 65 feet) attached to an existing SCE tower and equipment enclosure totaling 484 square feet on 10.17 acres of land located at 13434 South Ontario Avenue, within the SP (AG) zoning district: (APN: 0218-122-06).

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Airport Planning
Department

Lorena Mejia
Signature

Senior Planner
Title

2/20/18
Date

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-061

Address: 13434 South Ontario Avenue

APN: 0218-122-06

Existing Land Use: SCE Edison Tower (149 FT height) and Sawdust Mill

Proposed Land Use: Non- Stealth wireless communication facility attached to existing SCE Tower attached 65 feet above ground level

Site Acreage: 10.17 ac Proposed Structure Height: 65 FT

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 2/20/18

CD No.: 2017-091

PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input type="radio"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 FT +	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP Consistent Consistent with Conditions Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT provided the following condition is met.

The project applicant is required to file a FAA Form 7460-1 due to potential electronic interference to aircraft in flight and receive a determination of "No Hazard" from FAA prior building permit issuance.

Airport Planner Signature: _____



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Irene Aguilo, Assistant Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Bureau of Fire Prevention

DATE: January 15, 2018

SUBJECT: PDEV17-061 – A Development Plan to construct a wireless telecommunications facility (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land located at 13434 South Ontario Avenue, within the SP (AG) zoning district (APN: 0218-122-06).

-
- The plan **does** adequately address the departmental concerns at this time.
- No comments
- Report below.

CONDITIONS OF APPROVAL:

8. Hand-portable fire extinguishers are required to be installed **PRIOR** to occupancy. Contact the Bureau of Fire Prevention Bureau during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
9. "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 24-foot clear width requirement per Ontario Fire Department. Install per Ontario Fire Department Standards #B-001 and #B-004. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
10. 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. Multi-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 Section 9-1 6.06 Street Naming and Street Address Numbering of the Ontario Municipal Code and Ontario Fire Department Standards #H-003 and #H-002.)

21. The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.

28. The developer shall transmit a copy of these requirements to his on-site contractor to foster a mutual understanding between on-site personnel and the Fire Marshal's office. It is highly recommended that the developer and fire protection designer obtain a copy of the Ontario Fire Department Fire Protection System Information Checklist to aid in system design. Development Advisory Board comments are to be included on the construction drawing.

ADDITIONAL COMMENTS:

If the equipment cabinets are to contain any stationary storage battery systems, said systems shall comply with section 608 of the 2016 California Fire Code

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
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Steve Wilson, Engineering/NPDES
Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang , IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061

Finance Acct#:



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 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
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Building
Department

Signature

Title

Date

CITY OF ONTARIO MEMORANDUM

TO: PLANNING DEPARTMENT, Jeanie Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 8, 2018
SUBJECT: PDEV17-061

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm





CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
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Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang , IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061

Finance Acct#:



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Code
Department

Joe De Sousa
Signature

Supervisor
Title

1-10-18
Date



CITY OF ONTARIO

MEMORANDUM

TO: **Hassan Haghani, Development Director** *[Handwritten initials]*
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
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Steve Wilson, Engineering/NPDES
Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang , IT Department
David Simpson, IT Department (Copy of memo only)

FROM: **Jeanie Irene Aguilo, Assistant Planner**

DATE: **January 04, 2018**

SUBJECT: **FILE #: PDEV17-061**

Finance Acct#:

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Department

Signature

Title

Date



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
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Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang , IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061

Finance Acct#:

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Landscape Planning Carolyn Bell Sr. Landscape Architect
Department Signature Title Date 1/29/18



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
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Joe De Sousa, Supervising code Enforcement Officer
Jimmy Chang , IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061

Finance Acct#:

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The plan does adequately address the departmental concerns at this time.

- No comments
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Police
Department

DOUGLAS SOREL
Signature

MANAGEMENT
ANALYST
Title

1/22/18
Date



PLANNING COMMISSION STAFF REPORT

March 27, 2018

SUBJECT: A Specific Plan (Colony Commerce Center East) request (File No. PSP16-003) to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 94 acres of land, which includes the potential development of 2,362,215 square feet of industrial and business park development and a petition to cancel William Act Contract 70-159 (File No. PWIL18-002). The project site is bounded by Archibald Avenue to the east, the San Bernardino/Riverside County boundary to the south, the Cucamonga Creek Flood Control Channel to the west and Merrill Avenue to the north; **submitted by Cap Rock Partners Land & Development Fund I, L.P.**

PROPERTY OWNER: Cap Rock Partners

RECOMMENDED ACTION: That the Planning Commission recommend that the City Council adopt and certify an Environmental Impact Report (EIR) (SCH#2017031048) including the adoption of a Statement of Overriding Consideration for **File No. PSP15-003** and approve the Colony Commerce Center East Specific Plan (**PSP15-003**) and cancelation of William Act Contract 70-159 (**File No. PWIL18-002**), pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The site is located within the Ontario Ranch area which comprised a portion of the former San Bernardino County Agricultural Preserve annexed by the City in 1999. The project site is made up of six separate parcels comprising approximately 94 acres of land. There is an existing Williamson Act Land Conservation Contract (LLC# 70-159) on the southeast parcel. The project site is bounded by Archibald Avenue to the east, the San Bernardino/Riverside County boundary to the south, the Cucamonga Creek Flood Control

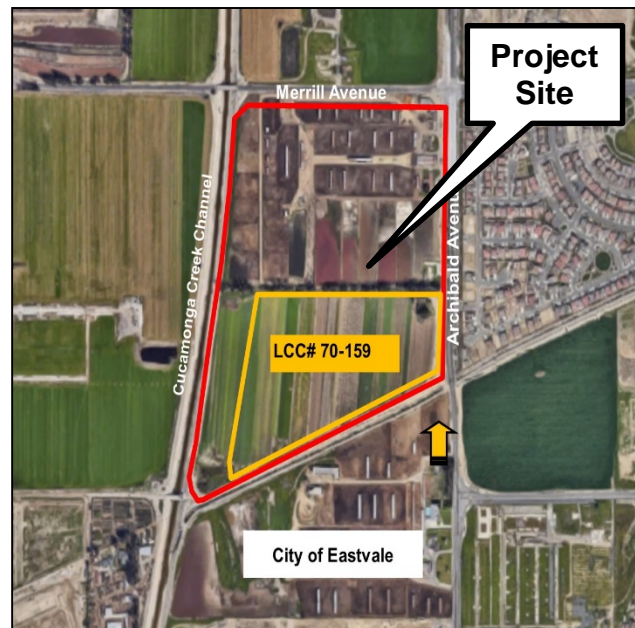


Figure 1: Project Location

Case Planner:	Luis E. Batres	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	5/11/16	ZA			
Hearing Deadline:	n/a	PC	3/27/18		Recommend
		CC	4/17/18		Final

Channel to the west and Merrill Avenue to the north, as depicted in **Figure 1: Project Location**. The site is relatively flat and currently slopes from north to south at one to two percent. The site is also bounded to the south by the City of Eastvale.

PROJECT ANALYSIS:

[1] Background — The Ontario Plan (TOP) Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure (including drainage, sewer, and water facilities), provision for public services (including parks and schools), and urban design and landscaping plans.

On September 19, 2017 the City Council approved the Colony Commerce Center West Specific Plan (File No. PSP15-001), also filed by the applicant. The Colony Commerce Center West Specific Plan is located just west of the project site, along the west side of the Cucamonga Creek Flood Control Channel. The approved project also included the potential development of 2,951,146 square feet of industrial development.

[2] Specific Plan — The Colony Commerce Center East Specific Plan serves to implement the City's Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for the development of approximately 94 acres within the Specific Plan boundaries. The Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. The Colony Commerce Center East Specific Plan establishes the procedures and requirements to approve new development within the project site to ensure that TOP goals and policies are achieved.

The overall land use concept for the Colony Commerce Center East Specific Plan takes advantage of the site's proximity to airports and regional freeway access. The land use concept provides for a range of industrial and business park uses, while offering a variety of development, employment opportunities and opportunities for a broad range of industries to accommodate an ever-changing industrial and business park environment.

The Specific Plan identifies the land use intensity anticipated in three proposed planning areas (**Figure 2: Land Use Plan**). The Specific Plan is proposing a maximum Floor Area Ratio (FAR) of 0.60 within the Business Park land use designation (Planning Area 1) and 0.55 within the Industrial Land Use designation (Planning Area 2 & 3). The proposed

FAR's for each of the Planning Areas is consistent with the Policy Plan Land Use Plan for Business Park and Industrial and use designations.

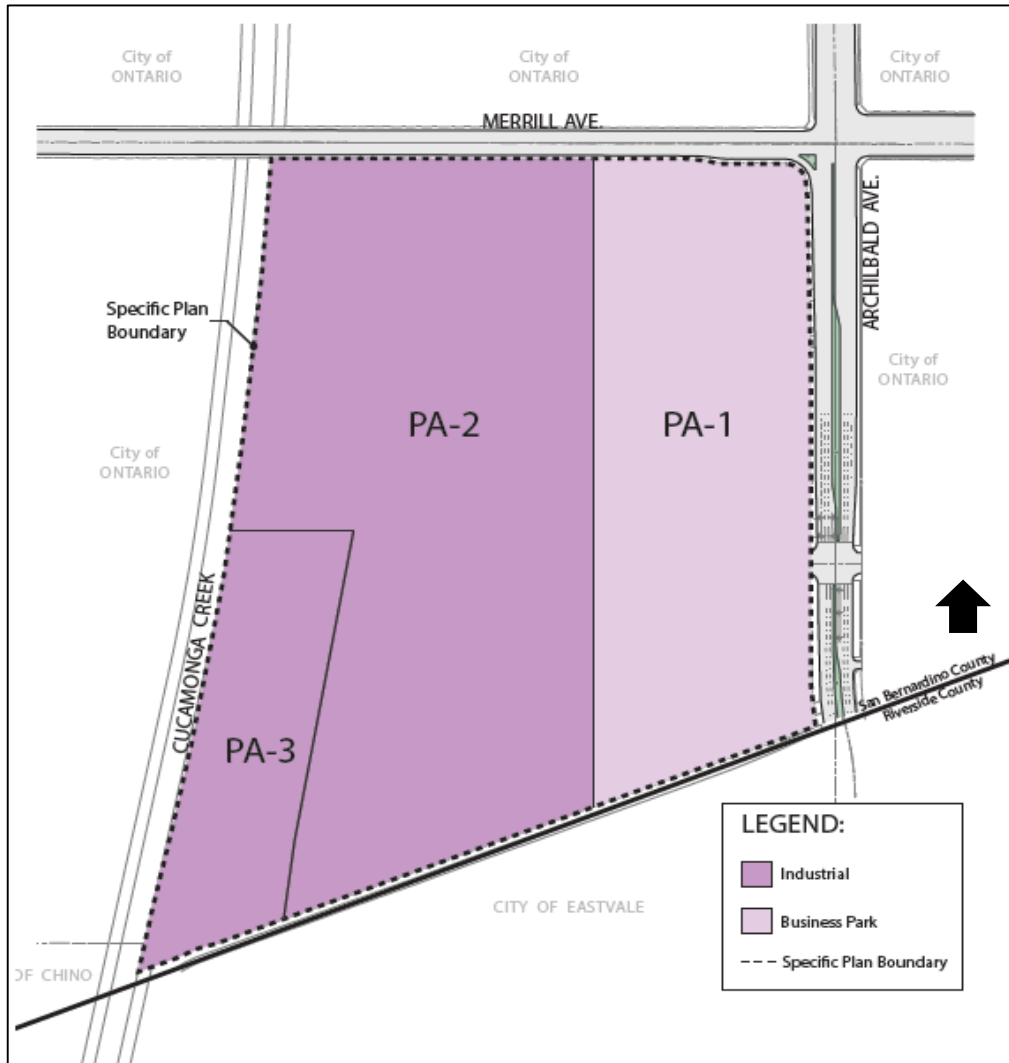


Figure 2: Land Use Plan

Planning Area 1, located along the northeaster portion of the Specific Plan area, is 45.19 acres in size and can potentially be developed with 1,181,085 square feet of business park development. In addition, buildings within the Business Park zone, should not exceed 100,000 square feet in size and anything over the 100,000 square feet will be subject to Planning Director review and approval. Planning Area 2, located along the middle and northwest portion of the Specific Plan is 39.65 acres in size and can potentially be developed with 949,935 square feet of industrial development. Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres

in size and can potentially be developed with 231,195 square feet of industrial development (**Figure 3: Land Use Summary Table**).

Planning Area	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max. Floor Area Ratio
PA-1	Business Park	45.19 ac	1,181,085 SF	0.60
PA-2	Industrial	39.65 ac	949,935 SF	0.55
PA-3	Industrial	9.65 ac	231,195 SF	0.55
	Total	94.49 ac	2,362,215 SF	

Figure 3: Land Use Summary Table

Specific Plan Design/Architecture Concept —The design theme and concept for Colony Commerce Center East Specific Plan was created to ensure a quality, cohesive design structure for the Specific Plan. This is empathized by the following design concepts:

- Establish development standards that ensure lasting value for business park and industrial developments.
- The architectural image of the Specific Plan will be perceived primarily from the public realm. Therefore, building massing, scale and roof forms, as the primary design components require articulation in their architectural expression as they relate to the public view.
- The business park and industrial land uses shall maintain a pedestrian friendly character, and shall implement appropriate site planning and architectural design to be complimentary to the adjacent land uses.
- A theme wall/entry monument may be installed at the major project entries at the discretion of the builder or project developer.
- Site design shall facilitate the intended functions of developed and open space areas and provide for appropriate interactions between buildings and activity areas, good movement, vehicular access and parking, and pedestrian and bicycle travel.

- Buildings shall be oriented to define the street scene and provide for an aesthetically pleasing streetscape; and
- Major vehicular and pedestrian entries to the site from the public street system shall be readily visible.

The Colony Commerce Center East Specific Plan Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and The Ontario Plan (TOP). The proposed architecture theme of the Specific Plan will be a tilt-up Contemporary Style. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline and entry. Figures 4 and 5 below, illustrate the conceptual building concepts of what is envisioned to be constructed within the Specific Plan.

In addition, all buildings will be required to provide substantial glazing along the storefront office areas, incorporate material changes such as stone, slate, travertine or metal, wall and roof articulation and rich detailing. Buildings will be further enhanced with decorative lighting, decorative entry plaza areas, and leisure employee/guest patio areas that will feature decorative paving, accent plants, decorative lighting and specimen trees



Figures 4 & 5: Conceptual Elevation- Industrial and Business Park

Circulation Concept — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclist, and public transit safely and efficiently through and around the project. The Specific Plan establishes the hierarchy and general location of roadways within the Colony Commerce Center East Specific Plan (**Figure 6: Circulation Plan**). Primary access into the project will be provided from Merrill Avenue on the north, and Archibald Avenue on the east.

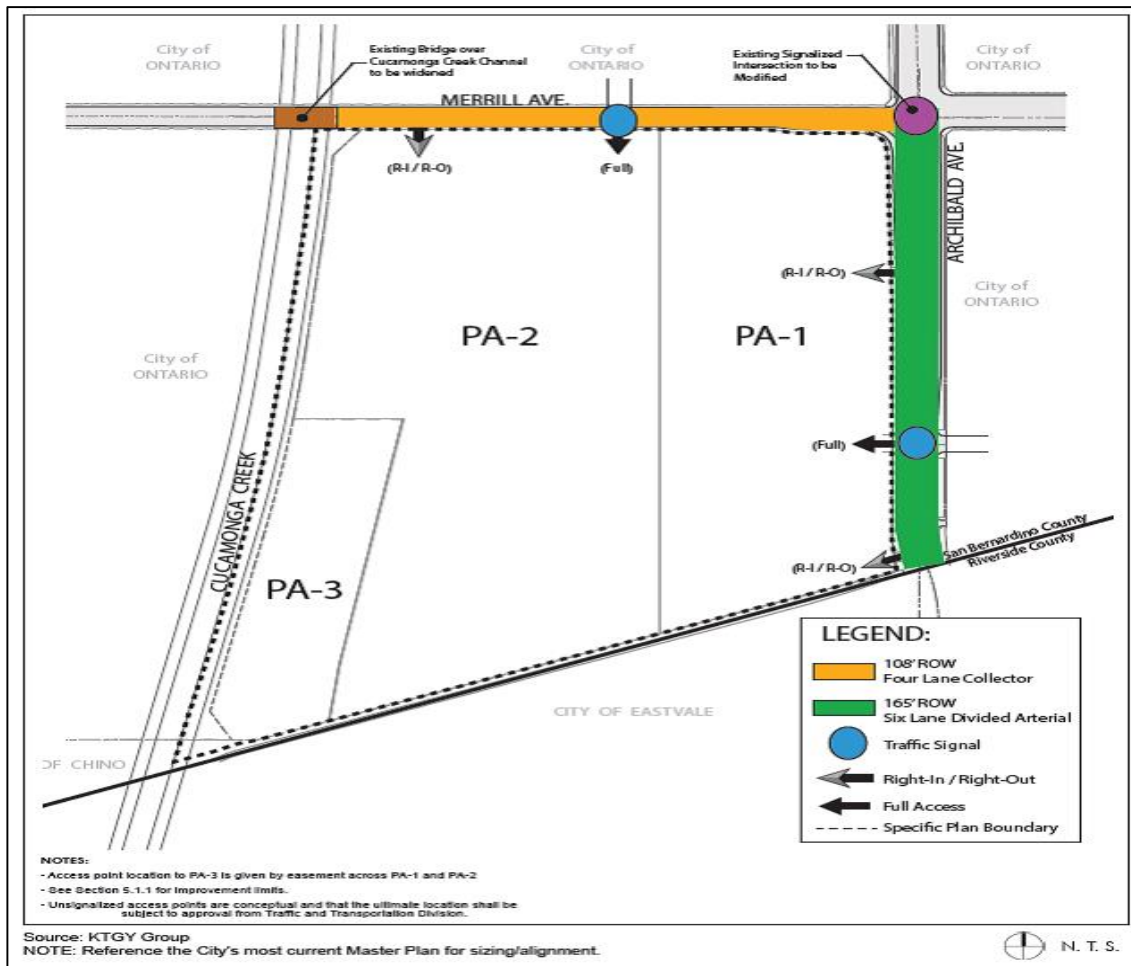


Figure 6: Circulation Plan

Merrill Avenue will be designed to be widened to a four (4) lane (108') collector street, and Archibald Avenue will be designed and widened to a six (6) lane (165') divided arterial. Archibald Avenue will feature a 26-foot wide raised landscape center median.

Merrill Avenue has been designed to provide two (2) points of access. The primary access point will feature a signalized intersection, and the secondary access point will be restricted to right-in and right-out only. Archibald Avenue has been designed to provide three (3) points of access. The primary access point will feature a signalized intersection,

and the other two access points will be restricted to right-in and right-out only. The project will also provide a Class-1, 12-foot wide bike trail along the eastern edge of the Cucamonga Creek Flood Control Channel.

Landscape Design — The landscape design theme for the Colony Commerce Center East Specific Plan includes a plant palette (Table 7.1 of the Specific Plan) that outlines plant materials and trees to be used in parking lots, street parkways, monument sign areas and adjacent to buildings.

Development within the Specific Plan will be required to provide a minimum landscape coverage of 10%. Merrill Avenue will be required to provide a 35-foot neighborhood edge. Archibald Avenue will be required to provide a 55-foot neighborhood edge. Along the Cucamonga Creek Flood Control Channel and the south property line, a 5-foot landscape setback will be required. In addition, Merrill Avenue will be designed with a 7-foot wide curb adjacent landscape parkway and a 5-foot wide sidewalk. Archibald Avenue will be designed with a 15-foot landscape parkway, and 5-foot wide sidewalk (**Figure 7 & 8: Typical Landscape Street Cross Sections**).

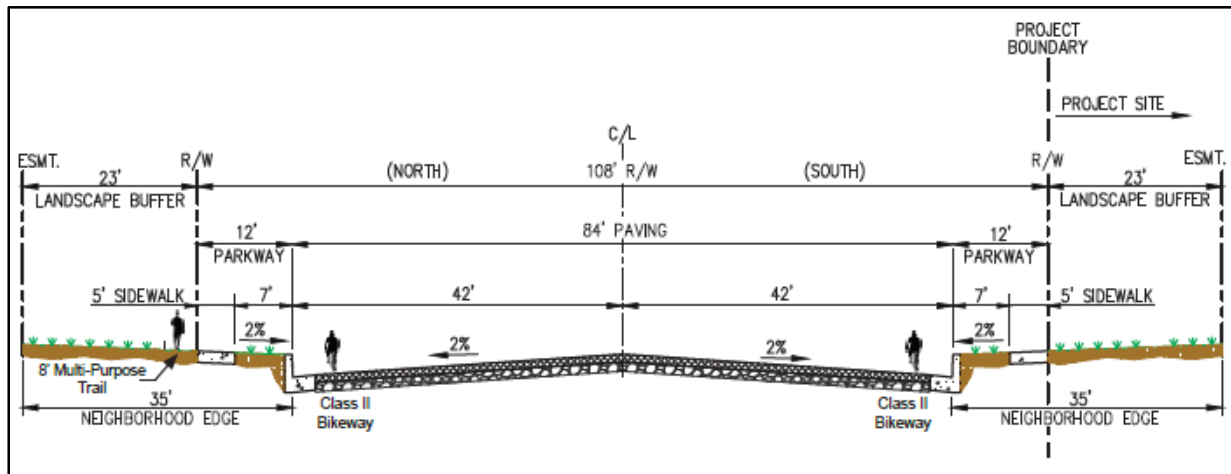


Figure 7: Merrill Avenue (108' ROW) Typical Landscape Street Cross Section

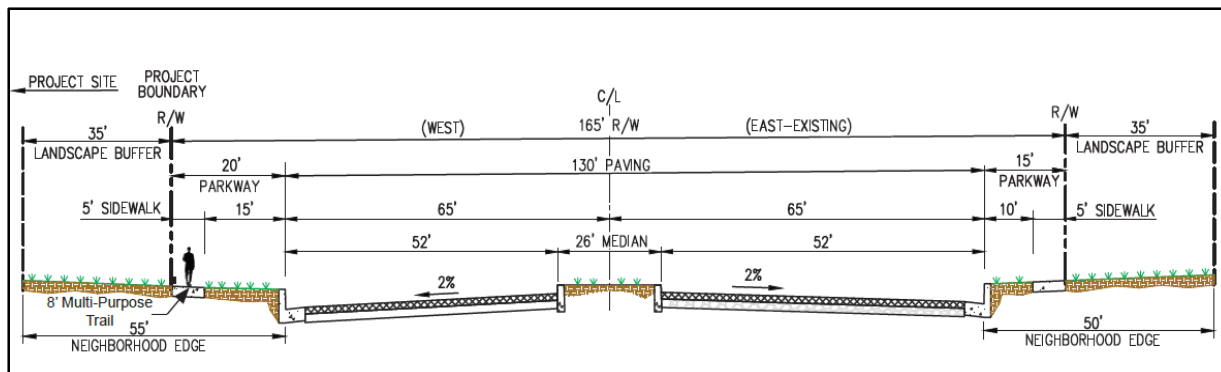


Figure 8: Archibald Avenue (165' ROW) Typical Landscape Street Cross Section

Infrastructure and Services — The backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by The Gas Company and electricity by SCE. Development of the project requires the installation by the developer of all infrastructure necessary to serve the project as a standalone development.

Specific Plan Phasing — Development phasing within the Specific Plan will be determined by the various developers, based upon the real estate market conditions. Specific infrastructure, community facilities and open space dedications will be provided/conditioned with individual tract maps and/or development plans.

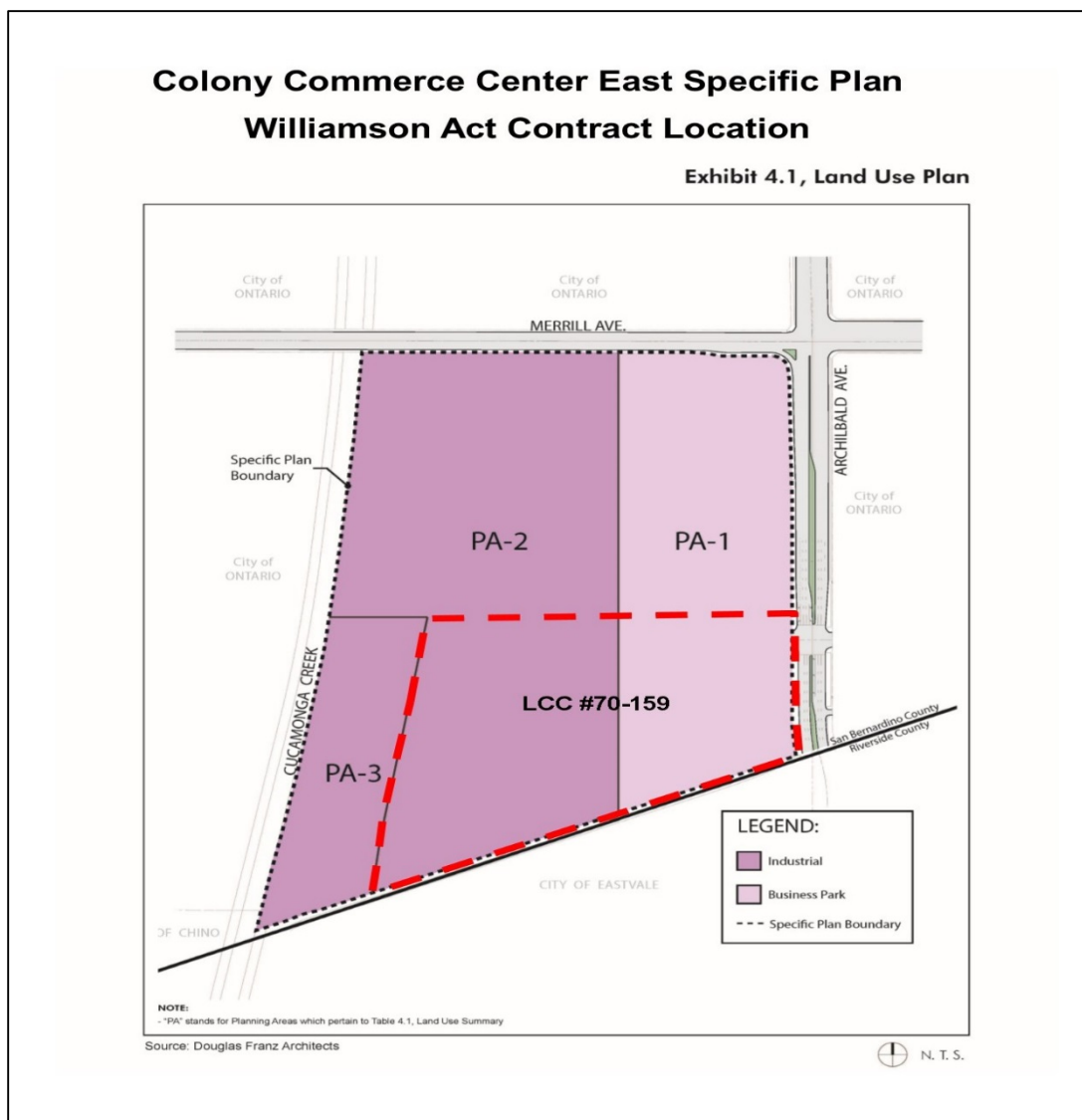
William Act Contract — Agricultural lands under a Williamson Act Contract are governed by the California Land Conservation Act of 1965, also known as the Williamson Act. Upon annexation, the City of Ontario assumed responsibility for administration of the Land Conservation Contracts which existed in the Ontario Ranch area. The City adopted the Agricultural Overlay Zoning District, or a “Right-to-Farm” Ordinance, that would allow existing agricultural uses within Ontario Ranch to continue for as long as the landowner desired.

In the City’s review of the cancellation process for Williamson Act Contracts, the Notice of Non-Renewal procedure was intended to be the normal method of terminating agricultural Contracts. For the landowner, it allows the Property Tax Assessments to gradually increase to full market value over a ten (10) year period until the Contract expired. For the City, the non-renewal allows adequate time to plan for the future land use and infrastructure requirements.

In conjunction with the proposed Colony Commerce Center East Specific Plan, Caprock Partners are now requesting, on behalf of the property owners, cancellation of the Contract prior to the Non-Renewal termination dates. The Cancellation will provide relief

from the provisions of the Contract, thus allowing for development of the properties with an alternative use. The Notice of Non-Renewal, for the subject property (**Figure 9: Colony Commerce Center East Specific Plan Williamson Act Contract Location**), was recorded with the County of San Bernardino for Land Conservation Contracts on February 21, 2018 and will expire on January 1, 2028.

The proposed alternative use is consistent with the Policy Plan, which designates the subject site for Business Park (0.60 FAR) and Industrial (0.55 FAR). The subject site is part of the proposed Colony Commerce Center East Specific Plan, which has been planned in accordance with TOP Policy Plan.



**Figure 9: Colony Commerce Center East Specific Plan
Williamson Act Contract Location**

Copies of the petitions for cancellation were sent to the Director of the Department of Conservation, as required by the Williamson Act to date. The Planning Department has not received comments from the Department of Conservation stating whether or not they concur with staff's findings, pursuant to Section 51282 of the Williamson Act.

Required Findings— The cancellation process for Williamson Act contracts identifies findings which must be made in order to cancel a contract. The City Council must find that the proposed cancellation is consistent with the purposes of the Williamson Act or is in the public interest. Staff has reviewed the request and believes that the cancellations are consistent with the purposes of the Williamson Act as follows:

1. The cancellation is for land on which a Notice of Non-Renewal has been served.

Pursuant with Government Code § 51245 a Notice of Non-Renewal of Land Conservation Contract Number 70-159, was on recorded February 21, 2018, as Instrument No. 2018-0062274, Official Records, has been served.

2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.

Cancellation of the Land Conservation Contract No. 70-159 is not likely to result in the removal of adjacent lands from agricultural uses. The properties adjacent to the contracted land are part of Colony Commerce Center East Specific Plan. The change in use in these parcels would be due to the development of the specific plan and not to the cancellation of land conservation contracts. Moreover, the policy decision to transition uses in the area from agriculture to urban was made when the City adopted TOP Policy Plan. The environmental consequences of that decision were analyzed in the Environmental Impact Report certified in conjunction with The Ontario Plan (TOP). Thus, the City's prior planning decision, and not the cancellation of the contracts associated with this project, would be the cause of any influence on the decision to remove land from agricultural use. Additionally, to ease the transition from agricultural to urban uses and to minimize conflicts between the two uses, the City has adopted an Agricultural Overlay District.

3. Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.

The subject site is a part of Colony Commerce Center East Specific Plan and is planned in accordance with TOP Policy Plan depiction of Business Park (0.60 FAR) and Industrial (0.55 FAR).

4. Cancellation will not result in discontinuous patterns of urban development.

The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development. The subject properties are part of Colony Commerce Center East Specific Plan. TOP Policy Plan includes requirements for subsequent approval by the City of a Specific Plan for development within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. Also, existing and future residential tracts bound The Colony Commerce Center East Specific Plan to the north and east, within the Subarea 29 Specific Plan. Further, a Specific Plan (Colony Commerce Center West Specific Plan) has been approved immediately to the west of the project site (West of the Cucamonga Creek Flood Control Channel). To the south of the subject property is an active dairy, located within the City of Eastvale, with access from Archibald Avenue and separated from the subject site by the Bellegrave Flood Control Channel. Because all lands within the Ontario Ranch, between the project sites and existing urban areas, will be urbanized in the near future, cancellation of the Williamson Act contracts associated with the Project would not result in leap-frog development.

5. There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.

The contracted land lies within the boundaries of Colony Commerce Center East Specific Plan. The adjacent non-contracted land is part of Colony Commerce Center East Specific Plan and is scheduled for future development, therefore not available. Development of the subject site and adjacent non-contracted land through Colony Commerce Center East Specific Plan will eliminate "leap frog" development. The existing and future residential tracts, located within the Subarea 29 Specific Plan, bound The Colony Commerce Center East Specific Plan to the north and east, which contributes to a continuous pattern of development. Properties within adjacent Subarea 29 Specific Plan and Colony Commerce Center West Specific Plan (contracted and non-contracted) are currently being developed with residential uses and future industrial development, thus are not available for the alternative proposed use. Furthermore, since the subject site is within Colony Commerce Center East Specific Plan, once the adjacent parcels are developed it will provide for more contiguous patterns of urban development than development of proximate non-contracted land.

Cancellation Fee— As required by the Williamson Act, there is a Penalty Fee for cancellation of an Agricultural Contract. The fee is equal to 12.5 percent of the unrestricted base value of the land as determined by the County Assessor's Office.

The fee for the subject property, as determined by the County Assessor, has not been received by staff. As required by the Williamson Act, once a copy of the Assessor's value appraisal has been received, the appraisal will be sent to the Director of the Department of Conservation to allow them the opportunity to request a formal review from the Assessor.

Prior to City Council approval of the Tentative Cancellation, the City Council must review and approve the Colony Commerce Center East Specific Plan Environmental Impact Report. In addition, the following Conditions and Contingencies will be required to be satisfied upon tentative approval by the City Council. All applicable conditions must be satisfied within one year of the date of recording of the Certificate of Tentative Cancellation. Conditions and contingencies include:

1. Upon approval, a Certificate of Tentative Cancellation must be recorded with the County Clerk;
2. Payment in full of the Penalty Fee. Together with a statement stating that unless the fee is paid, or a Certificate of Cancellation of Contract is issued within one year from the date of the recording of the Certificate of Tentative Cancellation, the fee shall be recomputed;
3. Obtain all approvals necessary (including Specific Plan, EIR adoption, and Tentative Map/s) to commence the specified alternative use;
4. Within 30 days of satisfaction of the conditions, the City Council must execute and record a Certificate of Final Cancellation of the contract.

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

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan. The Colony Commerce East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy analysis in *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific

Plan. In addition, the Specific Plan more specifically, implements the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the Ontario Ranch Area

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

ENVIRONMENTAL REVIEW: On January 27, 2010, the city adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City's new General Plan for the entire City, including the NMC (Now referred to Ontario Ranch). TOP identified many areas that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service Systems. Through the EIR process these potential impacts were analyzed, revisions were incorporated into the plan and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

TOP also identified several potential impacts that, even with revisions and/or mitigation measures, could not be reduced to a level of less than significant. These areas included:

- *Agriculture Resources –*

Impact 5.2-1 - Buildout of TOP would convert 3,269.3 acres of California Resource Agency designated Prime Farmland, Unique Farmland, and Farmland of

Statewide Importance to residential, commercial, mixed-use, and industrial land uses. Consequently, Impact 5.2-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.2-2 – There are a number of Williamson Act contracts within the City that have yet to expire. Buildout of TOP would most likely require the cancellation or nonrenewal of these contracts. The current use of these contracts would slow the rate of conversion from agricultural to nonagricultural land but it would not impede the conversion. Since there are some Williamson Act contracts still active in the Ontario Ranch implementation of the proposed land use plan for The Ontario Plan would conflict with these contracts and cause a significant impact. Consequently, Impact 5.2-2 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.2-3. Development of the City in accordance with TOP would increase the amount of nonagricultural land uses. When nonagricultural land uses are placed near agricultural uses, the odors, noises, and other hazards related to agriculture conflict with the activities and the quality of life of the people living and working in the surrounding areas. Consequently, conversion of agricultural uses in the city may cause farms and agricultural land uses outside the City to be converted to nonagricultural uses because of the nuisances related to agriculture. Impact 5.2-3 would remain significant and unavoidable. Therefore, a Statement of Overriding Considerations would be required.

- *Air Quality –*

Impact 5.3-1. The project would not be consistent with the Air Quality Management Plan (AQMP) because air pollutant emissions associated with buildout of the City of Ontario would cumulatively contribute to the nonattainment designations in the South Coast Air Basin (SoCAB). Furthermore, buildout of the Proposed Land Use Plan would exceed current estimates of population, employment, and vehicle miles traveled for Ontario and therefore these emissions are not included in the current regional emissions inventory for the SoCAB. As both criteria must be met in order for a project to be considered consistent with the AQMP, the project would be considered inconsistent with the AQMP. Consequently, Impact 5.3-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-2. Construction activities associated with buildout of TOP would generate short-term emissions that exceed the South Coast Air Quality Management District's (SCAQMD) regional significance thresholds; cumulatively contribute to the SoCAB's nonattainment designations for O₃, PM₁₀, and PM_{2.5}; and potentially elevate concentrations of air pollutants at sensitive receptors.

Consequently, Impact 5.3-2 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-3. Buildout of TOP would generate long-term emissions that would exceed SCAQMD'S regional significance thresholds and cumulatively contribute to the SoCAB nonattainment designations for O₃, PM₁₀, and PM_{2.5}. Consequently, Impact 5.3-3 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-5. Approval of residential and other sensitive land uses within 500 feet of I-10, I-15, or SR-60 would result in exposure of persons to substantial concentrations of diesel particulate matter. Consequently, Impact 5.3-5 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.3-6. Conversion of agricultural land to nonagricultural uses would temporarily expose residents to objectionable odors. Consequently, Impact 5.3-6 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- *Cultural Resources –*

Impact 5.5-1. Although protective regulations are in place and preservation policies are included in TOP, implementation of the Proposed Land Use Plan, especially within growth focus areas, has the potential to impact Tier III historic resources. Mitigation Measure 5-1 would require a historical evaluation for properties within historic resources in the Focus Areas under the City's ordinance. However, the ordinance does not provide a high level of protection for Tier III resources. As a result, historical resources categorized under the Ordinance as Tier III could potentially be impacted with implementation of the Proposed Land Use Plan. Consequently, Impact 5.5-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- *Global Climate Change –*

Impact 5.6-1. Buildout of the City of Ontario would generate greenhouse gas emissions that would significantly contribute to global climate change impacts in California. GHG emissions generated in the City would significantly contribute to climate change impacts in California as a result of the growth in population and employment in the City and scale of development activity associated with buildout of the Proposed Land Use Plan. Consequently, Impact 5.6-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- *Noise –*

Impact 5.12-1. Buildout of the Proposed Land Use Plan would result in an increase in traffic on local roadways in the City of Ontario, which would substantially increase noise levels. Consequently, Impact 5.12-1 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.12-2. Noise-sensitive uses could be exposed to elevated noise levels from transportation sources. Any siting of new sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion would result in a potentially significant impact and would require a separate noise study through the development review process to determine the level of impacts and required mitigation. Consequently, Impact 5.12-2 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.12-3. Construction activities associated with buildout of the individual land uses associated with the Proposed Land Use Plan would expose sensitive uses to strong levels of groundborne vibration. Consequently, Impact 5.12-3 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.12-5. Construction activities associated with buildout of the individual land uses associated with the Proposed Land Use Plan would substantially elevate noise levels in the vicinity of sensitive land uses. Consequently, Impact 5.12-5 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

Impact 5.12-6. Noise-sensitive land uses within the 65 dBA CNEL contour of the Los Angeles/Ontario International Airport would be exposed to substantial levels of airport-related noise. Consequently, Impact 5.12-6 would remain significant and unavoidable and a Statement of Overriding Considerations would be required.

- *Transportation and Traffic –*

Impact 5.15-1. Buildout of the Proposed Land Use Plan would result in additional traffic volume that would significantly cumulatively contribute to main-line freeway segment impacts. The City's development impact fees cannot be used for improvements to roadway facilities under Caltrans jurisdiction. Consequently, impacts to freeway segments within the City under Impact 5.16-1 would be significant and unavoidable and a Statement of Overriding Considerations would be required.

While these impacts will be significant and unavoidable, the City determined that the benefits of the Ontario Ranch development outweigh the potential unavoidable, adverse impacts of the plan. As a result, the City adopted a Statement of Overriding

Considerations for those impacts that could not be fully mitigated to a level of less than significant.

Even though an EIR was prepared for TOP, the analyses focused on the program or “big picture” impacts associated with development. With the submittal of the Colony Commerce Center East Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the project and determined that an EIR should be prepared for the Colony Commerce Center East Specific Plan. Through the Initial Study preparation and scoping meeting discussion, an EIR was prepared addressing the following issues:

- Aesthetics
- Agricultural Resources
- Air Quality and Greenhouse Gas
- Biological Resources
- Cultural Resources and Historic Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation and Circulation
- Tribal Cultural Resources
- Utilities and Service Systems
- Energy

The Colony Commerce Center East Specific Plan EIR evaluates each of these various areas and identifies mitigation measures and/or revisions to the plan to lessen the level of significance. With the implementation of the various mitigation measures, many of the potential adverse impacts can be reduced to a level of less than significant. Of the 16 areas considered by the EIR, all but three of the impact areas were mitigated to a level of less than significant. The three remaining impact areas, even with the mitigation measures, could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. These areas include:

- Air Quality - Impacts related to a net increase in criteria pollutants would remain significant and unavoidable with the implementation of recommended mitigation measures.
- Agricultural Resources – Project specific impacts and cumulative impacts would remain significant and unavoidable.

- Transportation and Traffic – Impacts related to intersections are projected to be cumulatively significant and unavoidable.

While mitigation of all potential impacts to a level of less than significant is desirable, the fact that three areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the Planning Commission recommend certification of the EIR to the City Council and that a Statement of Overriding Considerations be adopted for the project.

CONDITIONS OF APPROVAL: See attached department reports.

Colony Commerce Center East Environmental Impact Report

(provided under separate cover)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL CERTIFY THE PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2017031048) AND ADOPT FINDINGS OF OVERRIDING CONSIDERATIONS FOR THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003), LOCATED WITHIN THE ONTARIO RANCH AND BOUNDED BY MERRILL AVENUE TO THE NORTH, COUNTY LINE FLOOD CONTROL TO THE SOUTH, CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST, AND ARCHIBALD AVENUE TO THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF – APN(s): 218-311-02, 218-311-03, 218-311-07, 218-311-08, 218-311-10 & 218-311-13.

WHEREAS, the Project Environmental Impact Report (EIR) for the Colony Commerce Center East Specific Plan (File No. PSP16-003) (SCH# 2017031048) has been prepared in accord with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines for implementation of CEQA; and

WHEREAS, the EIR for File No. PSP16-003 consists of the Draft EIR and the comments and responses to comments made on the Draft EIR; and

WHEREAS, the EIR for File No. PSP16-003 was circulated for a 45-day public review period and a notice of its availability was published in a local newspaper and posted in the Office of the Clerk of the Board of Supervisors of San Bernardino County; and

WHEREAS, copies of the EIR were distributed to the Planning Commission, City departments, and federal, state, regional, local, and other agencies and individuals; and

WHEREAS, the EIR for File No. PSP16-003 has been prepared to address the environmental effects of a Specific Plan (Colony Commerce Center East) to establish land use designations, development standards, and design guidelines for approximately 94 acres of land within the Ontario Ranch, generally located north of the County line flood control channel, south of Merrill Avenue, east of Cucamonga Creek control channel, and west of Archibald Avenue; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a duly noticed public hearing on the EIR at which time all persons wishing to testify were heard and the EIR was fully studied; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Environmental Impact Report (EIR) and supporting documentation. Based upon the facts and information contained in the EIR (SCH# 2017031048) and supporting documentation, the Planning Commission finds as follows:

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

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

(3) The EIR reflects the independent judgment of the Planning Commission; and

SECTION 2: Planning Commission Action. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

(1) The Project EIR analyzed the environmental impacts-associated with the implementation of the Colony Commerce Center East Specific Plan, and finds that, if the Specific Plan is adopted and development occurs as proposed by this plan, and with implementation of proposed mitigation measures, the following impacts will still be significant and unavoidable:

(a) Air Quality - Impacts related to a net increase in criteria pollutants would remain significant and unavoidable with the implementation of recommended mitigation measures; and

(b) Agricultural Resources - Project-specific impacts and cumulative impacts would remain significant and unavoidable.

(c) Transportation and Traffic – Impacts related to intersections are projected to be cumulatively significant and unavoidable.

SECTION 3: Recommendation. Based upon the findings and conclusions set forth in Sections 1 and 2 above, the Planning Commission hereby recommends that the City Council certify the Project EIR, adopt a Statement of Overriding Considerations, and that the associated Mitigation Monitoring Program also be approved by the City Council.

SECTION 4: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March, 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN (FILE NO. PSP16-003), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENT FOR APPROXIMATELY 94 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 2,362,215 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY ARCHIBALD AVENUE TO THE EAST, THE SAN BERNARDINO/RIVERSIDE COUNTY BOUNDARY TO THE SOUTH, THE CUCAMONGA CREEK FLOOD CONTROL CHANNEL TO THE WEST AND MERRILL AVENUE TO THE NORTH, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-311-02, 0218-311-03, 0218-311-07, 0218-311-08, 0218-311-10 & 0218-311-13.

WHEREAS, CAP ROCK PARTNERS LAND & DEVELOPMENT FUND I, L.P. ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP16-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 94 acres of land, bounded by Archibald Avenue to the east, the San Bernardino/Riverside County boundary to the south, the Cucamonga Creek Flood Control Channel to the west and Merrill Avenue to the north, within the SP (AG) land use designation, and is presently improved with agriculture and farm related uses; and

WHEREAS, the property to the north of the Project site is within the Subarea 29 Specific Plan, and is currently vacant land. The property to the east is within the Subarea 29 Specific Plan, and is developed with residential development. The property to the south is within the County, and is developed with a county flood control channel. The property to the west is within the County, and is developed with the Cucamonga Flood Control Channel; and

WHEREAS, the Colony Commerce Center East Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the Colony Commerce Center East Specific Plan consists of approximately 94 acres of land, which includes the potential development of up to 2,362,215 square feet of business park and industrial development; and

WHEREAS, the land use intensity of the Colony Commerce Center East Specific Plan anticipated in the three planning areas is consistent with The Ontario Plan (TOP). The maximum Floor Area Ratio (FAR) permitted in each Planning Area conforms to the maximum 0.60 FAR permitted in the Policy Plan (General Plan) Land Use Plan for industrial business park. Planning Area 1, located along the northeaster portion of the Specific Plan area, is 45.19 acres in size and can potentially be developed with 1,181,085 square feet of business park development. Planning Area 2, located along the middle and northwest portion of the Specific Plan is 39.65 acres in size and can potentially be developed with 949,935 square feet of industrial development. Planning Area 3, located along the southwest portion of the Specific Plan is 9.65 acres in size and can potentially be developed with 231,195 square feet of industrial development; and

WHEREAS, the Colony Commerce East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and; and

WHEREAS, the Specific Plan does not conflict with the Land Use Policies of the General Plan (TOP) and will provide for development, in a manner consistent with the General Plan. The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

WHEREAS, a petition to cancel William Act Contract 70-159 (File No. PWIL18-002) has also been submitted as part of the proposed Colony Commerce Center East Specific Plan; and

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

WHEREAS, an Environmental Impact Report (EIR) (SCH#2017031048) has been prepared in accord with the California Environmental Quality (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (Colony Commerce Center East); and

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Planning Commission the responsibility and authority to review and make a recommendation on the subject Application; and

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

WHEREAS, the project site is also located within the Airport Influence of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for the project and supporting documentation. Based upon the facts and information contained in the EIR

(SCH#2017031048) and supporting documentation, the Planning Commission finds as follows:

(1) The Colony Commerce East Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Colony Commerce Center East Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Colony Commerce East Specific Plan EIR reflects the independent judgment of the Planning Commission; and

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

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

(1) The approximately 94 acre Colony Commerce Center East Specific Plan is suitable for business park and industrial development and is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed land uses in the proposed districts will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed Colony Commerce Center East Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 94 acre site, which is what is mandated by the land use plan of the Policy Plan, therefore, the proposed industrial uses will be in conformance with the the policies and goals of the Policy Plan; and

(3) During the Colony Commerce Center East Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section 65351; and

(4) The proposed project is consistent with the adopted Housing Element. The Project site is not one of the properties (areas) listed in the Available Land Inventory in the Housing Element.

SECTION 4: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 5: 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 6: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March, 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PSP16-003
Colony Commerce Center East Specific Plan**

(Specific Plan to follow this page)

Colony Commerce Center East Specific Plan

Screencheck #4 | February 2018



COLONY COMMERCE CENTER EAST SPECIFIC PLAN

**City of Ontario
303 East 'B' Street
Ontario, California 91764**



**CapRock Partners
1300 Dove Street, Suite #240
Newport Beach, California 92660**

February 2018

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COLONY COMMERCE CENTER EAST SPECIFIC PLAN

CONSULTANT TEAM:

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EXECUTIVE SUMMARY

1.1 Executive Summary

The Colony Commerce Center East Specific Plan includes approximately 94.42 gross acres located in the southern portion of the City, near to the San Bernardino/Riverside County boundary. The master plan for the project will provide for development of industrial, business and office buildings offering a variety of uses.

The project site is generally located west of Archibald Avenue, south of Merrill Avenue, east of the Cucamonga Creek flood control channel and north of the San Bernardino / Riverside County line in the City of Ontario, San Bernardino County, California.

The site is also located within the Ontario Ranch area which comprises a portion of the former San Bernardino County Agricultural Preserve annexed by the City in 1999. The recently incorporated City of Eastvale (October 2010) is located southeast of Ontario in the County of Riverside, while the City of Chino is located to the west in San Bernardino County.

The relationship of the project site to the surrounding region is depicted in Exhibit 1.1, Regional Context Map. Exhibit 1.2, Vicinity Map, shows the relationship of the site to adjacent land uses. Exhibit 1.3 depicts the development plan for the site.

The City of Ontario Sphere of Influence area, commonly referred to as the “Ag Preserve” was the last significant underdeveloped area in the San Bernardino Valley. In 1993, the San Bernardino Board of Supervisors voted

to consider dissolving the Ag Preserve status, thus paving the way for the transition of agricultural uses to other locations and the ultimate development of the area within an urban setting.

In 1998, the City of Ontario prepared and adopted the Sphere of Influence General Plan Amendment, an amendment to the General Plan of the City of Ontario. Planning for the 8,069 acre Ontario Ranch area is the single most important development issue facing the City of Ontario today. The General Plan for the Ontario Ranch intends to provide the long term vision to create a high quality environment where residents can live, work, and play with a sense of individual neighborhoods rather than engulfed in the Ontario Ranch.

The Sphere of Influence annexation, dedicated as New Model Colony was annexed by the City of Ontario on November 30, 1999. The Colony Commerce Center East Specific Plan area is situated within the boundaries of the New Model Colony area which is now called Ontario Ranch.

On January 26th, 2010, the City of Ontario adopted The Ontario Plan (TOP) which serves as the City’s new business plan and includes a long term Vision and a principle based Policy Plan (General Plan). The city’s Policy Plan, which acts as the City’s General Plan, designates (Policy Plan Exhibit LU-1-Land Use Plan) the project site for development of industrial uses at a maximum 0.55 floor area ratio (FAR) and business park uses at 0.60 FAR as illustrated in Exhibit 2.2 Policy Plan (General Plan) Land Use Plan.

1.2 Governing Documents

Development of Colony Commerce Center East will be governed by the following:

- » The City of Ontario General Plan (January 1998), as amended, which establishes policies governing land use, circulation, housing, conservation and open space, noise, safety, and public facilities within the Colony Commerce Center Specific Plan area.
- » The Colony Commerce Center East Specific Plan which includes a Land Use Plan, Infrastructure Plan, Design Guidelines, and Development Regulations. Where the Colony Commerce Center East Specific Plan is silent, the City of Ontario Development Code shall govern.
- » A development agreement to include methods for financing, acquisition, and construction of infrastructure.
- » The Airport Land Use Compatibility Plan for Ontario International Airport and the California Airport Land Use Planning Handbook published by Caltrans Division of Aeronautics.

1.3 Specific Plan Components

The Colony Commerce Center East Specific Plan is organized into the following sections in addition to Section 1, Executive Summary.

1.3.1 (Section 2) Introduction

The Introduction serves to acquaint the reader with:

- » Community vision and objectives,
- » The project setting,
- » A general description of the project proposal,
- » The goals and policies of the Colony Commerce Center East Specific Plan,
- » The entitlements to accompany the Colony Commerce Center East Specific Plan; and

- » The relationship of the Colony Commerce Center East Specific Plan to the City of Ontario General Plan, and the City of Ontario Development Code.

1.3.2 (Section 3) Existing Conditions

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

1.3.3 (Section 4) Land Use Plan

The Land Use Section describes industrial and business park planning areas as well as allocations of industrial and office building sizes per planning area.

1.3.4 (Section 5) Infrastructure and Public Services

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

1.3.5 (Section 6) Development Regulations

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

1.3.6 (Section 7)

Implementation and Administration

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

1.3.7 (Section 8)

Design Guidelines

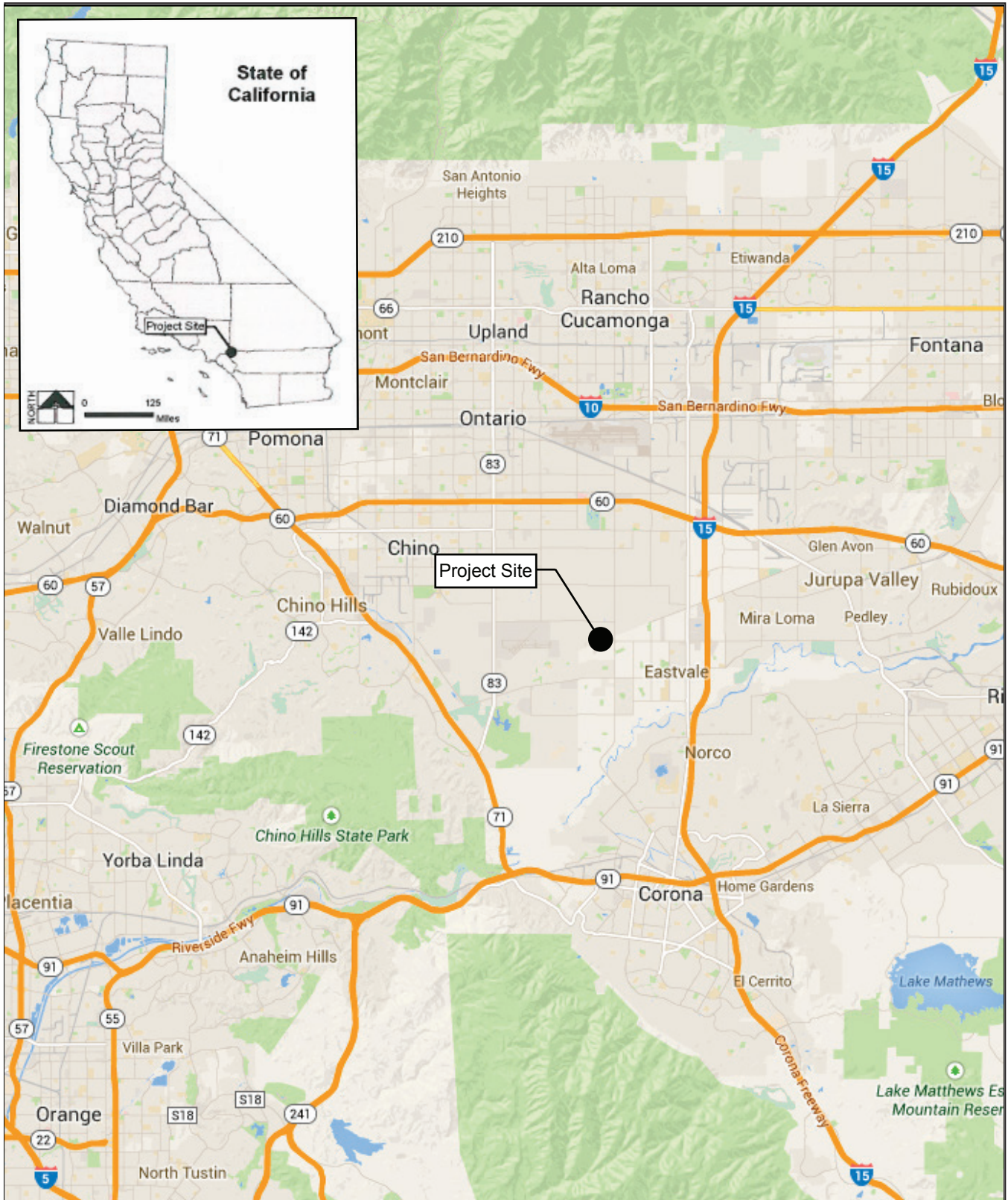
The Colony Commerce Center East Design Guidelines are intended to direct the site planning, landscaping, and architectural quality of the development. Streetscapes, entries, edge treatments, walls and fencing, lighting, signage, and architectural design are some of the features to be addressed in the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

1.3.8 (Section 9)

General Plan Consistency

This section includes the City of Ontario General Plan consistency matrix describing the relationship of the Colony Commerce Center East Specific Plan to each policy of the General Plan.

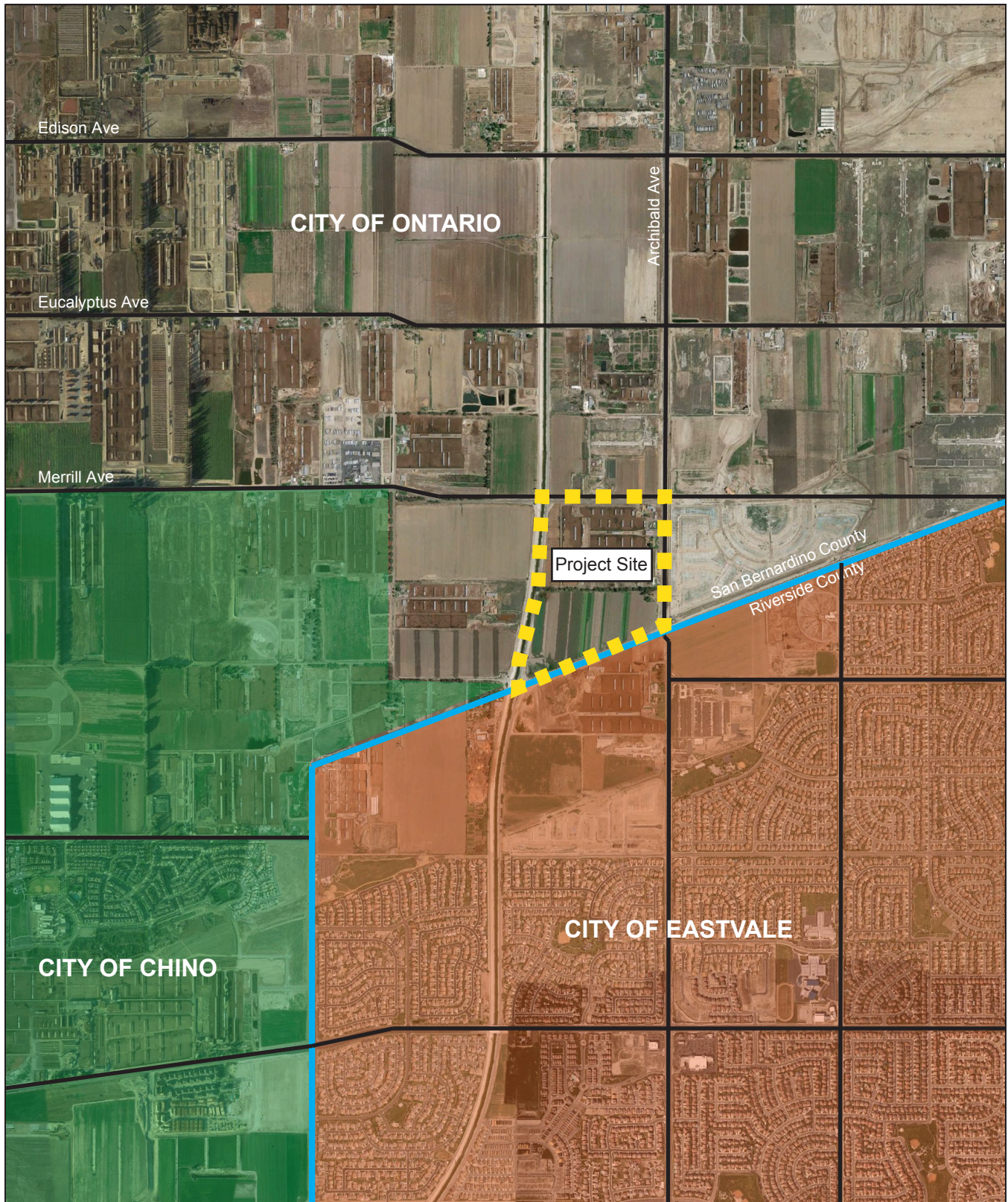
Exhibit 1.1, Regional Context Map



Source: Google Maps



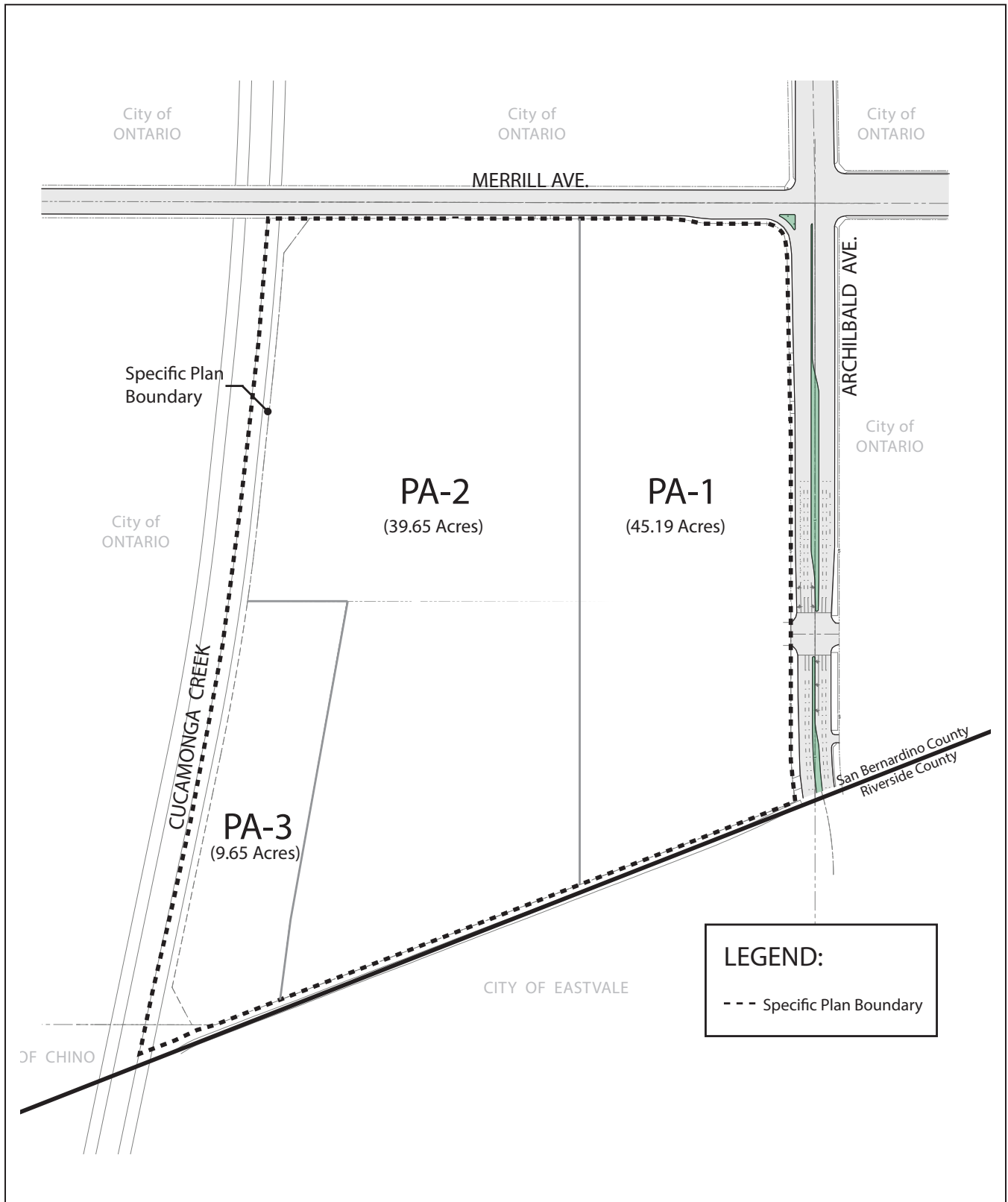
Exhibit 1.2, Vicinity Map



Source: Google Maps



Exhibit 1.3, Specific Plan Area/Proposed Planning Areas



Source: KTG Group



Table 1.1, Land Use Summary

Planning Area	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Business Park	45.19 ac	1,181,085 SF	0.60
PA-2	Industrial	39.65 ac	949,935 SF	0.55
PA-3	Industrial	9.65 ac	231,195 SF	0.55
	Total	94.49 ac	2,362,215 SF	

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2

INTRODUCTION

2.1 Specific Plan Purpose

The Ontario Plan (TOP) Policy Plan includes requirements for subsequent approval by the City of a Specific Plan and an Area Plan for development within the area of the City known as Ontario Ranch.

Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans shall incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. The Area Plan shall provide additional policy-level guidance and is considered part of the Policy Plan.

The Area Plan for the Ontario Ranch will be initiated by the City of Ontario at a future time. However, until the Area Plan for the Ontario Ranch is adopted, the Policy Plan provides that new specific plans may proceed consistent with the Goals and Policies of the Policy Plan.

The Colony Commerce Center East Specific Plan serves to implement the City's Policy Plan for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure-requirements, and implementation requirements for development.

A comprehensive set of design guidelines and development regulations are included to guide and regulate site planning, landscape,

and architectural character within the community ensuring that excellence in community design is achieved during project development. The Colony Commerce Center East Specific Plan establishes the procedures and requirements to approve new development within the project site.

2.2 Authority

California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 et seq grants local planning agencies the authority to prepare Specific Plans for any area covered by a General Plan for the purpose of establishing systematic methods of implementation of the General Plan.

A Specific Plan is designed to address site specific issues such as existing on-site conditions relative to topography and existing environmental concerns, site design and layout, including setbacks and visual appearance, as well as circulation, utility provisions and infrastructure financing alternatives.

The California Government Code establishes the authority and procedures to adopt a specific plan; identifies the required contents of a specific plan; mandates consistency with the General Plan; and also mandates consistency of any future projects or zoning ordinance amendments with a specific plan. Section 9-1.200 of Title 9 of the City of Ontario's Municipal Code states the purpose and intent of specific plans.

The City's Municipal Code will act as a supplement for those areas and issues not covered by this Specific Plan regulations for administration review procedures, environmental review, and others.

2.3 State Requirements

Section 65451 of the Government Code mandates what a Specific Plan shall contain. A Specific Plan shall include a text and diagram or diagrams which specify all the following in detail:

- » The distribution, location, and text of the uses of land, including open space, within the area covered by the plan.
- » The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other facilities proposed to be located within the area covered by the plan and needed to support the land uses describe in the plan.
- » Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- » A program of implementation measures including regulations, programs, and financing measures necessary to carry out the Colony Commerce Center East Specific Plan project.
- » The Specific Plan shall include a statement of its relationship to the General Plan.

2.4 Severability

If any section, subsection, sentence, clause, phrase, or portion of the Specific Plan, or any future amendment(s) or addition(s) hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Specific

Plan, or any future amendments or additions hereto. The City hereby declares that it would have adopted these requirements and each sentence, subsection, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

2.5 Project Objectives

The Colony Commerce Center East Specific Plan is designed to implement a series of project-specific objectives that have been carefully crafted to ensure the project develops with a quality industrial and business park development. The project objectives have been refined throughout the planning and design process for the project. They are identified below:

- » To provide for the development of industrial and business facilities which utilize the site's prime location to Ontario Airport.
- » To create a high quality industrial and business development that attracts an array of businesses and provides employment opportunities to area residents.
- » To provide industrial and business park uses within the project boundaries which are compatible with surrounding uses.
- » To develop a flexible plan that meets the needs of an ever-changing business market, while assuring compliance with high development standards.
- » To provide a plan for roadways, infrastructure, and utilities to support on-site land uses as the project evolves.
- » Promote opportunities for water efficiency in the project architecture and project landscaping to promote water conservation.

2.6 Specific Plan Summary

The Colony Commerce Specific East Plan creates a master-plan comprised of industrial and business park development. The project consists of three planning areas:

- » PA-1, Approximately 45.19 gross acres of business park development on the eastern portion of the site allowing for a total development up to 1,181,085 SF at a Floor Area Ratio (FAR) of .60.
- » PA-2, Approximately 39.65 gross acres of industrial development on the western portion of the site allowing for a total development up to 949,935 SF at a .55 FAR.
- » PA-3, Approximately 9.65 gross acres of industrial development on the southwestern portion of the site allowing for a total development up to 231,195 SF at a .55 FAR.

Assessor's parcel numbers within the Colony Commerce Center East Specific Plan are:

- » 0218-311-07
- » 0218-311-13
- » 0218-311-08
- » 0218-311-03
- » 0218-311-10
- » 0218-311-02

Exhibit 2.1 shows the assessor's parcel numbers within the Specific Plan area.

2.7 Discretionary Actions and Approvals

2.7.1 The Ontario Plan

The Ontario Plan (TOP) establishes the direction and vision for the City of Ontario providing a single guidance system that will shape the Ontario community for the future. The Plan provides for policies to accommodate change over a 30 year period commencing in 2010,

the beginning of the planning period. The Ontario Plan consists of a six part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback.

2.7.2 Specific Plan

The Policy Plan requires the approval of a Specific Plan for development of the project site to ensure that sufficient land area is included to achieve unified districts and neighborhoods. The City of Ontario has zoned the project site as AG-Specific Plan as illustrated in Exhibit 2.3 Ontario Zoning Map.

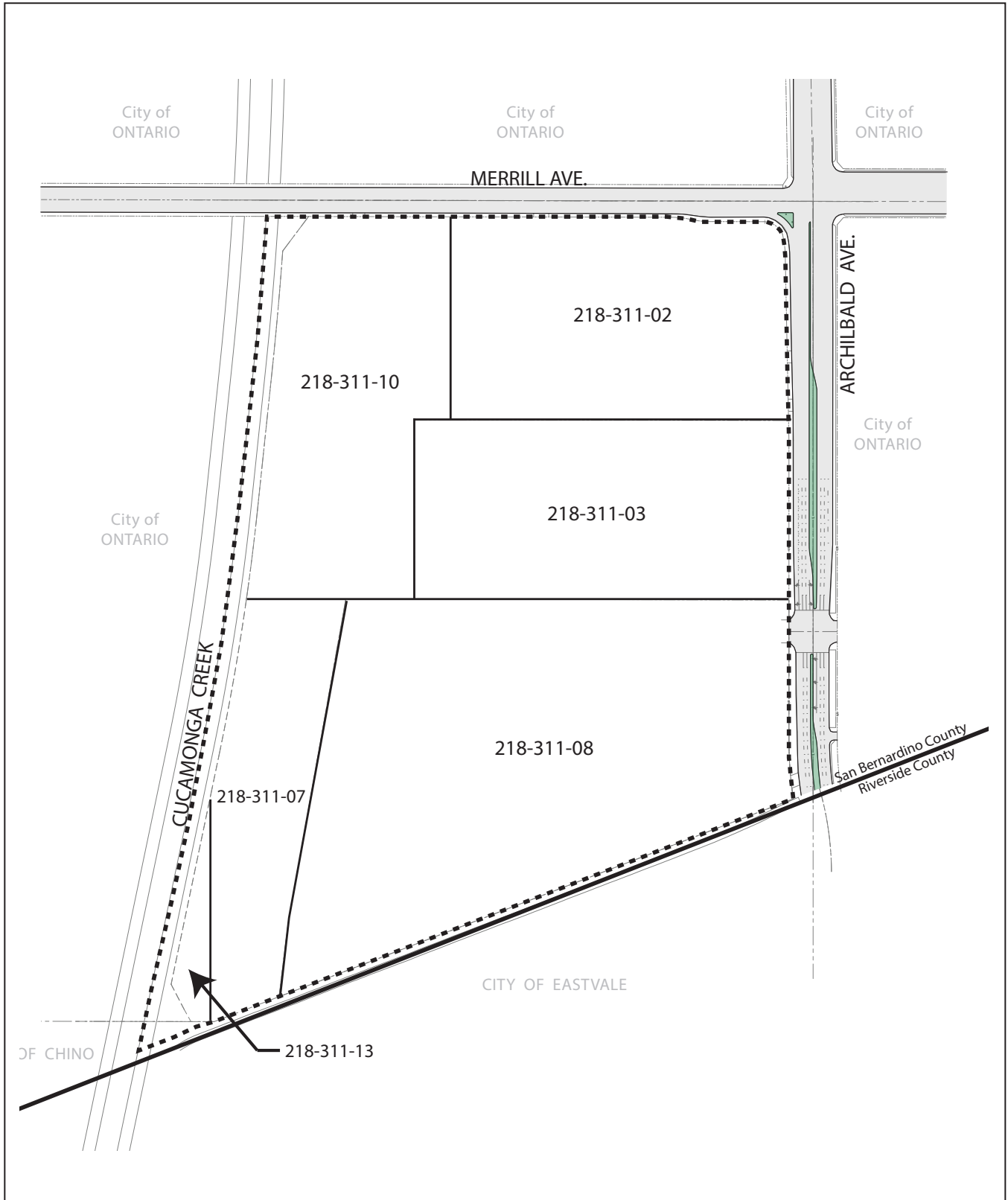
The zoning designation of AG-Specific Plan requires that a Specific Plan be approved to guide development of the project site and to implement the goals and policies of the Policy Plan. Pursuant to adoption by the City of Ontario of the Colony Commerce Center East Specific Plan by ordinance, the Specific Plan shall take precedence over the City of Ontario Development Code. In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

2.7.3 Development Agreement

Unless developed in a coordinated manner and with adequate fiscal planning, development projects within the City are likely to present a challenge in their implementation because of the lack of existing public facilities including streets, sewerage, transportation, drinking water, schools, and utility facilities. California law establishes a mechanism for ensuring the adequate provision of such facilities while providing assurances to applicants that, upon project approval, applicants can proceed with their projects.

Approval of the Colony Commerce Center East Specific Plan is accompanied by an application for approval of a development agreement to encourage investment in and commitment to comprehensive planning as envisioned by the City, which seeks to take maximum efficient utilization of resources at the least economic cost to the public. A statutory development agreement, authorized pursuant to California Government Code Sections

Exhibit 2.1, Assessor's Parcels



65864 et seq., shall be required as part of the approval of the Colony Commerce Center East Specific Plan.

The development agreement shall include, but not be limited to, methods for financing acquisition and construction of infrastructure, acquisition and development of adequate levels of parkland and schools, as well as the provision of adequate housing opportunities for various segments of the community consistent with the City's regional housing needs assessments. The Colony Commerce Center East development agreement shall be fully approved before the issuance of the first building permits for the project.

2.7.4 Subdivision Maps

Tentative tract maps will be approved by the City of Ontario for the project indicating the approximate boundaries and dimensions of lots and streets and the proposed grading for the project site. Following approval by the City of tentative tract maps, final maps will be prepared for City approval. Following recordation, final maps become the legal documents defining parcels that can be developed.

2.7.5 Development Plan Review

All development proposals for individual Planning Areas within the Colony Commerce Center East Specific Plan shall be subject to Development Plan Review pursuant Division 4.02 Discretionary Permits and Action of the City's Development Code.

2.7.6 CEQA Compliance

A Project Level Environmental Impact Report (EIR) prepared by the City of Ontario for the Colony Commerce Center East Specific Plan in accordance with the California Environmental Quality Act (CEQA), analyzes impacts associated with the implementation of the Specific Plan and subdivision maps.

The EIR is prepared as a basis for the environmental review of all subsequent discretionary and ministerial actions within the Colony Commerce Center East Specific Plan.

2.7.7 Williamson Act

A portion of the specific plan, parcel 218-311-08 contains an active Williamson Act contract. The contract will be cancelled without completing the process of term nonrenewal. Contract cancellation involves a comprehensive review and approval process, and the payment of fees by the landowner.

2.8 Subsequent Actions and Approvals

Following adoption of the Colony Commerce Center East Specific Plan, subsequent actions and approvals will be required, which are identified below:

- » Approval of Subsequent Tentative Maps: Implementing Tentative Maps will be prepared and processed through the City of Ontario in accordance with the requirements of Title 9, Article 4, Tentative Maps, of the Ontario Municipal Code and in accordance with the Subdivision Map Act.
- » Approval of Grading and Improvement Plans: After approval of the Tentative Map, the City of Ontario will process the corresponding Grading and Improvement Plans (e.g., water plans, wastewater plans, drainage plans, grading plans, street improvement plans, final maps, etc.).

2.9 Airport Land Use Compatibility Planning Consistency

All development proposals of Specific Plan Amendments are required to be consistent with the California Airport Land Use Planning Handbook published by Caltrans Division of Aeronautics and the Airport Land Use Compatibility Plans of Chino Airport and Ontario International Airport.

2.10 General Plan and Zoning Designations

The Colony Commerce Center East Specific Plan area is designated as Industrial and Business Park with a Chino

Airport Overlay covering the entire site as shown on the City of Ontario General Plan Land Use Map (see Exhibit 2.2, Existing General Plan Land Use Designation). No changes in land use categories are proposed.

The project site is currently zoned as (AG) Agriculture requiring a Specific Plan (see Exhibit 2.3, Existing Zoning Designation). Upon adoption of the Colony Commerce Center East Specific Plan, the zoning designation for the site will not need to change; it will remain as Specific Plan.

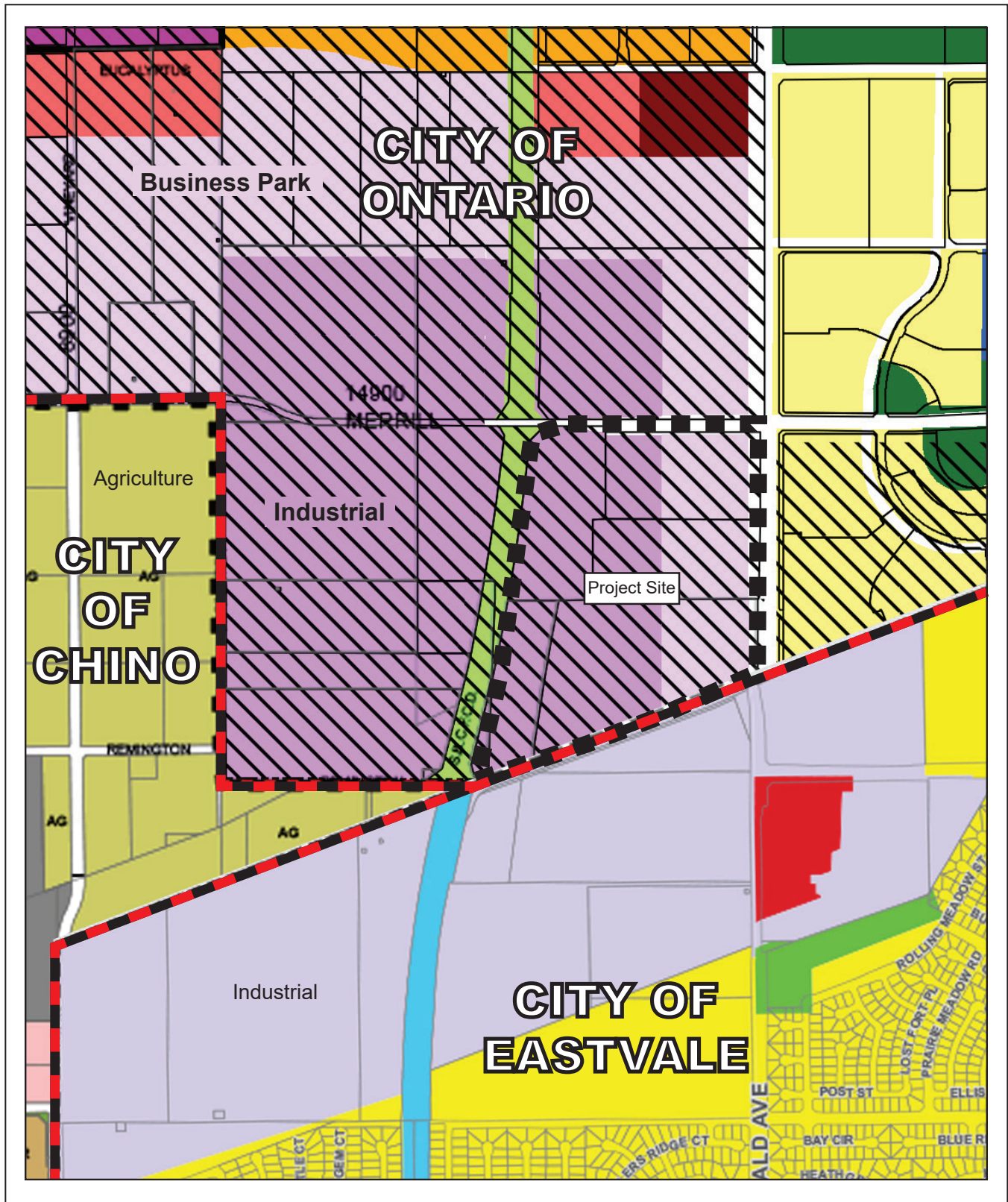
The City of Ontario Zoning Code states that specific plans are created to enable land to be planned and developed as coordinated, comprehensive projects providing for the systematic implementation of the Ontario General Plan. The Colony Commerce Center East Specific Plan will implement the Ontario General Plan as it relates to the Specific Plan area.

2.11 General Plan Consistency

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local general plan. Policy plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan.

The Colony Commerce Center East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan. The policy analysis listed in Appendix A1 describes the manner in which the Colony Commerce Center East Specific Plan complies with the Policy Plan policies applicable to the project.

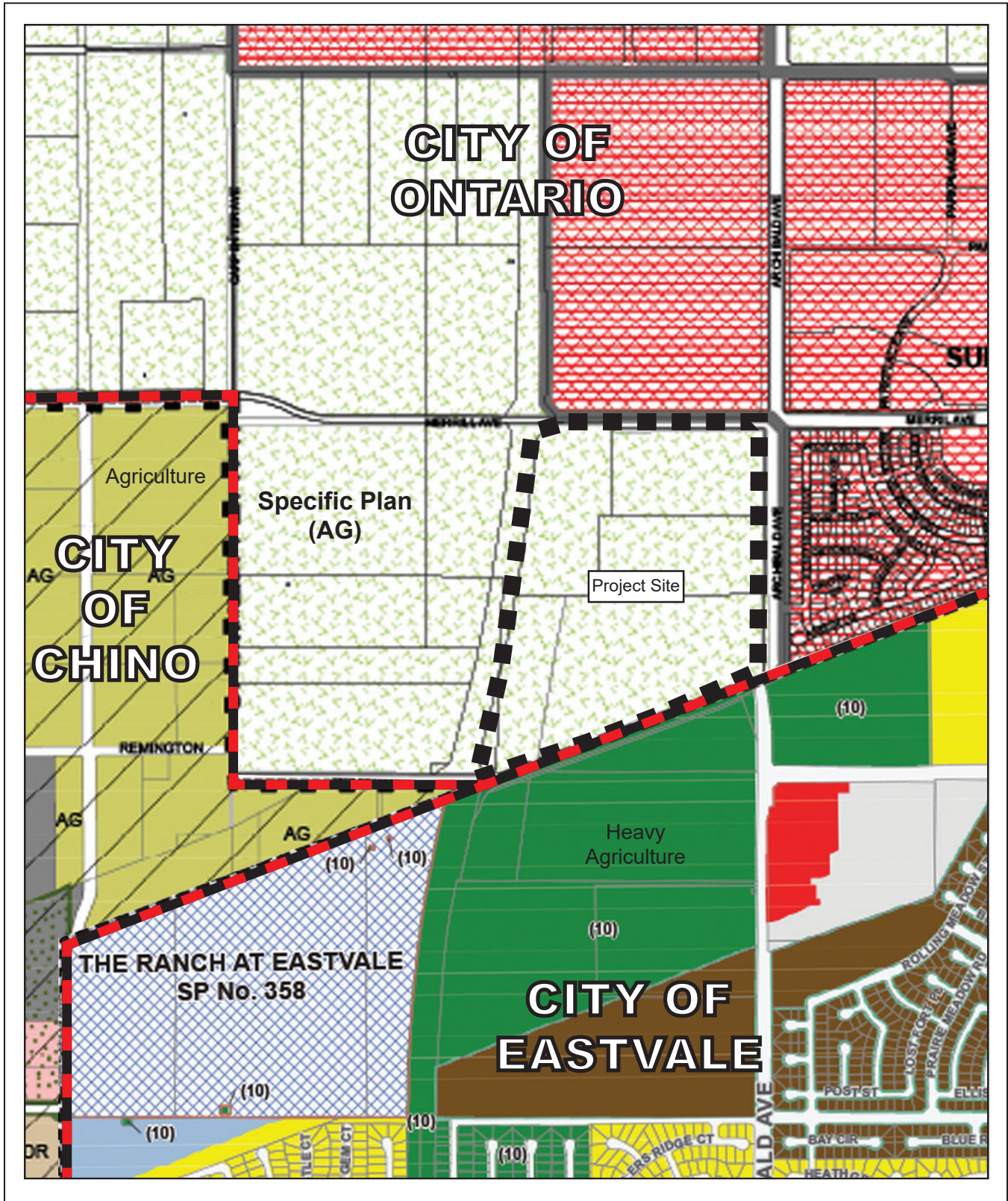
Exhibit 2.2, Existing General Plan Land Use Designation



Source: Exhibit LU-01 (Land Use Plan) 2010



Exhibit 2.3, Existing Ontario Zoning Map



Source: City of Ontario Zoning Map



3

EXISTING CONDITIONS

3.1 Existing Land Use

The project site has historically been used for agricultural purposes, primarily for dairy and field crop farming. The project site is mostly undeveloped with existing agricultural operations scattered throughout the area. Rural residential housing, farm buildings, and other ancillary facilities occupy those areas not in active agricultural production. Exhibit 3.1, depicts the current aerial photography of the specific plan area.

3.2 Surrounding Land Uses

Current agriculture uses such as dairy and field crop farms are located directly north and to the west of the Colony Commerce Center East Specific Plan area. In the City of Ontario General Plan, these areas are designated for Industrial and Business Park uses.

North and East of the project site, is a residential specific plan called Subarea 29 or “Park Place Ontario.”

Directly south of the project, in the City of Eastvale, agricultural uses currently exist. However, in the future industrials uses are anticipated.

All of the surrounding properties, including the project site, are located in The Chino Airport Overlay. See Exhibit 3.2, Surrounding Land Uses, for the various land uses that surround the Colony Commerce Center Specific East Plan Area.

3.3 Policy Plan and Zoning

The City’s General Plan designates the project site for the following land use:

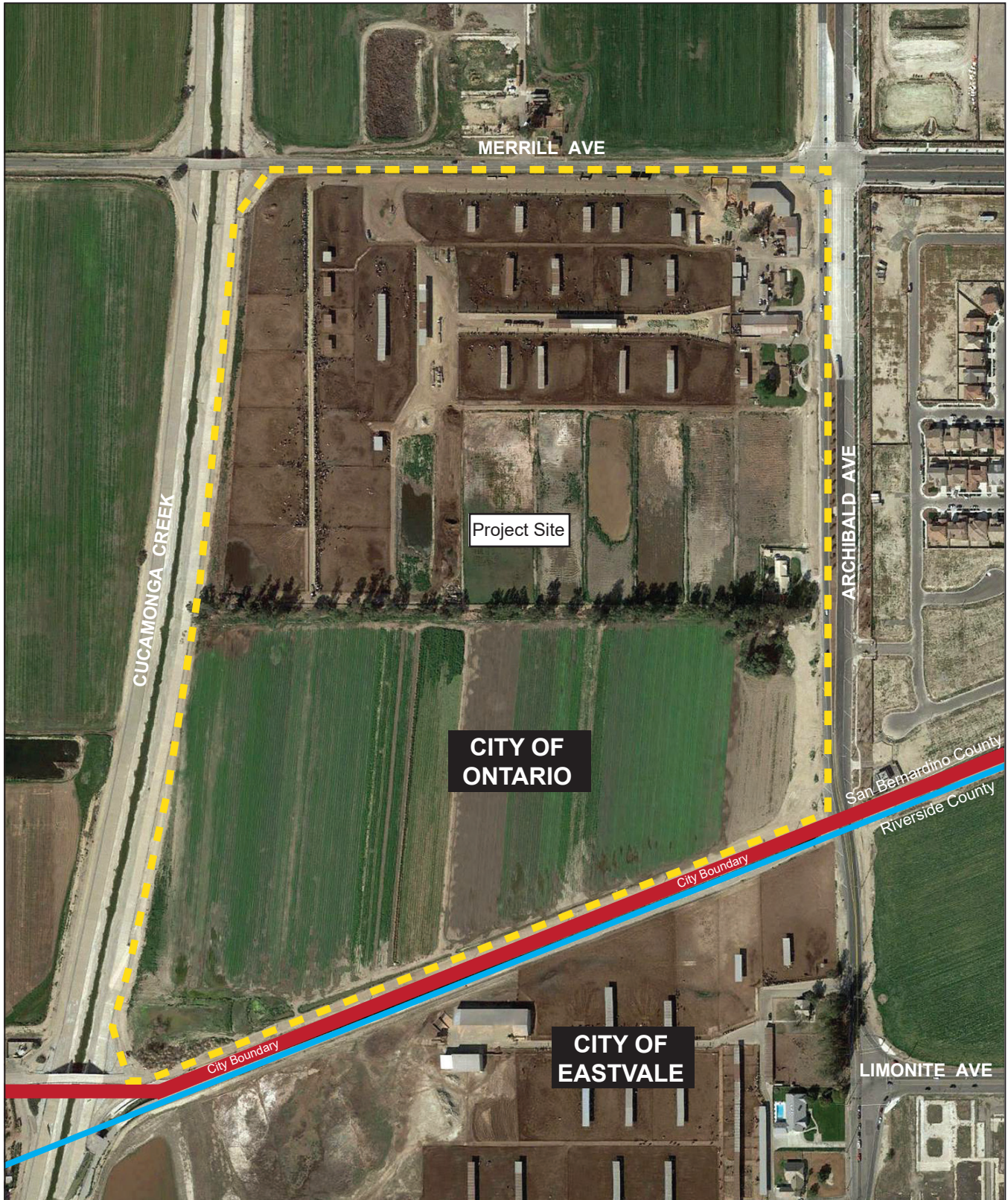
- » Industrial (0.55 FAR) - Approximately 49.3 gross acres of industrial uses on the site allowing for a total development up to 950 thousand square feet at a Floor Area Ratio (FAR) of 0.55.
- » Business Park (0.60 FAR) - Approximately 45.19 gross acres of business park uses on the site allowing for a total development up to 1.18 million square feet at a Floor Area Ratio (FAR) of 0.60.

The project site is zoned AG-Specific Plan. A specific plan is required by the City in order to comprehensively plan for development of industrial and business park uses within the project site.

3.4 Airport Land Use Compatibility Plan (ALUCP) Consistency

The Project Site is located within the Airport Influence Areas of Chino Airport and Ontario International Airport (ONT). The EIR prepared for the Colony Commerce Center East Specific Plan identifies potential impacts from Chino Airport and ONT and includes criteria for addressing any potential impacts.

Exhibit 3.1, Aerial Photograph



Source: Google Maps



Exhibit 3.2, Surrounding Land Uses



Source: Google Maps



3.5 Topography

The project site is relatively flat and gently falls to the south at an average gradient of approximately 1.0% to 2.0%. The existing topographic conditions for the Specific Plan area are illustrated on Exhibit 3.3, Existing Site Topography.

3.6 Williamson Act Status

The Williamson Act program is designed as a mechanism for the preservation of agricultural and open space lands in the State of California. Within the Specific Plan, only one Williamson Act contract is active on the five parcels that make up the project site. It is anticipated that the current land owner will initiate and cancel the contract as part of the development process.

3.7 Hydrology

Since most of the project site has been in agricultural use, only a limited portion of the site is now covered with impervious surfaces. Normal rainfall to the area is able to percolate through on-site soils and does not result in high volumes of surface runoff, as is typically associated with urban use.

During periods of heavy rainfall, when ground surfaces are saturated, surface runoff is collected in the existing storm drains, culverts, and retention basins located within the project site.

The existing storm drain system throughout the project site is generally unimproved and consists primarily of open earthen swales along area roadways or curbed roadway surfaces. The EIR prepared for the Colony Commerce Center East Specific Plan includes additional hydrology information for the project site.

3.8 Biology

The project site has been extensively used for agricultural operations including dairy and field crop uses. Those limited areas not in active agricultural production are occupied by rural residential housing or are vacant.

The natural vegetation and the project site as a whole have been significantly altered through agricultural use, leaving little to no native vegetation. The EIR prepared for the Colony Commerce Center East Specific Plan includes an evaluation of vegetation and biological resources.

3.9 Existing Circulation and Access

3.9.1 Regional Circulation

Interstate 15 (I-15) is located approximately 3 miles east of the project site. Access from the project site to the I-15 exists at Limonite Avenue within Riverside County. State Route 60 (SR-60) is located approximately 3.25 miles north of the project site.

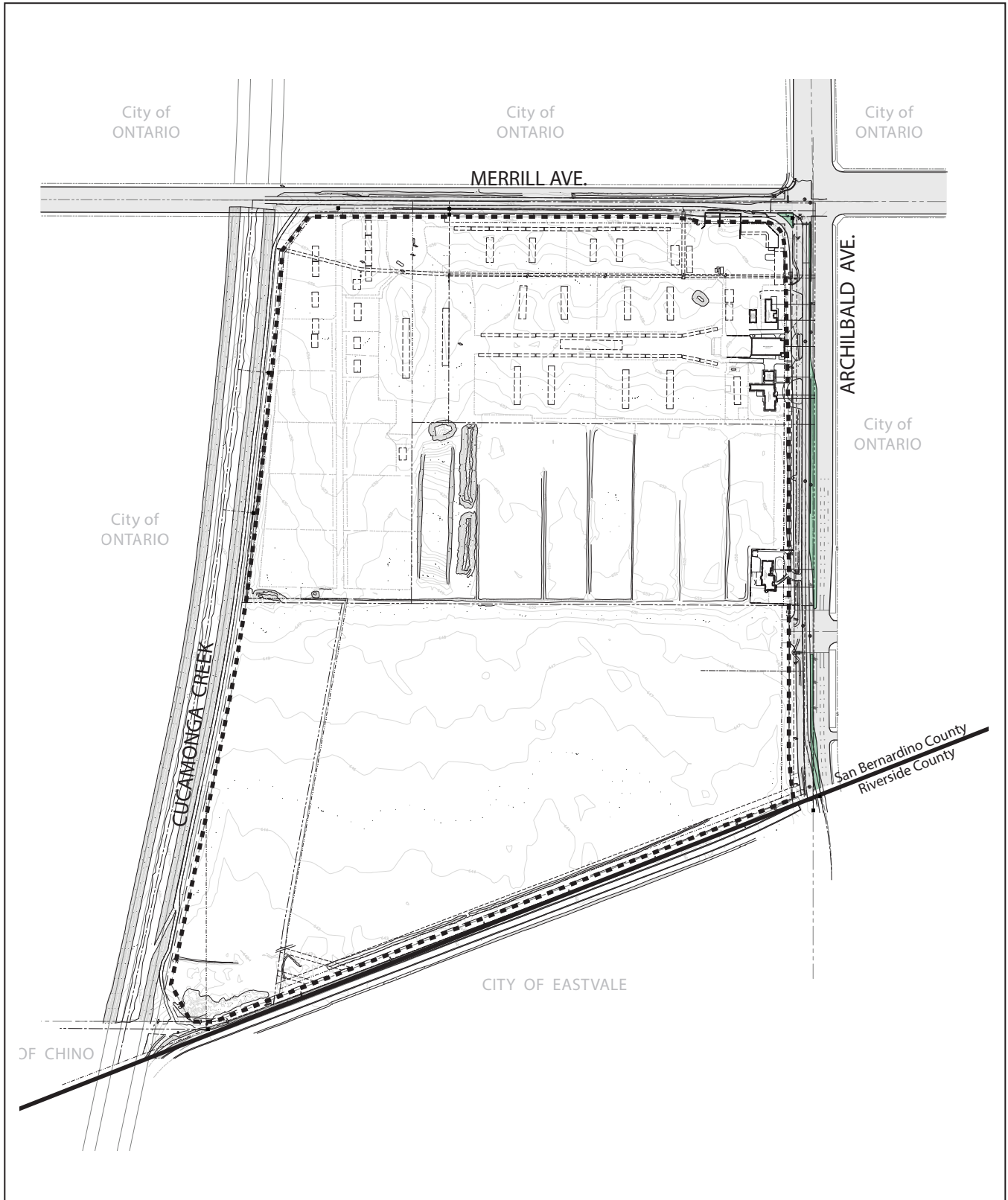
Access to the project site from SR-60 exists from Archibald Avenue, which connects to Merrill Avenue abutting the project site on the north. Euclid Avenue (SR-83) is located approximately 3 miles west of the project site. Access from the project site to Euclid Avenue exists from Merrill Avenue which abuts the project site to the north.

3.9.2 Local Circulation

Local access to the project site is provided from Merrill Avenue, and Archibald Avenue.

- » Merrill Avenue abuts the project site on the north and provides two paved travel lanes. The General Plan designates Merrill Avenue as a 4-lane Collector Street.
- » Archibald Avenue abuts the project site on the east with two travel lanes. The General Plan designates Archibald Avenue as a 6-lane Divided Arterial.

Exhibit 3.3, Existing Site Topography



Source: David Evans & Associates



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4

LAND USE PLAN

4.1 Introduction

The overall land use concept for the Colony Commerce Center East Specific Plan takes advantage of the site's proximity to airports and regional freeway access.

The land use concept provides for a range of industrial and business park uses, while offering a variety of development and employment opportunities. The land use in this area also provides opportunities for a broad range of industries to accommodate an ever-changing business and industrial environment.

4.2 Land Use Plan

The circulation patterns, utility systems and overall design of the plan can meet these changes in demand. This is an important concept in a region that is experiencing rapid growth (see Exhibit 4.1, Land Use Plan).

The planned business park area, PA-1, will include primarily office, commercial uses, and multi-tenant/flex space buildings.

The planned industrial area, PA-2 and PA-3, will include wholesale and distribution, light manufacturing and businesses with high-value, time-sensitive merchandise that would benefit from proximity to an airport.

The land use regulations for the Colony Commerce Center East Specific Plan will allow some flexibility in the location, mix and intensity of industrial and business park uses so that as market demands change and as businesses expand or contract over time, the

Specific Plan can respond and adapt to meet those needs. An illustrative site plan is shown on Exhibit 4.1, Land Use Plan.

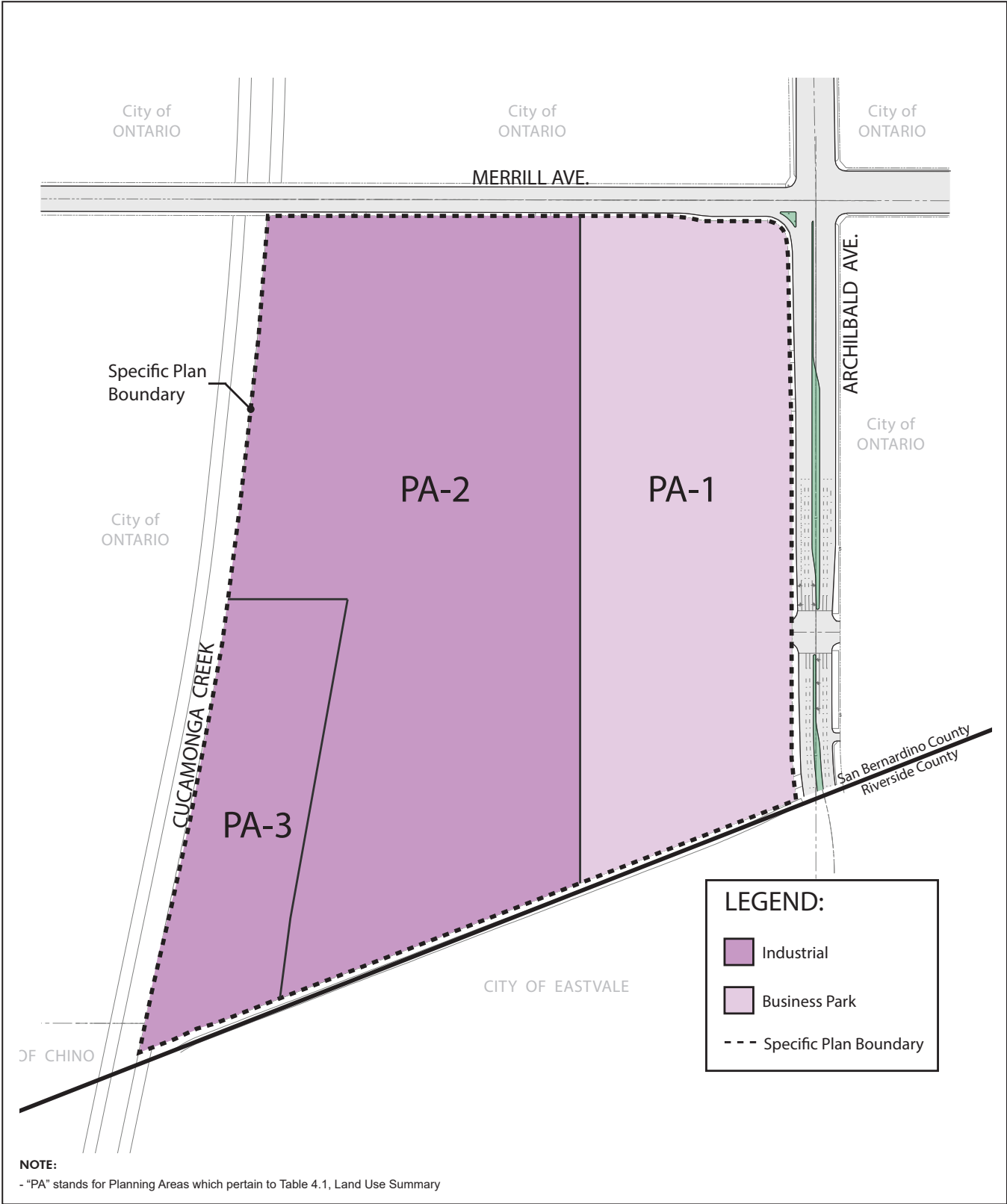
The land use intensity anticipated in the three planning areas is shown on Table 4.1, Land Use Summary. The maximum Floor Area Ratio (FAR) permitted in each Planning Area conforms to the maximum FAR permitted in the Ontario General Plan.

Table 4.1 identifies the anticipated build out of the Specific Plan area. Specific uses may be developed as identified as permitted in Table 6.3, Permitted Uses.

Table 4.1, Land Use Summary

Planning Area	Land Use	Acres	Maximum Potential Intensity (Gross Floor Area)	Max.Floor Area Ratio
PA-1	Business Park	45.19 ac	1,181,085 SF	0.60
PA-2	Industrial	39.65 ac	949,935 SF	0.55
PA-3	Industrial	9.65 ac	231,195 SF	0.55
	Total	94.49 ac	2,362,215 SF	

Exhibit 4.1, Land Use Plan



Source: Douglas Franz Architects



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5

CIRCULATION, INFRASTRUCTURE AND PUBLIC SERVICES

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

5.1 Circulation

The circulation plan for Colony Commerce Center East reinforces the objective of moving vehicles, pedestrians, cyclists, and public transit safely and efficiently through and around the project. Exhibit 5.1, Circulation Plan establishes the hierarchy and general location of roadways within Colony Commerce Center East.

The minimum design speeds to be used for center line curve radii, super elevation, corner and approach site distances, vertical and horizontal alignment, and sight distances for the Master Plan of Streets will comply with City Standards below:

- » Merrill Avenue: 45 mph
- » Archibald Avenue: 50 mph

5.1.1 Master Plan Roadways

The project site is bounded on the north by Merrill Avenue, a City of Ontario Collector Roadway as identified in Exhibit 5.2, Functional Roadway Classification Plan, providing access to and from the site.

Archibald Avenue bounds the project site on the east.

The Cucamonga Creek Channel, a non-vehicle open space area bounds the project site to the west.

A traffic study prepared as part of the project's EIR may identify the need for additional access point traffic controls, and/or additional rights-of-way at critical intersections and access points to accommodate lanes for left or right turn movements.

The developer shall be responsible for those improvements as determined by the City Engineer and pursuant to the mitigation measures identified in the EIR and/or Conditions of Approval established on the approved tentative maps for the project.

Phasing and construction of the improvements shall be implemented as required by the City Engineer and pursuant to the mitigation measures identified in the EIR and the conditions of approval adopted with the approval of tentative maps for the project. The locations and construction of bus turnouts may be required within the project to the satisfaction of the City of Ontario and Omnitrans.

5.1.2 Merrill Avenue

The Mobility Element of the Policy Plan (Figure M-2 Functional Roadway Classification Plan) designates Merrill Avenue as a 4-Lane Collector Street with a Class II bikeway and multipurpose trail. Merrill Avenue will provide east/west access to Colony Commerce Center East at the

northern boundary of the project site. The proposed improvement to Merrill Avenue are illustrated in Exhibit 5.3a, Merrill Avenue. Parking is prohibited along Merrill Avenue.

The existing Merrill Avenue bridge crossing over Cucamonga Creek will be designed and constructed in accordance to the Ontario Master Plan of Streets and Highways.

5.1.3 Archibald Avenue

Archibald Avenue bounds the project site to the east and will provide north/south access to and from the Colony Commerce Center East Specific Plan area. Archibald Avenue is designated as a 6-Lane Divided Arterial. Exhibit 5.3b, illustrates the ultimate improvements to Archibald Avenue.

There is a multipurpose trail on the west side of Archibald Avenue along the specific plan frontage. On-street parking is not allowed on Archibald Avenue. Intersections and driveways shall be shown/designed in accordance to the Ontario Master Plan of Streets and Highways, the Traffic and Transportation Design Guidelines and coordinated with the City of Eastvale if necessary.

5.1.4 Pedestrian Circulation

In addition to vehicular circulation, a pedestrian circulation system utilizing the sidewalks will be provided within the Colony Commerce Center East Specific Plan.

Sidewalks will be provided along all streets abutting the Specific Plan area, and will be a minimum of five (5') feet in width. Sidewalks shall be constructed of concrete as part of the adjacent roadway improvements.

5.1.5 Bicycle Circulation

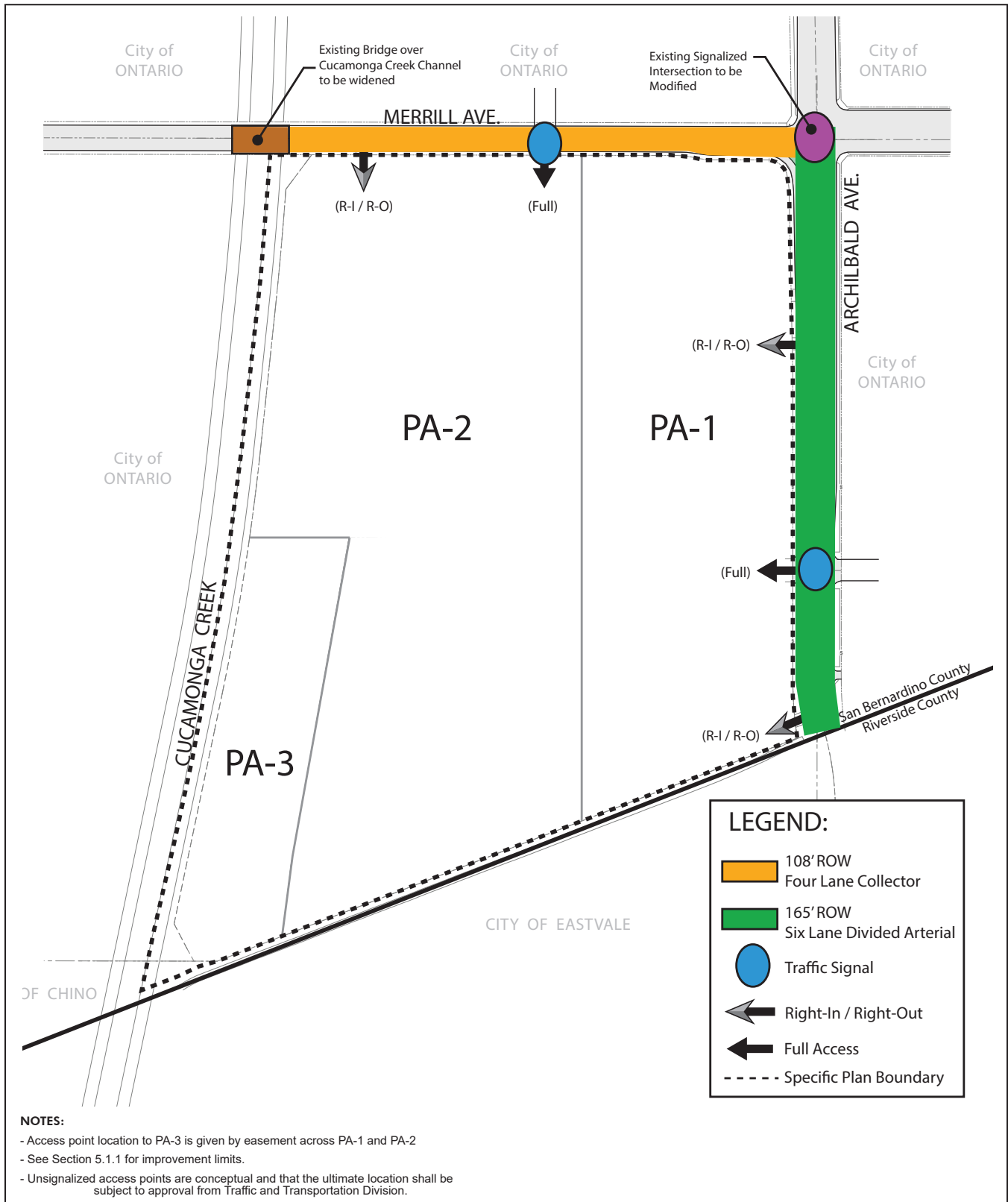
Bicycle trails are an integral element in creating accessibility and mobility within the Specific Plan. A Class I bicycle bikeway will be provided within the Cucamonga Creek Channel as illustrated in Exhibit 5.3c. The Specific Plan will construct trail connections to link

the bikeway along Cucamonga Creek Channel with the on-street bicycle system.

The Mobility Element of the Policy Plan (Figure M-1 Mobility Element System) designates a Class II Bikeway & Multi-purpose Trail along Merrill Avenue. These bike paths will provide linkages to the City's master planned bike paths system. General timing and responsibility will be discussed in the Development Agreement.

Refer to Exhibit 5.4, Pedestrian and Bicycle Circulation Plan, for locations of these paths and trails. Refer to Exhibit 5.5, City of Ontario Trails & Bikeway Plan to see how the Specific Plan connects to the larger network.

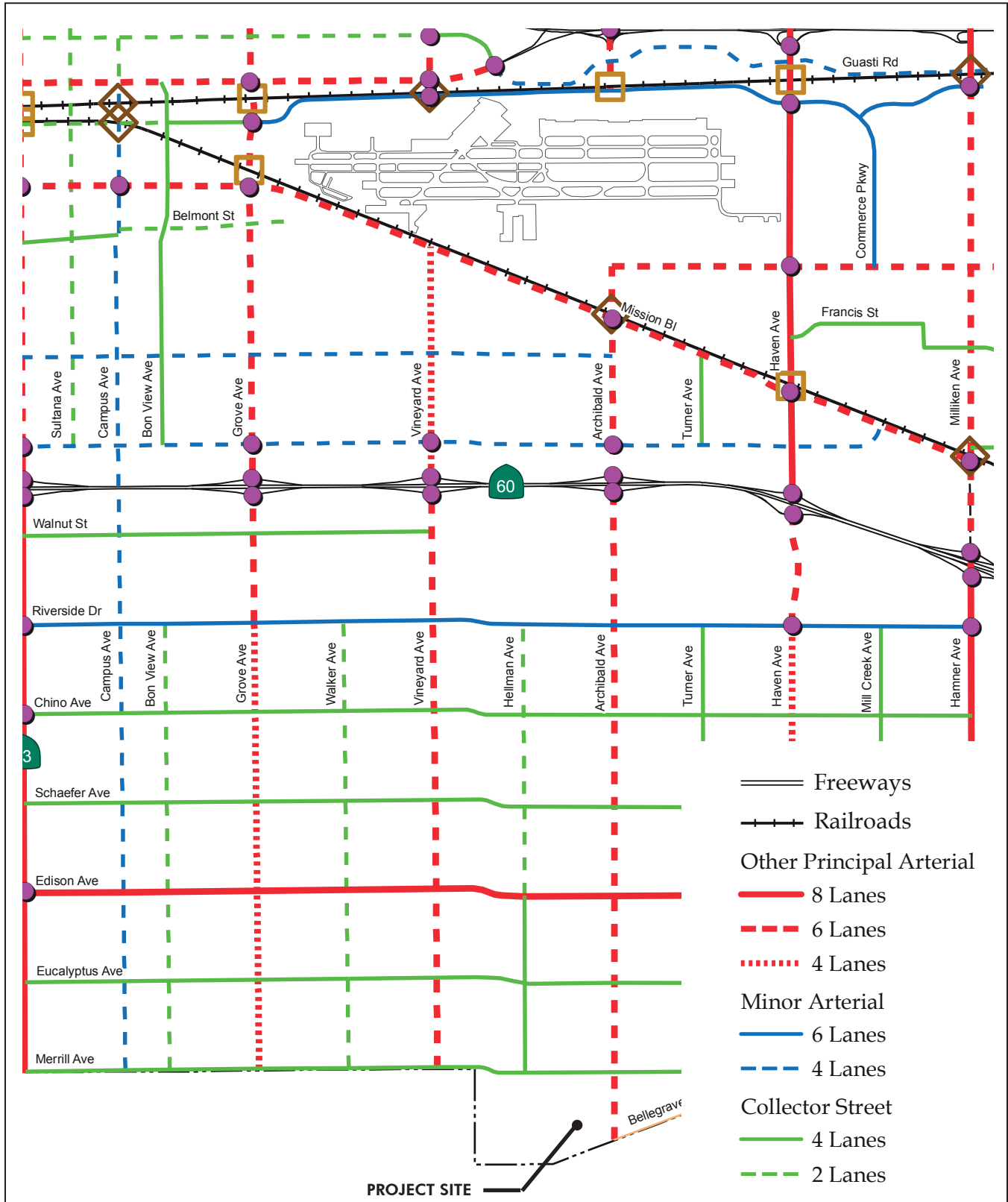
Exhibit 5.1, Circulation Plan



Source: KTG Group
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



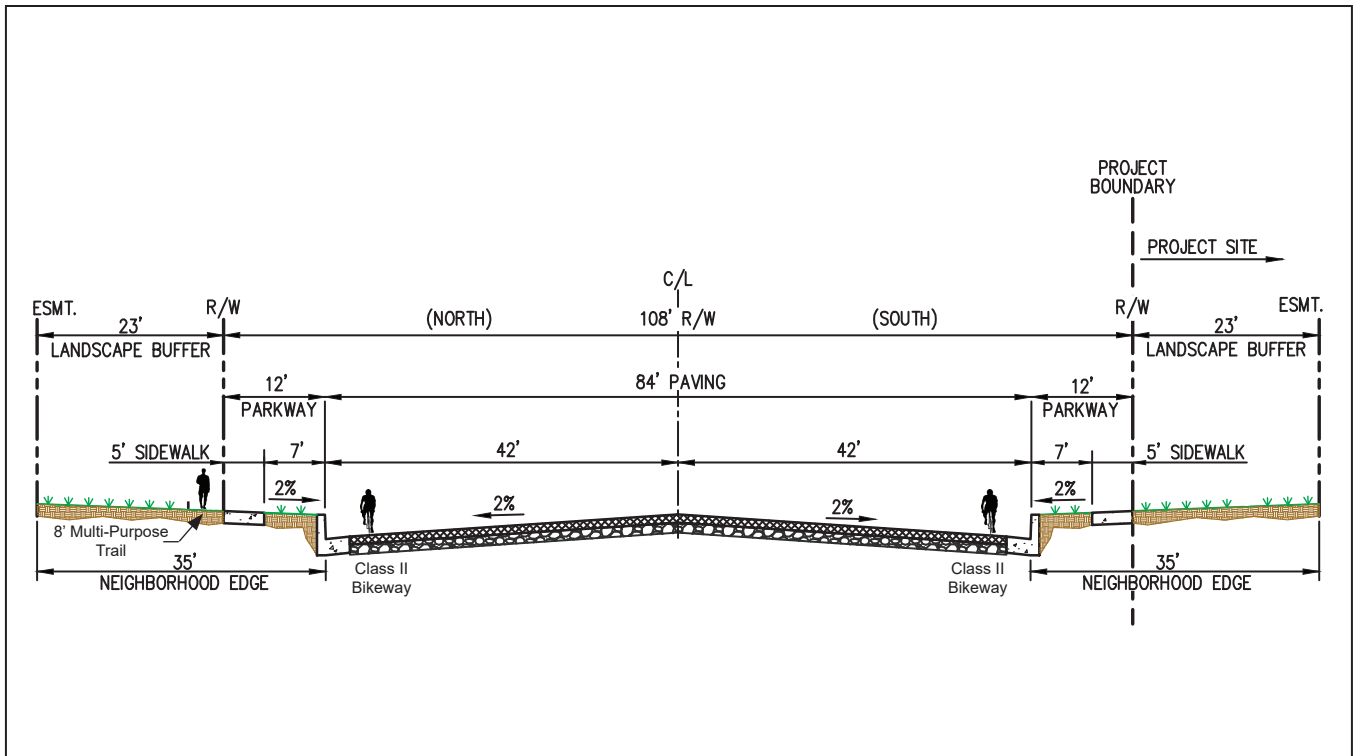
Exhibit 5.2, City of Ontario Roadway Classification Plan



Source: City of Ontario, Figure M-2 Functional Roadway Classification Plan
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

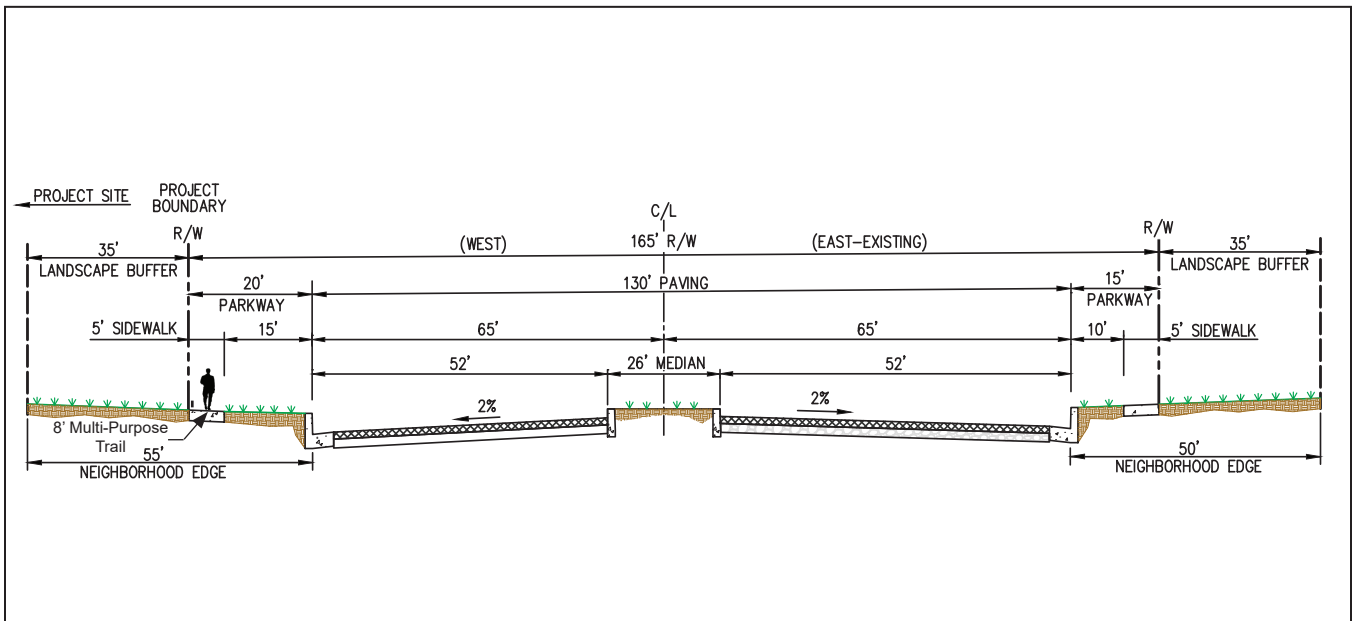


Exhibit 5.3a, Typical Street Cross Section - Merrill Avenue (108' ROW)



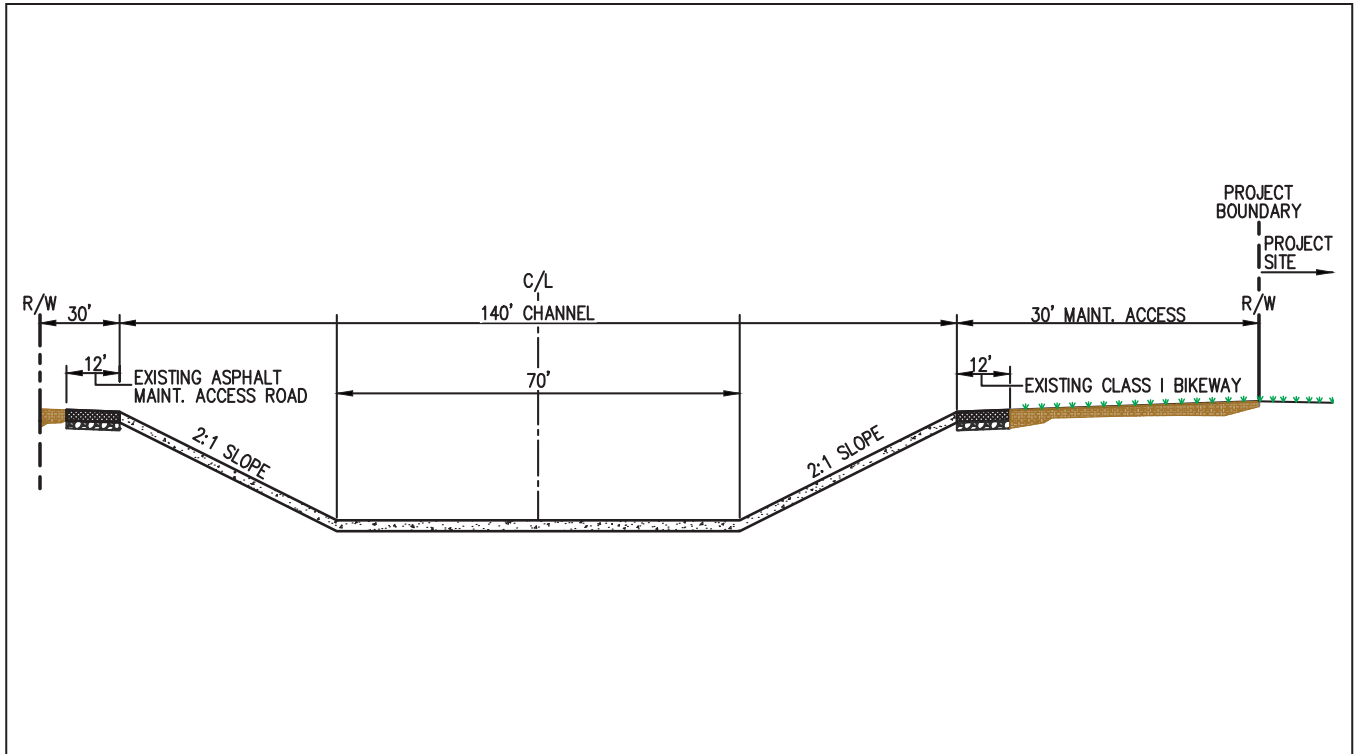
Source: David Evans & Associates

Exhibit 5.3b, Typical Street Cross Section - Archibald Avenue (165' ROW)



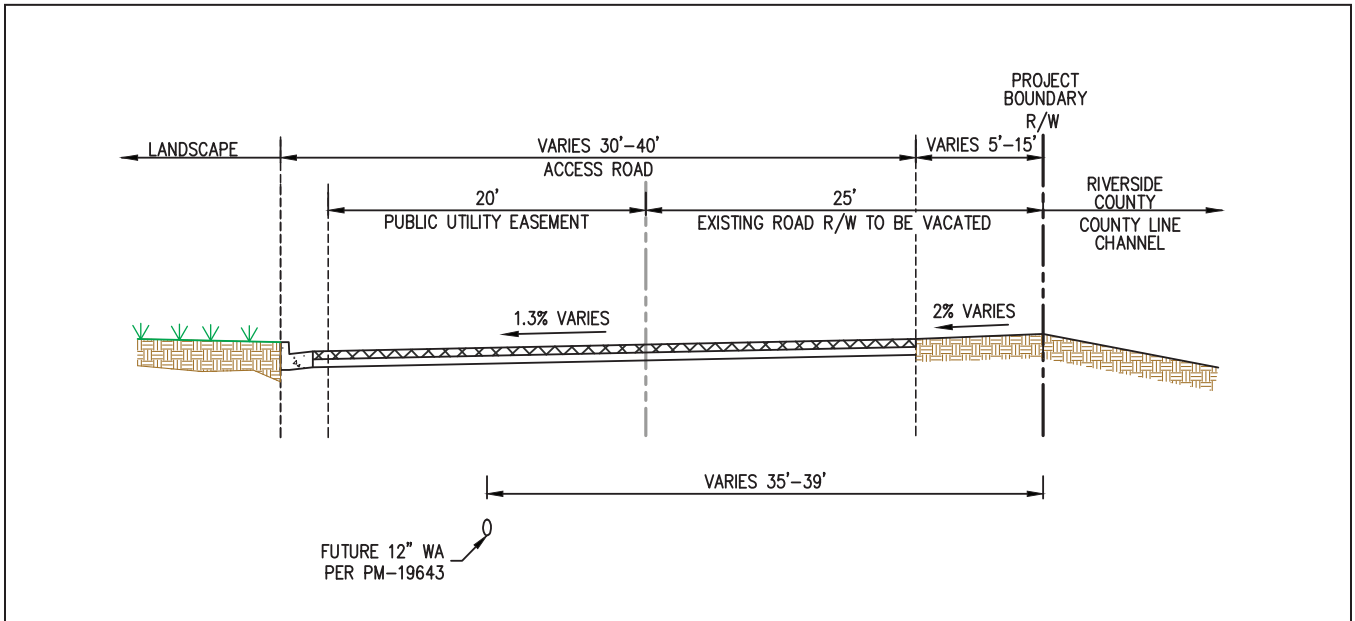
Source: David Evans & Associates

Exhibit 5.3c, Cucamonga Creek Channel



Source: David Evans & Associates

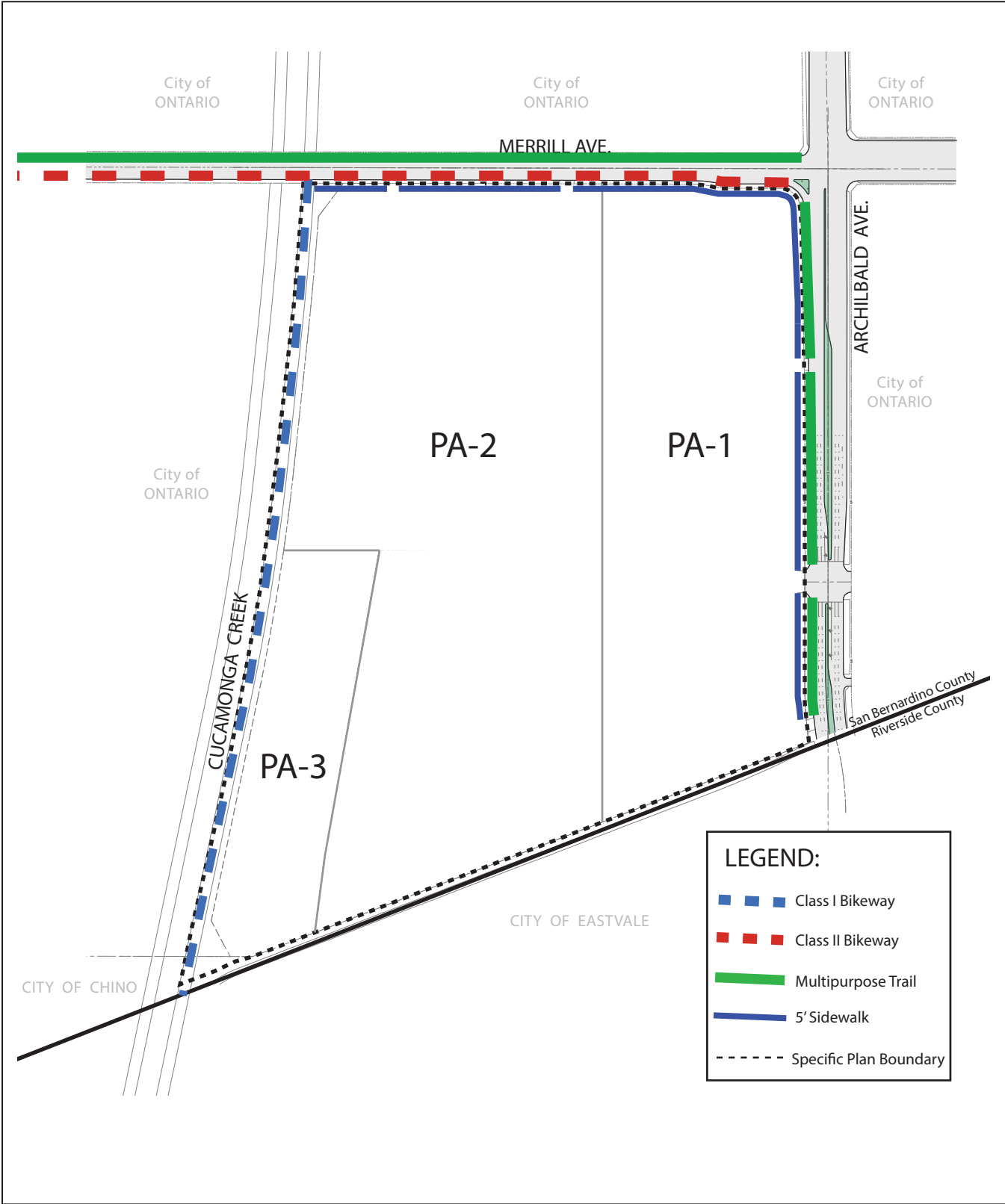
Exhibit 5.3d, Southerly Project Boundary



Source: David Evans & Associates

N. T. S.

Exhibit 5.4, Pedestrian and Bicycle Circulation



Source: KTG Group
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



Exhibit 5.5, City of Ontario Trails & Bikeway Plan

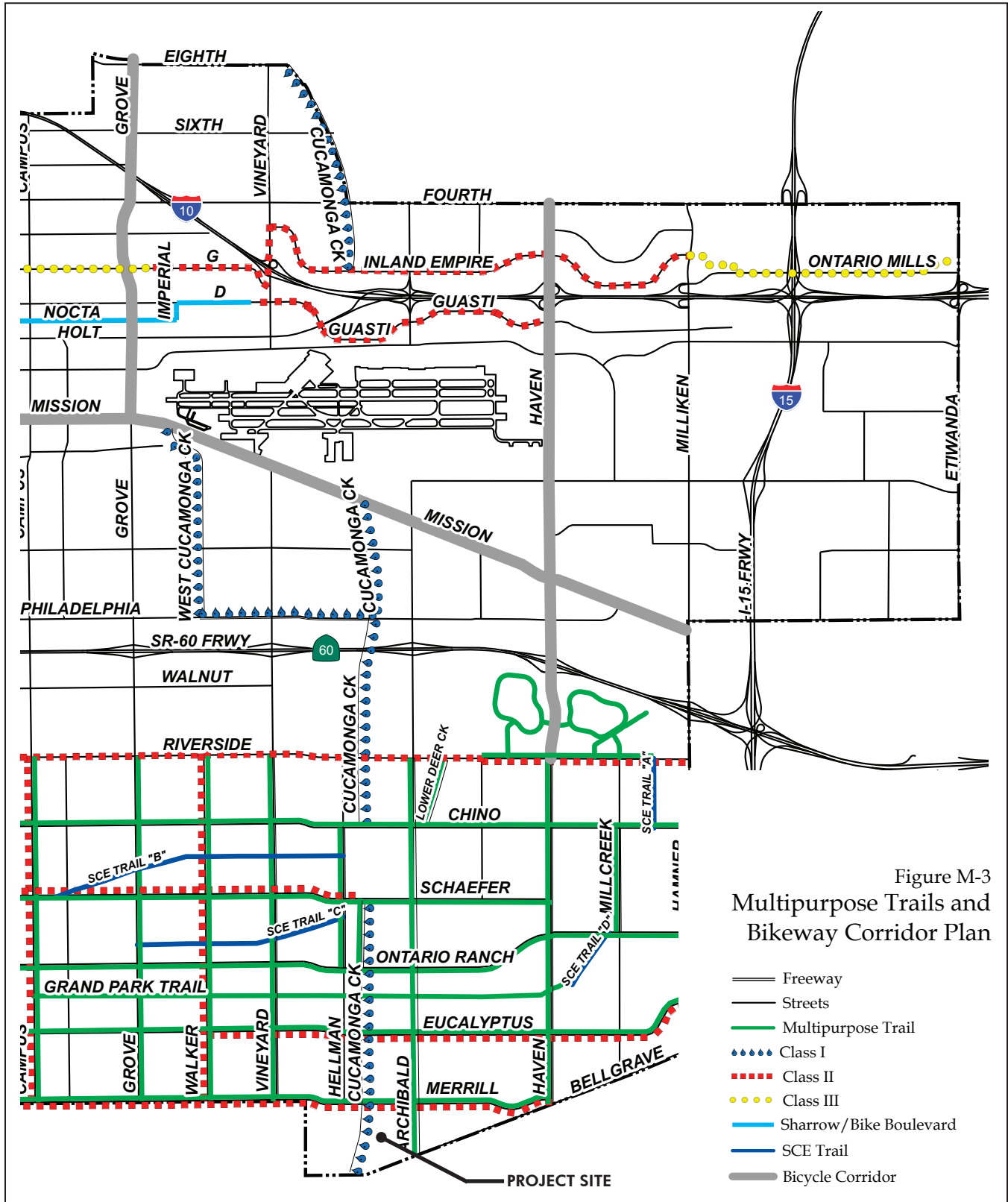


Figure M-3
Multipurpose Trails and
Bikeway Corridor Plan

- Freeway
- Streets
- Multipurpose Trail
- Class I
- - - - Class II
- Class III
- Sharrow/Bike Boulevard
- SCE Trail
- Bicycle Corridor

Source: City of Ontario, Figure M-3 Multipurpose Trails and Bikeway Corridor Plan
NOTE: Reference the City's most current Master Plan for sizing/alignment.



5.2 Water Master Plan

Domestic water will be provided by the City of Ontario. The City's Water Master Plan identifies new water facilities to serve the Ontario Ranch area, which will need to be constructed prior to or concurrent with on-site water improvements.

All private agricultural wells located within each Parcel shall be destroyed per Cal Department of Water Resources prior to the issuance of a certificate of occupancy for any construction activity. Well destruction requires a permit from County Health Department. A copy of such permit shall be provided to Engineering and OMUC prior to issuance of certificate of occupancy.

Note: Reference the City's most current Master Plan for sizing/alignment.

5.2.1 Master Planned Domestic Water System

The project site lies within the 925' Pressure Zone as depicted on Exhibit 5.6, City of Ontario Ultimate Water System. The ultimate improvements for domestic water will include a new 12" Master Plan water main in Merrill Avenue, from Archibald Avenue to Cucamonga Creek Channel, an existing 12" water main in Archibald Avenue, and a new 12" water main along the southerly property line, parallel to the County Line Channel, to the Cucamonga Creek Channel where it feeds Colony Commerce West as depicted on Exhibit 5.7, Domestic Water System. The new southerly water main will be in a new Public Utility Easement (PUE) granted by the Specific Plan Properties to the City.

Within the project site, a network of 8" and 10" water lines will be installed for the private fire system. The on-site water system includes connections to the main in Archibald Avenue and the main in Merrill Avenue.

The proposed on-site water system sizing is subject to the recommendations of the City Building Department.

5.2.2 Master Planned Recycled Water System

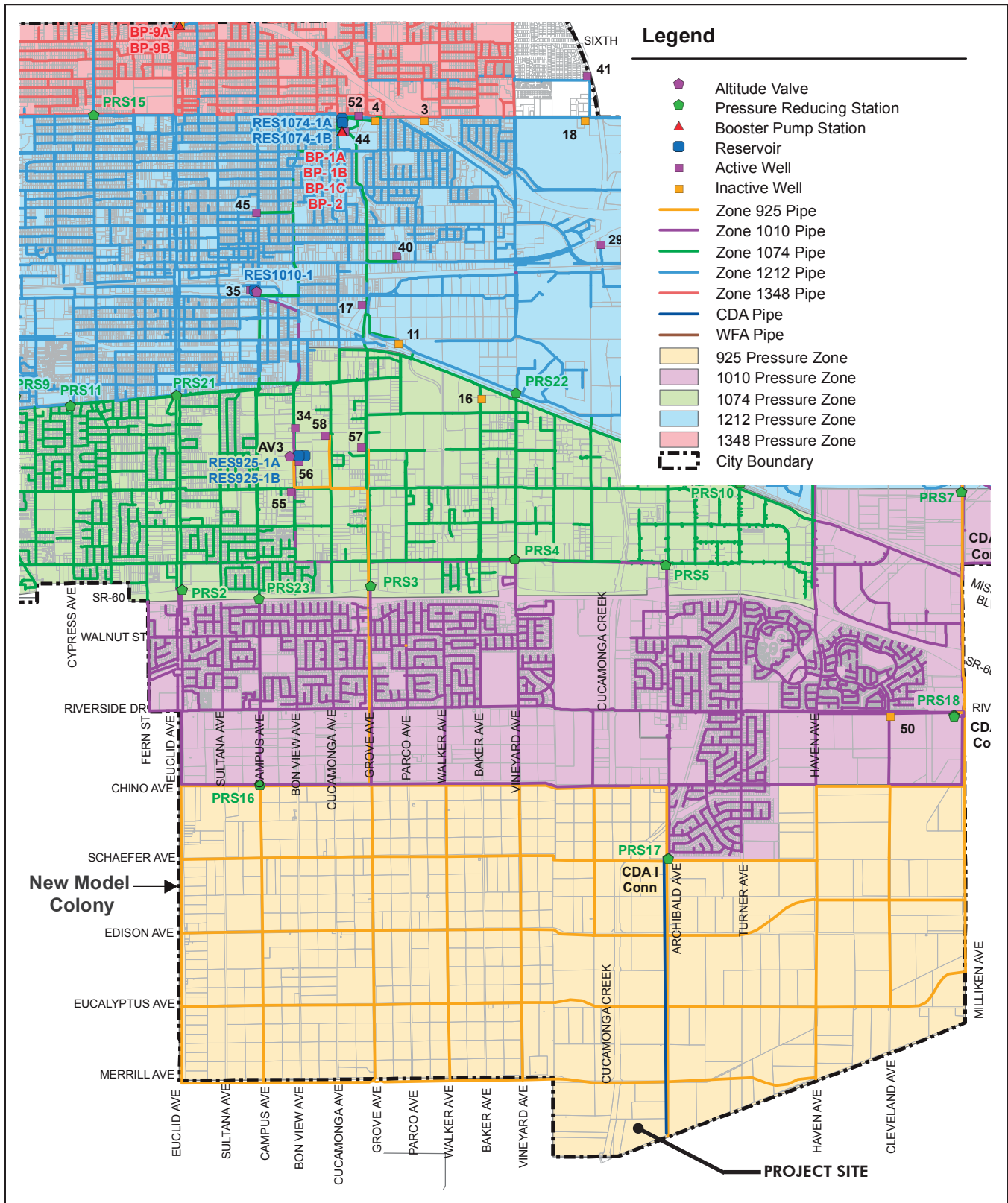
The City of Ontario will ultimately provide recycled water from IEUA's RP-1 and RP-1 outfall parallel located in Archibald Avenue and via City of Ontario recycled water improvements as presented in the City's Recycled Water Master Plan.

The project site lies within the 930' Pressure Zone as depicted on Exhibit 5.8, City of Ontario Ultimate Recycled Water System. The ultimate improvements for recycled water includes a new 12" Master Plan recycled water main in Merrill Avenue, from Archibald Avenue to Cucamonga Creek Channel, as depicted in Exhibit 5.8. Access for Recycled Water service to PA-3 is given by easement across PA-1 and PA-2.

The developer shall prepare and secure approval of an Engineering Report from the City of Ontario and State Water Resources Control Board (SWRCB) prior to the use of recycled water. Sizing of the on-site system is subject to the City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation. Interim connection to potable water is not allowed.

Note: Reference the City's most current Master Plan for sizing/alignment.

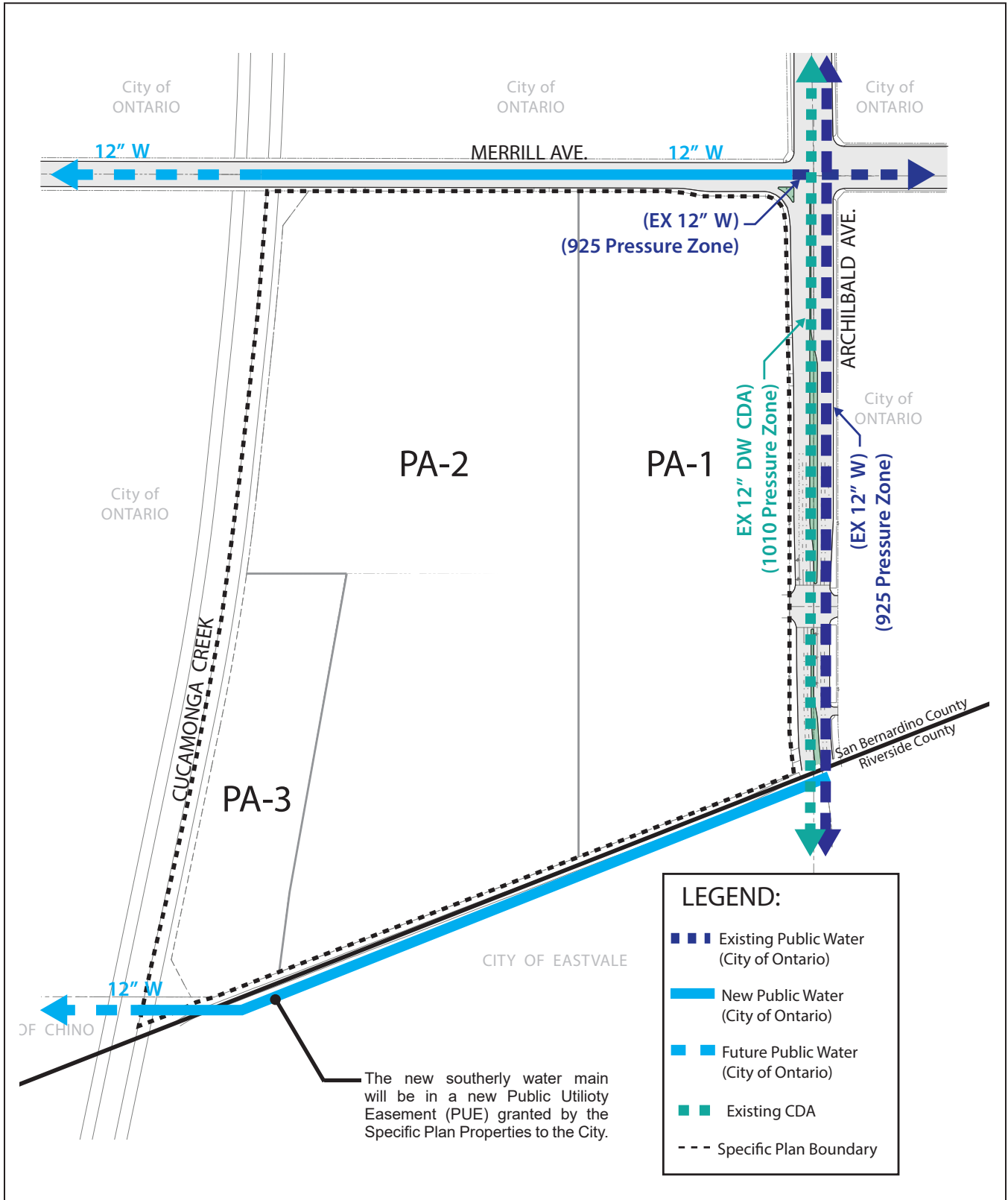
Exhibit 5.6, City of Ontario Ultimate Water System



Source: City of Ontario, Ultimate Water System (Figure 10-1) October 2011
 NOTE: Reference the most current Master Plan for sizing/alignment.



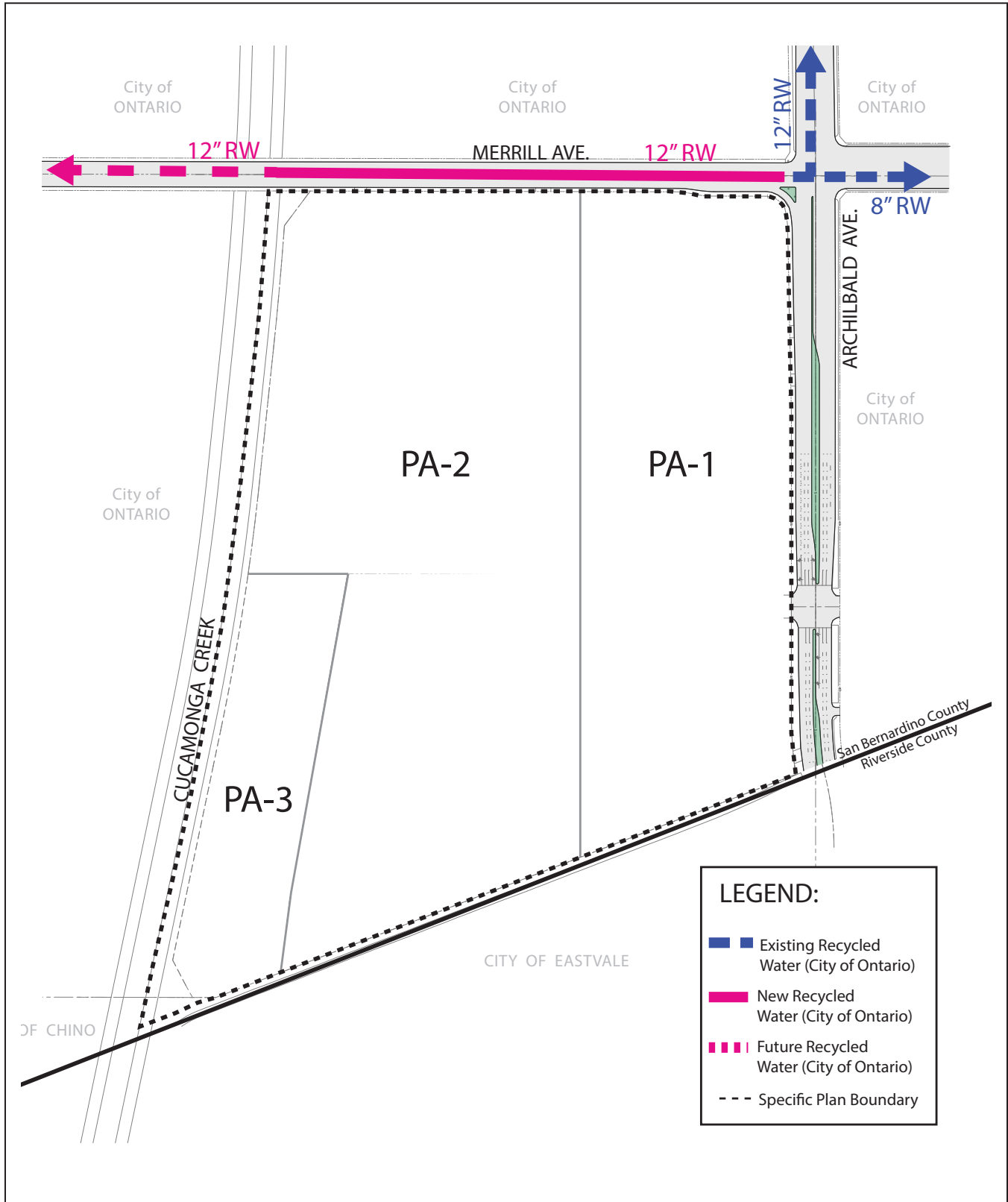
Exhibit 5.7, Domestic Water System



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.



Exhibit 5.8, Recycled Water System



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.
 Access for Recycled Water service to PA-3 is given by easement across PA-1 and PA-2



5.3 Sewer Master Plan

Sewer service for Colony Commerce Center East will be provided by the City of Ontario. The City of Ontario Master Plan of Sewer as depicted on Exhibit 5.9, shows an existing 42” sewer main in Archibald Avenue joining the existing 42” IEUA Eastern Trunk Sewer at the intersection of Archibald Avenue and the County Line Channel and continues southwest along our southerly property line, parallel to the County Line Channel where it crosses Cucamonga Creek Channel.

The size and location of the on-site private sewer system required to service the buildings will be engineered during preparation of the final on-site construction documents. Onsite private sewer system and the site will be designed in such to minimize the number of new connection points to the 42-inch IEUA Eastern Trunk Sewer to as few as possible.

Note: Reference the City’s most current Master Plan for sizing/alignment.

5.4 Drainage

The City of Ontario Storm Drain Master Plan identifies storm drain improvements to serve the project site. Completion of these Master Plan improvements will provide storm water drainage for the properties within this specific plan.

The runoff that leaves the site drains to the lower reach of Cucamonga Creek a tributary of the Santa Ana River at Prado Reservoir. The site is a part of the 74 square mile drainage area that is tributary to the Creek. The total drainage area is bounded by the San Gabriel Mountains on the north, San Antonio Creek drainage area on the west, Day Canyon drainage area on the east and Prado Reservoir on the south. The channel has an approximate gradient of 40 feet per mile and is designed to carry 45,000 cfs at the Confluence with the County Line Channel just downstream of the project site.

The existing Storm Drain Master Plan indicates the properties within this specific plan as tributary to the

County Line Channel, running south of the property which confluences with the Cucamonga Creek.

The Master Plan of drainage for Colony Commerce Center East is illustrated in Exhibit 5.12 Drainage / Hydrology.

5.4.1 NPDES Compliance

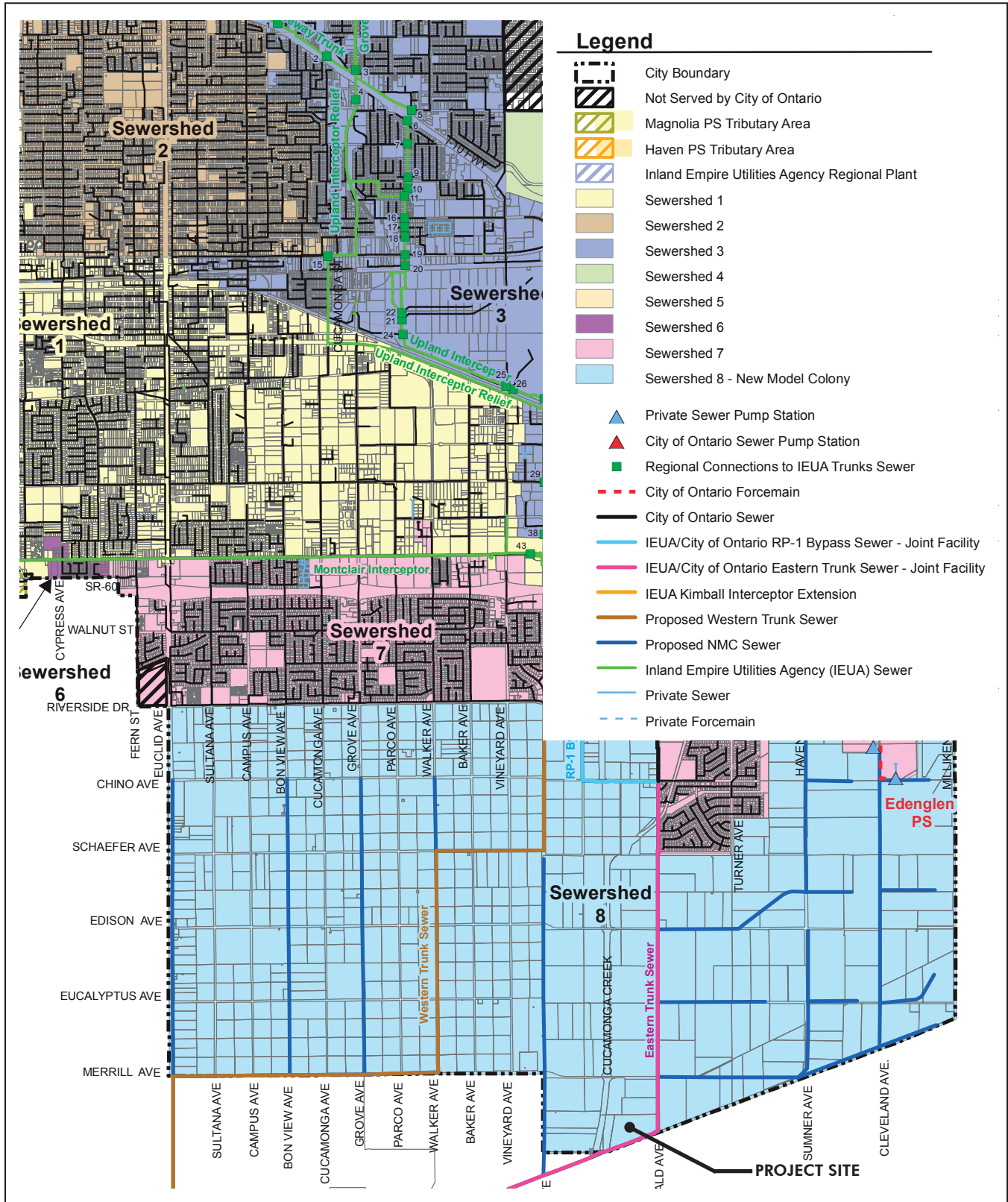
The grading and drainage of the Specific Plan Area shall be designed to retain/infiltrate or bio-treat surface runoff from 85th percentile storm events, in order to comply with the requirements of the San Bernardino County NPDES Storm Water Program’s current Water Quality Management Plan (WQMP) for new development projects.

The objective of the WQMP for the project is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutant loading and changes in hydrology due to increased stormwater runoff from new development projects. These effects shall be minimized through the implementation of on-site and off-site Low Impact Development (LID) Best Management Practices (BMP’s) which retain/infiltrate or biotreat the average 2-year, 24-hour storm runoff volume (85th percentile storm event) from the project.

In addition, non structural and structural Source Control BMP’s shall also be implemented and documented in the projects approved Water Quality Management Plan(s) to reduce pollutant generation and transport from the project site.

Prior to the issuance of grading or construction permits for any development project that disturbs 1 acre or more of land, within the Colony Commerce Center East Specific Plan area, project applicants shall be required to obtain coverage under the California General Permit for Stormwater Discharges Associated With Construction And Land Disturbance Activities (CGP) and prepare Erosion/Sediment Control Plans and Storm Water Pollution Prevention Plans (SWPPP). The SWPPP shall

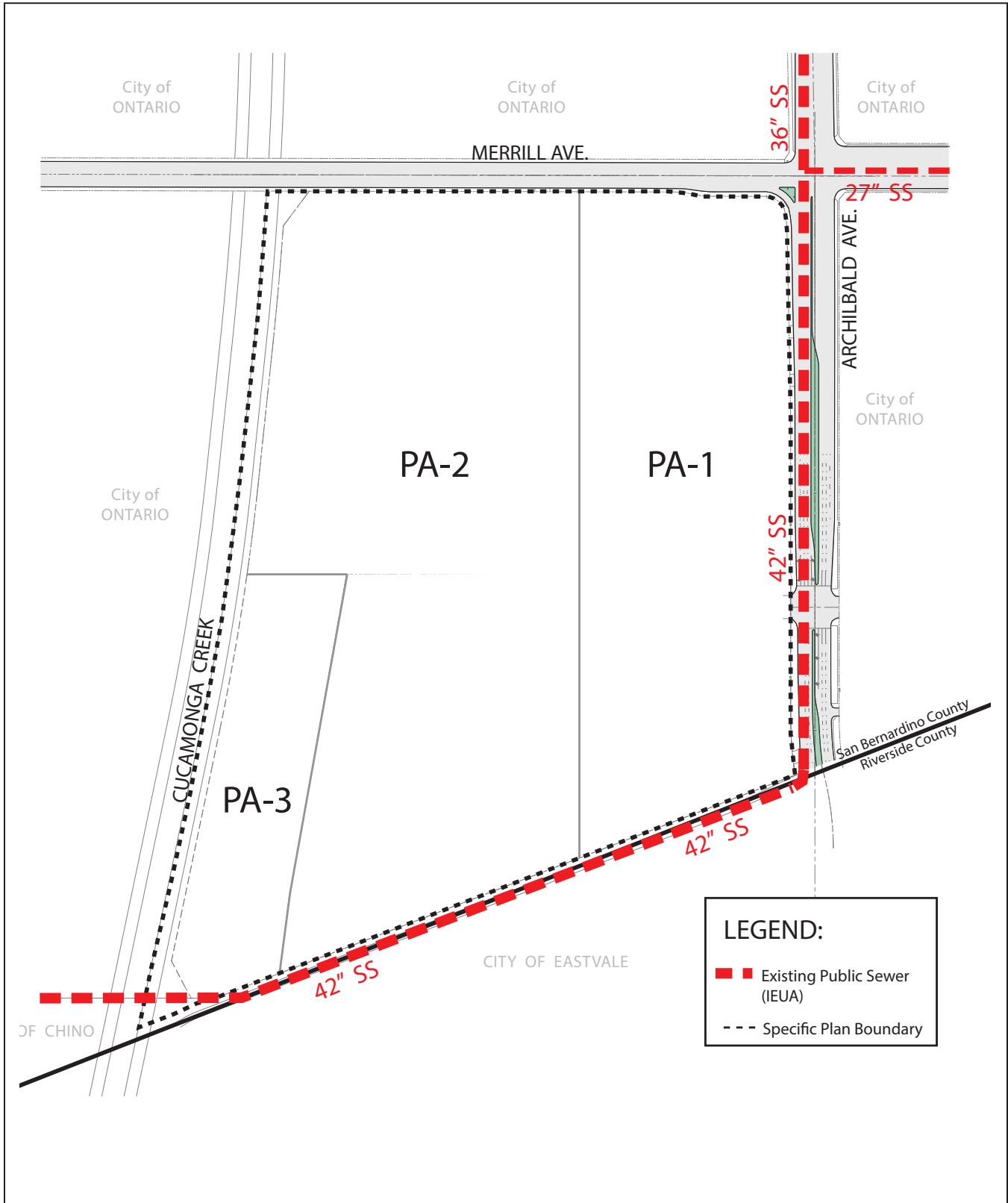
Exhibit 5.9, City of Ontario Ultimate Sewer System



Source: City of Ontario, Ultimate Sewer System (Figure 6-1) October 2011
 NOTE: Reference the most current Master Plan for sizing/alignment.



Exhibit 5.10, Sewer Master Plan



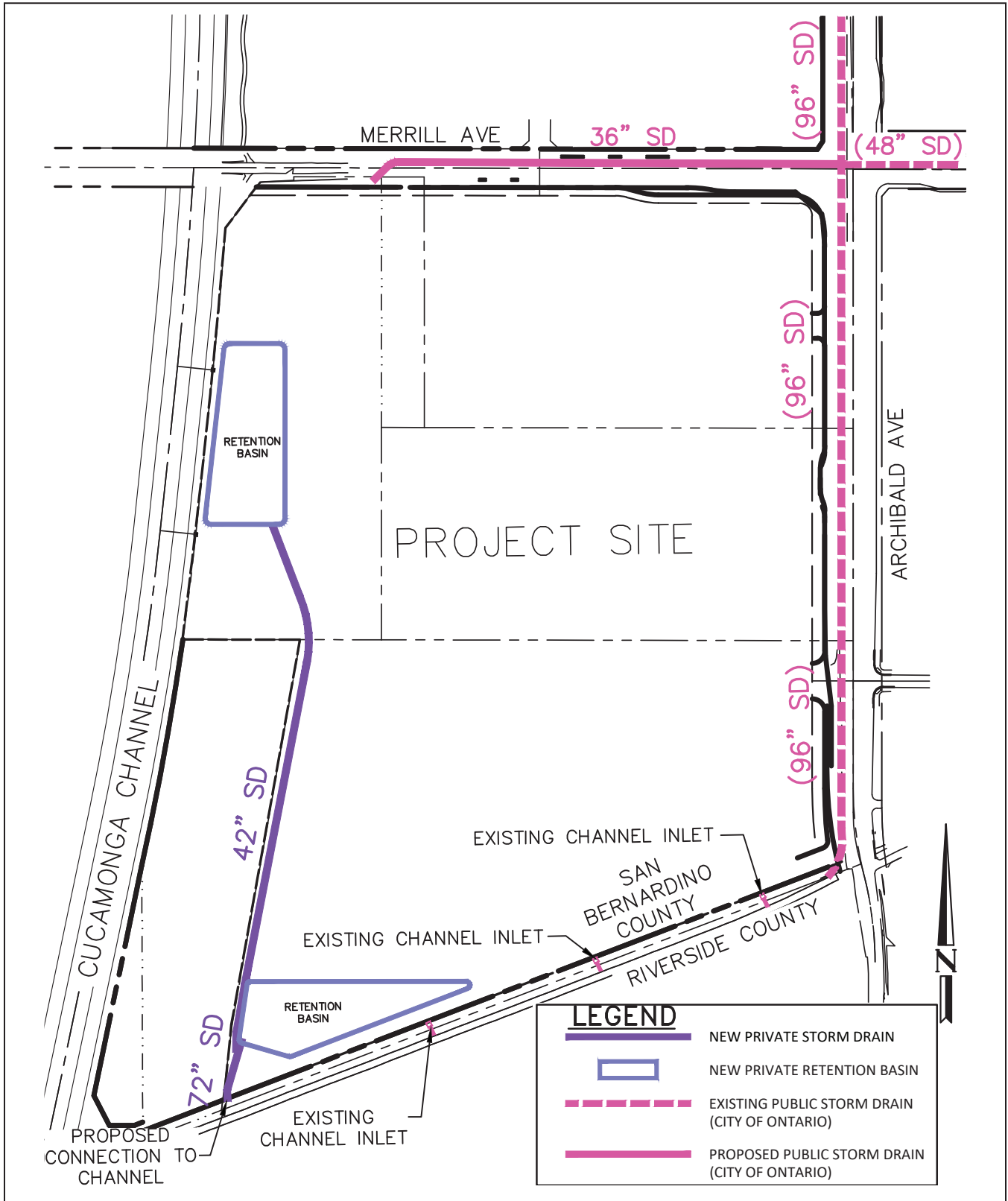
Source: David Evans & Associates

NOTE: Reference the City's most current Master Plan for sizing/alignment.

PA-1 and PA-2 will be served by an onsite private sewer system. The Onsite private sewer system and PA-1 and PA-2 will be designed in such to minimize the number of new connection points to the 42-inch IEUA Eastern Trunk Sewer to as few as possible.



Exhibit 5.12, Drainage Plan / Hydrology



Source: David Evans & Associates
 NOTE: Reference the City's most current Master Plan for sizing/alignment.

N. T. S.

be prepared to comply with California State Water Resources Control Board's (State Water Board) current CGP and current "Area Wide Urban Storm Water Runoff (Regional NPDES) Permit."

The SWPPP shall identify and detail all appropriate Best Management Practices (BMP's) to be implemented or installed during construction of the project.

5.5 Grading Concept

The project site generally slopes to the south at approximately 1.0% to 2.0%. The grading activities for Colony Commerce Center East will generally consist of clearing and grubbing, demolition of existing structures, and moving surface soils to construct building pads and streets. Where slope conditions are present, the project lot line shall be located at the top of a slope.

The Conceptual Grading Plan, as illustrated in Exhibit 5.13, Conceptual Grading Plan, provides a balance of cut/fills for the project. Grading plans for each tract within the project shall be reviewed and approved by the City of Ontario Building, Planning, and Engineering Departments prior to the issuance of grading permits. All grading plans and activities shall conform to the City's grading ordinance and dust and erosion control requirements.

All landscape areas, adjacent to streets, including medians, parkways and neighborhood edges, in the Specific Plan Area, shall be finish graded, at a minimum of 1 ½" below top-of-curb or sidewalk finish surface, for conservation of irrigation water and increased retention of rainwater runoff.

Wherever practicable, landscaped areas within the project shall be graded as swales and designed to accept runoff water from impervious surfaces. Where necessary, a 5' wide level pad area shall be provided for utilities adjacent to slopes, at each side of detention basins or swales adjacent to paving for pedestrian safety and for screening shrubs.

5.6 Dry Utilities

Utility services provided to the site consist of natural gas, electricity, and communications systems. Utility lines will be installed underground in accordance with City of Ontario guidelines.

5.6.1 Communication Systems

Proposed on-site facilities will be placed underground within a duct and structure system to be installed by the developer. Maintenance of the installed system will be the responsibility of the City and/or Special District fiber optic entity and not that of the developer. Development of the project requires the installation by the developer of all fiber optic infrastructure necessary to service the project as a standalone development. The Colony Commerce Center East Specific Plan will connect to the network as shown on Exhibit 5.14, Fiber Optic Master Plan.

5.6.2 Natural Gas

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

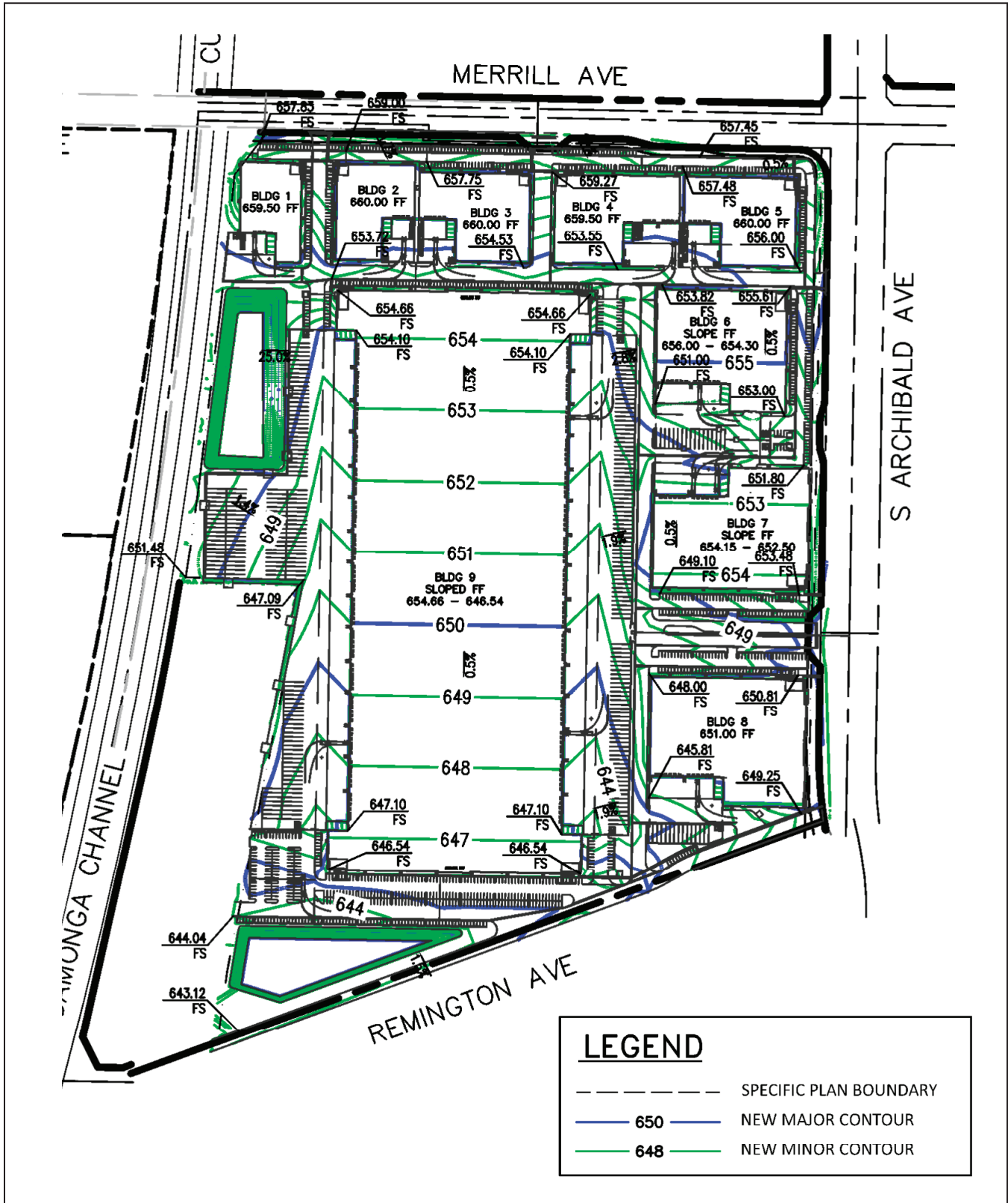
5.6.3 Electricity

Southern California Edison Company (SCE) currently provides electrical service in the area. All new lines and all existing lines within the Specific Plan area shall be installed according to City of Ontario requirements.

There are existing power poles that run along the east side of Archibald Avenue from the Riverside/San Bernardino County Line in the south to Merrill Avenue in the north. There are overhead lines on the project site that branch off from the poles along Archibald Avenue and run west, parallel (roughly 200' south) of Merrill Avenue. These onsite poles will be relocated underground per the City's Municipal Code.

In addition, there are existing overhead lines on the north side of Merrill Avenue that run from Archibald Avenue to the Cucamonga Creek Channel.

Exhibit 5.13, Conceptual Grading Plan



Source: David Evans & Associates



5.7 Public Facilities and Services

Public services and facilities play an essential role in providing support services to create viable, sustainable, healthy and cohesive communities.

5.7.1 Police

The Ontario Police Department will provide law enforcement to the Colony Commerce Center East area. The Ontario Police Department's mission statement is as follows: "The mission of the Ontario Police Department is to protect life and property, solve neighborhood problems, and enhance the quality of life in our community. We do this by providing superior police services while fostering successful community partnerships."

5.7.2 Fire

The Ontario Fire Department will provide fire protection, paramedic, and emergency response services to the Specific Plan Area. The closest operational fire station is Station 6 located at 2931 E. Philadelphia Avenue. The Ontario Fire Department currently has eight stations, which are comprised of eight 4-man paramedic engine companies and two 4-man truck companies.

The City is in the process of developing 13 square miles in the Ontario Ranch where the Ontario Fire Department will shortly begin construction of Fire Station Number Nine located at 2661 E. Park Vista Drive.

5.7.3 Solid Waste Disposal

The City of Ontario Solid Waste Department is committed to providing reliable, timely, safe, and affordable refuse collection services to the residents and businesses in the city limits. Solid waste requirements shall follow the approved "Solid Waste Department Refuse and Recycling Planning Manual."

5.8 Infrastructure Phasing Plan

The primary intent of the phasing of the project is to ensure that complete and adequate public facilities and

services are in place and available to the Specific Plan area as needed.

The phasing program for Colony Commerce Center East will be executed to provide the services and infrastructure required for each of the development planning areas. The phasing set forth in this Specific Plan shall be conditioned on the approval of tentative tract maps. It should be noted that the ultimate pace and phasing of the development is dependent on a number of internal and external factors and is subject to change. See Exhibit 5.15, Conceptual Phasing Plan.

Not all planned development within a given phase may be completed prior to the initiation of the next phase. In cases where development within a new phase is to begin prior to the completion of a phase in progress, all infrastructure improvements shall be funded and designed for the phase in progress before any new phase may begin.

The project will be developed in two phases. These phases may occur sequentially or concurrently with one another. Build out of the project is undetermined at this time.

5.8.1 Planning Areas and Streets

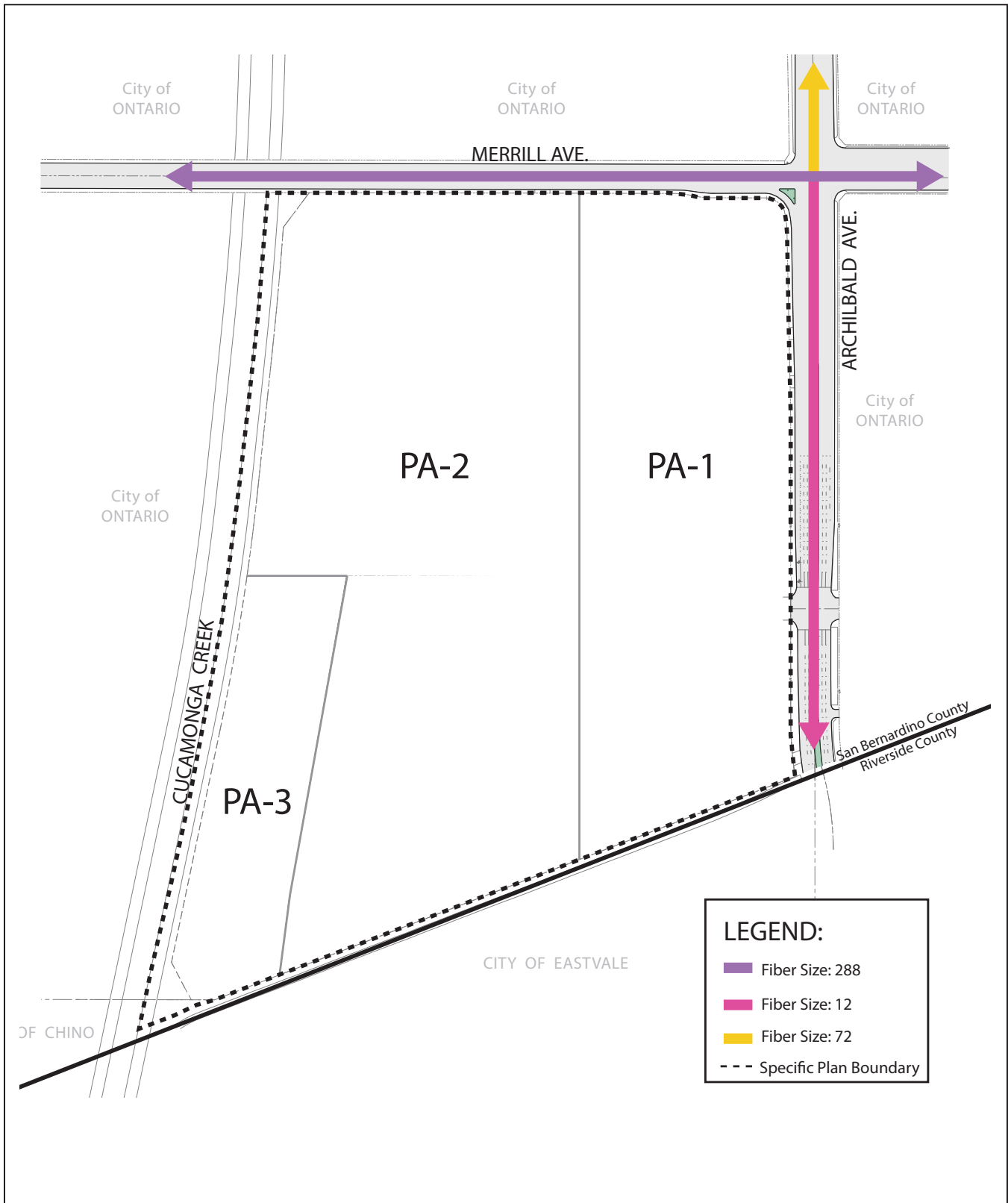
Public streets within and abutting the Specific Plan area shall be improved in accordance with the approved development agreement. Traffic Impact Analysis may recommend additional improvements, including those potentially outside the limits of the Specific Plan Area, prior to or concurrent with specific development milestones.

5.8.2 Water, Sewer and Recycled Water

Water and sewer services will be provided for each of the planning areas.

Phase 1 requires the construction of the 12" Master Plan water main in Merrill Avenue from Archibald Avenue to the Cucamonga Creek Channel and the 12" water main

Exhibit 5.14, Fiber Optic Master Plan



Source: City of Ontario, Figure 7 (Fiber Size and Footages)
 NOTE: Reference the most current Master Plan for sizing/alignment.



along the southerly property line, parallel to the County Line Channel where it will feed Colony Commerce West. Due to the location of Phase 1, the 12” water line will be able to serve Phase 2.

Recycled water: Phase 1 requires the construction of the 12” Master Plan reclaimed water main in Merrill Avenue from Archibald Avenue to the Cucamonga Creek Channel.

No phasing is required for sewer since the existing 42” sewer main exists in Archibald Avenue and along the southerly property line, running parallel to the County Line Channel.

5.8.3 Drainage

No phasing is required for storm drain since the site is tributary to the County Line Channel that runs parallel to the southerly property line.

It should be noted that the ultimate phasing of the development is dependent on a number of internal and external factors. Not all planned development within a given phase may be completed prior to the initiation of the next phase.

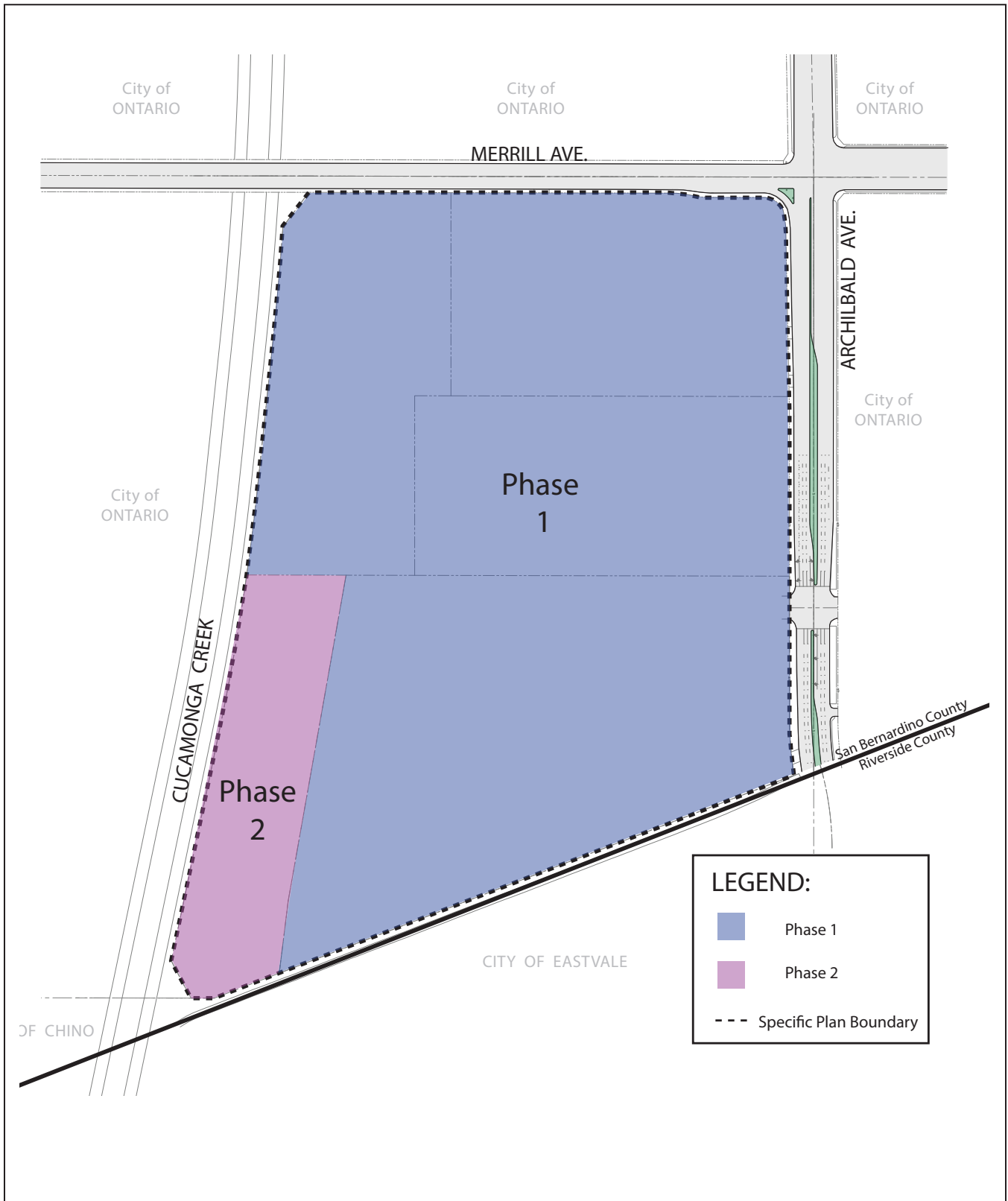
5.9 Infrastructure Plan and Phasing Adjustments

The Development Advisory Board (DAB) and Planning Commission (PC) shall have the authority to hear and decide applications for modifications to the infrastructure phasing plans. The DAB and PC shall be required to make the following findings:

- » That modification is consistent with the General Plan;
- » That the proposed changes will not adversely affect the implementation of the Specific Plan;
- » That it will not be detrimental to the public health, safety, and general welfare; and

- » That the proposed modification will not delay the construction of the master plan improvements necessary to serve the development.

Exhibit 5.15, Conceptual Phasing Plan



Source: KTG Group



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6

DEVELOPMENT REGULATIONS

6.1 Introduction

The provisions contained herein shall regulate design and development within the Colony Commerce Center East Specific Plan. The regulations contained herein establish the minimum standards and requirements for development.

6.2 Definition of Terms

The meaning and construction of words, phrases, titles, and terms shall be the same as provided in the City of Ontario Development Code Article 2, “Definitions,” unless otherwise specifically provided for herein.

The definition of architectural and design terms shall be the same as those provided in the City of Ontario Glossary of Design Terms which follows the City of Ontario Development Code, as amended through December 2015.

6.3 Applicability

The development regulations contained herein provide specific land use development standards for the project. Regulations address industrial and business park development, in addition provide for general landscaping regulations. Application of the following regulations is intended to encourage the most appropriate use of the land, ensure the highest quality of development, and protect the public health, safety, and general welfare.

Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario

Development Code, the provisions of the Colony Commerce Center East Specific Plan shall take precedence. Where the Colony Commerce Center East Specific Plan is silent, City codes shall apply. These regulations shall reinforce specific site planning, architectural design, and landscape design guidelines contained in Chapter 7, “Design Guidelines” of the Colony Commerce Center East Specific Plan.

All architectural and landscape improvements shall be consistent with the Design Guidelines contained in Chapter 7, of the Colony Commerce Center East Specific Plan, “Design Guidelines.” All architectural and landscape plans shall be submitted to the City of Ontario for approval.

6.4 Administration

The Colony Commerce Center East Specific Plan is adopted by ordinance and serves to implement the Policy Plan Land Use Plan (Policy Plan Exhibit LU-01) as well as the zoning for the Specific Plan Area. The Colony Commerce Center East Specific Plan addresses general provisions, permitted uses, development standards, and design guidelines.

The Colony Commerce Center East Specific Plan Development Regulations address general provisions, permitted uses, and development standards for the community. The Specific Plan has been prepared in conformance with the Goals and Policies of the Policy Plan as outlined Chapter 3 “Plan Conformance”.

6.5 General Site Development Criteria

The following general site development criteria shall apply to all development projects within Colony Commerce Center East.

- » Gross Acres – Except as otherwise indicated, gross acres for all development areas are measured to the center line of streets.
- » Grading – Development within the project site shall utilize grading techniques as approved by the City of Ontario. Grading concepts shall respond to the design guidelines included in the Colony Commerce Center East Specific Plan.
- » Building Modification – Building additions and/or alterations permitted by the Colony Commerce Center East Specific Plan shall match the architectural style of the primary unit and shall be constructed of the same materials, details, and colors as the primary unit.
- » Utilities – All new and existing public utility distribution lines of 34.5 kV or less shall be subsurface throughout the project.
- » Technology – All businesses shall accommodate modern telecommunications as defined by the Fiber Optic Master Plan and in accordance with the City of Ontario Structured Wiring Standards (Ontario Municipal Code).
- » Solid Waste/Recycling – Development within the project shall comply with City of Ontario requirements for the provision and placement of solid waste and recycling receptacles.
- » Traffic – All traffic signs regulating, warning, and/or guiding traffic on public or private roads shall conform to the Californis MUTCD, latest edition.

6.6 Development Standards

This section includes the development standards for industrial and business park uses that establish the minimum criteria for the development of land use types on individual lots within the Planning Areas specified within the Colony Commerce Center East Specific Plan. Specific standards for the land uses are described on Table 6.1.

Refer to the Colony Commerce Center Specific Plan EIR and ONT ALUCP for additional development criteria and policies that may affect but not be limited to the restriction of allowable land uses, the allowable Floor Area Ratio (FAR), overall site design, building heights and so on.

6.7 Permitted Uses

Table 6.2 establishes the uses which are permitted within the two planning areas of Colony Commerce Center East Specific Plan. The following symbols used in the table represent the following:

P	Permitted Use
C	Conditional Use Permit required
A	Ancillary Use (allowed in conjunction with another permitted use)

Ancillary uses will be reviewed concurrently with each land use proposal.

Table 6.1, Development Standards

SITE REQUIREMENTS	
Minimum Site Area:	1 Acre (43,560 SF)
Floor Area Ratio:	0.55 (Max. Allowed) - Industrial 0.60 (Max. Allowed) - Business Park
Minimum Landscape Coverage:	10% - Industrial (15% Corner Lots) 15% - Business Park
BUILDING REQUIREMENTS	
Minimum Building Setbacks: ^(1,2)	
• From Merrill Avenue	23'
• From Archibald Avenue	30'
• Interior Property Lines	0'
• From Cucamonga Creek Channel	10'
Parking & Drive Aisle Setbacks:	
• From Merrill Avenue	23'
• From Archibald Avenue	30'
• From Cucamonga Creek Channel	5'
• Interior Property Lines	5'
• Adjacent to Building Office Elements	10'
• Adjacent to Solid Building Wall	5'
• Primary Drive Aisle to Building	10'
• Secondary Drive Aisle (back alley) to Building	5'
Maximum Building Height:	
• Main Structure	55'
• Architectural Projections and Focal Elements Such As Towers, Cupolas, and other Appurtenances. ⁽³⁾	65'
Maximum Building Area:	
• Business Uses ⁽⁴⁾	100,000 SF
• Industrial Uses	n/a
Walls, Fences, and Hedges	Per - Walls, Fences, and Obstructions of the Ontario Development Code Requirements.

(1) - All setback areas shall be landscaped.

(2) - All setbacks are measured from the public right-of-way to habitable area not architectural appurtenance or projection. An architectural projection is defined as an element that articulates the building elevation such as eaves, window and door popout surrounds, bay windows, pot shelves, chimneys, enhanced window sills, shutter details, window trim, balconies, pedestrian colonnades and other similar elements. Such elements may project a maximum of 3 feet into required setback areas.

(3) - Architectural element only not to be used for signage, subject to Planning Director approval.

(4) - In the Business Park area, buildings will not exceed 100,000 SF and anything over that will require Planning Department review and approval.

Table 6.2, Permitted Uses

Land Use Types	Industrial	Business Park
AGRICULTURAL USES		
Commercial Growing Establishment - Activities typically include, but not are not limited to the commercial growing of produce by row, field, tree, and crop production. Also included is agricultural research.	P	---
Wholesale and Retail Plant Nurseries - Activities typically include, but are not limited to, sales of indoor and outdoor plants, including, but not limited to, trees, shrubs, groundcovers, and grass sod, as well as seeds, pots and potting supplies, and growing supplies.	P	---
RESIDENTIAL USES		
Caretaker's Unit - Area devoted to use not to exceed 1,000 square feet.	A/C	---
INSTITUTIONAL USES		
Educational Facilities - Universities, Colleges, and Vocational Training:		
• Private	---	C
• Public	---	P
• Trade School	C	C
Healthcare Facilities - Health care offices & clinics, including medical, dental, psychiatry/psychology, acupuncture, chiropractic, physical therapy and other similar therapeutic offices and clinics, substance abuse clinics, and other related health and support facilities.	---	C
Industrial Clinics	P	C
Religious Facilities - Religious assembly and places of worship.	---	C
Public Utility/Service structure	C	C
Public Utility Office	---	P
Water Systems - Water wells, water storage, treatment and filtration facilities.	C	C
COMMERCIAL USES		
Alcohol Beverage Sales - Activities typically include the sale, subject to required license for the sale of alcoholic beverages.	---	C
Auto Repair (Minor) - Activities include, but are not limited to automotive and light truck repair; retail sales of goods and services for automobiles and light trucks; and the cleaning and washing of automobiles and light trucks. Uses typically include, but are not limited to, repair of brakes, tires, electrical, etc. and car washes.	P	---

Land Use Types	Industrial	Business Park
Auto Repair (Major) - In addition to the types of repair operations included as part of Automobile and Light Truck Repair - Major, activities typically include, but are not limited to, automotive body work, painting, and installation of major accessories; automobile customizing; engine and transmission repair/rebuild and towing facilities.	C	---
Car Wash - Full service activities typically include the washing and polishing of automobiles. Uses typically include automobile laundries; car washes, excluding self-service washes.	A	---
Offices - Administrative, professional and other offices	A	A
Business Services - Advertising agencies, photocopying printing, and duplicating services.	P	P
Repair Services - Computers, home electronics and small home appliances. Electrical equipment, Furniture refinishing/re-upholstery. Lawnmower and garden equipment.	P	P
Child day care centers (more than 14 children)	C	C
COMMUNICATION USES		
Radio and Television Broadcasting Studios. Activities typically include, but are not limited to, broadcasting and other information relay services accomplished primarily through the use of electronic and telephonic mechanisms. Uses typically include, but are not limited to, television and radio studios.	P	P
EATING AND DRINKING PLACES & FOOD SERVICES		
Eating Establishments - Activities typically include, but are not limited to, the retail sale from the premises of food or beverages prepared for on-premises consumption. Uses typically include, but are not limited to:		
<ul style="list-style-type: none"> • Full-service restaurants, serving ready-to-eat food and beverages for on-site consumption. 	P	P
<ul style="list-style-type: none"> • Fast-food restaurants, serving ready-to-eat food and beverages for on-site or off-site consumption, without drive-through facilities. 	P	P
MANUFACTURING		
Light Manufacturing - Activities typically include, but are not limited to, the mechanical or chemical transformation of raw or semi-finished materials or substances into new products, including manufacture of products, assembly of component parts (including required packaging for retail sale), and treatment and fabrication operation. Light manufacturing activities do not produce odors, noise, vibration, or particulates which would adversely affect uses within the same structure or on the same site. Activities include the following:		
<ul style="list-style-type: none"> • Apparel Manufacturing 	P	P
<ul style="list-style-type: none"> • Computer and Home Electronic Manufacturing 	P	P
<ul style="list-style-type: none"> • Bakery (Industrial) 	P	P

Land Use Types	Industrial	Business Park
• Electrical Components	P	P
• Furniture and Related Products Manufacturing	P	P
• Home Appliance and Equipment Manufacturing	P	P
• Instrument Manufacturing (Navigational, Measuring, etc.)	P	P
• Leather Product Manufacturing (excluding tanning and finishing)	P	P
MACHINERY MANUFACTURING		
Machinery Manufacturing - Activities typically include, but are not limited to, the mechanical or chemical transformation of raw or semi-finished materials or substances into new products, including manufacture of products; assembly of component parts (including required packaging for retail sale); blending of materials such as lubricating oils, plastics, and resins; and treatment and fabrication operations. Examples of activities include the following:		
• Miscellaneous Manufacturing (jewelry, office supplies, sporting goods, toys, etc.)	P	P
• Printing and Related Activities	P	P
WAREHOUSE/STORAGE & TRANSPORTATION		
Warehouse/Distribution Facility - Activities typically include, but are not limited to, warehousing, storage, freight handling, shipping, trucking services; storage	P	P
OTHER		
Trailers and trailer storage for the use of construction	P	---
Any use deemed similar to permitted uses by the Planning Director	P	P

General Note, refer to the Colony Commerce Center East Specific Plan EIR and ONT ALUCP for additional development criteria and policies that may affect building heights, allowable FAR, and allowable land uses.

6.8 Signage

All signage within the boundaries of the Colony Commerce Center East Specific Plan shall conform to the Article 31, *Signs*, of Chapter 1 of the City's Development Code.

6.9 Lighting

The design of lighting fixtures shall be approved by the City as part of the City's Development Plan Review.

6.10 Required Number of Parking and Loading Spaces

Off-street parking facilities are to be provided for each use on Table 6.3 Parking and Loading Requirements in this Specific Plan.

Table 6.3, Parking and Loading Requirements

PARKING REQUIREMENTS	
Industrial and Business Park Developments:	
Warehousing and Distribution	1 space per 1,000 SF of GFA for the first 20,000 SF; plus 0.5 space per 1,000 SF of GFA for that portion over 20,000 SF; plus 1 tractor-trailer space per 4 dock-high loading doors; plus required parking for “general business offices” and other associated uses when those uses exceed 10% of the building GFA.
Manufacturing	1.85 spaces per 1,000 SF of GFA; plus 1 tractor-trailer space per 4 dock-high loading doors; plus required parking for “general business offices” and other associated uses when those uses exceed 10% of the building GFA.
General Industrial (speculative buildings)	Portion of GFA < 50,000 SF: 1.85 spaces per 1,000 SF Portion of GFA 50,000 SF to 100,000 SF: 1 space per 1,000 SF Portion of GFA > 100,000 SF: 0.5 space per 1,000 SF Plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for “general business offices” when exceeding 10% of GFA.
Multi-Tenant Business Park	3 spaces per 1,000 SF; plus 1 tractor-trailer parking space per 4 dock-high loading doors; plus required parking for “general business offices” when exceeding 10% of GFA.
Administrative and Support:	
General Business Offices	4 spaces per 1,000 SF of GFA
Food Services:	
Full Service	10 spaces per 1,000 SF of GFA (includes outdoor seating area up to 25% of GFA)
Fast Food	13.3 spaces per 1,000 SF of GFA (includes outdoor seating area up to 25% of GFA) ces Restaurants with drive-thru may be credited one space for each 24 lineal FT of drive-thru lane behind the pickup window

7

DESIGN GUIDELINES

7.1 Purpose and Intent

The following Design Guidelines have been developed to ensure a quality, cohesive design structure for the Colony Commerce Center East development. Objectives of these design guidelines are:

- » To provide the City with the necessary assurances that the Specific Plan area will develop in accordance with the design quality and character proposed herein;
- » To serve as design criteria for developers, builders, engineers, architects, landscape architects and other professionals in preparing plans for construction; and
- » To lend guidance to City staff, Planning Commission and City Council in the review and evaluation of future development projects in the Specific Plan area.

Certain key design elements will contribute significantly to the visual order and consistency of the entire Specific Plan area and provide a quality development. The fundamental elements of these common features; site planning, architecture, landscape, and architecture design details are established by these Design Guidelines.

The design guidelines are intended to be flexible and illustrative in nature, with the capability of responding to unanticipated conditions, the market and design trends.

Creativity and innovation, as well as consistent, and quality, are encouraged in the implementation of these guidelines.

7.2 Industrial Theme and Character

These Design Guidelines will ensure that the Specific Plan community is an environment that reflects the vision embodied in the following concepts:

- » Develop a quality, cohesive design concept and identity for the Colony Commerce Center East area.
- » Establish development standards that ensure lasting value for industrial and business developments.
- » The architectural image of the Specific Plan will be perceived primarily from the public realm. Therefore, building massing, scale and roof forms, as the primary design components, require articulation in their architectural expression as they relate to the public realm.
- » A theme wall/entry monument may be installed at the major project entries at the discretion of the builder or project developer.

7.3 Site Design

The Business Park and Industrial of the Colony Commerce East Specific Plan will allow for employment opportunities to be created for the City of Ontario and surrounding region. Residents of Ontario Ranch will have the ability to access employment not only by automobile but also via pedestrian multi-purpose trails from the surrounding residential neighborhoods.

The business park and industrial land uses should continue the pedestrian friendly character of the area, and implement appropriate site planning and architectural design and techniques to be complimentary to the adjacent land uses.

Site design should facilitate the intended functions of developed and open space areas, and provide for appropriate interactions between buildings and activity areas, goods movement, vehicular access and parking, and pedestrian and bicycle travel.

The following concepts are intended to facilitate design quality and compatibility between uses within the Colony Commerce Center East Specific Plan.

Building Orientation

- » Buildings should be oriented towards the street to provide focus on the building entries. Windows and architectural accent features should face the street to avoid long expanses of untreated walls facing both Merrill Avenue and Archibald Avenue. Parking and landscaping is encouraged to be located to the side and rears of the buildings (see Photo 7.1).
- » Buildings should be oriented to define the streetscene and provide for an aesthetically pleasing streetscape.

Street Frontage and Parking Lots

- » Smaller scale buildings are preferred along the frontages of Merrill Avenue and Archibald Avenue. Small parking lots enhanced with landscaping and a buffer from both street right-of-ways is also acceptable. Building frontages along both Merrill



Photo 7.1 - Example of main building accents oriented towards street and entry



Photo 7.2 - Example of smaller scale business/industrial park buildings

Avenue and Archibald Avenue should be designed with windows, entries and architectural features to soften their appearance to the public view (See Photo 7.2).

- » Parking lots should be designed to minimize impact to pedestrian walkways and service access. Large parking lots should be avoided, however, if necessary, a landscaped pedestrian walkway should be provided for safe access to buildings.

Loading, Storage Areas and Refuse Containers

- » Loading docks and storage areas should be oriented away from adjacent streets. Any visual impact to public views should be screened through the use of walls, landscaping, and/or equivalent features. Adequate room should be provided for trucks maneuvering or waiting to unload. Attractive and durable materials shall be used when designing loading areas.
- » Refuse containers and equipment shall be easily accessed by service vehicles but screened from

view of the streets, parking lots, and connecting walkways through the use of walls and/or landscaping. Screening details should incorporate elements that are compatible with the architecture style of the building. Equipment and enclosures shall not be located near pedestrian walkways. Roof-mounted equipment shall be screened by the roof/parapet.

Building Design

- » Building height variations, architectural projections, building pop-outs, stepping of floors, accent detailing, material change and color variety are encouraged to compliment the surrounding industrial land uses. Massing elements shall relate to the architecture style of the building and should be proportional and visually pleasing.
- » For larger buildings that are visible to the public, they shall include architectural treatments to avoid long expanses of untreated walls, and break up building massing, through the use of building

height changes, small projections, changes in color or texture or similar architectural treatments.

- » Typical ground-mounted equipment (such as transformers and heating units) should be screened by landscaping where they would otherwise be within public view.
- » Where long, linear walls or fences are needed, a combination of wall/fence with dense landscaping shall be provided.
- » The mass of new structures, as visible from public views, should be softened by landscaping or lessened by small-scale elements such as windows, panels, entrances, and other detail features to avoid monotony in design (See Photo 7.3).

Roof Form

- » Roof forms should be simple and avoid a massive appearance. Buildings shall use height variations to break up the roofline and create a more interesting visual appearance.

Entry Design

- » Entries and windows are encouraged to face streets and pedestrian walkways. Primary building entries shall be easily identified through the massing of the building. Greater height can be used to highlight and accentuate entries in the form of tower elements, tall voids, a central mass or an entry plaza. Secondary entries may use smaller building masses to communicate their locations.
- » Major vehicular and pedestrian entries to the site from the public street system should be readily visible. Major entries to planning areas, other than truck entries should be marked by accent pavement with accent trees and other enhanced landscape features.

Design Flexibility

- » Building design should be flexible in order to adjust to various future market demands. Parcel sizes should be flexible and vary in size to accommodate a variety of building types.



Photo 7.3 - Example of building and landscape treatments to soften views from the public right of way

Base and Top Treatments

- » Building design should encourage the use of base and top treatments to help balance the “weight” of the building visually. Bases should appear to “ground” the building, while tops create a defined edge to the roofline. Base treatments may include changes in texture or material and enriched landscaping. Top treatments may also include changes in texture or material, and may also include cornices or roof overhangs.

Roof Materials

- » Roofing materials should be durable yet compatible to the building’s architectural style.

Material Changes

- » Avoid the false appearance of lightweight veneers by hiding material changes through careful detailing. Material changes should not occur at external corners, but may occur at “reverse” or interior corners or as a “return.”

Color

- » For larger building surfaces colors, should be muted and softer colors used. Accent colors may include brighter and darker colors.

7.4 Parking/Loading Facilities

The following concepts are intended to facilitate design quality and compatibility between industrial uses within the Colony Commerce Center East Specific Plan.

- » Site entries shall compliment the architectural development by utilizing enhanced pavement treatment in vehicular areas, accent trees, and color planting. Enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.
- » No required parking or loading facilities shall be located in any required landscape setback.
- » All outdoor refuse collection areas shall be decorative and should be visually screened.

- » All loading areas shall be screened from public view by buildings or by eight foot high wall (minimum). A line of sight study will determine the final height of the wall. Landscaping should be incorporated to visually soften the appearance of walls.
- » Driveways and parking areas should be separated from adjacent sidewalks or landscaped areas by a curb not less than six inches high.
- » Development shall provide trees within the vehicular use areas at a ratio of one tree for every 10 parking stalls. The trees shall consist of 24” and 36” box sized trees. See Section 7.7.1 for percentages of tree sizes.



Photo 7.4 - Example of typical screen wall with landscaping

7.5 Walls and Fences

The following section is intended to encourage design quality, as walls and fences are an important component to ensuring a safe and secure environment within the Colony Commerce Center East Specific Plan.

- » Walls at loading areas shall be at least six feet in height, or as approved by the City in response to screening loading activities from off-site views from the adjacent public right-of-way.
- » Chain link fencing shall be permitted for use in interior truck courts, in non-public viewing areas. Chain link fencing may not be used along public views.
- » Walls fronting on streets may be constructed of concrete tilt up or masonry materials such as split face or slump stone (See Photo 7.4).
- » Tubular Steel fencing shall be permitted along the Cucamonga Creek Channel if areas are not required to be screened from public views.

- » Entry monuments shall be designed and located in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- » Any proposed entry gates shall be reviewed by the Traffic and Transportation Division, and permitted only if approved.

7.6 Site Lighting

The following section addresses illumination of on-site areas for purposes of safety, security, and nighttime ambience, including lighting for parking areas, pedestrian walkways, graphics and signage, architectural and landscape features, shipping and loading areas, and any additional exterior areas.

Streetlights shall conform, both in type and location, to the Standards of the City of Ontario at the time of installation.

- » A comprehensive lighting plan shall be prepared and approved in conjunction with the site plans submitted for approval to the DAB. In addition, all plans shall be reviewed and approved by the Ontario Police Department.
- » Exterior lighting should be located and designed to minimize direct glare beyond the parking lot.
- » The design of lighting fixtures shall be consistent throughout individual planning areas, and shall be compatible with the architectural style of the building within each development.
- » Lighting sources shall be shielded, or diffused in order to avoid glare to pedestrians and motorists. Lighting fixtures should be selected and located to confine the area of illumination to within the site boundaries.
- » Architectural lighting of building facades is encouraged to enhance and emphasize the buildings identity.

7.7 Landscape

This section describes the minimum landscape requirements that shall be followed in the design of all public and private improvements within the Specific Plan. All proposed landscaping shall promote the aesthetic character and value of the Colony Commerce Center East Specific Plan area.

7.7.1 General Provisions

- » The landscape design shall meet the requirements of the City of Ontario Landscape Development Standards as outlined within the Ontario Development Code and Traffic and Transportation Design Guidelines for sight-distance requirements.
- » The landscape design shall incorporate a mix of container size trees and shall comply with the following minimum percentages: 5% of trees shall be 48” box size. 10% shall be 36” box size. 30% of trees shall be 24” box size.
- » The use of drought tolerant plants is strongly encouraged (See Photo 7.5).



Photo 7.5 - Example of Industrial building and drought tolerant landscaping

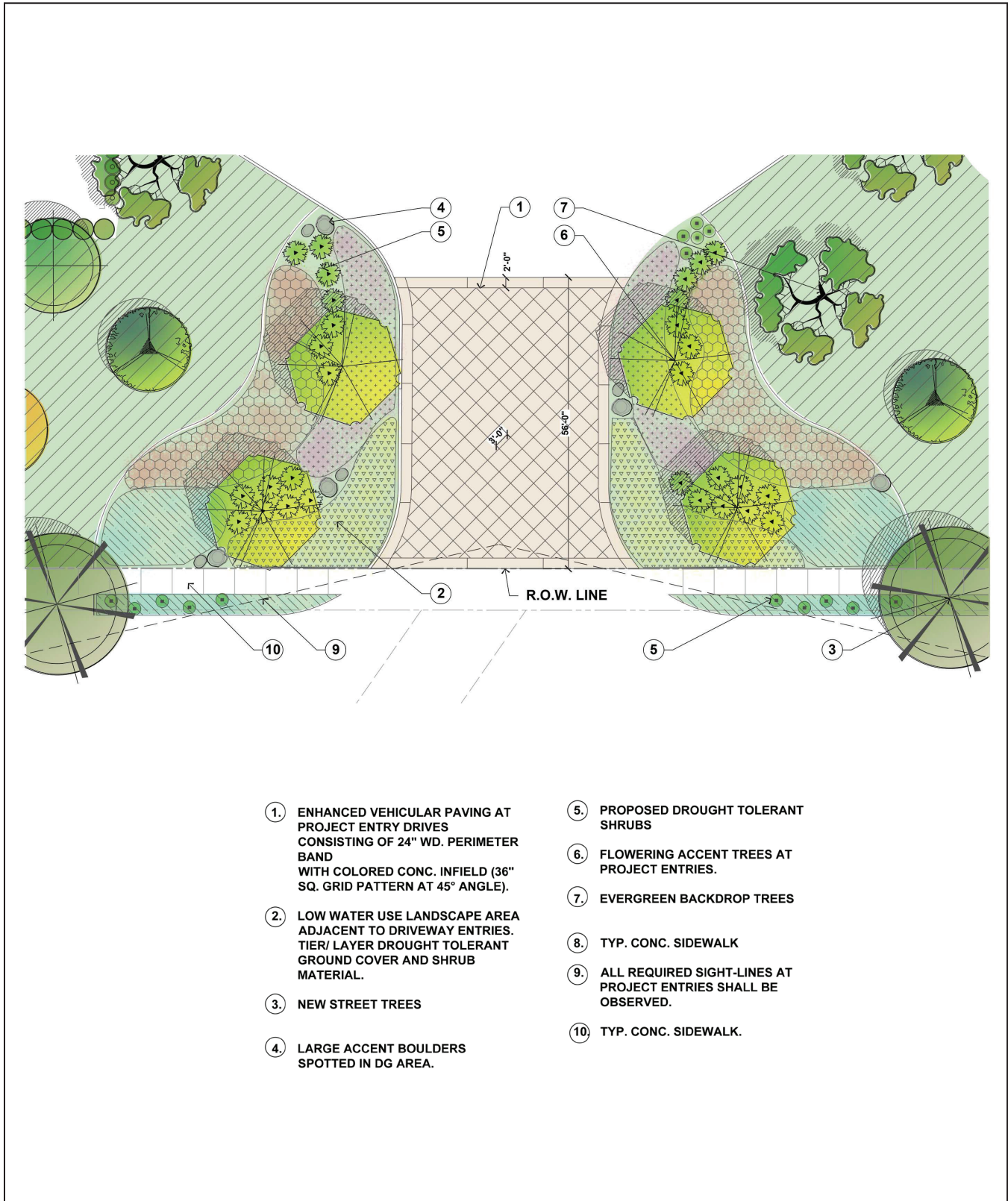
Exhibit 7.1, Conceptual Landscape Master Plan



Source: Scott Peterson Landscape Architect

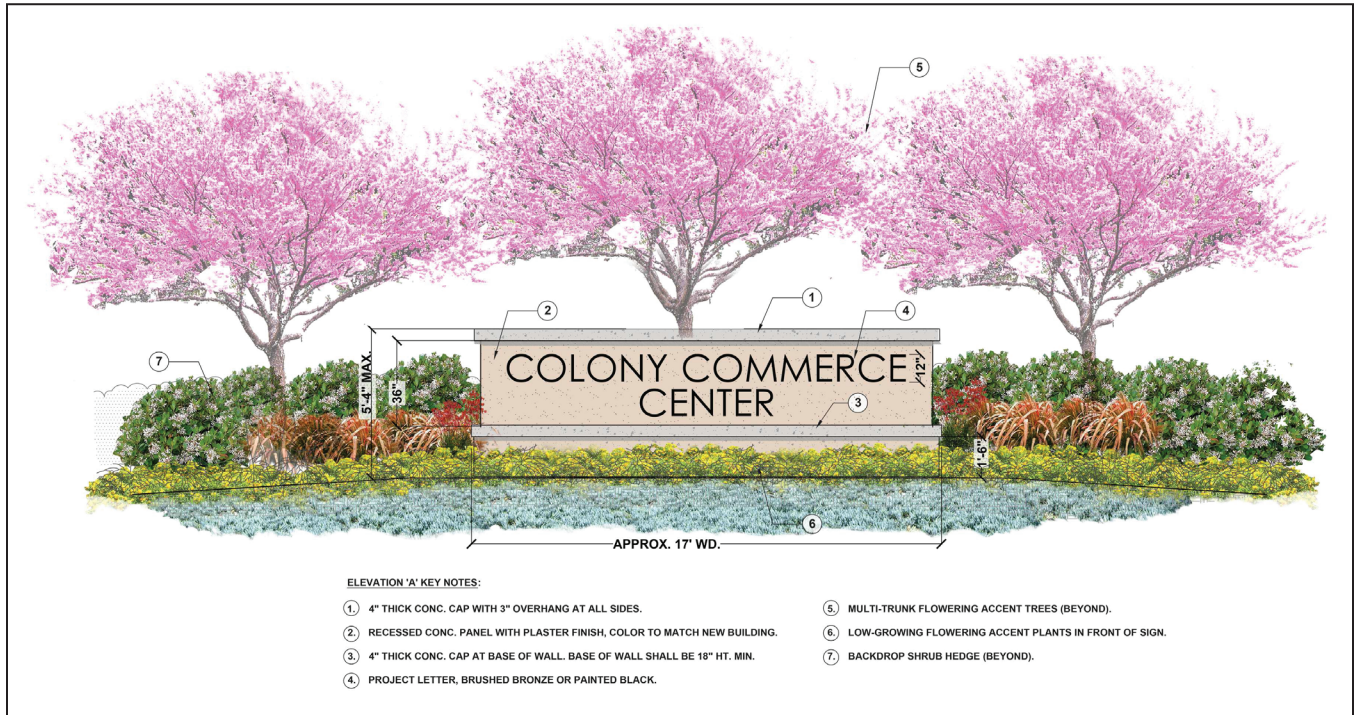


Exhibit 7.2, Project Entry Drives



Source: Scott Peterson Landscape Architect

Exhibit 7.3, Example Project Entry Monument



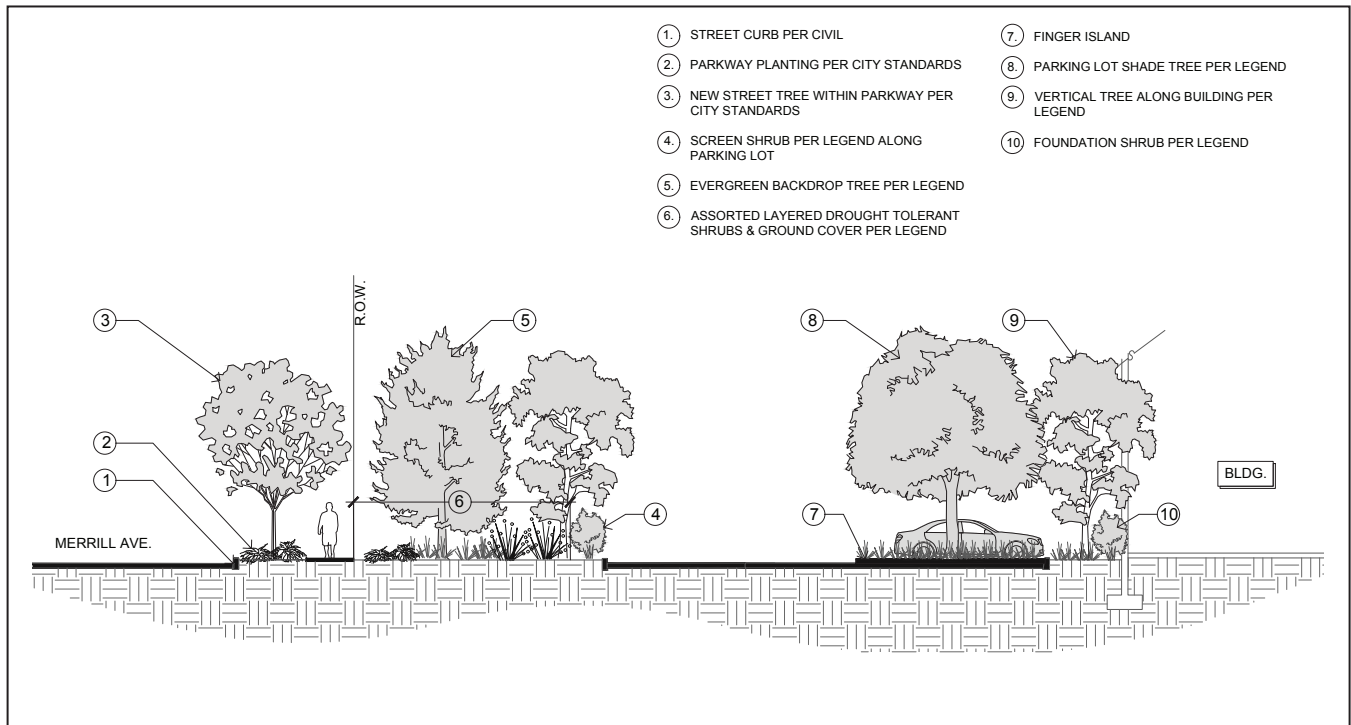
Source: Scott Peterson Landscape Architect

- » Plants shall be grouped into designated 'hydrozones' with similar irrigation requirements.
- » All detention basins shall receive container plants and a hydroseed application of low water using plants that can also tolerate seasonal water inundation.
- » Rock riprap material shall be installed where stormwater drain lines connect to infiltration areas or wherever paved area drainage surface flows directly into depressed landscape areas, via curb cuts or other surface conveyances.
- » Trees and landscape design for Master Planned streets such as Merrill Avenue shall meet the requirements of the Ontario Ranch Streetscape Master Plan.
- » All utility equipment such as backflow units, electrical transformers, fire detector checks, and

fire check valves shall be screened with evergreen shrubs and should be painted a dark green color.

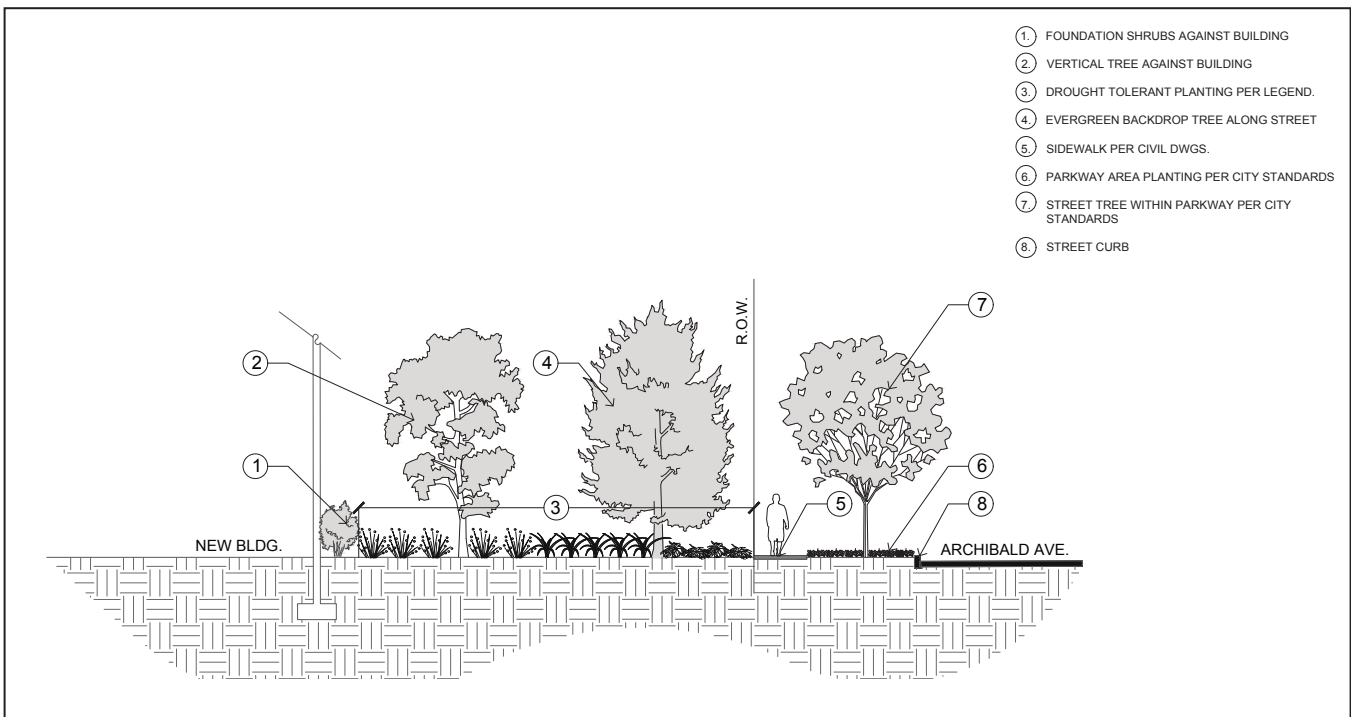
- » Compacted decomposed granite (DG) material may be incorporated at accent areas such as project entry drives and other focal areas, but limited to a max of 5% of the landscape area. Large accent boulders may be incorporated into DG areas.
- » Low water type of plants including California natives and succulents that thrive in the area's micro-climate shall be incorporated.
- » Project entry drives and corner intersection areas shall receive an "intensified" landscape treatment consisting of, but not limited to colorful ground cover and shrubs, and flowering accent trees.
- » Parking stalls facing public streets shall include a 36" high hedge adjacent to parking area.
- » Landscape shall be irrigated with automatic irrigation systems.

Exhibit 7.4a, Typical Landscape Cross Section - Merrill Avenue



Source: Scott Peterson Landscape Architect

Exhibit 7.4b, Typical Landscape Cross Section - Archibald Avenue



Source: Scott Peterson Landscape Architect

- » Irrigation systems shall incorporate smart weather-based or moisture sensor irrigation controller(s) for water conservation.
- » Design of low flow drip irrigation systems, where appropriate.
- » Irrigation backflow units shall be specified in a theft proof lockable protective steel cage enclosures.
- » Irrigation controllers shall be in a theft proof enclosure or inside the buildings electrical room.
- » Project entry drives shall incorporate enhanced vehicular decorative paving, which may consist of colored concrete with a stamped pattern or scoreline grid pattern at 45 degree angle or similar.
- » A 24" clearance from back of parking lot curb to parking lot screen hedge shall be provided for car bumper overhang. Mulch over weed abatement filter fabric shall be provided within this area.
- » Chain link fencing shall be permitted for use in interior truck courts, in non-public viewing areas.

7.7.2 Landscape Standards

- » All landscape area planters shall have a minimum inside dimension of 5' feet wide, plus the required curbs.
- » Parking spaces adjacent to planters shall have a 12" wide curb for ease in stepping out from vehicles.
- » Provide parking lot trees in planter islands at the ratio of one tree for every 10 parking spaces.
- » All 2:1 slopes and greater shall be installed with permanent rolled erosion control product (RECP netting), typical.
- » A layer of mulch within all landscaped areas shall be provided to retain soil moisture and mitigate soil erosion. Compacted decomposed granite material is an acceptable alternative if Southern California native plants (Coastal Sage Scrub or Chaparral plant communities) are used to a maximum of 5% of the landscape area. Planting plans shall show plant spacing no greater than the maximum mature width.
- » All slopes 3:1 or greater shall be stabilized with spreading erosion control ground cover.
- » Foundation shrubs shall be incorporated at base of building to minimize scale of building (min. 5 gal. size at 36" max. spacing).
- » Provide durable perimeter screening trees for shade and windbreaks.
- » Provide 36" high strappy leaf shrubs to screen utilities such as backflow devices. Use taller evergreen shrubs to screen the sides of transformer units and include maximum 12" high groundcovers in areas to access utilities.
- » Landscape shall define and accent entries, pedestrian walkways and architectural features. Landscape shall be attractive and appropriate to define and complement the space and use.
- » Entry monuments shall be designed in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- » The Landscaping Plan shall comply with City Standard drawings and Traffic and Transportation Guidelines for sight-distance.

7.7.3 Plant Palette

The Plant Palette on Table 7.1, was selected to complement and enhance the thematic setting for the Ontario community, appropriateness to climatic and soil conditions, ease of maintenance and water conservation.

Table 7.1, Plant Palette

Use	Botanical Name	Common Name
Parking Lot Trees	<i>Koelreuteria Bipinnata</i>	Chinese Flame Tree
	<i>Koelreuteria Paniculata</i>	Golden Rain Tree
	<i>Magnolia Grandiflora</i>	Southern Magnolia
	<i>Pistachia Chinensis</i>	Chinese Pistache
	<i>Platanus Acerifolia</i>	London Plane Tree
	<i>Platanus Racemosa</i>	California Sycamore
	<i>Podocarpus Gracilior</i>	Fern Pine
	<i>Quercus Agrifolia</i>	Coast Live Oak
	<i>Quercus Ilex</i>	Holly Oak
	<i>Quercus Engelmannii</i>	Mesa Oak
	<i>Tipuana Tipu</i>	Tipu Tree
	<i>Tristania Conferta*</i>	Brisbane Box
	<i>Ulmus Parvifolia*</i>	Evergreen Elm
Street Trees (min. 24" box size)	<i>Quercus Agrifolia</i>	Coast Live Oak
	<i>Quercus Ilex*</i>	Holly Oak
Evergreen Screen Trees	<i>Eucalyptus species</i>	Eucalyptus
	<i>Pinus Eldarica*</i>	Mondell Pine
	<i>Quercus Agrifolia*</i>	Coast Live Oak
	<i>Quercus Ilex</i>	Holly Oak
	<i>Tristania Conferta*</i>	Brisbane Box
Trees Adjacent to Buildings	<i>Callistemon Viminalis</i>	Weeping Bottlebrush
	<i>Cercis Occidentalis</i>	Western Redbud
	<i>Cupressus Sempervirens</i>	Italian Cypress
	<i>Geijera Parviflora*</i>	Australian Willow
	<i>Koelreuteria Bipinnata</i>	Chinese Flame Tree
	<i>Koelreuteria Paniculata</i>	Golden Rain Tree
	<i>Lagerstroemia Indica*</i>	Crape Myrtle
	<i>Laurus Nobilis</i>	Sweet Bay Tree
	<i>Melaleuca Quinquinervia</i>	Cajeput tree
	<i>Olea Europaea 'Swan Hill'</i>	Small Fruitless Olive

Use	Botanical Name	Common Name
	<i>Pinus Canariensis</i>	Canary Island Pine
	<i>Pinus Eldarica</i>	Mondell Pine
	<i>Podocarpus Gracilior*</i>	Fern Pine
	<i>Podocarpus Macrophyllus</i>	Yew Pine
	<i>Tristania Conferta</i>	Brisbane Box
Tall Shrubs	<i>Callistemon Viminalis 'Little John'</i>	Dwarf Bottle Brush
	<i>Cistus Spp.</i>	Rockrose
	<i>Dodonaea Viscosa*</i>	Hopseed Bush
	<i>Heteromeles Arbutifolia</i>	Toyon
	<i>Juniperus Chinensis x Pfitzeriana</i>	Pfitzer Juniper
	<i>Lantana Camara</i>	Bush Lantana
	<i>Leptospermum Laevigatum</i>	Australian Tea Tree
	<i>Leucophyllum Candidum</i>	Violet Silverleaf
	<i>Leucophyllum Frutescens*</i>	Texas Ranger
	<i>Leucophyllum Laevigatum</i>	Chihahuan Rain Sage
	<i>Leucophyllum Pruinosum</i>	Sierra Bouquet
	<i>Ligustrum Texanum*</i>	Texas Privet
	<i>Pittosporum Tobira Variegata*</i>	Mock Orange
	<i>Prunus Caroliniana 'Compacta'</i>	Dwarf Cherry Laurel
	<i>Rhamnus Californica</i>	Coffeeberry
	<i>Raphiolepis Springtime</i>	Indian Hawthorn
	<i>Raphiolepis 'Pink Lady'*</i>	Indian hawthorn
	<i>Rosa Sp. 'Iceberg Rose'</i>	White Rose
	<i>Rosmarinus O. 'Tuscan Blue'*</i>	Bush Rosemary
	<i>Salvia Clevelandii*</i>	Chaparral Sage
<i>Salvia Greggii*</i>	Autumn Sage	
<i>Tecoma Stans</i>	Yellow Trumpet Flower	
<i>Viburnum Japonicum</i>	Viburum	
<i>Westingia Fruticosa</i>	Coast Rosemary	
<i>Xylosma Congestum</i>	Shiny Leaf Xylosma	
Low Shrubs / Groundcover	<i>Acacia Redolens 'Prostrata'</i>	Prostrate Acacia
	<i>Baccharis x 'Centennial'</i>	Prostrate Desert Broom
	<i>Baccharis Pilularis 'Twin Peaks'*</i>	Dwarf Coyote Bush

Use	Botanical Name	Common Name
	<i>Carex Divulsa</i>	Berkley Sedge
	<i>Carex Pansa</i>	California Meadow Sedge
	<i>Carex Praegracilis</i>	Clustered Field Sedge
	<i>Carissa 'Green Carpet'</i>	Prostrate Natal Plum
	<i>Ceanothus Griseus Horizontalis</i>	Caramel Creeper
	<i>Cotoneaster Horizontalis</i>	Rock Contoneaster
	<i>Dalea Gregii</i>	Trailing Indigo Bush
	<i>Dietes Bicolor</i>	Fortnight Lily
	<i>Juniper Horizontalis 'Varieties'</i>	Trailing Juniper Varieties
	<i>Lantana Montevidensis</i>	Trailing Lantana
	<i>Leymus Arenarius</i>	Lyme Grass
	<i>Lomandra Longifolia</i>	Nyalla
	<i>Lonicera Japonica*</i>	Hall's Honeysuckle
	<i>Mahonia Repens</i>	Creeping Mahonia
	<i>Muhlenbergia Capllaris*</i>	Pink Muhly
	<i>Muhlenbergia Rigens*</i>	Deer Grass
	<i>Myoporum Pacificum</i>	Creeping Myoporum
	<i>Pittosporum Tobira 'Whealers Dwarf'</i>	Whealers Dwarf Pittosporum
	<i>Rosmarinus Officinalis*</i>	Rosemary
	<i>Rosa Floribunda 'Carpet Rose'</i>	Carpet Rose
	<i>Salvia Apiana</i>	White Sage
	<i>Salvia Mellifera</i>	Black Sage
	<i>Senecio Mandralisca*</i>	Senecio
	<i>Trachelospermum Jasminioides</i>	Star Jasmine
	<i>Yucca Aloifolia</i>	Spanish Bayonet
	<i>Yucca Baccata</i>	Banana Yucca
	<i>Yucca Elata</i>	Soaptree Yucca
	<i>Yucca Gloriosa</i>	Spanish Dagger
	<i>Yucca Rigida</i>	Blue Yucca
	<i>Yucca Whipplei</i>	Our Lord's Candle
Palm Trees	<i>Phoenix Canariensis</i>	Canary Island Palm
	<i>Phoenix Dactylifera,</i>	Senegal Date Palm
	<i>Washingtonia Filifera</i>	California Fan Palm

*Acceptable planting option within the Cucamonga Creek channel easement area.

7.8 Perimeter Streetscape Design

Streetscape design guidelines establish a hierarchy for the landscape development along the surrounding roadways, as well as establish a framework for consistency of design. Two roadways surround the project site as follows:

- » Merrill Avenue to the North
- » Archibald Avenue to the East

Merrill Avenue and Archibald Avenue shall be designed with Low Impact Development Site Design BMP's to retain/infiltrate or biotreat 85th percentile storm event runoff from newly-widened portions of these streets, per the requirements of the current San Bernardino County Water Quality Management Plan.

Landscape development surrounding this project will help to set the character, while maintaining consistency with the City of Ontario's pedestrian pathway system as illustrated in the "Trails and Open Space System" section of the Ontario Ranch Streetscape Master Plan. Streetscape sections described below are located on Exhibit 7.4a, and 7.4b, "Typical Landscape Cross Sections."

7.9 Sustainable Design Strategies

Sustainable practices can lessen the environmental impacts of development in many ways through the use of certain design techniques. These techniques can include reduced pervious surfaces, improved water detention and conservation, preservation of habitat areas, water-efficient irrigation, and improved pedestrian and bicycle amenities which reduce reliance on smog-generating vehicles. This Specific Plan encourages the implementation of sustainable design strategies referenced below and in Appendix B1, with the goal to reduce Greenhouse Gas Emissions.

7.9.1 Site Planning

- » Incorporate "green" practices in developing buildings and infrastructure.

- » Wherever possible, design and grade the project to direct 2-year storm event runoff from building roofs and paved areas, into swaled landscape areas for capture and retention/infiltration. In particular, open space, parks, landscaped setback areas and trails are to be used for this purpose. Include deciduous trees to shade paved areas and building walls on south and west.
- » Stabilize slopes to limit erosion as part of the Stormwater Management Plan and erosion control plan.

7.9.2 Energy Efficiency

Where feasible and appropriate, the following energy conservation strategies are encouraged:

- » Passive design strategies can dramatically affect building energy performance. These measures include building shape and orientation, passive solar design, and the use of natural lighting.
- » Develop strategies to provide natural lighting to reduce reliance on artificial lighting.
- » Install high-efficiency lighting systems with advanced lighting controls.
- » Use a properly sized and energy-efficient heat/cooling system in conjunction with a thermally efficient building shell.
- » Promote the use of light colored roofing with a high solar reflectance in order to reduce the heat island effect from roofs.
- » Include deciduous trees to shade paved areas and building walls on the south and west sides.

7.9.3 Materials Efficiency

- » Sustainable construction materials and products are encouraged to have characteristics such as reused and recycled content, zero or low off gassing

of harmful air emissions, zero or low toxicity, sustainably harvested materials, high recyclability, durability, longevity, and local production. Such products promote resource conservation and efficiency. Using recycled-content products also helps develop markets for recycled materials that are being diverted from California's landfills, as mandated by the Integrated Waste Management Act.

- » Encourage the use of low VOC paints and wallpapers.
- » Encourage the use of low VOC Green Label carpet.
- » Encourage the use of material efficiency strategies. These strategies reduce the amount of building materials needed and cut construction costs. Consider designing rooms on four foot multiples to conform to standard-sized wallboard and plywood sheets.
- » Consider using recycle base, crushed concrete base, recycle content asphalt, shredded tires in base and asphalt in roads, parking areas and drive aisles, if feasible and economically viable.
- » Design with adequate space to facilitate recycling collection and to incorporate a solid waste management program that prevents waste generation.
- » Encourage the use of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project.
- » Encourage the use of rapidly renewable building materials and products (made from plants that are typically harvested within a ten-year cycle or shorter). Examples of materials that could achieve this goal include, but are not limited to, bamboo, wool, cotton insulation, agrifiber, linoleum, wheatboard, strawboard and cork.

7.9.4 Water Efficiency

- » Strive to minimize wastewater by using ultra low-flush toilets, low-flow shower heads and other water conserving fixtures.
- » Encourage the use of recirculating systems for centralized hot water distribution.
- » Smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions for all landscaped areas are required.
- » Drip irrigation, bubblers, micro-irrigation or other low precipitation irrigation or water conserving technology shall supply water for irrigation.
- » Encourage the use of recycled water to irrigate landscape areas throughout the project. The non-potable irrigation system shall be designed to meet all applicable standards of the California Regional Water Quality Control Board, California Department of Health, San Bernardino County Health Department, City of Ontario Department of Water and Power, and Ontario Municipal Code.

7.9.5 Occupant Health and Safety

- » Choose construction materials and interior finish products with zero or low emissions to improve indoor air quality as feasible.
- » Provide adequate ventilation and a high-efficiency, in-duct filtration system. Heating and cooling systems that ensure adequate ventilation and proper filtration can have a dramatic and positive impact on indoor air quality.
- » Provide effective drainage from the roof and surrounding landscape.
- » Encourage building systems to control humidity.

- » Provide outdoor employee break areas with shade structure or shade trees on the west and south sides as feasible.

7.9.6 Landscape Design

- » Use low or medium water use and native plant materials where appropriate. Minimize turf areas in order to promote water conservation. Limit the use of turf to areas which experience high functional use and are needed to accommodate outdoor activities. Only use warm-season turf varieties which are suited to the climate.
- » Provide plant materials that are well suited to the solar orientation and shading of buildings.
- » Group plants according to water use, slope aspect and sun/shade requirements. Irrigate each hydrozone on a separate valve using high-efficiency irrigation techniques.
- » Use organic wood or shredded bark mulch and soil amendments to retain soil moisture.
- » Incorporate native vegetation into the plant palette for Colony Commerce Center East.

8

IMPLEMENTATION

The Colony Commerce Center East Specific Plan serves to implement the City's Policy Plan policies applicable to the project site and provide for orderly development of the project site. Tentative tract maps and parcel maps, once approved, shall establish the legal lots, public dedications, and easements within for the project.

8.1 Methods and Interpretation

Development within the Colony Commerce Center East Specific Plan shall be implemented through the City approval of tentative and final tract maps and parcel maps and through the Development Plan Review process as established in the City of Ontario Development Code.

The implementation process described herein provides the mechanisms for review and approval of development projects within the Colony Commerce Center East.

8.2 Applicability

All development proposals within the project shall be subject to the implementation procedures established herein. Whenever the provisions and development standards contained herein conflict with those contained in the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence.

In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

8.3 Interpretation

Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the City of Ontario Planning Director, or his/her designee, in a manner consistent with the goals, policies, purpose and intent established in this Specific Plan.

8.4 Implementation of Design Guidelines

Adoption of the Specific Plan by the City includes adoption of the design guidelines contained herein, which shall be the design criteria by which development within the project shall be reviewed during Development Plan Review. The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects as part of Development Plan Review.

8.5 Development Review Process

8.5.1 Subdivision Maps

Approval of tentative subdivision maps may occur concurrently with the adoption of the Specific Plan. All tentative and final subdivision maps shall be reviewed and approved pursuant to applicable provisions of the City of Ontario Subdivision Ordinance and consistent with the applicable provisions of the Land Use, Infrastructure, Design Guidelines, and Development Regulations adopted as part of this Specific Plan.

8.5.2 Development Plan

All development projects within the confines of the Colony Commerce Center East Specific Plan shall be subject to the Development Plan Review process as established in the City's Development Code. Pursuant to these provisions, Development Plan Review constitutes a design review of project architecture, site plans, landscape plans, and grading plans.

Adoption of the Specific Plan by the City includes adoption of the design guidelines contained within the Specific Plan which provide direction for the design of development projects within Colony Commerce Center East. Where the Specific Plan development regulations and design guidelines are silent, the applicable development regulations and design guidelines contained within the City's Development Code shall apply.

The design guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review of development projects by the City.

8.5.3 Development Agreement

Approval of statutory Development Agreements, per individual property owner, authorized pursuant to California Government Code Sections 65864 et seq., is required as part of the approval of the Specific Plan and prior to approval of the first Final Map.

The Development Agreements shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure. The Colony Commerce Center East Development Agreement shall be fully executed prior to the issuance of the first building permits for the project.

8.6 Specific Plan Modifications and Amendments

8.6.1 Minor Modifications

The following constitute minor modifications to the Specific Plan, and do not require a Specific Plan Amendment and are subject to review and approval by

the Planning Director. The Planning Director shall have the discretion to refer any such request for modification to the Planning Commission or the City Council.

- » Change in utility and/or public service provider.
- » Collector roadway alignment when the change results in a center line shift of less than 250 feet.
- » An increase of up to ten percent (10%) in square footage of floor area subject to approval of the Planning Director and agreement of the property owner, provided the total square footage of floor area number for the entire Specific Plan area does not exceed that established by this Specific Plan.
- » Adjustment of a Planning Area boundary or acreage designated for a Planning Area provided the total acreage of the affected planning area does not increase by more than ten percent (10%).
- » Minor changes to landscape materials, wall materials, wall alignment, entry design, and streetscape design which are consistent with the conceptual design set forth in the design guidelines contained within the Specific Plan.
- » Minor changes to the design guidelines, which are intended to be conceptual in nature, and are intended to be flexible in implementation.
- » Minor changes of up to ten percent (10%) of any quantifiable development standard or design guideline subject to approval of the Planning Director.
- » Other modifications of a similar nature to those listed above, which are deemed minor by the Planning Director, which are in keeping with the purpose and intent of the approved Specific Plan and which are in conformance with the Policy Plan.

8.6.2 Specific Plan Amendments

Amendments to the Specific Plan may be requested by the applicant or the City pursuant to Section 65453(a) of the Government Code. Amendments shall be processed pursuant to the provisions of the Government Code for Specific Plan Amendments.

In the event that the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant(s) is/are responsible for preparing the necessary CEQA documentation.

8.7 Variances

Variances and Administrative Exceptions to the development regulations contained in the Specific Plan with respect to landscaping, screening, site area, site dimensions, yards and projects into yards, heights of structures, distances between buildings, open space and off-street parking and loading shall be reviewed pursuant to “Variances and Administrative Exceptions” of the City of Ontario Development Code.

8.8 Conditional Use Permits

Uses specified as conditionally permitted uses within Table 6.2 of Chapter 6, “Development Regulations,” of the Specific Plan shall be reviewed and approved by the City pursuant to the requirements of “Conditional Use Permits” of the Ontario Development Code.

8.9 Compliance with Mitigation Monitoring Plan

Certification of an Environmental Impact Report (EIR) shall be required prior to approval of the Specific Plan. Development within the project site shall comply with all approved mitigation measures as described in the Mitigation Monitoring Program included as part of the EIR.

8.10 Project Phasing

Phasing of development within the Specific Plan shall meet the following objectives:

- » Orderly build-out of the project based upon market and economic conditions.
- » Provision of adequate infrastructure and public facilities as determined and deemed necessary by the City concurrent with development of each phase.
- » Protection of public health, safety and welfare.

8.11 Infrastructure Phasing

Backbone infrastructure within the Colony Commerce Center East shall be installed by the project developer in accordance with this Specific Plan and the approved project Development Agreement or as approved by the City.

Grading and installation of infrastructure to serve Colony Commerce Center East is anticipated to be completed in two phases – Planning Area 1 and Planning Area 2 (Phase 1), then Planning Area 3 (Phase 2). These phases may be developed as subphases and may occur either sequentially or concurrently with one another.

8.12 Appeals

Appeals from any determination of the City Planning Director, Zoning Administrator or the Planning Commission, may be made by the applicant or any other aggrieved party by filing an application on forms provided by the City of Ontario and accompanied by the appropriate filing fee within ten (10) days following the final date of action for which an appeal is made. Appeals shall be processed consistent with the provisions of “Appeals” of the City of Ontario Development Code.

8.13 Project Financing

The financing of construction, operation, and maintenance of public improvements and facilities (the “facilities”), and public services shall include funding through a combination of financing mechanisms. Final determination as to the facilities to be constructed and as to maintenance responsibilities, whether publicly or privately maintained, shall be made prior to recordation of final maps.

In order to implement the project, financing options including, but not limited to, the following shall be considered:

8.13.1 Facilities and Services

- » Private capital investment for the construction of facilities.
- » Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of a variety of public facilities and the provision of public services.

8.13.2 Operation and Maintenance

- » By individual private property owner.
- » By private Property Owners Association.
- » By Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district. City Council approval is a prerequisite for the implementation of any and all special district-financing mechanisms. The use of the Mello-Roos Community Facilities District Act of 1982 (the “Act”) to finance public facilities and services shall be at the City’s sole discretion. Moreover, the use of the Act shall be consistent with the City’s adopted goals and policies concerning the use of the Act.

8.14 Maintenance Plan

The public and private improvements constructed within Colony Commerce Center East shall be maintained through a combination of public and private entities as described in Table 8.1, “Maintenance Responsibilities.”

8.14.1 Public Maintenance

- » All Master Plan streets, and sidewalks serving the Planning Areas shall be dedicated as public streets to the City of Ontario.
- » Landscape improvements within the public right-of-way of Master Plan streets and public street lights within Colony Commerce Center East shall be maintained through a landscape and lighting district or other community financed district established by the City.
- » All on-site water, sewer, and storm drains within the public streets or easements dedicated to the City shall be constructed by the developer and, upon acceptance, shall be maintained by the City.
- » Off-site infrastructure improvements such as water, sewer and storm drain facilities shall be maintained by the City. Permanent on-site water quality basins, trenches, swales and biotreatment filters required by San Bernardino County MS4 Permit and Water Quality Management Plan and constructed within Colony Commerce Center East shall be maintained by the Property Owner’s Association in accordance with Table 8.1.

8.14.2 Property Owners Association

A Property Owners Association (POA) shall be established for the maintenance of common area landscape improvements and private roadways within areas of Colony Commerce Center East. Improvements to be maintained by the POA include:

- » Designated private drives, alleys, and adjacent landscaping.
- » Designated private streets and landscaping. During the course of maintenance of public utilities within public streets, private streets, private drive aisles, or alleys, the City will restore the streets to City standards for trench backfill, pavement repair, and hardscape or landscape, as applicable and to the original quality. Restoration of any enhancements above and beyond City standards, including but not limited to architectural paving, hardscape and landscape enhancements shall be the responsibility of the POA or other entity maintaining those enhancements.
- » Courts, parkways and landscaping within the industrial areas.
- » Parkways of Interior Local Streets including sidewalks, landscaping and street lights.
- » Maintenance of interior local street landscaping and associated architectural monument elements required to restore these areas to their condition as originally installed.
- » Internal slopes fronting streets and slope areas.
- » All internal open spaces, and common areas.
- » NPDES facilities within private streets and/or common areas.
- »
- » Any monument signs indentifying the Colony Commerce Center East specific plan site.

Table 8.1 Maintenance Responsibilities

	City and/ or CFD	Private Owners Association	Utility Entity
Master plan roadways (Archibald and Merrill Avenues)	●		
Interior (collector) public streets - curb-to-curb (primary entry streets, secondary entry streets)	●		
Interior private streets or drives (3)		●	
Traffic control signs	●		
Parkways and neighborhood edges of master plan roadways	●		
Off-site and on-site public water, sewer, and storm drain improvements (excluding laterals)(1)	●		
Community Trail (Cucamonga Creek)	●		
Front yard and all on-site landscaping and irrigation		●	
Private interior yard walls		●	
Project theme wall or fence		●	
Interior project graffiti removal		●	
Neighborhood edge on all non-master plan roadways(3)		●	
Parkways of all interior project streets (including landscaping, medians, and sidewalks)(2)(3)		●	
Monument signs within tract entry		●	
Electricity and natural gas			●
Communications systems			●
Police and Fire	●		
Fiber optic conduit (in Ontario Ranch streets)	●		
Fiber optic conduit (in-tract streets)	●		
NPDES facilities on private property		●	

(1) Only those facilities in public roads or easements

(2) Only those facilities on private property

(3) Outside public right-of-way

A1

APPENDIX GENERAL PLAN CONSISTENCY

A1.1 General Plan Consistency

California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 et seq grants local planning agencies the authority to prepare Specific Plans for any area covered by a General Plan for the purpose of establishing systematic methods of implementation of the General Plan.

A Specific Plan is designed to address site specific issues such as existing on-site conditions relative to topography and existing environmental concerns, site design and layout, including setbacks and visual appearance, as well as circulation, utility provisions and infrastructure financing alternatives.

The California Government Code establishes the authority and procedures to adopt a specific plan; identifies the required contents of a specific plan; mandates consistency with the General Plan; and also mandates consistency of any future projects or zoning ordinance amendments with a specific plan. Section 9-1.200 of Title 9 of the City of Ontario's Municipal Code states the purpose and intent of specific plans.

The City's Municipal Code will act as a supplement for those areas and issues not covered by this Specific Plan regulations for administration review procedures, environmental review, and others.

The Colony Commerce Center East Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan. The policy analysis listed in this Appendix describes the manner in which the Colony Commerce Center East Specific Plan complies with the Policy Plan policies applicable to the project.

Plan Policy	Specific Plan Consistency
Land Use (LU) Element	
Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.	
<p>Policy LU1-1: Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.</p>	<p>Consistent. <i>The Colony Commerce Center East site location falls within planned infrastructure improvements designated by the City of Ontario.</i></p>
<p>Policy LU1-2: Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/ Smart Growth principles into the development and entitlement process.</p>	<p>Consistent. <i>The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. The landscape concept incorporates a plant palette of drought tolerant materials and includes requirements that the development implement planting and irrigation systems designed to conserve water.</i></p>
<p>Policy LU1-3: Adequate Capacity. We require adequate infrastructure and services for all development.</p>	<p>Consistent. <i>The Colony Commerce Center East Specific Plan establishes an infrastructure and public facilities plan to ensure that adequate roadways and public utilities including sewer, water, and drainage facilities, along with other public facilities, are provided to serve the project.</i></p>
<p>Policy LU1-4: Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.</p>	<p>Not Applicable.</p>
<p>Policy LU1-5: Jobs-Housing Balance. We coordinate land use, infrastructure, and transportation planning and analysis with regional, county and other local agencies to further regional and subregional goals for jobs-housing balance.</p>	<p>Consistent. <i>The industrial and business park uses planned for on the Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</i></p>
<p>Policy LU1-6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.</p>	<p>Consistent. <i>The industrial and business park uses planned for in Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy LU1-7: Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.</p>	<p><i>Not Applicable.</i></p>
<p>Goal LU2: Compatibility between a wide range of uses.</p>	
<p>Policy LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.</p>	<p><i>Consistent. Many of the adjacent properties to the Colony Commerce Center East have transitioned to more industrials and residential uses.</i></p>
<p>Policy LU2-2: Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.</p>	<p><i>Consistent. The project will provide neighborhood buffers which provide for increased setbacks along the frontage of Merrill Avenue and Archibald Avenue.</i></p>
<p>Policy LU2-3: Hazardous Uses. We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.</p>	<p><i>Consistent. The project will comply with all local and state requirements for using, storing, producing, or transporting toxic substances, air emissions, other pollutants, or hazardous materials.</i></p>
<p>Policy LU2-4: Regulation of Nuisances. We regulate the location, concentration and operations of potential nuisances.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU2-5: Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.</p>	<p><i>Consistent. Many of the adjacent properties to the Colony Commerce Center East have transitioned to more industrials uses.</i></p>
<p>Policy LU2-6: Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.</p>	<p><i>Consistent. Streets within and adjacent to the Specific Plan area will be landscaped in an aesthetically pleasing manner with 4-7 foot wide landscaped parkways on each side of the street. Decorative project monuments will be constructed at key project entries providing project identification and establishing a sense of arrival.</i></p>
<p>Policy LU2-7: Inter-jurisdictional Coordination. We maintain an ongoing liaison with IEUA, LAWA, Caltrans, Public Utilities Commission, the railroads and other agencies to help minimize impacts and improve the operations and aesthetics of their facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU2-8: Transitional Areas. We require development in transitional areas to protect the quality of life of current residents.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy LU2-9: Methane Gas Sites. We require sensitive land uses and new uses on former dairy farms or other methane-producing sites be designed to minimize health risks.</p>	<p><i>Consistent. If necessary, the project will comply with appropriate mitigation measures identified in the project EIR for soil remediation and proper venting to address the potential existence of methane gases within the project.</i></p>
<p>Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.</p>	
<p>Policy LU3-1: Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.</p>	<p><i>Consistent. This Specific Plan includes development standards that allow for flexibility to achieve the City's vision.</i></p>
<p>Policy LU3-2: Design Incentives. We offer design incentives to help projects achieve the Vision.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU3-3: Land Use Flexibility. We consider uses not typically permitted within a land use category if doing so improves livability, reduces vehicular trips, creates community gathering places and activity nodes, and helps create identity.</p>	<p><i>Not Applicable.</i></p>
<p>Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.</p>	
<p>Policy LU4-1: Commitment to Vision. We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU4-2: Interim Development. We allow development in growth areas that is not immediately reflective of our ultimate Vision provided it can be modified or replaced when circumstances are right. We will not allow development that impedes, precludes or compromises our ability to achieve our Vision.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU4-3: Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.</p>	<p><i>Consistent. Approval of the Colony Commerce Center East Specific Plan is accompanied by an application for approval of a development agreement. The development agreement shall include, but not be limited to, methods for financing, acquisition, and construction of infrastructure.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.</p>	
<p>Policy LU5-1: Coordination with Airport Authorities. We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update and maintenance of airport-related plans.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-2: Airport Planning Consistency. We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations and/or adopted master plans and land use compatibility plans for the ONT and Chino Airport.</p>	<p><i>Consistent. The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce Center East Specific Plan Section 3.4.</i></p>
<p>Policy LU5-3: Airport Impacts. We work with agencies to maximize resources to mitigate the impacts and hazards related to airport operations.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-4: ONT Growth Forecast. We support and promote an ONT that accomodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-5: Airport Compatibility Planning for ONT. We create and maintain the Airport Land Use Compatibility Plan for ONT.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-6: Alternative Process. We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.</p>	<p><i>Not Applicable.</i></p>
<p>Policy LU5-7: ALUCP Consistency and Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.</p>	<p><i>Consistent. The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce Center East Specific Plan Section 3.4.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy LU5-8: Chino Airport. We will support the creation and implementation of the Airport Land Use Compatibility Plan for Chino Airport.</p>	<p><i>Consistent.</i> The Specific Plan will comply with the ALUCP requirements for Ontario Airport (ONT) and Chino Airport as outlined in Colony Commerce Center East Specific Plan Section 3.4.</p>

Community Design (CD) Element

Goal CD1:

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

<p>Policy CD1-1: City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD1-2: Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.</p>	<p><i>Consistent.</i> The Specific Plan includes design guidelines to guide the physical character of all future industrial development and all project related features, including the overall landscape treatment within the project.</p>
<p>Policy CD1-3: Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD1-4: Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage and lighting.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD1-5: View Corridors. We require all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees.</p>	<p><i>Consistent.</i> The Specific Plan includes improvements to Archibald Avenue which is a north-south street and will be designed in accordance to the Master Plan of Streets and Highways.</p>

Goal CD2:

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

Plan Policy	Specific Plan Consistency
<p>Policy CD2-1: Quality Architecture. We encourage all development projects to convey visual interest and character through:</p> <ul style="list-style-type: none"> » Building volume, massing, and height to provide appropriate scale and proportion; » A true industrial style which is carried out in plan, section and elevation through all aspects of the building and site design and appropriate for its setting; and » Exterior building materials that are visually interesting, high quality, durable, and appropriate for the industrial style. 	<p><i>Consistent.</i> The Specific Plan includes design guidelines to guide the construction of the project so that it is implemented in a comprehensive manner.</p>
<p>Policy CD2-2: Neighborhood Design. We create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:</p> <ul style="list-style-type: none"> » a pattern of smaller, walkable blocks that promote access, activity and safety; » variable setbacks and parcel sizes to accommodate a diversity of housing types; » traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows; » floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and » landscaped parkways, with sidewalks separated from the curb. 	<p><i>Not Applicable.</i></p>
<p>Policy CD2-3: Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD2-4: Mixed Use, Urban Office and Transit Serving Areas. We require mixed use, urban office and transit serving areas to be designed and developed as pedestrian oriented “villages” that promote a vibrant, comfortable and functional environment.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CD2-5: Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.</p>	<p>Consistent. <i>The Specific Plan is designed with comprehensive street improvements to accommodate the safe and efficient movement of automobiles as well as bicycle and pedestrian mobility and connectivity along the property frontage. The Colony Commerce Center East project will construct the half-width of the appropriate frontage roads as identified in this Specific Plan and the project Development Agreement.</i></p>
<p>Policy CD2-6: Connectivity. We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent “islands” through the following means (Link to Mobility):</p> <ul style="list-style-type: none"> » local street patterns that provide access between subdivisions and within neighborhoods and discourage through traffic; » a local street system that is logical and understandable for the user. A grid system is preferred to avoid circuitous and confusing travel paths between internal neighborhood areas and adjacent arterials; and » neighborhoods, centers, public schools, and parks that are linked by pedestrian greenways/open space networks. These may also be used to establish clear boundaries between distinct neighborhoods and/or centers. 	<p>Not Applicable.</p>

Plan Policy	Specific Plan Consistency
<p>Policy CD2-7: Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.</p>	<p>Consistent. Sustainable Community/Smart Growth principles are incorporated into the Colony Commerce Center East Land Use Plan. The sustainable goals for the project as stated in the Specific Plan include the following:</p> <ul style="list-style-type: none"> » 1. Encourage walking and other non-vehicular modes of travel. » 2. Provide pedestrian connectivity through the project perimeter. » 3. Provide shaded outdoor areas for employee break areas. » 4. Encourage the use of architectural elements designed to reduce interior heat gain. » 5. Encourage the use of recycled, recyclable, and environmentally friendly building materials. » 6. Require the use of low energy glass and low water plumbing features. » 7. Encourage the use of drought tolerant landscaping and water efficient irrigation methods. <p>The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, and heating and cooling controls to conserve energy and water. The landscape concept incorporates a plant palette of drought tolerant materials and requirements that the development will implement planting and irrigation systems designed to conserve water.</p>
<p>Policy CD2-8: Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.</p>	<p>Not Applicable.</p>
<p>Policy CD2-9: Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.</p>	<p>Consistent. The landscape concept for Colony Commerce Center East incorporates the use of durable landscaping materials, a drought tolerant plant palette, and a planting and irrigation system designed to conserve water. Open space areas will include shaded areas, bicycle racks, and other amenity features to encourage pedestrian and other non-vehicular activities. All materials utilized in private and public common areas will be durable landscaping materials.</p>

Plan Policy	Specific Plan Consistency
<p>Policy CD2-10: Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD2-11: Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.</p>	<p><i>Consistent. Landscaping will be provided at entries within the Colony Commerce Center East. At key entries, a monumentation program may be utilized to help identify the project, as well as convey a sense of arrival and a welcoming feel for both vehicular and pedestrian traffic. These monuments and entries will be designed with durable, lasting materials approved by the City of Ontario.</i></p>
<p>Policy CD2-12: Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.</p>	<p><i>Consistent. The Specific Plan requires the developer of Colony Commerce Center East to obtain approval by the City of a Sign Program to address project monumentation, building identification and wayfinding/signage within the project.</i></p>
<p>Policy CD2-13: Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD2-14: Availability of Information. We provide easy access to information for developers, builders and the public about design quality, construction quality, and sustainable building practices.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD2-15: Leverage Professional and Trade Organizations. We support excellence in design and construction quality through collaboration with trade and professional organizations that provide expertise, resources and programs for developers, builders and the public.</p>	<p><i>Not Applicable.</i></p>

Goal CD3:

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

Plan Policy	Specific Plan Consistency
<p>Policy CD3-1: Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.</p>	<p><i>Consistent. This Specific Plan includes development standards and design guidelines that will achieve the City’s vision.</i></p>
<p>Policy CD3-2: Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.</p>	<p><i>Consistent. This Specific Plan includes development standards and design guidelines that include landscape provisions that will be used to achieve the City’s vision.</i></p>
<p>Policy CD3-3: Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.</p>	<p><i>Consistent. This Specific Plan includes development standards and building design and guidelines that allow for flexibility to achieve the City’s vision.</i></p>
<p>Policy CD3-4: Ground Floor Usage of Commercial Buildings. We create lively pedestrian streetscapes by requiring the location of uses, such as shopping, galleries, restaurants, etc., on ground floors adjacent to sidewalks.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD3-5: Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.</p>	<p><i>Consistent. The Specific Plan requires that the design and materials used for all road surfaces and sidewalks within the project be subject to approval by the Engineering Department.</i></p>
<p>Goal CD4: Historic buildings, streets, landscapes and neighborhoods, as well as the story of Ontario’s people, businesses, and social and community organizations, that have been preserved and serve as a focal point for civic pride and identity.</p>	
<p>Policy CD4-1: Cultural Resource Management. We update and maintain an inventory of historic sites and buildings, professional collections, artifacts, manuscripts, photographs, documents, maps and other archives.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-2: Collaboration with Property Owners and Developers. We educate and collaborate with property owners and developers to implement strategies and best practices that preserve the character of our historic buildings, streetscapes and unique neighborhoods.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CD4-3: Collaboration with Outside Agencies. We pursue opportunities to team with other agencies, local organizations and non-profits in order to preserve and promote Ontario’s heritage.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-4: Incentives. We use the Mills Act and other federal, state, regional and local programs to assist property owners with the preservation of select properties and structures.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-5: Adaptive Reuse. We actively promote and support the adaptive reuse of historic sites and buildings to preserve and maintain their viability.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-6: Promotion of Public Involvement in Preservation. We engage in programs to publicize and promote the City’s and the public’s involvement in preservation efforts.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD4-7: Public Outreach. We provide opportunities for our residents to research and learn about the history of Ontario through the Planning Department, Museum of History and Art, Ontario and the Robert E. Ellingwood Model Colony History Room.</p>	<p><i>Not Applicable.</i></p>
<p>Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.</p>	
<p>Policy CD5-1: Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.</p>	<p><i>Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the public, private, and utility entities responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, traffic signals, infrastructure, and utilities within the project.</i></p>
<p>Policy CD5-2: Maintenance of Infrastructure. We require the continual maintenance of infrastructure.</p>	<p><i>Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the responsible entities for continual maintenance of roadways, sidewalks, traffic signals, off site and on site public water, sewer, and storm drain infrastructure facilities.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CD5-3: Improvements to Property & Infrastructure. We provide programs to improve property and infrastructure.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CD5-4: Neighborhood Involvement. We encourage active community involvement to implement programs aimed at the beautification and improvement of neighborhoods.</p>	<p><i>Not Applicable.</i></p>

Mobility (M) Element

Goal M1:

A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.

<p>Policy M1-1: Roadway Design and Maintenance. We require our roadways to:</p> <ul style="list-style-type: none"> » Comply with federal, state and local design and safety standards. » Meet the needs of multiple transportation modes and users. » Handle the capacity envisioned in the Functional Roadway Classification Plan. » Maintain a peak hour Level of Service (LOS) E or better at all intersections. » Be compatible with the streetscape and surrounding land uses. » Be maintained in accordance with best practices and our Right-of-Way Management Plan. 	<p><i>Consistent.</i> The Specific Plan requires consistency with the requirements of the City’s Functional Roadway Classification Plan and the Ontario Ranch Streetscape Master Plan. The roadway system is designed to maintain a peak hour Level of Service (LOS) E or better at all intersections as discussed in the project EIR. Site design, source control for the project are required to be submitted by the developer for approval by the City prior to issuance of permits for the project.</p>
<p>Policy M1-2: Mitigation of Impacts. We require development to mitigate its traffic impacts.</p>	<p><i>Consistent.</i> All mitigation measures, standard conditions, and project design features identified in the project EIR to mitigate traffic impacts of the project will be implemented by the project prior to any occupancy.</p>
<p>Policy M1-3: Roadway Improvements. We work with Caltrans, SANBAG and others to identify, fund and implement needed improvements to roadways identified in the Functional Roadway Classification Plan.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M1-4: Adjacent Jurisdictions. We work with neighboring jurisdictions to meet our level of service standards at the City limits.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal M2: A system of trails and corridors that facilitate and encourage bicycling and walking.</p>	
<p>Policy M2-1: Bikeway Plan. We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for providing connectivity to the multipurpose trail along the Cucamonga Creek Channel. From these connection points, pedestrians will have access to the larger City of Ontario system of trails and bikeways.</p>
<p>Policy M2-2: Bicycle System. We provide off-street multipurpose trails and Class II bikeways as our primary paths of travel and use the Class III for connectivity in constrained circumstances.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for providing connectivity to the multipurpose trail along the Cucamonga Creek Channel. From these connection points, pedestrians will have access to the larger City of Ontario system of trails and bikeways.</p>
<p>Policy M2-3: Pedestrian Walkways. We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for construction of an off-street pedestrian circulation system comprised of an interconnected, paved sidewalk system within all roadway rights-of-ways, separated from vehicular travel lanes by a landscaped parkway.</p>
<p>Policy M2-4: Network Opportunities. We explore opportunities to expand the pedestrian and bicycle networks. This includes consideration of utility easements, levees, drainage corridors, road right-of-ways, medians and other potential options.</p>	<p><i>Consistent.</i> The Specific Plan includes a plan for construction of an off-street pedestrian circulation system comprised of an interconnected, paved sidewalk system within all roadway rights-of-ways, separated from vehicular travel lanes by a landscaped parkway.</p>
<p>Goal M3: A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.</p>	
<p>Policy M3-1: Transit Partners. We maintain a proactive working partnership with transit providers to ensure that adequate public transit service is available.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-2: Transit Facilities at New Development. We require new development to provide transit facilities, such as bus shelters, transit bays and turnouts, as necessary.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-3: Transit-Oriented Development. We may provide additional development-related incentives to those inherent in the Land Use Plan for projects that promote transit use.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-4: Bus Rapid Transit (BRT) Corridors. We work with regional transit agencies to implement BRT service to target destinations and along corridors, as shown in the Transit Plan.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy M3-5: Light Rail. We support extension of the Metro Rail Gold Line to Ontario, and will work to secure station locations adjacent to the Meredith site and at the proposed multimodal transit center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-6: Metrolink Expansion. We advocate expansion of Metrolink service to include the Downtown and the multimodal transit center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-7: High Speed Rail. We encourage the development of high-speed rail systems that would enhance regional mobility in Southern California and serve the City of Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-8: Feeder Systems. We work with regional transit agencies to secure convenient feeder service from the Metrolink station and the proposed multimodal transit center to employment centers in Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-9: Ontario Airport Metro Center Circulator. We will explore development of a convenient mobility system, including but not limited to shuttle service, people mover, and shared car system, for the Ontario Airport Metro Center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-10: Multimodal Transit Center. We intend to ensure the development of a multimodal transit center near LAONT airport to serve as a transit hub for local buses, BRT, the Gold Line, high-speed rail, the proposed Ontario Airport Metro Center circulator and other future transit modes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M3-11: Transit and Community Facilities. We require the future development of community-wide serving facilities to be sited in transit-ready areas that can be served and made accessible by public transit. Conversely, we plan (and coordinate with other transit agencies to plan) future transit routes to serve existing community facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Goal M4:</p> <p>An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.</p>	
<p>Policy M4-1: Truck Routes. We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown in the Truck Routes Plan.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy M4-2: Regional Participation. We work with regional and subregional transportation agencies to plan and implement goods movement strategies, including those that improve mobility, deliver goods efficiently and minimize negative environmental impacts</p>	<p><i>Not Applicable.</i></p>
<p>Policy M4-3: Railroad Grade Separations. We eliminate at-grade rail crossings identified on the Functional Roadway Classification Plan.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M4-4: Environmental Considerations. We support efforts to reduce/eliminate the negative environmental impacts of goods movement.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M4-5: Air Cargo. We support and promote a LAONT airport that accommodates 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.</p>	<p><i>Not Applicable.</i></p>
<p>Goal M5: A proactive leadership role to help identify and facilitate implementation of strategies that address regional transportation challenges.</p>	
<p>Policy M5-1: Regional Leadership. We maintain a leadership role to help identify and implement potential solutions to long-term regional transportation problems.</p>	<p><i>Not Applicable.</i></p>
<p>Policy M5-2: Land Use Compatibility with Regional Transportation Facilities. We work with LAWA, railroads, Caltrans, SANBAG, and other transportation agencies to minimize impacts.</p>	<p><i>Not Applicable.</i></p>

Environmental Resources (ER) Element

Goal ER1:

A reliable and cost effective system that permits the City to manage its diverse water resources and needs.

<p>Policy ER-1: Local Water Supply. We increase local water supplies to reduce our dependence on imported water.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER-2: Matching Supply to Use. We match water supply and quality to the appropriate use.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy ER1-3: Conservation. We require conservation strategies that reduce water usage.</p>	<p>Consistent. The Specific Plan requires all public and common area landscaping within the project to utilize plant materials listed on the approved Specific Plan Landscape Plant Matrix which is comprised of drought tolerant and California-friendly plant materials. The Specific Plan requires that irrigation systems for both public and private landscaped areas be designed to be as water-efficient as possible and includes the following minimum requirements.</p> <ul style="list-style-type: none"> » All irrigation systems shall have automatic controllers designed to properly water plant materials given the site’s soil conditions, and irrigation systems for all public landscapes shall have automatic rain shut-off devices. » Drip bubblers or low volume irrigation is required in areas less than 8’ wide. » Spray systems shall have low volume matched precipitation heads. » All CFD areas are to be controlled with central control irrigation systems, and all trees are to be irrigated utilizing a pop up stream bubbler system on a separate valve. All CFD areas shall be designed to City Standard Specifications.
<p>Policy ER1-4: Supply-Demand Balance. We require that available water supply and demands be balanced.</p>	<p>Not Applicable.</p>
<p>Policy ER1-5: Groundwater Management. We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.</p>	<p>Consistent. The Specific Plan requires that the developer obtain approval of a StormWater Pollution Prevention Plan (SWPPP) prior to issuance of grading or construction permits. The SWPPP will be prepared to comply with California State Water Resources Control Board’s current “General Permit to Discharge StormWater Associated With Construction Activity” and current “Area Wide Urban Storm Water Runoff (Regional NPDES) Permit.” The SWPPP will identify and detail all appropriate Best Management Practices (BMP’s) to be implemented or installed during construction of the project.</p> <p>In addition to the preparation of a SWPPP for construction-related activities, and as part of the approval of any grading plans for the project, the developer is required to submit a Water Quality Management Plan (WQMP) on the regional model form provided by the City. The WQMP shall identify and detail all Site Design BMP’s, Source Control BMP’s and Treatment Control BMP’s to be implemented or installed as part of the project in order to reduce storm water pollutants and site runoff.</p>

Plan Policy	Specific Plan Consistency
<p>Policy ER1-6: Urban Run-off Quantity. We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration and ultimately reduce discharge volumes to traditional storm drain systems.</p>	<p><i>Consistent. The Specific Plan requires that grading and drainage for the project be designed to detain, filter, and treat surface runoff in a manner which is practical in order to comply with the most recent requirements of the San Bernardino County NPDES Storm Water Program’s Quality Management (WQMP) for significant new development projects. Site design for the project is required to incorporate features which will minimize the use of impervious surfaces and maximize on-site infiltration, Source Control Best Management Practices (BMP’s) and either on-site Structural Treatment Control BMP’s or participation in regional or watershed-based Treatment Control BMP’s.</i></p>
<p>Policy ER1-7: Urban Run-off Quality. We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.</p>	<p><i>Consistent. The Specific Plan requires that the project comply with the most recent requirements of the San Bernardino County NPDES Storm Water Program’s Quality Management (WQMP) for significant new development projects. A final WQMP is required to be submitted by the developer for approval by the City prior to the issuance of any grading and construction permits for the project.</i></p>
<p>Policy ER1-8: Wastewater Management. We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.</p>	<p><i>Consistent. The Specific Plan requires the construction of a wastewater system consistent with City requirements and also requires that the project obtain approval of a WQMP for the project prior to the issuance of any grading or construction permit.</i></p>
<p>Goal ER2: A cost effective, integrated waste management system that meets or exceeds state and federal recycling and waste diversion mandates.</p>	
<p>Policy ER2-1: Waste Diversion. We shall meet or exceed AB 939 requirements.</p>	<p><i>Consistent. The Specific Plan shall comply with all state and federal regulations for waste diversion.</i></p>
<p>Policy ER2-2: Hazardous and Electronic Wastes. We prohibit the disposal of hazardous and electronic waste into the municipal waste stream pursuant to state law.</p>	<p><i>Consistent. The Specific Plan shall comply with all state and federal regulations for waste diversion.</i></p>
<p>Policy ER2-3: Purchase Products Made from Recycled Materials. We purchase recycled-content products where it is cost effective.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal ER3:</p> <p>Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region’s carbon footprint.</p>	
<p>Policy ER3-1: Conservation Strategy. We require conservation as the first strategy to be employed to meet applicable energy-saving standards.</p>	<p><i>Consistent.</i> The Specific Plan requires all public and common area landscaping within the project to utilize plant materials listed on the approved Specific Plan Landscape Plant Matrix which is comprised of drought tolerant and California Friendly plant materials. The Specific Plan requires that irrigation systems for both public and private landscaped areas be designed to be as water-efficient as possible. The Specific Plan requires the construction of separate water mains for the use of recycled water in public and common areas of the project. All new construction will utilize fixtures, and heating and cooling controls to conserve water and energy.</p>
<p>Policy ER3-2: Green Development– Communities. We require the use of best practices identified in green community rating systems to guide the planning and development of all new communities.</p>	<p><i>Consistent.</i> The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water. The landscape concept for Colony Commerce Center incorporates a plant palette of drought tolerant materials and requirements that the development implement planting and irrigation systems designed to conserve water.</p>
<p>Policy ER3-3: Building and Site Design. We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.</p>	<p><i>Consistent.</i> The Colony Commerce Center East design guidelines encourages all new construction to utilize design features, fixtures, appliances, and heating and cooling controls to conserve energy and water.</p>
<p>Policy ER3-4: Green Development– Public Buildings. We require all new and substantially renovated City buildings in excess of 10,000 square feet achieve a LEED Silver Certification standard, as determined by the U.S. Green Building Council.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER3-5: Fuel Efficient and Alternative Energy Vehicles and Equipment. We purchase and use vehicles and equipment that are fuel efficient and meet or surpass state emissions requirements and/or use renewable sources of energy.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy ER3-6: Generation- Renewable Sources. We promote the use of renewable energy sources to serve public and private sector development.</p>	<p><i>Not Applicable.</i></p>
<p>Goal ER4: Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.</p>	
<p>Policy ER4-1: Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance.</p>	<p><i>Consistent. The industrial uses planned for on the Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</i></p>
<p>Policy ER4-2: Sensitive Land Uses. We prohibit the future siting of sensitive land uses, within the distances defined by the California Air Resources Board for specific source categories, without sufficient mitigation.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-3: Greenhouse Gases (GHG) Emissions Reductions. We will reduce GHG emissions in accordance with regional, state and federal regulations.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-4: Indoor Air Quality. We will comply with State Green Building Codes relative to indoor air quality.</p>	<p><i>Consistent. All development within the Specific Plan will be required to comply with the State Green Building Code as implemented by the City.</i></p>
<p>Policy ER4-5: Transportation. We promote mass transit and non-motorized mobility options (e.g. walking, biking) to reduce air pollutant emissions.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-6: Particulate Matter. We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-7: Other Agency Collaboration. We collaborate with other agencies within the South Coast Air Basin to improve regional air quality at the emission source.</p>	<p><i>Not Applicable.</i></p>
<p>Policy ER4-8: Tree Planting. We protect healthy trees within the City and plant new trees to increase carbon sequestration and help the regional/local air quality.</p>	<p><i>Not Applicable.</i></p>
<p>Goal ER5: Protected high value habitat and farming and mineral resource extraction activities that are compatible with adjacent development.</p>	
<p>Policy ER5-1: Habitat Conservation Areas. We support the protection of biological resources through the establishment, restoration and conservation of high quality habitat areas.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy ER5-2: Entitlement and Permitting Process. We comply with state and federal regulations regarding protected species.</p>	<p><i>Consistent.</i> The project will comply with all mitigation measures identified in the project EIR with regard to biological resources.</p>
<p>Policy ER5-3: Right to Farm. We support the right of existing farms to continue their operations within the Ontario Ranch.</p>	<p><i>Consistent.</i> The Specific Plan supports the right of existing farms to continue their operations within the Ontario Ranch.</p>
<p>Policy ER5-4: Transition of Farms. We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.</p>	<p><i>Consistent.</i> The Specific Plan supports the right of existing farms to continue their operations in addition to transitioning their properties to other uses within the Ontario Ranch</p>
<p>Policy ER5-5: Mining Operations. We prohibit future mining operations where the resource extraction activities are incompatible with existing or proposed adjacent land uses.</p>	<p><i>Not Applicable.</i></p>

Safety (S) Element

Goal S1:

Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

<p>Policy S1-1: Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy S1-2: Entitlement and Permitting Process. We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy S1-3: Continual Update of Technical Information. We maintain up-to-date California Geological Survey seismic hazard maps.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S1-4: Seismically Vulnerable Structures. We conform to state law regarding unreinforced masonry structures.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Goal S2: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.</p>	
<p>Policy S2-1: Entitlement and Permitting Process. We follow State guidelines and building code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy S2-2: Flood Insurance. We will limit development in flood plains and participate in the National Flood Insurance Program.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S2-3: Facilities that Use Hazardous Materials. We comply with state and federal law and do not permit facilities using, storing, or otherwise involved with substantial quantities of onsite hazardous materials to be located in the 100 year flood zone unless all standards of elevation, flood proofing and storage have been implemented to the satisfaction of the Building Department.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>
<p>Policy S2-4: Prohibited Land Uses. We prohibit the development of new essential and critical facilities in the 100-year floodplain.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S2-5: Storm Drain System. We maintain and improve the storm drain system to minimize flooding.</p>	<p><i>Consistent.</i> The project shall improve the storm drain system as planned by the City of Ontario.</p>
<p>Policy S2-6: Use of Flood Control Facilities. We encourage joint use of flood control facilities as open space or other types of recreational facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S3: Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.</p>	
<p>Policy S3-1: Prevention Services. We proactively mitigate or reduce the negative effects of fire, hazardous materials release, and structural collapse by implementing the adopted Fire Code.</p>	<p><i>Consistent.</i> All development within the Specific Plan will be required to comply with the State of California Building Code as adopted and implemented by the City.</p>

Plan Policy	Specific Plan Consistency
<p>Policy S3-2: Community Outreach. We provide education to local schools and community groups to promote personal and public safety.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-3: Fire and Emergency Medical Services. We maintain sufficient fire stations, equipment and staffing to respond effectively to emergencies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-4: Special Team Services. We maintain effective special rescue services.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-5: Emergency Communication Services. We maintain a 9-1-1 emergency communication and dispatch center.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-6: Interagency Cooperation. In order to back up and supplement our capabilities to respond to emergencies, we participate in the California Fire Rescue and Mutual Aid Plan.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-7: Water Supply and System Redundancy. We monitor our water system to manage firefighting water supplies.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S3-8: Fire Prevention through Environmental Design. We require new development to incorporate fire prevention consideration in the design of streetscapes, sites, open spaces and buildings.</p>	<p><i>Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Fire Department which may require the development to incorporate fire prevention design elements in streetscapes, sites, open spaces and buildings.</i></p>
<p>Policy S3-9: Resource Allocation. We analyze fire data to evaluate the effectiveness of our fire prevention and reduction strategies and allocate resources accordingly.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.</p>	
<p>Policy S4-1: Noise Mitigation. We utilize the City's Noise Ordinance, building codes and subdivision and development codes to mitigate noise impacts.</p>	<p><i>Consistent. The Specific Plan shall comply with the City's Noise Ordinance and building codes in order to mitigate noise impacts.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S4-2: Coordination with Transportation Authorities. We collaborate with airport owners, FAA, Caltrans, SANBAG, SCAG, neighboring jurisdictions, and other transportation providers in the preparation and maintenance of, and updates to transportation-related plans to minimize noise impacts and provide appropriate mitigation measures.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-3: Airport Noise Mitigation. We aggressively pursue funding and utilize programs to reduce effects of aircraft noise in impacted areas of our community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-4: Truck Traffic. We manage truck traffic to minimize noise impacts on sensitive land uses.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-5: Roadway Design. We design streets and highways to minimize noise impacts.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S5: Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.</p>	
<p>Policy S5-1: Backup Power in Critical Facilities. We require backup power be maintained in critical facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S5-2: Dust Control Measures. We require the implementation of Best Management Practices for dust control at all excavation and grading projects.</p>	<p><i>Consistent. Construction within the Specific Plan will comply with a City approved construction management plan and all mitigation measures identified in the project EIR with regard to dust control.</i></p>
<p>Policy S5-3: Grading in High Winds. We prohibit excavation and grading during strong wind conditions, as defined by the Building Code.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S6: Reduced potential for hazardous materials exposure and contamination.</p>	
<p>Policy S6-1: Disclosure and Notification. We enforce disclosure laws that require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use or transport.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S6-2: Response to Hazardous Materials Releases. We respond to hazardous materials incidents and coordinate these services with other jurisdictions.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-3: Safer Alternatives. We minimize our use of hazardous materials by choosing non-toxic alternatives that do not pose a threat to the environment.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-4: Safe Storage and Maintenance Practices. We require that the users of hazardous materials be adequately prepared to prevent and mitigate hazardous materials releases.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-5: Location of Hazardous Material Facilities. We regulate facilities that will be involved in the production, use, storage or disposal of hazardous materials, pursuant to federal, state, county, and local regulations, so that impacts to the environment and sensitive land uses are mitigated.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-6: Location of Sensitive Land Uses. We prohibit new sensitive land uses from locating within airport Safety Zones and near existing sites that use, store, or generate large quantities of hazardous materials.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-7: Household Hazardous Waste. We support the proper disposal of household hazardous substances.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S6-8: Mitigation and Remediation of Groundwater Contamination. We actively participate in local and regional efforts directed at both mitigating environmental exposure to contaminated groundwater and taking action to clean up contaminated groundwater once exposure occurs.</p>	<p><i>Consistent. The project will comply with all mitigation measures identified as part of the project EIR for groundwater remediation and if necessary, proper action to clean up contaminated groundwater within the project.</i></p>
<p>Policy S6-9: Remediation of Methane. We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.</p>	<p><i>Consistent. The project will comply with all mitigation measures identified as part of the project EIR for soil remediation and if necessary, proper venting to address the potential existence of methane gases within the project.</i></p>
<p>Goal S7: Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement and a system of continuous monitoring.</p>	
<p>Policy S7-1: Police Unit Response. We respond to calls for service in a timely manner.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S7-2: Community Oriented Problem Solving (C.O.P.S.). We support and maintain the mission of COPS to identify and resolve community problems.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-3: Prevention Services. We provide crime prevention programs targeted to youth, parents, seniors, businesses, and neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-4: Crime Prevention through Environmental Design (CPTED). We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.</p>	<p><i>Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Police Department which may require the development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.</i></p>
<p>Policy S7-5: Interdepartmental Coordination. We utilize all City departments to help reduce crime and promote public safety.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-6: Partnerships. We partner with other local, state and federal law enforcement agencies and private security providers to enhance law enforcement service to Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S7-7: Resource Allocation. We analyze crime data to evaluate the effectiveness of crime prevention and reduction strategies and allocate resources accordingly.</p>	<p><i>Not Applicable.</i></p>
<p>Goal S8: Disaster resilient, prepared community through effective emergency/disaster preparedness, response, mitigation and recovery.</p>	
<p>Policy S8-1: State and Federal Mandates. We maintain emergency management programs that meet the requirements of the State of California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS).</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-2: Emergency Management Plans. We maintain, update and adopt the Emergency Operations Plan (EOP) and the Hazard Mitigation Plan (HMP).</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-3: Emergency/Disaster Training Exercises. We conduct training and exercises to prepare for and evaluate emergency/disaster response and recovery procedures.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy S8-4: Interagency Collaboration. We partner with public and private organizations, such as participation in the California Master Mutual Aid Agreement, in order to enhance and compliment our planning and response capabilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-5: Interdepartmental Coordination. We utilize all City departments to help support emergency/disaster preparedness, response, mitigation and recovery.</p>	<p><i>Not Applicable.</i></p>
<p>Policy S8-6: Community Outreach. We provide education to the community to promote personal, family and community emergency preparedness.</p>	<p><i>Not Applicable.</i></p>

Community Economics (CE) Element

Goal CE1:

A complete community that provides for all incomes and stages of life.

<p>Policy CE1-1: Jobs-Housing Balance. We pursue improvement to the Inland Empire’s balance between jobs and housing by promoting job growth that reduces the regional economy’s reliance on out-commuting.</p>	<p><i>Consistent. The industrial uses planned for on the Colony Commerce Center East will have the ability to generate jobs for City of Ontario residents.</i></p>
<p>Policy CE1-2: Jobs and Workforce Skills. We use our economic development resources to: 1) attract jobs suited for the skills and education of current and future City residents; 2) work with regional partners to provide opportunities for the labor force to improve its skills and education; and 3) attract businesses that increase Ontario’s stake and participation in growing sectors of the regional and global economy.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-3: Regional Approach to Workforce Development. We work with our partners to provide workforce training and development services throughout the region recognizing that Ontario employers rely on workers living outside of the City.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CE1-4: Business Retention and Expansion. We continuously improve two-way communication with the Ontario business community and emphasize customer service to existing businesses as part of our competitive advantage.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-5: Business Attraction. We proactively attract new and expanding businesses to Ontario in order to increase the City’s share of growing sectors of the regional and global economy.</p>	<p><i>Consistent. The Colony Commerce Center East allows for the development of regionally serving employment centers accommodating a variety of jobs that can meet short- and long-term market demands. The project is also consistent with regional planning goals such as SCAG’s Goods Movement Corridor with consideration to strategies that facilitate goods movement through the area.</i></p>
<p>Policy CE1-6: Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-7: Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-8: Regional Attraction. We encourage the development and programming of regional, cultural, and entertainment destinations in Ontario.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-9: Regional Leadership. We provide leadership for public, quasi-public, and private-sector partners that help Ontario and its residents and businesses realize our goals and achieve our Vision.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-10: Life-Long Education. We work with our partners who provide life-long learning to ensure that our residents and workforce have access to education at all stages of life.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-11: Socioeconomic Trends. We continuously monitor, plan for, and respond to changing socioeconomic trends.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CE1-12: Circulation. We continuously plan and improve public transit and non-vehicular circulation for the mobility of all, including those with limited or no access to private automobiles.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE1-13: Safety and Security. We invest in public safety and communicate our successes because the perception and reality of safety and security are necessary prerequisites for private investment and economic growth.</p>	<p><i>Not Applicable.</i></p>
<p>Goal CE2: A City of distinctive neighborhoods, districts, and corridors, where people choose to be.</p>	
<p>Policy CE2-1: Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.</p>	<p><i>Consistent. The Specific Plan includes design guidelines that will encourage a quality development that adds value to the surrounding area.</i></p>
<p>Policy CE2-2: Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.</p>	<p><i>Consistent. The Specific Plan requires all new development to be reviewed and approved pursuant to the provisions of the City's Subdivision Ordinance and Development Plan Review process which provides for review by the City's Planning Department which may require the development to demonstrate how the project will create appropriately unique, functional and sustainable places.</i></p>
<p>Policy CE2-3: Interim Development. We require interim development that does not reflect the long-term Vision, be limited in scale of development so that the investment can be sufficiently amortized to make Vision-compatible redevelopment financially feasible.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE2-4: Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.</p>	<p><i>Not Applicable.</i></p>
<p>Policy CE2-5: Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.</p>	<p><i>Consistent. The Specific Plan includes a Maintenance Responsibility Matrix defining the private responsibilities for maintenance of private roadways, parkways, trails, common areas, parks, yards, walls, and monuments within the project.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy CE2-6: Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.</p>	<p><i>Consistent.</i> The Specific Plan includes a Maintenance Responsibility Matrix defining the responsible public entities, including special districts, for maintenance of roadways, sidewalks, traffic signals, off site and on site public water, sewer, and storm drain infrastructure facilities.</p>

Housing (H) Element

Goal H1:
Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.

<p>Policy H1-1: Housing Rehabilitation. We support the rehabilitation, maintenance, and improvement of single-family, multiple-family, and mobile homes through code compliance, removal of blight where necessary, and provision of rehabilitation assistance where feasible.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-2: Neighborhood Conditions. We direct efforts to improve the long-term sustainability of neighborhoods through comprehensive planning, provision of neighborhood amenities, rehabilitation and maintenance of housing, and community building efforts.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-3: Community Amenities. We shall provide adequate public services, infrastructure, open space, parking and traffic management, pedestrian, bicycle and equestrian routes and public safety for neighborhoods consistent with City master plans and neighborhood plans.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-4: Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot configurations, and other reminders of Ontario’s past that are considered to be local historical or cultural resources.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H1-5: Neighborhood Identity. We strengthen neighborhood identity through creating parks and recreational outlets, sponsoring neighborhood events and encouraging resident participation in the planning and improvement of their neighborhoods.</p>	<p><i>Not Applicable.</i></p>

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

Plan Policy	Specific Plan Consistency
<p>Policy H2-1: Corridor Housing. We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally and aesthetically suited to corridors.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-2: Historic Downtown. We foster a vibrant historic downtown through facilitating a wide range of housing types and affordability levels for households of all ages, housing preferences, and income levels.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-3: Ontario Airport Metro Center. We foster a vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-4: Ontario Ranch. We support a premier lifestyle community in the Ontario Ranch distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-5: Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H2-6: Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.</p>	<p><i>Not Applicable.</i></p>
<p>Goal H3:</p>	
<p>A City regulatory environment that balances the need for creativity and excellence in residential design, flexibility and predictability in the project approval process, and the provision of an adequate supply and prices of housing.</p>	
<p>Policy H3-1: Incentives. We maintain incentive programs that can be offered to projects that provide benefits to the community such as exceptional design quality, economic advantages, environmental sustainability, or other benefits that would otherwise be unrealized.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H3-2: Flexible Standards. We allow flexibility in the application of residential and mixed-use development standards in order to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would otherwise be unrealized.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy H3-3: Development Review. We maintain a residential development review process that provides certainty and transparency for project stakeholders and the public, yet allows for the appropriate review to facilitate quality housing development.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H3-4: Financial Incentives. We consider financial incentives to facilitate and encourage the production, rehabilitation or improvement of housing, or provision of services where such activity furthers housing and community-wide goals.</p>	<p><i>Not Applicable.</i></p>
<p>Goal H4: Increased opportunities for low and moderate income households and families to afford and maintain quality ownership and rental housing opportunities, including move-up opportunities.</p>	
<p>Policy H4-1: Preservation of Affordable Apartments. We strive to facilitate the preservation of the affordability of publicly assisted apartments for lower income households through financial assistance, technical assistance, rehabilitation, and collaborative partnerships.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-2: Homeownership Opportunities. We increase and expand homeownership rates for lower and moderate income households by offering financial assistance, low-interest loans and educational resources, and by working in collaboration with partnerships.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-3: Rental Assistance. We support the provision of rental assistance for individuals and families earning extremely low, very low, and low income with funding from the state and federal government.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-4: Mixed-income Housing. We encourage the integration of affordable housing in the Ontario Ranch, Ontario Airport Metro Center Area, and existing neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-5: Collaborative Partnerships. We support collaborative partnerships of nonprofit organizations, affordable housing developers, major employers, and for-profit developers to produce affordable housing.</p>	<p><i>Not Applicable.</i></p>
<p>Policy H4-6: Fair Housing. We further fair housing by prohibiting discrimination in the housing market and providing education, support, and enforcement services to address discriminatory practices.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
Goal H5: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age or other status.	
Policy H5-1: Senior Housing. We support the development of accessible and affordable senior housing and provide financial assistance for seniors to maintain and improve their homes.	<i>Not Applicable.</i>
Policy H5-2: Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.	<i>Not Applicable.</i>
Policy H5-3: Disabled People. We increase the supply of permanent, affordable and accessible housing for people with disabilities, and provide assistance to allow them to maintain and improve their homes.	<i>Not Applicable.</i>
Policy H5-4: Homeless People. We partner with non-profit partners to provide emergency shelters, transitional housing, permanent supportive housing, and supportive services for people who are homeless.	<i>Not Applicable.</i>
Policy H5-5: Supportive Services. We financially support organizations, as feasible, that provide support services that meet the needs of those with special needs and further the greatest level of independence.	<i>Not Applicable.</i>
Policy H5-6: Partnerships. We collaborate with non-profit organizations, private developers, employers, government agencies and other interested parties to develop affordable housing and provide support services.	<i>Not Applicable.</i>

Parks & Rec (PR) Element	
Goal PR1: A system of safe and accessible parks that meets the needs of the community.	
Policy PR1-1: Access to Parks. We strive to provide a park and/or recreational facility within walking distance (¼ mile) of every residence.	<i>Not Applicable.</i>
Policy PR1-2: Adjacency to Schools. We examine locating parks adjacent to school sites to promote joint-use opportunities.	<i>Not Applicable.</i>

Plan Policy	Specific Plan Consistency
Policy PR1-3: Funding. We shall seek outside, one-time sources of funding for capital improvements and reserve ongoing City funds primarily for operations and maintenance.	<i>Not Applicable.</i>
Policy PR1-4: Joint-use Opportunities. In areas where there is a need but no City recreational facility, we explore joint-use opportunities. (e.g., school sites).	<i>Not Applicable.</i>
Policy PR1-5: Acreage Standard. We strive to provide 5 acres of parkland (public and private) per 1,000 residents.	<i>Not Applicable.</i>
Policy PR1-6: Private Parks. We expect development to provide a minimum of 2 acres of developed private park space per 1,000 residents.	<i>Not Applicable.</i>
Policy PR1-7: Special Needs/Universal Design. We attempt to provide recreational opportunities at parks for people of all ages and abilities.	<i>Not Applicable.</i>
Policy PR1-8: Renovation. We examine renovating existing facilities prior to building replacement facilities.	<i>Not Applicable.</i>
Policy PR1-9: Phased Development. We require parks be built in new communities before a significant proportion of residents move in.	<i>Not Applicable.</i>
Policy PR1-10: Master Plans for Individual Park Facilities. We require an individual park master plan for parks in excess of 10 acres.	<i>Not Applicable.</i>
Policy PR1-11: Environmental Function of Parks. We require new parks to meet environmental management objectives.	<i>Not Applicable.</i>
Policy PR1-12: Trails. We promote connections between parks and local trails including those managed by other public agencies.	<i>Not Applicable.</i>
Policy PR1-13: Equestrian Trails. We require the design, construction and maintenance of equestrian trails in Rural Residential designated areas.	<i>Not Applicable.</i>
Policy PR1-14: Multi-family Residential Developments. We require that new multi-family residential developments of five or more units provide recreational facilities or open space, in addition to paying adopted impact fees.	<i>Not Applicable.</i>
Policy PR1-15: Trail Connectivity. We strengthen and improve equestrian, bike and multipurpose trail connections within the City and work to improve trail connections into adjacent jurisdictions.	<i>Not Applicable.</i>

Plan Policy	Specific Plan Consistency
<p>Policy PR1-16: Equestrian Master Plan. We use Homer Briggs Park as the primary focal point for the development of a Master Plan of Equestrian Trails in the Rural Residential area.</p>	<p><i>Not Applicable.</i></p>
<p>Goal PR2: A range of recreational programs provided by public, private and non-profit organizations that meet the needs of the community's varied interests, age groups and abilities.</p>	
<p>Policy PR2-1: Participation. We program park facilities to maximize utilization and participation, while considering park size, location and population served.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-2: Needs Assessment. We track the needs and priorities for recreational programming and look for ways to meet demand.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-3: Community Involvement. We involve the local community in planning programs for neighborhood and community park facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-4: Access to Programs. We provide a range of program opportunities for residents of all income levels.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-5: Partnerships. We partner with local and regional agencies, non-profit organizations and the private sector to provide a comprehensive range of recreational programs.</p>	<p><i>Not Applicable.</i></p>
<p>Policy PR2-6: Crime Deterrents. We promote and participate in recreational programming as part of our crime prevention effort.</p>	<p><i>Not Applicable.</i></p>

Social Resources (SR) Element

<p>Goal SR1: A community where residents have access to information, services and goods that improve their health and well being.</p>	
<p>Policy SR1-1: Partnering for Healthcare. We work with healthcare providers, and local, regional, state and federal agencies to attract and retain a diversity of affordable, quality healthcare and facilities for the entire community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR1-2: Nutrition Choices. We support the promotion of healthy nutritional food choices in the community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR1-3: Health Education. We promote health education, including disease prevention, mental health, nutrition and physical fitness.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy SR1-4: Physical Activity. We encourage activities and community design that improve the physical fitness of our community members.</p>	<p><i>Not Applicable.</i></p>
<p>Goal SR2: A range of educational and training opportunities for residents and workers of all ages and abilities that improves their life choices and provides a skilled workforce for our businesses.</p>	
<p>Policy SR2-1: Educational Partners. We partner with educational institutions throughout the region in order to expand the range and quality of educational offerings available to the community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-2: Workforce Training. We will work with industrial organizations, businesses and educational institutions to create opportunities for workforce training.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-3: Joint Use of Facilities. We partner with public and private educational institutions to jointly use facilities for both City and educational purposes.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-4: Access to Schools. We work with local and regional partners to improve the safety in and around schools and to improve access for citizens of all ages and abilities to schools and community services, such as after school and other programs.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR2-5: School Facilities. We plan and coordinate with school districts for designing and locating school facilities to meet the City’s goals, such as for health, walkability, and safety and to minimize impacts to existing neighborhoods.</p>	<p><i>Not Applicable.</i></p>
<p>Goal SR3: A range of community and leisure programs and activities provided by public, private and non-profit organizations that meet the needs of the community’s varied interests, age groups and abilities.</p>	
<p>Policy SR3-1: Partnerships. We partner with local and regional agencies, non-profit organizations and the private sector to provide a comprehensive range of community activities and events to citizens.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR3-2: Needs Assessment. We track the needs and priorities for community services and look for ways to meet demands and avoid duplication of offerings.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR3-3: Program Outreach. We promote information about leisure activities, classes, special events and other services and activities to our community.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR3-4: Community Events. We plan and actively participate in regularly scheduled community events and seasonal or yearly citywide events.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy SR3-5: Community Activities as Crime Deterrents. We promote and participate in community activities as part of our crime prevention efforts.</p>	<p><i>Not Applicable.</i></p>
<p>Goal SR4: City libraries that connect community members of all ages and abilities to a broad range of programs, communication and informational resources.</p>	
<p>Policy SR4-1: Community Needs. We identify and monitor community needs for library services, technologies and facilities, and tailor them to effectively meet those needs.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-2: Interagency Coordination. We leverage relationships with outside agencies, educational institutions and neighboring jurisdictions to share library resources to the benefit of Ontario residents.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-3: Library Outreach. We outreach to the community to increase the patronage of the library.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-4: Coordination with Other Community Services. We coordinate library programs with other recreational and community programs and facilities.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-5: Focal Points of the Community. We design and program Ontario’s libraries as focal points for community engagement, including public outreach and community events.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR4-6: Robert E. Ellingwood Model Colony History Room. We work with the Museum of History and Art, Ontario in order to collect, preserve and display artifacts and images from Ontario’s heritage and connect the City’s past to the present through the History Room.</p>	<p><i>Not Applicable.</i></p>
<p>Goal SR5: Local heritage, entertainment and cultural experiences that enrich the lives of Ontario’s residents, workers, and visitors and serve to attract residents and businesses to the City.</p>	
<p>Policy SR5-1: Provision of Entertainment and Culture. We support a range of entertainment and cultural experiences such as public art, exhibitions and performances.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR5-2: Local Heritage Education. We partner with educational providers to promote culture and heritage.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR5-3: Public Art. We encourage public art in buildings, parks, open spaces and other public and private spaces.</p>	<p><i>Not Applicable.</i></p>

Plan Policy	Specific Plan Consistency
<p>Policy SR5-4: Private-Public Sector Events. We partner with private and nonprofit sectors to provide and promote participation in cultural activities including fairs, festivals and other events geared to neighborhoods, the City as a whole and the region.</p>	<p><i>Not Applicable.</i></p>
<p>Policy SR5-5: Promotion of Ontario Artists and Musicians. We promote awareness of entertainment and culture produced in Ontario.</p>	<p><i>Not Applicable.</i></p>

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B1

APPENDIX GREENHOUSE GAS EMISSIONS

B1.1 CEQA Thresholds and Screening Tables

The Ontario Climate Action Plan (CAP) includes reducing 39,769 Metric Tons of Carbon Dioxide Equivalents per year from new development by 2020 as compared to the 2020 unmitigated conditions. This requires new development to be 25% more efficient. Reductions related to transportation, water, solid waste, energy, and renewable energy sources all play a part in gaining this level of efficiency within new development.

The purpose of this Screening Table is to provide preliminary guidance for the Colony Commerce Center East Specific Plan in measuring the reduction of greenhouse gas emissions. The actual design features, choices, and construction measures to be incorporated into the development projects will be presented during the Development Plan submittal process to the City.

The Screening Table assigns points for each option incorporated into a project as mitigation or a project design feature (collectively referred to as “feature”). The point values correspond to the minimum emissions reduction expected from each feature. The menu of features allows maximum flexibility and options for how development within the Colony Commerce Center East Specific Plan can implement the GHG reduction measures.

The point levels are based upon improvements compared to 2008 emission levels of efficiency. Projects within the Specific

Plan that garner at least 100 points will be consistent with the reduction quantities anticipated in the City’s CAP.

As such, those projects that garner a total of 100 points or greater would not require quantification of project specific GHG emissions. Consistent with CEQA Guidelines, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

CEQA THRESHOLDS AND SCREENING TABLES

Table 2: Screening Table for Implementation of GHG Reduction Measures for Commercial/Industrial Development

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS E3: Commercial/Industrial Energy Efficiency Development			
Building Envelope			
Insulation	2008 baseline (walls R-13; roof/attic R-30)	0 points	15
	Modestly Enhanced Insulation (walls R-13, roof/attic R-38))	15 points	
	Enhanced Insulation (rigid wall insulation R-13, roof/attic R-38)	18 points	
	Greatly Enhanced Insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	20 points	
Windows	2008 Baseline Windows (0.57 U-factor, 0.4 solar heat gain coefficient [SHGC])	0 points	8
	Modestly Enhanced Window Insulation (0.4 U-factor, 0.32 SHGC)	7 points	
	Enhanced Window Insulation (0.32 U-factor, 0.25 SHGC)	8 points	
	Greatly Enhanced Window Insulation (0.28 or less U-factor, 0.22 or less SHGC) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	12 points	
Cool Roof	Modest Cool Roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance)	12 points	12
	Enhanced Cool Roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance)	14 points	
	Greatly Enhanced Cool Roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance)	16 points	
Air Infiltration	Minimizing leaks in the building envelope is as important as the insulation properties of the building. Insulation does not work effectively if there is excess air leakage.		-
	Air barrier applied to exterior walls, caulking, and visual inspection such as the HERS Verified Quality Insulation Installation (QII or equivalent)	12 points	
	Blower Door HERS Verified Envelope Leakage or equivalent <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	10 points	
Thermal Storage of Building	Thermal storage is a design characteristic that helps keep a constant temperature in the building. Common thermal storage devices include strategically placed water filled columns, water storage tanks, and thick masonry walls.		

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	Modest Thermal Mass (10% of floor or 10% of walls 12” or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	4 points	
	Enhanced Thermal Mass (20% of floor or 20% of walls 12” or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	6 points	-
	Enhanced Thermal Mass (80% of floor or 80% of walls 12” or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	24 points	
Indoor Space Efficiencies			
Heating/ Cooling Distribution System	Minimum Duct Insulation (R-4.2 required)	0 points	14
	Modest Duct insulation (R-6)	8 points	
	Enhanced Duct Insulation (R-8)	10 points	
	Distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	14 points	
Space Heating/ Cooling Equipment	2008 Minimum HVAC Efficiency (EER 13/60% AFUE or 7.7 HSPF)	0 points	-
	Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF)	7 points	
	High Efficiency HVAC (EER 15/72% AFUE or 8.5 HSPF)	8 points	
	Very High Efficiency HVAC (EER 16/80% AFUE or 9 HSPF) <i>(Applies to the conditioned space, defined as those areas within the building that have air conditioning and heating.)</i>	12 points	
Commercial Heat Recovery Systems	Heat recovery strategies employed with commercial laundry, cooking equipment, and other commercial heat sources for reuse in HVAC air intake or other appropriate heat recovery technology. Point values for these types of systems will be determined based upon design and engineering data documenting the energy savings.	TBD	-
Water Heaters	2008 Minimum Efficiency (0.57 Energy Factor)	0 points	-
	Improved Efficiency Water Heater (0.675 Energy Factor)	14 points	
	High Efficiency Water Heater (0.72 Energy Factor)	16 points	
	Very High Efficiency Water Heater (0.92 Energy Factor)	19 points	
	Solar Pre-heat System (0.2 Net Solar Fraction)	4 points	
	Enhanced Solar Pre-heat System (0.35 Net Solar Fraction)	8 points	
Daylighting	Daylighting is the ability of each room within the building to provide outside light during the day reducing the need for artificial lighting during daylight hours.		

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	All peripheral rooms within building have at least one window or skylight	1 points	7
	All rooms within building have daylight (through use of windows, solar tubes, skylights, etc.)	5 points	
	All rooms daylighted	7 points	
Artificial Lighting	2008 Minimum (required)	0 points	9
	Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40watt)	9 points	
	High Efficiency Lights (50% of in-unit fixtures are high efficacy)	12 points	
	Very High Efficiency Lights (100% of in-unit fixtures are high efficacy)	14 points	
Appliances	Energy Star Commercial Refrigerator (new)	4 points	8
	Energy Star Commercial Dish Washer (new)	4 points	
	Energy Star Commercial Cloths Washing	4 points	
Miscellaneous Commercial/Industrial Building Efficiencies			
Building Placement	North/South alignment of building or other building placement such that the orientation of the buildings optimizes conditions for natural heating, cooling, and lighting.	6 point	6
Shading	At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on June 21st.	6 Points	-
Other	This allows innovation by the applicant to provide design features that increases the energy efficiency of the project not provided in the table. Note that engineering data will be required documenting the energy efficiency of innovative designs and point values given based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.	TBD	-
Existing Commercial building Retrofits	The applicant may wish to provide energy efficiency retrofit projects to existing commercial buildings to further the point value of their project. Retrofitting existing commercial buildings within the City is a key reduction measure that is needed to reach the reduction goal. The potential for an applicant to take advantage of this program will be decided on a case by case basis and must have the approval of the Ontario Planning Department. The decision to allow applicants the ability to participate in this program will be evaluated based upon, but not limited to the following:	TBD	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	<p>Will the energy efficiency retrofit project benefit low income or disadvantaged communities?</p> <p>Does the energy efficiency retrofit project fit within the overall assumptions in the reduction measure associated with commercial building energy efficiency retrofits?</p> <p>Does the energy efficiency retrofit project provide co-benefits important to the City?</p> <p>Point value will be determined based upon engineering and design criteria of the energy efficiency retrofit project.</p>		
Reduction Measure PS E4: Commercial/Industrial Renewable Energy			
Photovoltaic	<p>Solar Photovoltaic panels installed on commercial buildings or in collective arrangements within a commercial development such that the total power provided augments:</p> <p>Solar Ready Roofs (sturdy roof and electric hookups)</p> <p>10 percent of the power needs of the project</p> <p>20 percent of the power needs of the project</p> <p>30 percent of the power needs of the project</p> <p>40 percent of the power needs of the project</p> <p>50 percent of the power needs of the project</p> <p>60 percent of the power needs of the project</p> <p>70 percent of the power needs of the project</p> <p>80 percent of the power needs of the project</p> <p>90 percent of the power needs of the project</p> <p>100 percent of the power needs of the project</p>	<p>2 points</p> <p>8 points</p> <p>14 points</p> <p>20 points</p> <p>26 points</p> <p>32 points</p> <p>38 points</p> <p>44 points</p> <p>50 points</p> <p>56 points</p> <p>60 points</p>	-
Wind turbines	<p>Some areas of the City lend themselves to wind turbine applications. Analysis of the areas capability to support wind turbines should be evaluated prior to choosing this feature.</p> <p>Wind turbines as part of the commercial development such that the total power provided augments:</p> <p>10 percent of the power needs of the project</p> <p>20 percent of the power needs of the project</p> <p>30 percent of the power needs of the project</p> <p>40 percent of the power needs of the project</p> <p>50 percent of the power needs of the project</p> <p>60 percent of the power needs of the project</p> <p>70 percent of the power needs of the project</p>	<p>8 points</p> <p>14 points</p> <p>20 points</p> <p>26 points</p> <p>32 points</p> <p>38 points</p> <p>44 points</p>	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
	80 percent of the power needs of the project	50 points	
	90 percent of the power needs of the project	56 points	
	100 percent of the power needs of the project	60 points	
Off-site renewable energy project	The applicant may submit a proposal to supply an off-site renewable energy project such as renewable energy retrofits of existing commercial/industrial that will help implement reduction measures associated with existing buildings. These off-site renewable energy retrofit project proposals will be determined on a case by case basis accompanied by a detailed plan documenting the quantity of renewable energy the proposal will generate. Point values will be based upon the energy generated by the proposal.	TBD	-
Other Renewable Energy Generation	The applicant may have innovative designs or unique site circumstances (such as geothermal) that allow the project to generate electricity from renewable energy not provided in the table. The ability to supply other renewable energy and the point values allowed will be decided based upon engineering data documenting the ability to generate electricity.	TBD	-
Reduction Measure PS W2: Commercial/Industrial Water Conservation			
Irrigation and Landscaping			
Water Efficient Landscaping	Eliminate conventional turf from landscaping Only moderate water using plants Only low water using plants Only California Native landscape that requires no or only supplemental irrigation	0 points 3 points 4 points 8 points	4
Trees	Increase tree planting in parking areas 50% beyond City Code requirements	TBD	-
Water Efficient irrigation systems	Low precipitation spray heads < .75"/hr or drip irrigation Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use)	1 point 5 points	1
Recycled Water	Recycled water connection (purple pipe) to irrigation system on site	5 points	5
Storm water Reuse Systems	Innovative on-site stormwater collection, filtration and reuse systems are being developed that provide supplemental irrigation water and provide vector control. These systems can greatly reduce the irrigation needs of a project. Point values for these types of systems will be determined based upon design and engineering data documenting the water savings.	TBD	-

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
Potable Water			
Showers	Water Efficient Showerheads (2.0 gpm)	3 points	-
Toilets	Water Efficient Toilets/Urinals (1.5gpm)	3 points	-
	Waterless Urinals (note that commercial buildings having both waterless urinals and high efficiency toilets will have a combined point value of 6 points)	4 points	
Faucets	Water Efficient faucets (1.28gpm)	3 points	-
Commercial Dishwashers	Water Efficient dishwashers (20% water savings)	4 points	4
Commercial Laundry Washers	Water Efficient laundry (15% water savings)	3 points	-
	High Efficiency laundry Equipment that captures and reuses rinse water (30% water savings)	6 points	
Commercial Water Operations Program	Establish an operational program to reduce water loss from pools, water features, etc., by covering pools, adjusting fountain operational hours, and using water treatment to reduce draw down and replacement of water. Point values for these types of plans will be determined based upon design and engineering data documenting the water savings.	TBD	-
Reduction Measure PS T1: Land Use Based Trips and VMT Reduction			
Mixed Use	Mixes of land uses that complement one another in a way that reduces the need for vehicle trips can greatly reduce GHG emissions. The point value of mixed use projects will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	-
Local Retail Near Residential (Commercial only Projects)	Having residential developments within walking and biking distance of local retail helps to reduce vehicle trips and/or vehicle miles traveled. The point value of residential projects in close proximity to local retail will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	-
Reduction Measure PS T2: Bicycle Master Plan			
Bicycle Infrastructure	Ontario’s Bicycle Master Plan is extensive and describes the construction on 11.5 miles of Class I bike paths and 23 miles of Class II and Class III bikeways to build upon the current 8 miles of bikeways.	TBD	-
	Provide bicycle paths within project boundaries.	TBD	
	Provide bicycle path linkages between project site and other land uses.	2 points	
	Provide bicycle path linkages between project site and transit.	5 points	

CEQA THRESHOLDS AND SCREENING TABLES

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS T3: Electric Vehicle Infrastructure			
Electric Vehicles	Provide public charging station for use by an electric vehicle. <i>(ten points for each charging station within the facility)</i>	10 points	10
Reduction Measure PS T4: Employee Based Trip &VMT Reduction Policy			
Compressed Work Week	Reduce the number of days per week that employees need to be on site will reduce the number of vehicle trips associated with commercial/industrial development. Compressed work week such that full time employees are on site: 5 days per week 4 days per week on site 3 days per week on site	TBD	-
Car/Vanpools	Car/vanpool program Car/vanpool program with preferred parking Car/vanpool with guaranteed ride home program Subsidized employee incentive car/vanpool program Combination of all the above	TBD	-
Employee Bicycle/ Pedestrian Programs	Complete sidewalk to residential within ½ mile Complete bike path to residential within 3 miles Bike lockers and secure racks Showers and changing facilities Subsidized employee walk/bike program (Note combine all applicable points for total value)	TBD	-
Shuttle/Transit Programs	Local transit within ¼ mile Light rail transit within ½ mile Shuttle service to light rail transit station Guaranteed ride home program Subsidized Transit passes Note combine all applicable points for total value	TBD	-
CRT	Employer based Commute Trip Reduction (CRT). CRTs apply to commercial, offices, or industrial projects that include a reduction of vehicle trip or VMT goal using a variety of employee commutes trip reduction methods. The point value will be determined based upon a TIA that demonstrates the trip/VMT reductions. Suggested point ranges: Incentive based CRT Programs (1-8 points) Mandatory CRT programs (5-20 points)	TBD	-
Other Trip Reductions	Other trip or VMT reduction measures not listed above with TIA and/or other traffic data supporting the trip and/or VMT for the project.	TBD	-
Total Points from Commercial/Industrial Project:			103

Colony Commerce Center East Specific Plan

Screencheck #4 | February 2018



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

*Planning Department
Land Development Division
Conditions of Approval*

Meeting Date: March 27, 2018

File No: PSP16-003

Related Files: PWIL18-002

Project Description: A Specific Plan (Colony Commerce Center East) request (File No. PSP16-003) to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 94 acres of land, which includes the potential development of 2,362,215 square feet of industrial and business park development and a petition to cancel William Act Contract 70-159. The project site is bounded by Archibald Avenue to the east, the San Bernardino/Riverside County boundary to the south, the Cucamonga Creek Flood Control Channel to the west and Merrill Avenue to the north. (APNs: 218-311-02, 218-311-03, 218-311-07, 218-311-08, 218-311-10 & 218-311-13); **submitted by Cap Rock Partners Land & Development Fund I, L.P.**

Prepared By: Luis E. Batres, Senior Planner
Phone: (909) 395-2431
Email: Lbatres@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2010. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Specific Plan/Specific Plan Amendment. The following shall be submitted to the Planning Department within 30 days following City Council approval of the Specific Plan/Specific Plan Amendment:

- (a) Ten (10) copies of the final Specific Plan document;
- (b) One complete, unbound copy of the final Specific Plan document;
- (c) One CD containing a complete Microsoft Word copy of the final Specific Plan document, including all required revisions;
- (d) Five CDs, each containing a complete PDF copy of the final Specific Plan document, including all required revisions; and

2.2 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.3 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PWIL18-002, A TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NUMBER 70-159 FOR 34.62 ACRES OF LAND GENERAL LOCATED ON THE WEST SIDE OF ARCHIBALD AVENUE, APPROXIMATELY 1,244 FEET SOUTH OF MERRILL AVENUE AT 15112 SOUTH ARCHIBALD AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE COLONY COMMERCE CENTER EAST SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-311-08.

WHEREAS, Caprock Partners ("Applicant") has filed an Application for the approval of the cancellation of Land Conservation Contract Number 70-159, File No. PWIL18-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 34.62 acres of land generally located on the west side of Archibald Avenue, approximately 1,244 feet south of Merrill Avenue at 15122 South Archibald Avenue within Planning Area 1 (Business Park) and Planning 2 (Industrial) of the Colony Commerce Center East Specific Plan, and is presently improved with agriculture uses; and

WHEREAS, the property to the north of the Project site is within Planning Area 1 (Business Park) and Planning 2 (Industrial) of the Colony Commerce Center East Specific Plan, and is presently improved with agriculture uses. The property to the east is within the Planning Area 7 (Single Family Residential) of the Subarea 29 Specific Plan, and is developed with single family homes. The property to the south is located within City of Eastvale, and developed with a dairy use. The property to the west is developed with the Cucamonga Creek Flood Control Channel; and

WHEREAS, the subject property was annexed into the City of Ontario on November 30, 1999; and

WHEREAS, the City of Ontario certified the *Ontario Sphere of Influence Final Environmental Impact Report* in January 7, 1998. The Final EIR evaluated the potential impacts to prime agricultural land and to agricultural productivity that would result from the full and complete build-out of the New Model Colony (NMC) pursuant the General Plan Amendment. The Final EIR concluded that the conversion of agricultural uses to urban uses within the NMC would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, the City, upon annexation, assumed responsibility for administration of the Land Conservation Contracts which existed in the annexed area; and

WHEREAS, the City Ontario certified the Environmental Impact Report for The Ontario Plan (TOP) on January 27, 2010. The adoption of TOP also included the approval of the Policy Plan (General Plan), which replaced the previous Ontario General Plan and New Model Colony General Plan Amendment. The Final TOP EIR concluded that the conversion of agricultural uses to urban uses within Ontario Ranch (NMC) would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved.

WHEREAS, The City's the Agricultural Overlay Zoning District, or a "right-to-farm" ordinance (Development Code Division 6.01, Section 6.01.035), allows existing agricultural uses within Ontario Ranch to continue for as long as the landowner desires; and

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

WHEREAS, the environmental impacts of this project were reviewed in conjunction with Colony Commerce Center East Specific Plan File No. PSP16-003, Environmental Impact Report (SCH#2017031048); and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), and an initial study has been prepared to determine possible environmental impacts; and

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

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

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing

procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) and supporting documentation. Based upon the facts and information contained in the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) and supporting documentation, the Planning Commission finds as follows:

(1) The Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) reflects the independent judgment of the Planning Commission; and

(4) All applicable mitigation measures adopted with the certification by the City Council of the Colony Commerce Center East Specific Plan Environmental Impact Report (SCH#2017031048) will become a condition of project approval.

SECTION 2: Concluding Facts and Reasons. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

a. ***The cancellation is for land on which a Notice of Non-Renewal has been served.*** Pursuant with Government Code § 51245 a Notice of Non-Renewal of Land Conservation Contract Number 70-159, was recorded on February 21, 2018, as Instrument No. 2018-0062274, Official Records, has been served.

b. ***Cancellation is not likely to result in the removal of adjacent lands from agricultural use.*** Cancellation of the Land Conservation Contract No. 70-159 is not likely to result in the removal of adjacent lands from agricultural uses. The properties adjacent to the contracted land are part of Colony Commerce Center East Specific Plan. The change in use in these parcels would be due to the development of the specific plan and not to the cancellation of land conservation contracts. Moreover, the policy decision to transition uses in the area from agriculture to urban was made when the City adopted TOP Policy Plan. The environmental consequences of that decision were analyzed in the Environmental Impact Report certified in conjunction with The Ontario Plan (TOP). Thus, the City's prior planning decision, and not the cancellation of the contracts associated with this project, would be the cause of any influence on the decision to remove land from agricultural use. Additionally, to ease the transition from agricultural to urban uses and to minimize conflicts between the two uses, the City has adopted an Agricultural Overlay District.

c. ***Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.*** The subject site is a part of Colony Commerce Center East Specific Plan and is planned in accordance with TOP Policy Plan depiction of Business Park (0.60 FAR) and Industrial (0.55 FAR).

d. ***Cancellation will not result in discontinuous patterns of urban development. The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development.*** The subject properties are part of Colony Commerce Center East Specific Plan. TOP Policy Plan includes requirements for subsequent approval by the City of a Specific Plan for development within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. Specific Plans are required to incorporate a development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. Also, existing and future residential tracts bound The Colony Commerce Center East Specific Plan to the north and east, within the Subarea 29 Specific Plan. Further, a Specific Plan (Colony Commerce Center West Specific Plan) has been approved immediately to the west of the project site (Separated from the project site by the Cucamonga Creek Flood Control Channel). To the south of the subject property is an active dairy, located within the City of Eastvale, with access from Archibald Avenue and separated from the subject site by the Bellegrave Flood Control Channel. Because all lands within the Ontario Ranch, between the project sites and existing urban areas, will be urbanized in the near future, cancellation of the

Williamson Act contracts associated with the Project would not result in leap-frog development.

e. ***There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.*** The contracted land lies within the boundaries of Colony Commerce Center East Specific Plan. The adjacent non-contracted land is part of Colony Commerce Center East Specific Plan and is scheduled for future development, therefore not available. Development of the subject site and adjacent non-contracted land through Colony Commerce Center East Specific Plan will eliminate “leap frog” development. The existing and future residential tracts, located within the Subarea 29 Specific Plan, bound The Colony Commerce Center East Specific Plan to the north and east, which contributes to a continuous pattern of development. Properties within adjacent Subarea 29 Specific Plan and Colony Commerce Center West Specific Plan (contracted and non-contracted) are currently being developed with residential uses and future industrial development, thus are not available for the alternative proposed use. Furthermore, since the subject site is within Colony Commerce Center East Specific Plan, once the adjacent parcels are developed it will provide for more contiguous patterns of urban development than development of proximate non-contracted land.

SECTION 3: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 and 2, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVES the herein described Application, subject to each and every condition set forth in the staff report, attached hereto as and incorporated herein by this reference.

SECTION 4: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March, 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore



PLANNING COMMISSION STAFF REPORT

March 27, 2018

SUBJECT: A Development Code Amendment, **File No. PDCA18-001**, to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit, and a Zone Change, **File No. PZC18-001**, from OH (High Intensity Office) to CR (Regional Commercial) on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue; (APN: 0210-551-01) **submitted by Carvana, LLC**. City Council action is required.

PROPERTY OWNER: Torrey Day-Click Irrevocable Trust & Ashley Day-Minnich Irrevocable Trust

RECOMMENDED ACTION: That the Planning Commission recommend the City Council adopt an Addendum to The Ontario Plan Environmental Impact Report and approve File Nos. PDCA18-001 and PZC18-001 pursuant to the facts and reasons contained in the staff report and attached resolutions.

PROJECT SETTING: As depicted in *Figure 1: Project Location* and *Figure 2: Vicinity Map*, below, the project site is a vacant 2.34-acre parcel of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, and lies within the OH (High Intensity Office) zoning district. Land uses surrounding the project site are characterized by a mix of vacant, commercial office, and accommodation land uses. More specifically, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. A hotel (Fairfield Inn) abuts project site to the east and is located within the Commercial-Hotel land use district of the Centrelake Specific Plan. Offices are located on property abutting the project site's south property line, which are located within the Office land use district of the Centrelake Specific Plan. The property abutting the

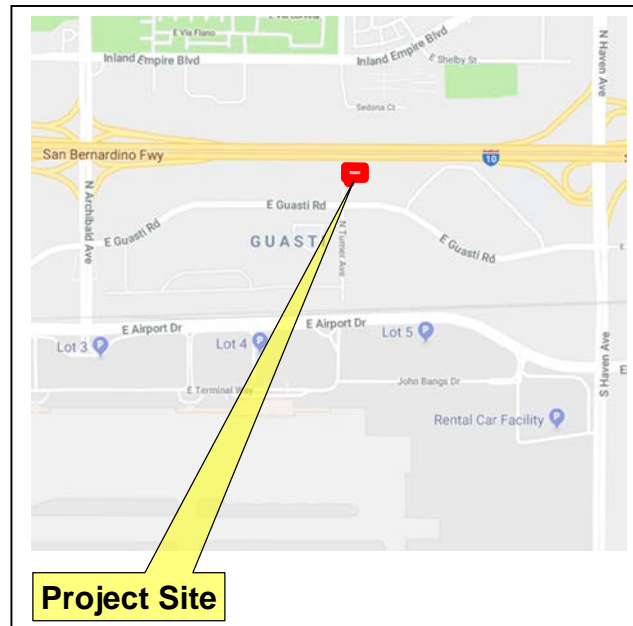


Figure 1: Project Location

Case Planner:	Charles Mercier	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	N/A		
Submittal Date:	1/10/2018	PC	3/27/2018		Recommend
Hearing Deadline:	N/A	CC	4/17/2018		Introduction
		CC	5/1/2018		Approval

project site to the west is unimproved and lies in the Office/Commercial land use district of the Guasti Plaza Specific Plan.



Figure 2: Vicinity Map

PROJECT ANALYSIS: Carvana, LLC (the “Applicant”) is requesting the approval of a Development Code Amendment (File No. PDCA18-001) to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit. Additionally, the Applicant is requesting approval of a Zone Change (File No. PZC18-001) on the 2.34-acre project site, from OH (High Intensity Office) to CR (Regional Commercial). These applications are intended to facilitate development of the project site with an automobile sales facility for Carvana, an on-line retailer of previously owned late model automobiles.

Conditional Use Permit (File No. PCUP18-001) and Development Plan (File No. PDEV18-003) applications have been submitted for the establishment and construction of the automobile sales facility. The Conditional Use Permit and Development Plan applications will require Planning Commission review and approval; however an approval would not be final and conclusive until the requested Development Code Amendment and Zone Change are approved by the City Council.

The proposed Development Code Amendment will revise Table 5.02-1 (The Land Use Matrix) to allow used vehicle automobile dealers in the CR zoning district, subject to the approval of a Conditional Use Permit. Additionally, Paragraph B.4 (CR (Regional Commercial – 0.4 Maximum FAR) Zoning District) of Development Code Section 5.01.005 (Establishment of Base Zoning Districts), which establishes the CR zoning district, and describes the purpose and general limitations of the district, would also be amended. The Paragraph currently provides as follows:

CR (Regional Commercial – 0.4 Maximum FAR) Zoning District. The CR zoning district is hereby established to accommodate commercial and entertainment centers which are larger in size than would otherwise be accommodated in the CC zoning district, developed at a maximum intensity of 0.4 FAR. The zoning district is intended for intense, regional-serving commercial and entertainment uses, and is generally located adjacent to, or in close proximity to, freeways and arterial roadways that accommodate regional traffic. Uses may be standalone or within a center generally 15 or more acres in size. The CR zoning district is consistent with and implements the General Commercial and land use designations of the Policy Plan component of The Ontario Plan.

The proposed Amendment will further provide that the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan component of The Ontario Plan, as the Policy Plan designates the project site “Office Commercial.” The Amendment also provides limitations under which properties in the Office Commercial land use designation may be zoned CR, requiring that (1) a property must have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (2) the use of the property would be restricted to automobile dealerships (new and used automobiles, light trucks and vans). These restrictions effectively limit the ability to enact the CR zoning district on Office Commercial Policy Plan-designated properties, to the project site. There are other properties within the Office Commercial land use designation, located on the north side of I-10, between Archibald and Haven Avenues, which could comply with the minimum freeway frontage and land use restrictions; however, they are within Specific Plan areas, which provides an additional layer of legislative oversight.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan

(General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU2: Compatibility between a wide range of uses.
 - LU2-1: Land Use Decisions. We minimize adverse impacts on adjacent properties when considering land use and zoning requests.
- Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.
 - LU4-1: Commitment to Vision. We are committed to achieving our Vision but realize that it may take time and several interim steps to get there.

- Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

- LU5-7: ALUCP Consistency with Land Use Regulations. We comply with state law that required general plans, specific plans and all new development by consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

Safety Element:

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

- S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

ENVIRONMENTAL REVIEW: The application 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. The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) adopted by City Council on January 27, 2010, in conjunction with File No. PGPA06-001. The Addendum was prepared pursuant to CEQA, the State CEQA Guidelines and The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" which provides for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts not previously analyzed in the Environmental Impact Report. All previously adopted mitigation measures are a condition of project approval and are incorporated herein by reference. The environmental documentation for this project is available for review at the Planning Department public counter.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Office Commercial	OH (High Intensity Office)	N/A
<i>North</i>	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	N/A
<i>South</i>	Office	Office Commercial	SP (Specific Plan)	Office (Centrelake Specific Plan)
<i>East</i>	Hotel	Office Commercial	SP (Specific Plan)	Commercial/Hotel (Centrelake Specific Plan)
<i>West</i>	Vacant	Guasti Mixed Use	SP (Specific Plan)	Office/Commercial (Guasti Plaza Specific Plan)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NOS. PDCA18-001 AND PZC18-001.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study, and approved for attachment to the certified Environmental Impact Report, an addendum to The Ontario Plan Environmental Impact Report for File Nos. PDCA18-001 and PZC18-001 (hereinafter referred to as "Initial Study/Environmental Impact Report Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File Nos. PDCA18-001 and PZC18-001 analyzed under the Initial Study/Environmental Impact Report Addendum, consists of a Development Code Amendment, File No. PDCA18-001, to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit, and a Zone Change, File No. PZC18-001, from OH (High Intensity Office) to CR (Regional Commercial), located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, in the City of Ontario, California (hereinafter referred to as the "Project"); and

WHEREAS, the Initial Study/Environmental Impact Report Addendum concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, The Ontario Plan Environmental Impact Report was certified on January 27, 2010, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the approving authority for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Planning Commission has reviewed and considered the Initial Study/Environmental Impact Report Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Environmental Impact Report Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, The Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report — State Clearinghouse No. 2008101140, certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGP06-001 (hereinafter referred to as “Certified EIR”).

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

SECTION 2: Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

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

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

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

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

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

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

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

SECTION 3: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 and 2, above, the Planning Commission hereby recommends the City Council finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby approve the Addendum to the Certified EIR, attached hereto as "Attachment A," and incorporated herein by this reference.

SECTION 4: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 5: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 6: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**Addendum to The Ontario Plan
Environmental Impact Report**

(Addendum to follow this page)

Attachment A—ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT

City of Ontario
Planning Department
303 East "B" Street
Ontario, California
Phone: (909) 395-2036
Fax: (909) 395-2420



California Environmental Quality Act Environmental Checklist Form

Project Title/File No.: PDCA18-001 and PZC18-001

Lead Agency: City of Ontario, 303 East "B" Street, Ontario, California 91764, (909) 395-2036

Contact Person: Charles Mercier, Senior Planner, (909) 395-2425

Project Sponsor: Carvana, LLC, 1930 West Rio Salado Parkway, Tempe, Arizona 85281

Project Location: The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 and 2, below, the project site is located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue.

Figure 1—REGIONAL LOCATION MAP

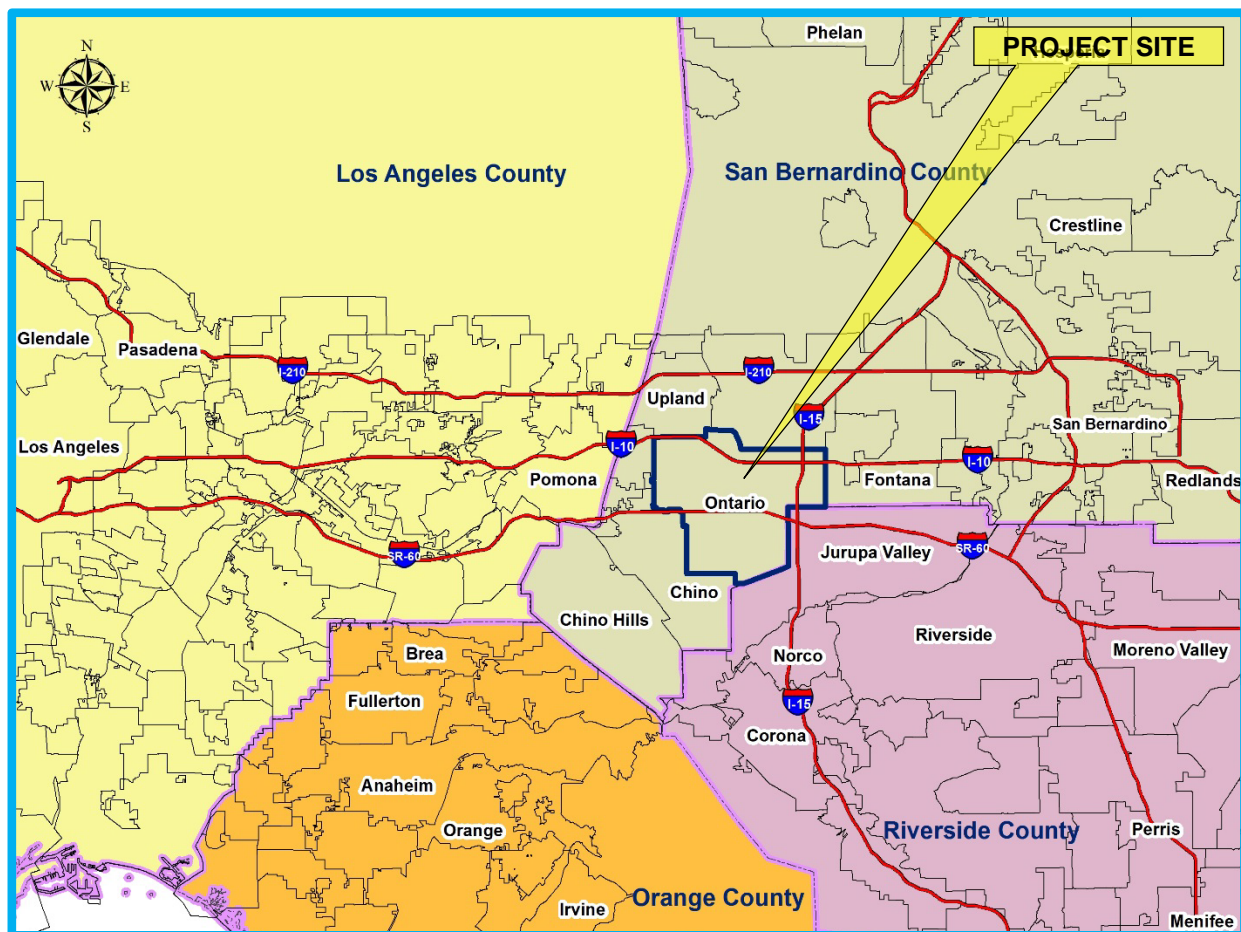


Figure 2—VICINITY MAP



General Plan Designation: Office Commercial

Zoning: OH (High Intensity Office)

Description of Project: A Development Code Amendment, File No. PDCA18-001, to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit, and a Zone Change, File No. PZC18-001, from OH (High Intensity Office) to CR (Regional Commercial).

Project Setting: The affected property is a vacant 2.34-acre parcel of land, which lies within the OH (High Intensity Office) zoning district. The property is relatively flat, with a gentle 1 to 2 percent slope toward the southwest corner of the site, and contains numerous mature trees around its perimeter, of varying size and species. Land uses surrounding the project site are characterized by a mix of vacant, commercial office, and accommodation land uses. More specifically, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. A hotel (Fairfield Inn) abuts project site to the east and is located within the Commercial-Hotel land use district of the Centrelake Specific Plan. Offices are located on property abutting the project site's south property line, which are located within the Office land use district of the Centrelake Specific Plan. The property abutting the project site to the west is unimproved and lies in the Office/Commercial land use district of the Guasti Plaza Specific Plan.

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Office Commercial	OH (High Intensity Office)	N/A
<i>North</i>	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	N/A
<i>South</i>	Office	Office Commercial	SP (Specific Plan)	Office (Centrelake Specific Plan)
<i>East</i>	Hotel	Office Commercial	SP (Specific Plan)	Commercial/Hotel (Centrelake Specific Plan)
<i>West</i>	Vacant	Guasti Mixed Use	SP (Specific Plan)	Office/Commercial (Guasti Plaza Specific Plan)

Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement): (Insert description)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | |
|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

March 19, 2018

Date

Charles H. Mercier, Senior Planner

Printed Name and Title

City of Ontario Planning Department

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1) AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9) HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10) LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11) MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12) NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e) For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13) POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14) PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15) RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16) TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17) UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
18) MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

EXPLANATION OF ISSUES

1) **AESTHETICS.** Would the project:

a) **Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The proposed project will not have a significant adverse effect aesthetically. As provided in TOP EIR, the City of Ontario's physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. TOP EIR provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel Mountains. The project under consideration proposes a Development Code Amendment and Zone Change. Subsequent development of the affected property is not anticipated to result in any alteration of existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east-west direction. I-15 traverses the northeastern portion of the City in a north-south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings or any scenic

resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: None required.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by commercial development and is surrounded by urban land uses. The proposed project would allow uses that closely correlate with land use designations in the surrounding area. Therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: The proposed project would not introduce new lighting to the surrounding area beyond what was anticipated in the Certified TOP FEIR. Therefore, no new adverse impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

2) **AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: The project site is not zoned for agricultural uses. The site is previously developed. The project will not create any new impacts to agricultural uses in the vicinity which were not identified in the Certified TOP FEIR. As a result, no new adverse environmental impacts are anticipated.

Mitigation: No new mitigation measures required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: The project site is not zoned for agricultural use. The project site is currently zoned OH (High Intensity Office) and the proposed zoning is CR (Regional Commercial). Subsequent development on the project site would be consistent with the development standards and allowed land uses of the proposed zone. Furthermore, there is no Williamson Act contract in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with existing or Williamson Act contracts.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The project would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. Therefore, no adverse impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: The project site is not designated as Farmland and there are no agricultural uses occurring onsite. As a result, to the extent that the project would result in changes to the existing environment, those changes would not result in loss of Farmland to non-agricultural use.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- 3) **AIR QUALITY**. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB). However, this impact has already been evaluated and mitigated to the extent feasible in TOP FEIR. TOP FEIR has addressed short-term construction impacts, however, and adequate mitigation (Mitigation Measure 3-1) has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in TOP FEIR would result from Project implementation. Changing the General Plan land use designations on various parcels will not generate significant new or greater air quality impacts than identified in TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Discussion of Effects: The project will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: The proposed project closely correlates to the land use designations of the surrounding area and will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce emissions and air quality impacts to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Expose sensitive receptors to substantial pollutant concentrations?**

Discussion of Effects: As discussed in Section 5.3 of TOP FEIR, the proposed project is within a non-attainment region of the SCAB. Essentially this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The project closely correlates to the land use designations of the surrounding area and will not generate significant new or greater air quality impacts than identified in TOP FEIR. Adequate mitigation (Mitigation Measure 3-1) has already been adopted by the City that would reduce air pollutants to a less-than-significant level. No new impacts beyond those identified in TOP FEIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) **Create objectionable odors affecting a substantial number of people?**

Discussion of Effects: Any new buildings and any future development resulting from the proposed project will be required to comply with the standards in place at the time of development. The Project will not create significant objectionable odors. Therefore the Project will not introduce new odors beyond those previously analyzed in TOP EIR

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

4) **BIOLOGICAL RESOURCES.** Would the project:

a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: The project site is not located within an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional

plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: No wetland habitat is present on site. Therefore, project implementation would have no impact on these resources.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: New development on the project site would be subject to TOP FEIR requirements for implementation of regulatory and standard conditions of approval to mitigate for impacts to species and project-specific CEQA review will be undertaken at the appropriate time. Policy ER5-1 encourages efforts to conserve flood control channels and transmission line corridors as wildlife movement corridors. Therefore, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: The City of Ontario does not have any ordinances protecting biological resources. Therefore the project does not conflict with existing plans. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

Discussion of Effects: The project site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

5) **CULTURAL RESOURCES.** Would the project:

a) **Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects: The project contains no buildings constructed more than 50 years ago and cannot be considered for eligibility for listing in the California Register of Historic Resources. In addition, Title 9, Chapter 1, Article 4, Section 9-1.0412 and 9-1.0413, and Article 26 of the City of Ontario Municipal Code protects sensitive historical resources of local interest. No new impacts beyond those identified in TOP FEIR would result from the Project.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Discussion of Effects: The Ontario Plan FEIR (Section 5.5) indicates no archeological sites or resources have been recorded in the City with the Archeological Information Center at San Bernardino County Museum. However, only about 10 percent of the City of Ontario has been adequately surveyed for prehistoric or historic archaeology. While no adverse impacts to archeological resources are anticipated, the City's Standard Conditions of Approval for New Development Projects, adopted by City Council Resolution No. 2017-027 on April 18, 2017 imposes conditions which provide that in the event of unanticipated archeological discoveries, construction activities will not continue or will moved to other parts of the project site and a qualified archaeologist shall be contacted to determine significance of these resources. If the find is discovered to be historical or unique archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines, avoidance or other appropriate measures shall be implemented.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: The City of Ontario is underlain by deposits of Quaternary and Upper-Pleistocene sediments deposited during the Pliocene and early Pleistocene time, Quaternary Older Alluvial sediments may contain significant, nonrenewable, paleontological resources and are, therefore, considered to have high sensitivity at depths of 10 feet or more below ground surface. In addition, the Ontario Plan FEIR (Section 5.5) indicates that one paleontological resource has been discovered in the City. However, the project proposes excavation depths to be less than 10 feet. While no adverse impacts are anticipated, standard conditions have been imposed on the project that in the event of unanticipated paleontological resources are identified during excavation, construction activities will not continue or will moved to other parts of the project site and a qualified paleontologist shall be contacted to determine significance of these resources. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Disturb any human remains, including those interred outside of formal cemeteries?**

Discussion of Effects: The project area has been previously disturbed by development and no known religious or sacred sites exist within the area. Thus, human remains are not expected to be encountered during any new construction activities on the project site; however, in the unlikely event that human remains are discovered, existing regulations, including the California Public

Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, the City's Standard Conditions of Approval for New Development Projects, adopted by City Council Resolution No. 2017-027 on April 18, 2017, imposes conditions which provide that in the event that unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) **Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074?**

Discussion of Effects: The proposed project is in an area that has been previously disturbed by development. No known Tribal Cultural Resources exist within the project area.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

6) **GEOLOGY & SOILS**. Would the project:

a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Ontario Plan FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All future development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility; therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

ii) **Strong seismic ground shaking?**

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). The Land Use Plan (Figure LU-6) of the Policy Plan (General Plan) FEIR (Section 5.7/Figure 5.7-2) identifies eight active or potentially active fault zones near the City. The closest fault zone is located more than ten miles from the project site. The proximity of the site to the active faults will result in ground shaking during moderate to severe seismic events. All future construction will be in compliance with the California Building Code, the Ontario Municipal Code, The Ontario Plan and all other ordinances adopted by the City related to construction and safety. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iii) **Seismic-related ground failure, including liquefaction?**

Discussion of Effects: As identified in the TOP FEIR (Section 5.7), groundwater saturation of sediments is required for earthquake induced liquefaction. In general, groundwater depths shallower than 10 feet to the surface can cause the highest liquefaction susceptibility. Depth to ground water at the project site during the winter months is estimated to be between 250 to 450 feet below ground surface; therefore, the liquefaction potential within the project area is minimal. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal code would reduce impacts to a less than significant level.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iv) **Landslides?**

Discussion of Effects: The project would not expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving landslides because the relatively flat topography of the project site (less than 2 percent slope across the City) makes the chance of landslides remote. Implementation of The Ontario Plan strategies, Uniform Building Code and Ontario Municipal Code would reduce impacts to a less than significant level.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Result in substantial soil erosion or the loss of topsoil?**

Discussion of Effects: The proposed project would not create greater erosion impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: The project would not create greater landslide potential impacts than were identified in the Certified TOP FEIR. Therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Discussion of Effects: The majority of Ontario, including the project site, is located on alluvial soil deposits. These types of soils are not considered to be expansive; therefore, no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not allowed; therefore, there will be no impact to septic tanks or alternate wastewater disposal systems.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

7) **GREENHOUSE GAS EMISSIONS.** Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: The impact of buildout of The Ontario Plan on the environment due to the emission of greenhouse gases ("GHGs") was analyzed in the Environmental Impact Report ("EIR") for the Policy Plan (General Plan). According to the EIR, this impact would be significant and unavoidable. (Re-circulated Portions of the Ontario Plan Draft Environmental Impact Report, p. 2-118.) This EIR was certified by the City on January 27, 2010, at which time a statement of overriding considerations was also adopted for The Ontario Plan's significant and unavoidable impacts, including that concerning the emission of greenhouse gases.

The project will not create greater impacts than were identified in the Certified TOP FEIR. Pursuant to Public Resources Code Section 21083.3, this impact need not be analyzed further, because (1) the proposed project would result in an impact that was previously analyzed in The Ontario Plan EIR, which was certified by the City; (2) the proposed project would not result in any greenhouse gas impacts that were not addressed in The Ontario Plan EIR; (3) the proposed project is consistent with The Ontario Plan.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary. The mitigation measures adopted as part of TOP FEIR adequately addresses any potential significant impacts and there is no need for any additional mitigation measures.

- b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: The project will not create significantly greater impacts than were identified in the Certified TOP FEIR. The proposed project is consistent with The Ontario Plan Goal ER 4 of improving air quality by, among other things, implementation of Policy ER4-3, regarding the reduction of greenhouse gas emissions in accordance with regional, state and federal regulations. In addition, the proposed project is consistent with the policies outlined in Section 5.6.4 of the Environmental Impact Report for The Ontario Plan, which aims to reduce the City's contribution of greenhouse gas emissions at build-out by 15 percent, because the project is upholding the applicable City's adopted mitigation measures as represented in 6-1 through 6-6. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

8) **HAZARDS & HAZARDOUS MATERIALS.** Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: The project is not anticipated to involve the transport, use or disposal of hazardous materials during project implementation; therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: The project is not anticipated to involve the use or disposal of hazardous materials during project implementation; therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less than significant impact.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: The proposed project does not include the use, emissions or handling of hazardous or acutely hazardous materials, substances or waste; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code Section 65962.5; therefore, the project would not create a hazard to the public or the environment, and no impact is anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project will be consistent with existing and proposed improvements and land uses in the surrounding area and is not located within an airport safety zone for Ontario International Airport or Chino Airport; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because future development would be required to comply with all applicable State and City codes, any impacts would be reduced to a less than significant level.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- 9) **HYDROLOGY & WATER QUALITY.** Would the project:

- a) **Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: The project site is served by City water and sewer service and any development of the site will not adversely affect water quality standards or waste discharge requirements. Furthermore, compliance with established Codes and standards for any development on the project site would reduce any impacts to below a level of significance; therefore no adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. No increases in the current amount of water flow to the project site are anticipated, and the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The future development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 230 to 250 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental**

harm or potential for significant increases in erosion of the project site or surrounding areas?

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The existing drainage pattern of the project site will not be significantly altered and it will have no significant impact on downstream hydrology. Stormwater generated by the development of the project site will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The development of the project site is not anticipated to significantly increase the flow velocity or volume of storm water runoff to cause environmental harm from the site, and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall be reduced to below a level of significance.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The future development of the site will be required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Title 6,

Chapter 6 (Stormwater Drainage System)) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters; however, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be less than significant; therefore, no impact resulting from the project is anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: The proposed project does not include housing and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

h) **Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?**

Discussion of Effects: The proposed project is not within a 100-year flood hazard area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. There are no levees or dams upstream from the project site that would result in significant risk of loss, injury or death involving flooding, as a result of failure; therefore, no impact are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

j) **Expose people or structures to inundation by seiche, tsunami or mudflow?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

10) **LAND USE & PLANNING.** Would the project:

a) **Physically divide an established community?**

Discussion of Effects: The project site is located in an area that is currently developed with urban land uses. The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. No adverse impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation an environmental effect?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The proposed project does not interfere with any policies for environmental protection; therefore, no impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: There are no adopted habitat conservation plans in the project area; therefore, no conflicts or impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

11) **MINERAL RESOURCES.** Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

12) **NOISE.** Would the project result in:

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project will not expose people to or generate noise levels in excess of standards as established in The Ontario Plan FEIR (Section 5.12). No additional analysis will be required at the time of site development review.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The uses associated with this proposed project are required to comply with the environmental standards contained in the City of Ontario Development Code; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The project site is located within an urbanized area and proposed use of the site is consistent with existing and proposed land use in the surrounding area. Therefore, the project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing, and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. Development of the project site must comply with existing noise standards; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project site is not located within the noise impact zones of the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP); therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

13) **POPULATION & HOUSING.** Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: The proposed project will not significantly affect population growth in the area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The proposed project will not adversely affect housing in the area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The proposed project will not adversely affect housing in the area and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

14) **PUBLIC SERVICES.** Would the project:

a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

i) **Fire protection?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a mostly developed area that is currently served by the Ontario Fire Department. The project will not cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

ii) **Police protection?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a developed area, currently served by the Ontario Police Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iii) **Schools?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

iv) **Parks?**

Discussion of Effects: The site is in a mostly developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

v) **Other public facilities?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The site is in a mostly developed area, currently served by the City of Ontario. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: None required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

15) **RECREATION.** Would the project:

a) **Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

16) **TRANSPORTATION/TRAFFIC.** Would the project:

a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed, with street improvements existing. Any future development of the project site will be served by the existing circulation system or any necessary mitigation will be determined by analysis per the City of Ontario guidelines. The proposed project will have less impacts than the TOP EIR assumed resulting in less than significant impacts.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project is in an area that is mostly developed with street improvements existing. The project will generate lower total nonresidential building area and jobs than the certified TOP EIR assumed, resulting in fewer impacts. The project will not conflict with an applicable congestion management program or negatively impact the level of service standards on adjacent arterials. Less than significant impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. The project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport as it is outside of areas with FAA-imposed height restrictions. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: The project is in an area that is mostly developed. All street improvements are complete and no alterations are proposed for adjacent intersections or arterials. The project will, therefore, not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Result in inadequate emergency access?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR. Development on the project site will be designed to provide access for all emergency vehicles and will, therefore, not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Result in inadequate parking capacity?**

Discussion of Effects: Development of the project site will be required to meet parking standards established by the Ontario Development Code and will, therefore, not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: The project does not conflict with any transportation policies, plans or programs; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

17) **UTILITIES AND SERVICE SYSTEMS.** Would the project:

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: The proposed project will not significantly alter wastewater treatment needs of Ontario and will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: Development of the project site will be served by the City of Ontario. The project will be required to meet the requirements of the Ontario Engineering Department regarding storm drain facilities; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- e) **Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: The proposed project does not allow for construction beyond levels previously considered by the Certified TOP EIR; therefore, no impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified TOP FEIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

18) **MANDATORY FINDINGS OF SIGNIFICANCE**

Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion of Effects: The proposed project does not have the potential to reduce wildlife habitat and threaten a wildlife species. Therefore, no impacts are anticipated.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- a) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: The project does not have impacts that are cumulatively considerable.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

- c) **Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Mitigation: None required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified TOP FEIR. No changes or additions to TOP FEIR analyses are necessary.

EARLIER ANALYZES

(Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D)):

- 1) Earlier analyzes used. Identify earlier analyzes used and state where they are available for review.
 - a) The Ontario Plan Final EIR
 - b) The Ontario Plan
 - c) City of Ontario Zoning

All documents listed above are on file with the City of Ontario Planning Department, 303 East "B" Street, Ontario, California 91764, (909) 395-2036.

- 2) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards.

Comments III.A and C were addressed in The Ontario Plan FEIR and considered a significant adverse effect that could not be mitigated. A statement of overriding considerations was adopted for The Ontario Plan FEIR.

MITIGATION MEASURES

The Mitigation Measures contained in the Certified TOP Environmental Impact Report adequately mitigate the impacts of the proposed project. These mitigation measures are contained in the Mitigation Monitoring Program

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDCA18-001, A DEVELOPMENT CODE AMENDMENT TO ALLOW USED VEHICLE AUTOMOBILE DEALERS IN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT, AND ESTABLISH THAT THAT THE CR ZONING DISTRICT IS CONSISTENT WITH AND IMPLEMENTS THE OFFICE COMMERCIAL LAND USE DESIGNATION OF THE POLICY PLAN COMPONENT OF THE ONTARIO PLAN, SUBJECT TO CERTAIN LIMITATIONS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, Carvana, LLC ("Applicant") has filed an Application for the approval of a Development Code Amendment, File No. PDCA18-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Applicant The proposed Development Code Amendment will revise Table 5.02-1 (The Land Use Matrix) to allow used vehicle automobile dealers in the CR zoning district, subject to the approval of a Conditional Use Permit. Additionally, Paragraph B.4 (CR (Regional Commercial – 0.4 Maximum FAR) Zoning District) of Development Code Section 5.01.005 (Establishment of Base Zoning Districts), which establishes the CR zoning district, and describes the purpose and general limitations of the district, would also be amended; and

WHEREAS, the proposed Amendment will further provide that the CR zoning district is consistent with and implements the Office Commercial land use designation of the Policy Plan component of The Ontario Plan, as the Policy Plan designates the project site "Office Commercial." The Amendment also provides limitations under which properties in the Office Commercial land use designation may be zoned CR, requiring that (1) a property must have a minimum of 350 lineal feet of freeway frontage along Interstate 10 or Interstate 15, and (2) the use of the property would be restricted to automobile dealerships (new and used automobiles, light trucks and vans); and

WHEREAS, the environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGP06-001 (hereinafter referred to as "Certified EIR"). This Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental

assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

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

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

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

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on March 27, 2018, the Planning Commission approved a resolution adopting an Addendum to the previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and supporting

documentation. Based on the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2018, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

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

SECTION 2: Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

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

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

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

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

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

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

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

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

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing,

and upon the specific findings set forth in Section 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Development Code Amendment will provide consistency between property being changed from OH (High Density Office) to CR (Regional Commercial) and its surrounding area through the requirement for a Conditional Use Permit, as-well-as implementation of location, minimum freeway frontage, and land use restrictions, which will serve to maintain a logical land use pattern in and around an affected property; and

(2) ***The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The Development Code Amendment will protect the public interest, health, safety, convenience, and general welfare through application of the Conditional Use Permit requirement, and implementation of location, minimum freeway frontage, and land use restrictions, which will serve to maintain a logical land use pattern in and around an affected property.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PZC18-001, A ZONE CHANGE FROM OH (HIGH DENSITY OFFICE) TO CR (REGION COMMERCIAL) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-551-01.

WHEREAS, Carvana, LLC ("Applicant"), has filed an Application for the approval of a Zone Change, File No. PZC18-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.34 acres of land generally located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the OH (High Density Office) zoning district, and is presently unimproved; and

WHEREAS, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. The property to the east is within the Commercial/Hotel land use district of the Centrelake Specific Plan, and is developed with a hotel. The property to the south is within the Office land use district of the Centrelake Specific Plan, and is developed with office buildings. The property to the west is within the Office/Commercial land use district of the Guasti Plaza Specific Plan, and is vacant; and

WHEREAS, the Applicant is requesting approval of a Zone Change on the 2.34-acre project site, from OH (High Intensity Office) to CR (Regional Commercial); and

WHEREAS, being essential to the authorization of this Application, a Development Code Amendment (File No. PDCA18-001) was processed, reviewed and acted upon concurrently with this Zone Change, establishing that the CR zoning district is consistent with, and implements, the Office Commercial land use designation of the Policy Plan component of The Ontario Plan; and

WHEREAS, the environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) certified by the Ontario City Council on January 27, 2010, in conjunction with File No. PGP06-001 (hereinafter referred to as "Certified EIR"). This Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

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

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

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

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on March 27, 2018, the Planning Commission approved a resolution adopting an Addendum to the previous Certified EIR prepared pursuant to CEQA, the State CEQA Guidelines and the City of Ontario Local CEQA Guidelines, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of significance; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based on the facts and information contained in the previous Certified EIR and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report, certified by the City of Ontario City Council on January 27, 2018, in conjunction with File No. PGPA06-001.

(2) The Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

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

SECTION 2: Additional Environmental Review Not Required. Based on the Addendum, all related information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

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

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

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

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

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

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

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

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

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

(1) ***The proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** When implemented in conjunction with File No. PDCA18-001, a Development Code Amendment establishing that the CR zoning district is consistent with, and implements, the Office Commercial land use designation of the Policy Plan component of The Ontario Plan, the proposed Zone Change is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities of The Ontario Plan.

(2) ***The proposed Zone Change would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The Development Code Amendment will protect the public interest, health, safety, convenience, and general welfare through application of the Conditional Use Permit requirement, and implementation of location, minimum freeway frontage, and land use restrictions, which will serve to maintain a logical land use pattern in and around an affected property.

(3) ***The proposed Zone Change will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The zone change from OH (High Density Office) to CR (Regional Commercial) will maintain consistency with the Office Commercial Policy Plan land use designation on the affected property, and will maintain a logical land use pattern in and around the zone change area.

(4) ***The subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** The project site meets the minimum lot area and dimensions of the CR (Regional Commercial) zoning district, and is physically suitable for the type of commercial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore



**PLANNING COMMISSION
STAFF REPORT**
March 27, 2018

SUBJECT: A Conditional Use Permit (**File No. PCUP18-001**) and Development Plan (**File No. PDEV18-003**) and to establish and construct a 5,781-square foot, 70-foot high automotive sales facility (Carvana), and a Variance (**File No. PVAR18-002**) to deviate from the maximum number of allowed wall signs on a commercial building, from 3 signs to 4 signs, on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 0210-551-01); **submitted by Carvana, LLC.**

PROPERTY OWNER: Torrey Day-Click Irrevocable Trust & Ashley Day-Minnich Irrevocable Trust

RECOMMENDED ACTION: That the Planning Commission:

- [1] Approve File Nos. PCUP18-001 and PDEV18-003, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports; and
- [2] Deny File No. PVAR18-002 pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: As depicted in *Figure 1: Project Location*, below, the project site is an unimproved property comprised of 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue. The property is currently zoned OH (High Intensity Office), but will have a zoning designation of CR (Regional Commercial) prior to any construction taking place on the property. Land uses surrounding the project site are characterized by a mix of vacant, commercial office, and accommodation land uses. More

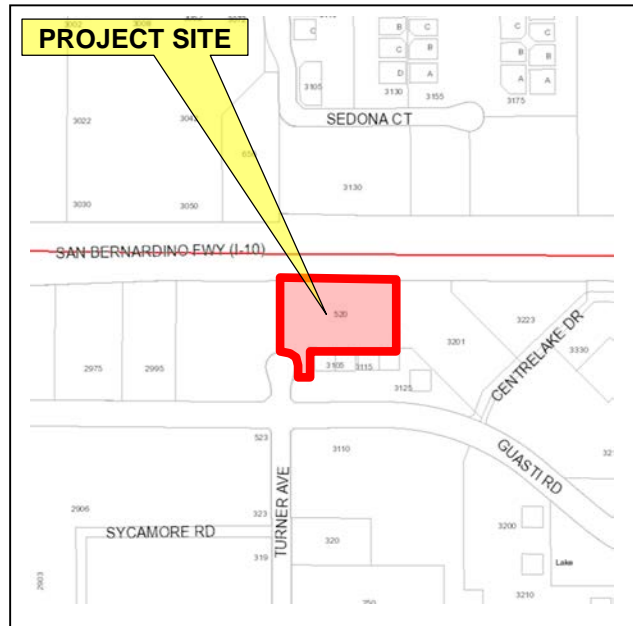


Figure 1: Project Location

Case Planner:	Charles Mercier	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	3/19/2018	Approved	Recommend
Submittal Date:	11/13/2017	ZA			
Hearing Deadline:	N/A	PC	3/27/2018		Final
		CC			

specifically, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. A hotel (Fairfield Inn) abuts project site to the east, and is located within the Commercial-Hotel land use district of the Centrelake Specific Plan. Offices are located on property abutting the project site's south property line, which are located within the Office land use district of the Centrelake Specific Plan. The property abutting the project site to the west is unimproved and lies in the Office/Commercial land use district of the Guasti Plaza Specific Plan.

PROJECT ANALYSIS:

[1] Background. The Applicant is requesting Development Plan approval to construct an automobile sales facility for Carvana, an on-line retailer of previously owned late model automobiles. This application was filed in conjunction with a Conditional Use Permit (refer to File No. PCUP18-001) to establish and operate the proposed automobile sales facility, as-well-as a Zone Change application (File No. PZC18-001), which will change the zoning designation on project site from HO (High Intensity Office) to CR (Regional Commercial), and a Development Code Amendment (File No. PDCA18-001) to allow used automobile dealerships to locate in the CR zoning district, under certain conditions. The proposed Zone Change and Development Code Amendment applications are discussed in a separate report.

On March 19, 2018, the Development Advisory Board conducted a hearing on the proposed project and recommended the Planning Commission approve the project subject to the conditions of approval included with the resolutions attached to this report.

[2] Conditional Use Permit (File No. PCUP18-001). The proposed facility will significantly differ from traditional automobile sales facilities. In lieu of utilizing large surface parking areas to store and display vehicle inventory on-site, the Applicant facilitates the sale of late model used vehicles through their online web site.

After selecting and buying a motor vehicle from Carvana's web site, the customer may have their purchase delivered to their home, or may pick-up their new vehicle at one of Carvana's state-of-the-art "vending machine" structure and fulfillment centers, as proposed by the herein-described applications. The vending machine allows vehicles to be stacked temporarily, in a vertical configuration, until they are picked-up by their purchasers. Only cars that have been purchased on-line will be stored on the project site.

As shown in *Figure 2: Proposed Single-Story Building With 70-Foot Tall, 7-Level Tower*, the proposed facility consists of a contemporary, single-story building, which incorporates a 70-foot tall, 7-level tower, which stores vehicles that have been previously purchased on-line, which are ready to be picked up by their new owners. Prior to picking up their vehicle, a token will be delivered to the purchaser, which activates the vending machine. Upon completing necessary paperwork, the purchaser may place their token in the vending machine, and their car is brought down from the tower via an automated delivery system, which delivers their vehicle to one of two delivery bays in the building.

Proposed hours of operation are Monday through Sunday, from 9:00AM to 7:00PM, by appointment only. The facility will ultimately employ 10 to 12 people, with employees working in shifts of 3 to 5 persons at any one time. Employee activities include setting up appointments with customers to schedule pick-up of their purchased vehicles, assisting in the off-loading of vehicles from delivery trucks, the loading of vehicles into the vending machine, finalization of purchase paperwork, and welcoming customers to the facility and presenting them with their new car.



Figure 2: Proposed Single-Story Building With 70-Foot Tall, 7-Level Tower

[3] Development Plan (File No. PDEV18-003).

[a] **Site Design/Building Layout** — The proposed automobile sales facility will be housed within 5,781-square foot building (see Exhibit B (Site Plan), attached). The building has been oriented on the site with steel and glass enclosed vehicle delivery bays highly visible from both Interstate 10 and the public street.

[b] **Site Access/Circulation** — Public street access is taken from Turner Avenue and will include a decorative enhanced paving treatment as required by the Development Code's off-street parking design standards. On-site circulation is via a central drive aisle that encircles the building. The central drive aisle is considerably wider than a typical drive aisle width (32 to 44-feet) in order to accommodate vehicle hauler access through the site, as-well-as fire truck and trash truck access.

[c] **Parking** — Staff calculated required parking for the project based upon the Development Code standard for "motor vehicle dealers," which requires that a minimum of 20 parking spaces must be provided, while a total of 72 parking stalls have been proposed. For nonresidential development projects, the Development Code stipulates that parking spaces provided in excess of 10 percent above the required number shall be allowed only upon approval by the Planning Commission, based upon proven need (§§ 6.03.015.B.2.b). The Applicant has stated that the number of parking spaces proposed are necessary to accommodate 3 to 5 employees that will be on site during work hours; visitors on-site during customer pick-up of a pre-purchased vehicle; and cars that have been delivered to the site, but have not yet been loaded into the vending machine. The Applicant further stated that outdoor that parking facilities are not provided for outdoor

display, as Carvana does not advertise for sale vehicles on the property. The Applicant's letter of explanation is attached as Exhibit F (Off-Street Parking Rationale) of this report.

[d] **Architecture** — The proposed building architecture is composed of EIFS (exterior insulation and finish system) walls, aluminum clad accent wall panels channel, clear anodized aluminum window mullions with clear glazing, opaque white spandrel glass, prefabricated metal canopies over ground floor window and man-door openings on the east elevation, and metal curtain wall with clear glazing on the 70-foot “vending machine” tower element. Mechanical equipment will be roof-mounted and obscured from public view by the parapet walls and, if necessary, equipment screens, which will incorporate design features consistent with the building architecture.

Staff believes that the proposed project illustrates the type of high-quality architecture promoted by the Development Code. This is exemplified through the use of articulation in the building footprint, articulation in the building parapet/roof line, variation in building massing, and a mix of exterior materials and finishes.

[e] **Landscaping** — Due to the project site's location at the end of a cul-de-sac, the site has minimal landscaped area along its Turner Avenue street frontage; however, substantial landscaping has been provided throughout off-street parking areas, and stormwater retention areas, for an overall landscape coverage of 18 percent. The Preliminary Landscape Plan proposes the retention of 16 existing trees on the site, along with the introduction of a variety of accent and shade trees. Furthermore, a mix of decorative stamped concrete and grass block permeable paving is proposed at each vehicle delivery bay driveway. The use of decorative paving will be provided at the site's vehicular entry in accordance with the Planning Department conditions of approval.

[f] **Utilities (drainage, sewer)** — Public utilities (water and sewer) are available to serve the project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces, and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes a vegetated swales designed to accept runoff from building roofs, parking lots and project roadways, which lead to a large retention basin at the southeast corner of the site, for stormwater infiltration. Any overflow drainage will be conveyed to Turner Avenue by way of parkway culvert.

[4] Variance (File No. PVAR18-002). In addition to the Conditional Use Permit and Development Plan discussed above, the applicant is requesting the approval of a Variance to deviate from the maximum number of allowed wall signs on a commercial building, increasing the number from 3 signs to 4 signs, as shown on Exhibits D-1 and D-2 (Exterior Elevations), attached, thereby allowing wall signs on all sides of the Carvana fulfillment center tower. It is the Applicant's belief that the additional signage is not only

necessary to provide wayfinding to the Carvana facility and increase brand awareness, but also to provide equal emphasis to the building architecture. The basis for the Variance request is included in the following findings provided by the Applicant:

[a] The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in the Development Code.

The proposed Carvana project is consistent with, and will abide by, the vast majority of the regulations in the City's Development Code. However, due to the unique nature of Carvana's business and its physical structure, it is critical that signage be visible from all sides of the building, and especially from Interstate 10. Customers of the Carvana Fulfillment Center will be directed to the business from Carvana's website, therefore it is important for the signage to be highly visible for those customers who will be coming to the site to pick up their newly purchased vehicle. Restricting the building to signage on only three elevations will limit the visibility and potentially cause traffic delays by those customers seeking to ensure they have the right location.

[b] There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district.

Due to the unique nature and the location of the proposed use, it is important to provide proper wayfinding for customers as noted in Finding [a], above.

[c] The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.

The strict or literal interpretation and enforcement of the signage regulation would deprive this unique use of the ability to adequately inform and guide their customers to the site.

[d] The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

In order for the signs to be visible from the adjacent roadways and freeway, signage is required to be placed higher up on the tower on all four sides. As such, the additional sign will not be detrimental to the public health, safety or welfare to the property surroundings instead will help customers who have connected with the use online to safely locate the fulfillment center. To the contrary, the proposed tower architecture will provide an aesthetic enhancement to the area.

[e] The proposed Variance 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 the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.

The proposed Variance helps to promote the following Principles from the Land Use Element of the City's General Plan (Policy Plan):

- Development that supports the Vision will strengthen the City's economy;
- New growth will enhance the quality of life in the entire community, including our existing neighborhoods;
- Land uses and development should be consistent with the Vision while protecting the quality of life in existing neighborhoods;
- Our development review process should incorporate flexible standards to achieve our Vision; and
- The way land is used and developed will determine our revenue base and expenditures.

As described in State law (Government Code Section 65906) and the City's Development Code (Development Code Section 4.02.02.E), a variance from the terms of the Development Code may be granted only when:

- (1) The property would be denied a privilege enjoyed by other properties in the vicinity and in the same zoning district;
- (2) The variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district; and
- (3) The variance would not grant a use or activity that is otherwise prohibited by the Development Code.

Upon review of the Variance request, staff has determined that approval of is not warranted in this case. The sign regulations contained in the Development Code (Division 8.01) provide that in commercial zoning districts, retail businesses occupying less than 8,000 square feet are allowed one wall sign per building elevation, not to exceed a total of three wall signs. As the applicant has requested Variance approval for the installation of a fourth wall sign, one more wall sign than otherwise allowed by the sign regulations, the property is not, therefore, being denied a privilege that is otherwise being enjoyed by other properties in the vicinity and in the same zoning district.

Furthermore, it is staff's belief that approval of the Variance request would constitute the grant of a privilege that is not enjoyed by other properties in the vicinity and in the same zoning district. In approving the Variance request, thereby granting the

installation of a fourth wall sign, the Applicant would be granted an added right that is not held by other properties in the vicinity and in the same zoning district.

Moreover, the regulations prescribed by the Development Code are exclusive, meaning if a use or activity is not specifically allowed by the Development Code, the use or activity is prohibited. For this reason, because the sign regulations do not specifically state that four wall signs are allowed for retail businesses less than 8,000 square feet in area, the approval of a fourth wall sign by use of a Variance would constitute the grant of a use that is otherwise prohibited by the Development Code. Therefore, approval of the Variance request would be a violation of State law and the City's Development Code.

For the above listed reasons, staff is recommending that the Planning Commission deny the Applicant's Variance request to deviate from the maximum number of allowed wall signs on a commercial building, increasing the number from 3 signs to 4 signs.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

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

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

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

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

Community Economics Element:

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

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

➤ CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

➤ CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

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

Safety Element:

- Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

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

➤ CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

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

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

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

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

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

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

➤ CD2-8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding

physically and visually isolated spaces, maintenance of visibility and accessibility, and use of lighting.

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

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

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

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

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

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

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

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

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

➤ CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

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

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

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

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

HOUSING ELEMENT COMPLIANCE: 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 Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

ENVIRONMENTAL REVIEW: The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

[1] The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

[2] The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

[3] The project site has no value as habitat for endangered, rare, or threatened species;

[4] Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

[5] The Project site can be adequately served by all required utilities and public services.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Office Commercial	OH (High Intensity Office)	N/A
<i>North</i>	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	N/A
<i>South</i>	Office	Office Commercial	SP (Specific Plan)	Office (Centrelake Specific Plan)
<i>East</i>	Hotel	Office Commercial	SP (Specific Plan)	Commercial/Hotel (Centrelake Specific Plan)
<i>West</i>	Vacant	Guasti Mixed Use	SP (Specific Plan)	Office/Commercial (Guasti Plaza Specific Plan)

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	2.34 Acres	N/A	Y
<i>Lot/Parcel Size:</i>	2.34 Acres	10,000 SF Min.	Y
<i>Building Area:</i>	5,781 SF	N/A	Y
<i>Floor Area Ratio:</i>	0.06	0.4 Max.	Y
<i>Building Height:</i>	70 FT	110 FT Max)	Y

Off-Street Parking:

<i>Type of Use</i>	<i>Building Area</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
<i>Interior display area</i>	2,205 SF	2.5 spaces per 1,000 SF of gross floor area	6	
<i>Office</i>	3,576 SF	4 spaces per 1,000 SF of gross floor area	14	
TOTAL			20	74

Exhibit A—PROJECT LOCATION MAP



Exhibit B—SITE PLAN

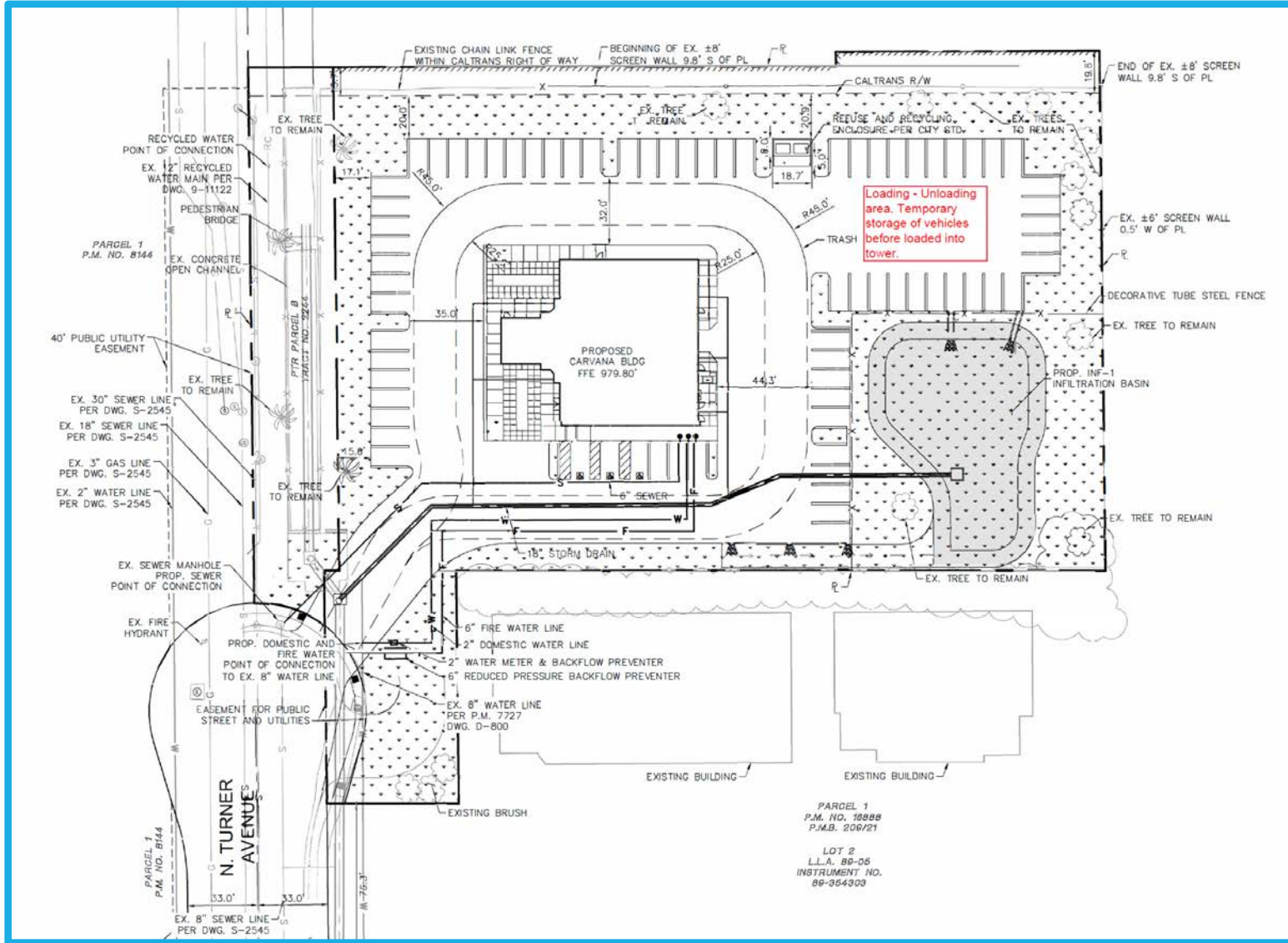


Exhibit C—FLOOR PLAN

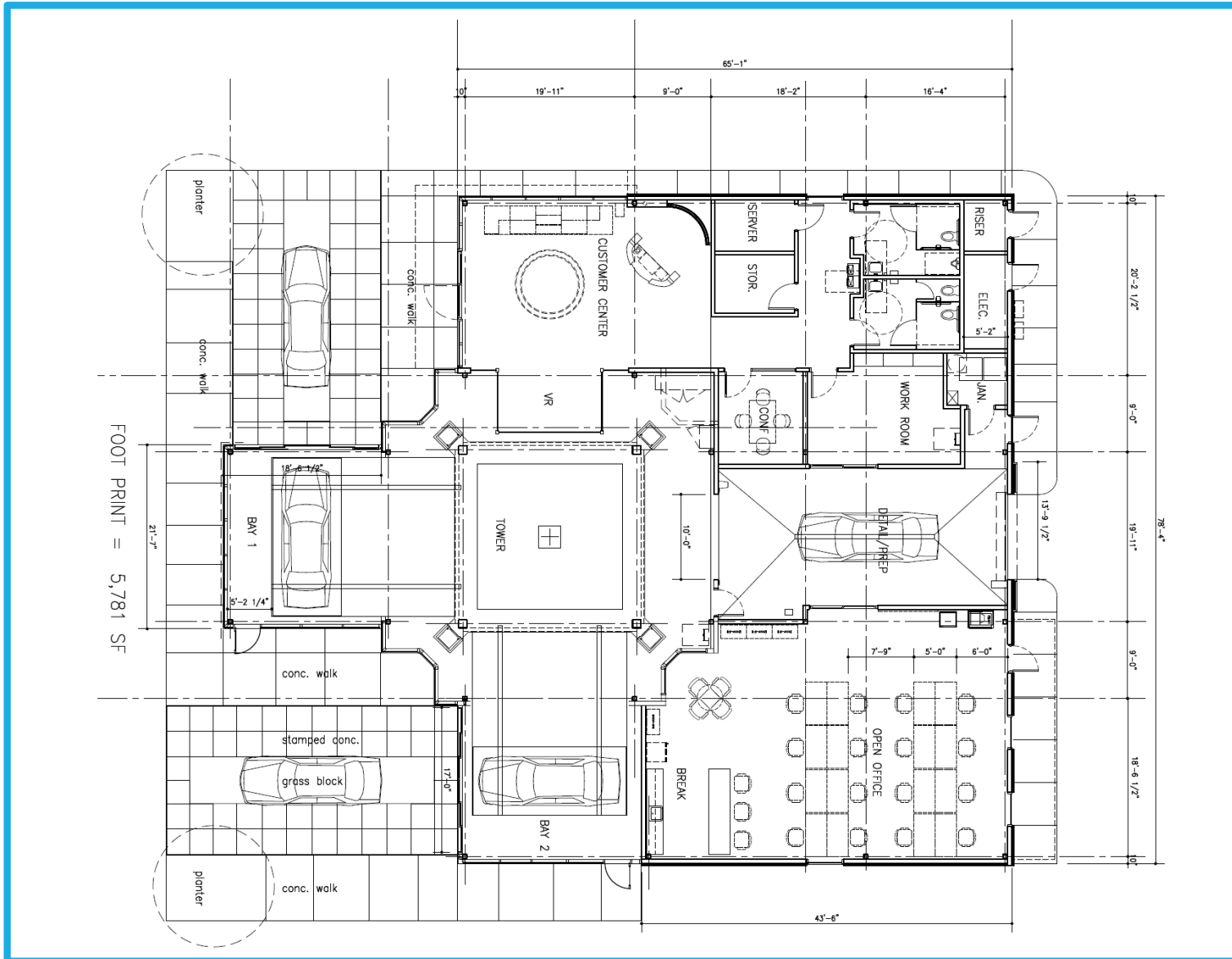


Exhibit D1—EXTERIOR ELEVATIONS

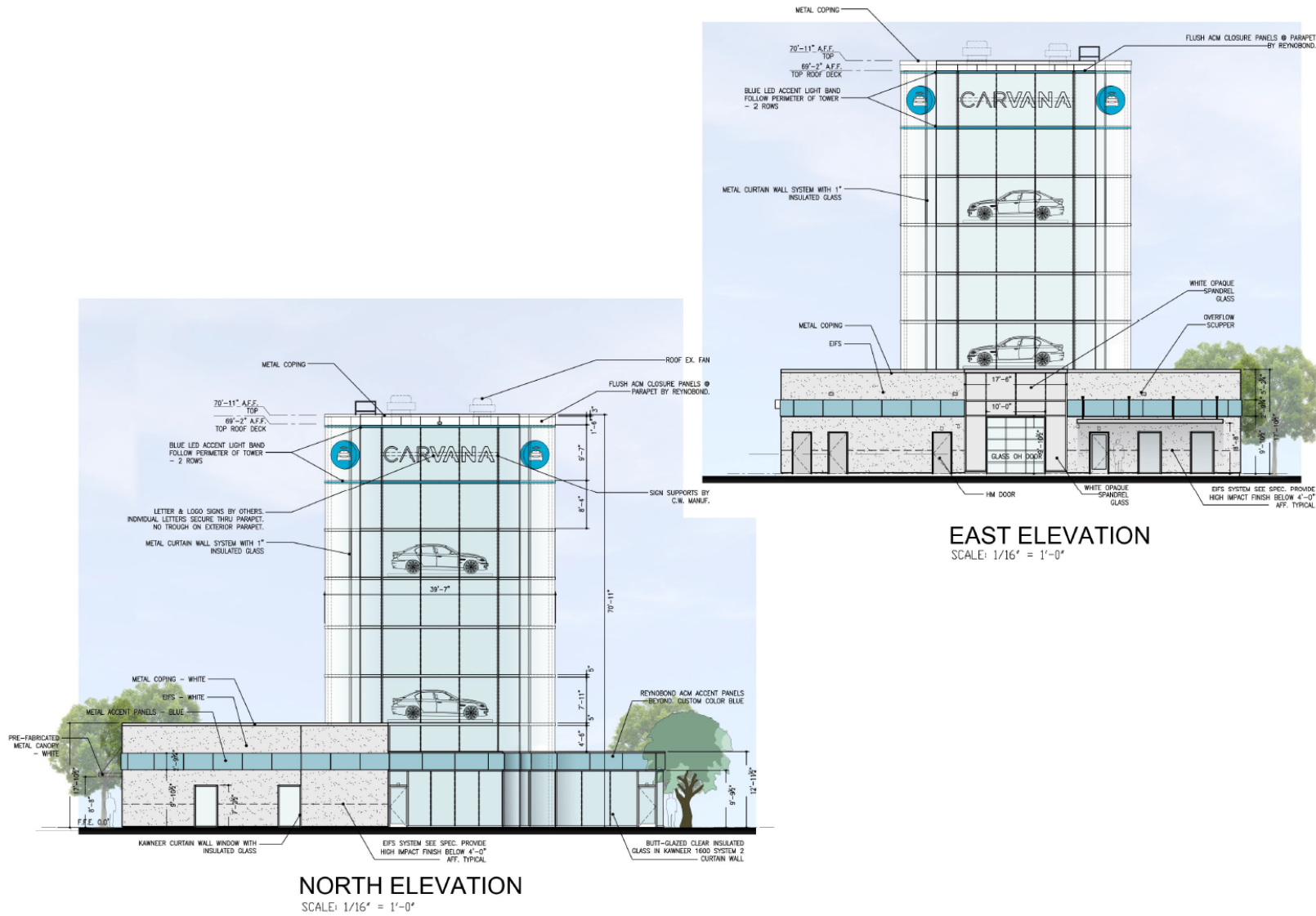


Exhibit E—LANDSCAPE PLAN

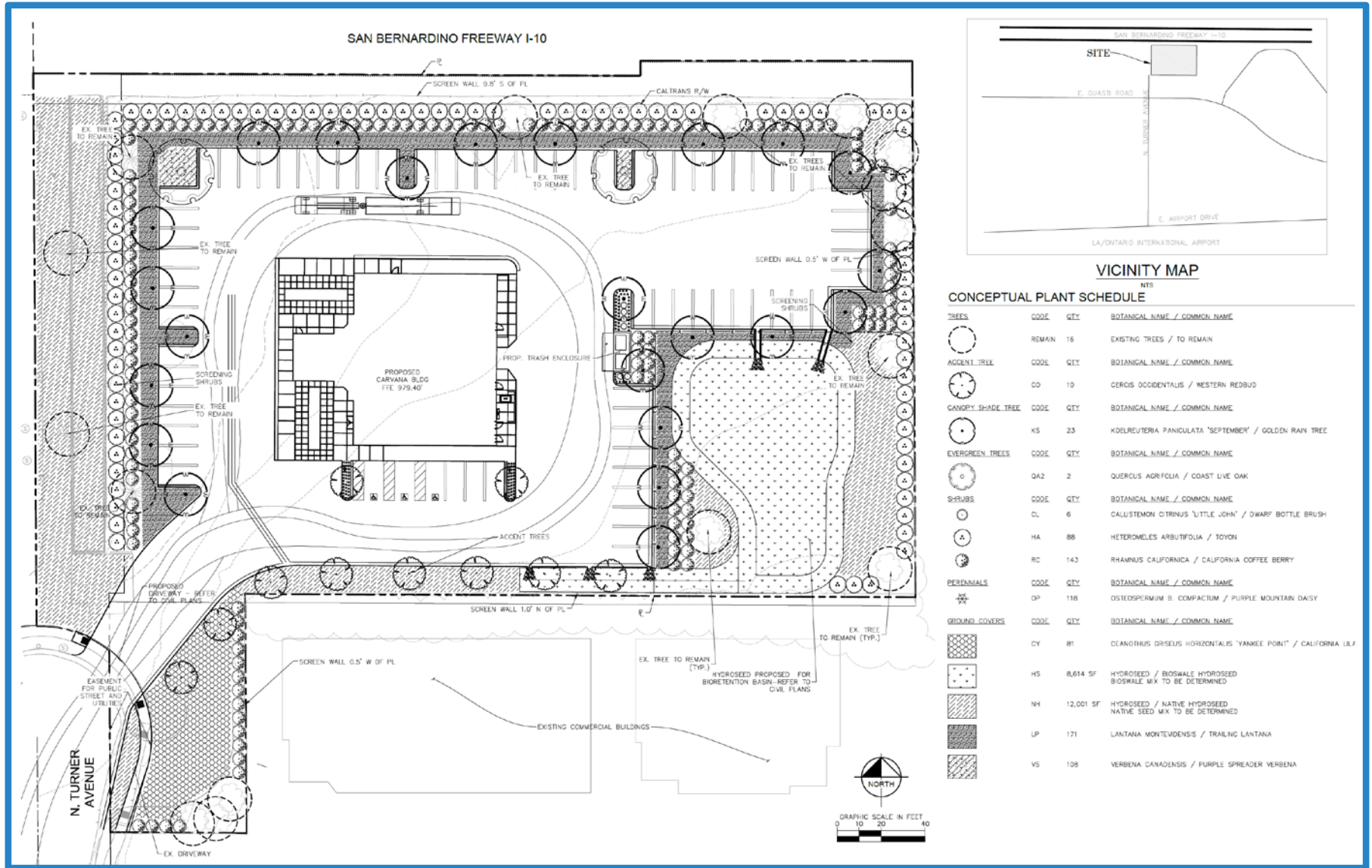


Exhibit F—OFF-STREET PARKING RATIONALE



March 13, 2018

Chuck Mercier
City of Ontario, Planning Department
303 East B Street, Ontario, CA 91764

Dear Chuck Mercier:

Carvana is excited to be working with the City of Ontario on both the Proposed Development Plan and Conditional Use Permit. An update of our site plan will be provided and will include the necessary adjustments regarding loading/unloading area. This letter is to provide you and City Staff with a detailed description regarding the use of on-site parking as well as loading/unloading areas.

The 72 parking spaces allocated for this site are to accommodate for the parking needs of employees, visitors, and cars which have been delivered to the site but have not yet been loaded into the vending machine. There are three ADA parking spaces provided south of the building, closest to the main entry of the welcome center. General customer and employee parking is provided north, west and east of the building.

Carvana owned multi-car haulers will deliver vehicles to the site and drivers will be instructed to access the site from Turner Ave. Our haulers will enter the site and proceed to the NE part of the site where cars will be off-loaded in the available parking spaces for temporary parking before vehicles are loaded into the tower. Once the delivery is complete, the hauler will be directed to exit the site on Turner Ave. as there is no long term on site hauler parking. It is worth noting that there is no on street hauler parking either.

A number of 3-5 employees may be on site during work hours that will coordinate customer pick-ups, manage hauler delivery to the site and assist all visitors on site during a customer pick-up. Visitors are welcomed to the site by appointment only to pick-up their pre-purchased vehicle. Parking spaces are made available for customers entering the site to pick up their vehicle.

An outdoor display area will not be provided on site since Carvana does not advertise for sale vehicles on the Property. Only vehicles purchased for pick-up will be transported into the vending machine. Cars that are brought back to the facility from a customer return may be placed temporarily in an open parking space until a hauler is available for a pick-up.

While all parking spaces may not be used initially, Carvana has implemented enough parking spots on the site plan to accommodate for future business growth.



Please consider this as our letter of explanation for parking space usage on site. Please let me know if you require additional information regarding site plan parking. Thank you for your time and consideration regarding Carvana's Project in the City of Ontario.

Thank You,

Arwa Lulu
Carvana
Entitlements Associate, Real Estate

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP18-001, A CONDITIONAL USE PERMIT TO ESTABLISH AN AUTOMOTIVE SALES FACILITY ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, WITHIN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—
APN: 0210-551-01.

WHEREAS, Carvana, LLC ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. 18-001, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.34 acres of land generally located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district, and is presently unimproved; and

WHEREAS, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. A hotel (Fairfield Inn) abuts project site to the east, and is located within the Commercial-Hotel land use district of the Centrelake Specific Plan. Offices are located on property abutting the project site's south property line, which are located within the Office land use district of the Centrelake Specific Plan. The property abutting the project site to the west is unimproved and lies in the Office/Commercial land use district of the Guasti Plaza Specific Plan.; and

WHEREAS, the Applicant is requesting Conditional Use Permit approval to establish an automobile sales facility for Carvana, an on-line retailer of previously owned late model automobiles. This application was filed in conjunction with a Development Plan (refer to File No. PDEV18-003) to construct the proposed automobile sales facility, as-well-as a Zone Change application (File No. PZC18-001), which will change the zoning designation on project site from HO (High Intensity Office) to CR (Regional Commercial), and a Development Code Amendment (File No. PDCA18-001) to allow used automobile dealerships to locate in the CR zoning district, under certain conditions; and

WHEREAS, the proposed facility will significantly differ from traditional automobile sales facilities. In lieu of utilizing large surface parking areas to store and display vehicle inventory on-site, the Applicant facilitates the sale of late model used vehicles through their online web site. Only cars that have been purchased on-line will be stored on the project site, to await pickup by purchasers; and

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

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

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

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on March 19, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-014, recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: *Environmental Determination and Findings.* As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) of the CEQA Guidelines, and is consistent with the following conditions:

(a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(c) The project site has no value as habitat for endangered, rare, or threatened species;

(d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality;

(e) The Project site can be adequately served by all required utilities and public services; and

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on 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 site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code

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

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

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the CR (Regional Commercial) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located; and

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed automobile sales facility land use will be located within the Commercial Office land use district of the Policy Plan Land Use Map, and the CR (Regional Commercial) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code.*** The proposed automobile sales facility land use is located with the Commercial Office land use district, and the CR (Regional Commercial) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PCUP18-001
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: 03/27/2018

File No: PCUP18-001

Related Files: PDEV18-003

Project Description: A Conditional Use Permit (File No. PCUP18-001) to establish a 5,781-square foot automobile sales facility (Carvana) on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 0210-551-01); **submitted by Carvana, LLC.**

Prepared By: Charles Mercier, Senior Planner
Phone: 909.395.2425 (direct)
Email: cmercier@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limit. Conditional Use Permit 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 Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) The Turner Avenue drive approach shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking

areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.7 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted 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 architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.8 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.9 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.10 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.11 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(v) The Project site can be adequately served by all required utilities and public services.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/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.

2.12 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.13 Additional Fees. Following the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.14 Additional Requirements.

(a) The approval of File No. PCUP18-001 shall not be final and conclusive until such time that the Ordinances for File Nos. PDCA18-001 (Development Code Amendment) and PZC18-001 (Zone Change) have been approved by the City Council and enacted pursuant to State law.

(b) The approval of File No. PCUP18-001 shall not be final and conclusive until File No. PDEV18-003 has been approved by the Planning Commission.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-003 & PCUP18-001

Address: 520 N Turner Ave

APN: 0210-551-01

Existing Land Use: Vacant

Proposed Land Use: Construct a 5,781 SF Auto Sales Facility

Site Acreage: 2.3 ac Proposed Structure Height: 70 FT

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Charles Mercier

Date: 2/20/18

CD No.: 2018-004

PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 110 FT	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP Consistent Consistent with Conditions Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

The maximum height limit for the project site is 110 feet and any construction equipment such as cranes or any other equipment exceeding 110 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed and approved by the FAA prior to operating any such equipment.

Airport Planner Signature: _____

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
 303 East "B" Street, Ontario, CA 91764

PRELIMINARY PLAN CORRECTIONS

Sign Off

	2/5/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
--	---------------------------------

D.A.B. File No.: PDEV18-003 & PCUP18-001	Case Planner: Chuck Mercier
---	--------------------------------

Project Name and Location: Carvana Commercial Building 520 N Turner Ave

Applicant/Representative: Sean matsler – Manatt, Phelps & Phillips, LLP 695 Town Center Drive 14 th Flr Costa Mesa, CA 92626
--

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 1/10/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

Civil/ Site Plans

1. Show transformers located in planter areas, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Located on level grade. Coordinate with landscape plans.
2. Show backflow devices shall be located in planter areas and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
3. Locate utilities including light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
4. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
5. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs. Call out 12" wide curbs, pavers or DG paving with edging where parking spaces are adjacent to planters.
6. Show parking lot island tree planters at each row end, missing on the NE and NW sides of the building.
7. Show outdoor employee break area with table or bench and shade trees on the south and west sides.

Landscape Plans

8. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
9. Show backflows, trash enclosures and transformers, and show a 4' set back from paving with

landscape screening.

10. Show light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans to show all utilities on the landscape plans. Coordinate so utilities are clear of required tree locations.
11. Show parkway landscape and street trees spaced 30' apart.
12. Show ADA access route from the public sidewalk, ADA path to employee break area and ADA path to adjacent industrial buildings within the same development. Include required ADA parking spaces and access aisles.
13. Show parking lot island tree planters at each row end.
14. Call out type of proposed irrigation system (dripline and tree stream spray bubblers) and include preliminary MAWA calculation.
15. Show landscape hydrozones to separate water use areas or note type in legend.
16. Note that irrigation plans shall provide systems for trees with stream bubblers with pc screens.
17. Replace short lived, high maintenance or poor performing plants: Lantana, Ceanothus (except in afternoon shade areas), Agave, except where protected from frost. Remove hydroseed proposed for the concrete channel area.
18. Street trees for this project are: Brachychiton populneus 24" box 25-30' oc.
19. Show concrete mowstrips to identify property lines along open areas or to separate ownership or between maintenance areas.
20. Construction plans shall be designed and signed by a licensed landscape architect.
21. Show outdoor patio or employee break area with table or bench and shade trees on the south and west sides.
22. Show minimum on-site tree sizes per the Landscape Development standards, see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon.
23. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, Sambucus Mexicana, etc.) in appropriate locations.
24. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
25. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections per phase)	\$278.00
Total	\$1,579.00

Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. PDEV18-003 RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

CITY PROJECT ENGINEER & PHONE NO: Bryan Lirley, P.E., (909) 395-2137 *BL*

CITY PROJECT PLANNER & PHONE NO: Chuck Mercier, (909) 395-2425

DAB MEETING DATE: March 19, 2018

PROJECT NAME / DESCRIPTION: A Development Plan to construct a 5,781 square foot, 70 foot high (8 Tier) tower commercial building for automotive sales (Carvana).

LOCATION: Southeast corner of I-10 Freeway and Turner Avenue

APPLICANT: Carvana, LLC

REVIEWED BY: *Miguel Sotomayor* 3/15/18
 Miguel Sotomayor Date
 Associate Engineer

APPROVED BY: *Khoi Do* 3-15-18
 Khoi Do, P.E. Date
 Assistant City Engineer



- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: _____

2. PRIOR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:

**A. GENERAL
 (Permits includes Grading, Building, Demolition and Encroachment)**

- 2.01 Record Parcel Map/Tract Map No. _____ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 **Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.**
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.



- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this 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 at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

- 2.08 **Submit a soils/geology report.**

- 2.09 **Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:**
 - State of California Department of Transportation (Caltrans)**
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: _____

- 2.10 Dedicate to the City of Ontario the right-of-way described below:

_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____
and _____.

- 2.11 Dedicate to the City of Ontario the following easement(s): _____

- 2.12 New Model Colony (NMC) Developments:
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).

- 2.13 **Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**



- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$42,260, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



B. PUBLIC IMPROVEMENTS

(See attached Exhibit 'A' for plan check submittal requirements.)

- 2.17 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	Turner Avenue	Street 2	Street 3	Street 4
Curb and Gutter	<input checked="" type="checkbox"/> New in Cul-De-Sac <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New ⁽¹⁾ <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation



Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

Specific notes for improvements listed in item no. 2.17, above

(1) – The applicant/developer shall close the existing driveway and install a new commercial driveway.

2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____



- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 **A 8 inch sewer main is available for connection by this project in Turner Avenue. (Ref: Sewer plan bar code: S11072)**
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions: _____

D. WATER

- 2.27 **A 12 inch water main is available for connection by this project in Turner Avenue. (Ref: Water plan bar code: W13298)**
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 **Other conditions:**
 1. **The applicant/developer shall install domestic water service with backflow device as well as fire service with DCDA device.**

E. RECYCLED WATER

- 2.30 **A 12 inch recycled water main is available for connection by this project in Turner Avenue. (Ref: Recycled Water plan bar code:P10300)**
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
- 2.33 **Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.**

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.



Please contact: Cynthia Heredia-Torres
P (909) 395-2647
F (909) 395-2608
ctorres@ontarioca.gov

- 2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
- 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions:
- 1. **It shall be known that Caltrans is in the process of studying and installing High-Occupancy Toll lanes along the I-10 freeway in this location. The applicant/developer may be required to provide Caltrans a temporary construction easement or access in the future.**

G. DRAINAGE / HYDROLOGY

- 2.38 **A 48 inch storm drain main is available to accept flows from this project in Turner Avenue. (Ref: Storm Drain plan bar code:D10008)**
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions: _____

H. STORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES)

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB)



and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.

If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.

Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.

- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: _____

K. FIBER OPTIC

- 2.49 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located along the project frontage on Turner Avenue. See fiber optic exhibit herein.**
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

- 2.51 **Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:**
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>
- 2.52 **Other conditions:**
 1. The applicant/developer shall install an upgraded two-bin solid roof enclosure per the aforementioned manual.



3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:

- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.
- 3.02 Complete all requirements for recycled water usage.
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Project Number: PDEV 18-003

The following items are required to be included with the first plan check submittal:

1. **A copy of this check list**
2. **Payment of fee for Plan Checking**
3. **One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.**
4. **One (1) copy of project Conditions of Approval**
5. **Two (2) sets of Potable and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size).**
6. Three (3) sets of Public Street improvement plan with street cross-sections
7. Three (3) sets of Private Street improvement plan with street cross-sections
8. Four (4) sets of Public Water improvement plan (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)
9. Four (4) sets of Recycled Water improvement plan (include recycled water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size and an exhibit showing the limits of areas being irrigated by each recycled water meter)
10. Four (4) sets of Public Sewer improvement plan
11. Five (5) sets of Public Storm Drain improvement plan
12. Three (3) sets of Public Street Light improvement plan
13. Three (3) sets of Signing and Striping improvement plan
14. **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
15. Three (3) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
16. Three (3) sets of Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.
17. **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
18. One (1) copy of Hydrology/Drainage study
19. **One (1) copy of Soils/Geology report**
20. Payment for Final Map/Parcel Map processing fee
21. Three (3) copies of Final Map/Parcel Map



- 22. One (1) copy of approved Tentative Map
- 23. One (1) copy of Preliminary Title Report (current within 30 days)
- 24. One (1) copy of Traverse Closure Calculations
- 25. One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.
- 26. **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 27. Other: _____

PDEV18-003 - Carvana
Comments by
Anna Vaca - 2/16/2018

PROJECT INFORMATION

150 NORTH TURNER AVE. ONTARIO, CA

ZONING CLASSIFICATION	COMMUNITY OFFICE (CO)
EXISTING USE	VACANT LOT
PROPOSED USE	ACCESSIBLE DEALERS - USED VEHICLES

LEGEND

PROPERTY BOUNDARY

STREET CENTERLINE

① Conduit should terminate no less than 5 inches above the finished floor in the telecommunications room against the wall.

Location of telecommunications room is conceptual

- HH-1/*22 - PCA132418-90087 - Size 13" x 24" x 18"
- HH-2A/*22 - PCA243630-90064 - Size 24" x 36" x 30"
- HH-3/*22 - PCA304836-90244 - Size 30" x 48" x 36"
- HH-4/*22 - PCA366036-90146 - Size 36" x 60" x 36"

SITE



GRAPHIC SCALE IN FEET
 0 10 20 40

VICINITY MAP

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Charles Mercier
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 12, 2018
SUBJECT: PCUP18-001

1. The plan **does** adequately address the departmental concerns at this time.
No comments.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Chuck Mercier, Planning Department

FROM: Douglas Sorel, Police Department

DATE: January 23, 2018

SUBJECT: PCUP18-001: A REQUEST FOR A CUP TO ESTABLISH AN
AUTOMOTIVE SALES BUSINESS AT TURNER AVENUE AND
INTERSTATE 10

The Applicant proposes to operate an automotive sales business at the location. The Ontario Police Department has no objection to the establishment of an auto sales business at the location provided the following conditions are met:

1. Vehicles shall not be parked, stored, or otherwise kept on the public street in violation of any posted street sign or the Ontario Municipal Code.
2. Graffiti abatement by the business owner/licensee or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
3. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns.



CITY OF ONTARIO

MEMORANDUM

TO: Charles, Senior Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: January 15, 2018

SUBJECT: PDEV18-003 - A Development Plan to construct a 5,781-square foot, 70-foot high commercial building for automotive sales (Carvana) in conjunction with a Conditional Use Permit to establish and operate an automotive sales facility, on 2.33 acres of land, located at the southeast corner of Interstate-10 Freeway and Turner Avenue, at 520 North Turner Avenue, within the OH (High Intensity Office) zoning district (APN: 0210-551-01). Related File: PCUP18-001.

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
- Standard Conditions of Approval apply, as stated below.
-

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Not listed
- B. Type of Roof Materials: Not listed
- C. Ground Floor Area(s): 5,781 Sq. Ft.
- D. Number of Stories: One Story (70 Ft. High)
- E. Total Square Footage: 5,781 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): M

CONDITIONS OF APPROVAL:

1.0 GENERAL

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on “Fire Department” and then on “Standards and Forms.”
- ☒ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access 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 building plan check.
- ☒ 2.5 "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 obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, 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. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 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. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.

7.0 PROJECT SPECIFIC CONDITIONS

- ☒ 7.1 After meeting with the project manager, it was disclosed that the racking system that holds the automobiles has a built-in sprinkler system. It was agreed that the structure itself would not require a separate sprinkler system.



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of Memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Robin Lucera, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Charles Mercier, Senior Planner

DATE: January 10, 2018

SUBJECT: FILE #: PCUP18-001

Finance Acct#:



The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, January 24, 2018**.

- Note:**
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish and operate an automotive sales use in conjunction with a Development Plan to construct a 5,781 square foot, 70 foot high (8 Tier) tower commercial building for automotive sales (Carvana) on 2.33 acres of land, within the High Intensity Office zoning district, located on the southeast corner of the I-10 Freeway and Turner Avenue (520 N. Turner Avenue). APN: 0210-551-01
Related Files:PDEV18-003

The plan does adequately address the departmental concerns at this time.

- No comments
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Code RLR 1-11-18 Code Mgr
Department Signature Title Date

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV18-003, A DEVELOPMENT PLAN TO CONSTRUCT A 5,781-SQUARE FOOT, 70-FOOT HIGH AUTOMOTIVE SALES FACILITY (CARVANA) ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, WITHIN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-551-01.

WHEREAS, Carvana, LLC ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV18-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.34 acres of land generally located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district, and is presently unimproved; and

WHEREAS, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. A hotel (Fairfield Inn) abuts project site to the east, and is located within the Commercial-Hotel land use district of the Centrelake Specific Plan. Offices are located on property abutting the project site's south property line, which are located within the Office land use district of the Centrelake Specific Plan. The property abutting the project site to the west is unimproved and lies in the Office/Commercial land use district of the Guasti Plaza Specific Plan.; and

WHEREAS, the Applicant is requesting Development Plan approval to construct an automobile sales facility for Carvana, an on-line retailer of previously owned late model automobiles. This application was filed in conjunction with a Conditional Use Permit (refer to File No. PCUP18-001) to establish the proposed automobile sales facility, as-well-as a Zone Change application (File No. PZC18-001), which will change the zoning designation on project site from HO (High Intensity Office) to CR (Regional Commercial), and a Development Code Amendment (File No. PDCA18-001) to allow used automobile dealerships to locate in the CR zoning district, under certain conditions; and

WHEREAS, the proposed facility will significantly differ from traditional automobile sales facilities. In lieu of utilizing large surface parking areas to store and display vehicle inventory on-site, the Applicant facilitates the sale of late model used vehicles through their online web site. Only cars that have been purchased on-line will be stored on the project site, to await pickup by purchasers; and

WHEREAS, after selecting and buying a motor vehicle from Carvana's web site, the customer may have their purchase delivered to their home, or may pick-up their new

vehicle at one of Carvana's state-of-the-art "vending machine" structure and fulfillment centers, as proposed by the herein-described applications. The vending machine allows vehicles to be stacked temporarily, in a vertical configuration, until they are picked-up by their purchasers; and

WHEREAS, the proposed facility consists of a contemporary, single-story building, which incorporates a 70-foot tall, 7-level tower, which stores vehicles that have been previously purchased on-line, which are ready to be picked up by their new owners. Prior to picking up their vehicle, a token will be delivered to the purchaser, which activates the vending machine. Upon completing necessary paperwork, the purchaser may place their token in the vending machine, and their car is brought down from the tower via an automated delivery system, which delivers their vehicle to one of two delivery bays in the building; and

WHEREAS, proposed hours of operation are Monday through Sunday, from 9:00AM to 7:00PM, by appointment only. The facility will ultimately employ 10 to 12 people, with employees working in shifts of 3 to 5 persons at any one time. Employee activities include setting up appointments with customers to schedule pick-up of their purchased vehicles, assisting in the off-loading of vehicles from delivery trucks, the loading of vehicles into the vending machine, finalization of purchase paperwork, and welcoming customers to the facility and presenting them with their new car; and

WHEREAS, Planning Department staff calculated required parking for the project based upon the Development Code standard for "motor vehicle dealers," which requires that a minimum of 20 parking spaces must be provided, while a total of 72 parking stalls have been proposed. For nonresidential development projects, the Development Code stipulates that parking spaces provided in excess of 10 percent above the required number shall be allowed only upon approval by the Planning Commission, based upon proven need (§§ 6.03.015.B.2.b). The Applicant has stated that the number of parking spaces proposed are necessary to accommodate 3 to 5 employees that will be on site during work hours; visitors on-site during customer pick-up of a pre-purchased vehicle; and cars that have been delivered to the site, but have not yet been loaded into the vending machine. The Applicant further stated that outdoor that parking facilities are not provided for outdoor display, as Carvana does not advertise for sale vehicles on the property; and

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

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

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

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on March 19, 2018, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB18-003, recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral

evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) of the CEQA Guidelines, and is consistent with the following conditions:

(a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(c) The project site has no value as habitat for endangered, rare, or threatened species;

(d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality;

(e) The Project site can be adequately served by all required utilities and public services; and

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

(4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

SECTION 2: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on 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 site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land

SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.* The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of

Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport ("ONT"), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Commercial Office land use district of the Policy Plan Land Use Map, and the CR (Regional Commercial) zoning district, which will be in effect at time of project construction. The development standards and conditions under which the proposed Project will be constructed and maintained, 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

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the CR (Regional Commercial) zoning district, which will be in effect at time of project construction, including standards relative to the particular land use proposed (automobile sales facility), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum***

safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project. The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan; and

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (automobile sales facility). As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

SECTION 5: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

SECTION 6: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV18-003
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Planning Department Land Development Division Conditions of Approval

Meeting Date: 03/19/2018

File No: PDEV18-003

Related Files: PCUP18-001

Project Description: A Development Plan (File No. PDEV18-003) to construct a 5,781-square foot, 70-foot high commercial building in conjunction with a Conditional Use Permit (File No. PCUP18-001) to establish and operate an automobile sales facility (Carvana) on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 0210-551-01); **submitted by Carvana, LLC.**

Prepared By: Charles Mercier, Senior Planner
Phone: 909.395.2425 (direct)
Email: cmercier@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limit. 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 Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

2.2 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.3 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.4 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.5 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) The Turner Avenue drive approach shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

2.6 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking

areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

2.7 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted 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 architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

2.8 Security Standards. The Project shall comply with all applicable requirements of Ontario Municipal Code Title 4 (Public Safety), Chapter 11 (Security Standards for Buildings).

2.9 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.10 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.11 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(v) The Project site can be adequately served by all required utilities and public services.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/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.

2.12 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.13 Additional Fees. Following the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.14 Additional Requirements.

(a) The approval of File No. PDEV17-033 shall not be final and conclusive until such time that the Ordinances for File Nos. PDCA18-001 (Development Code Amendment) and PZC18-001 (Zone Change) have been approved by the City Council, and enacted pursuant to State law.

(b) The approval of File No. PDEV18-003 shall not be final and conclusive until File No. PCUP18-001 has been approved by the Planning Commission.

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-003 & PCUP18-001

Address: 520 N Turner Ave

APN: 0210-551-01

Existing Land Use: Vacant

Proposed Land Use: Construct a 5,781 SF Auto Sales Facility

Site Acreage: 2.3 ac Proposed Structure Height: 70 FT

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Charles Mercier

Date: 2/20/18

CD No.: 2018-004

PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>110 FT</u>	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6

Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP Consistent Consistent with Conditions Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

The maximum height limit for the project site is 110 feet and any construction equipment such as cranes or any other equipment exceeding 110 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed and approved by the FAA prior to operating any such equipment.

Airport Planner Signature: _____

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
 303 East "B" Street, Ontario, CA 91764

PRELIMINARY PLAN CORRECTIONS

Sign Off

	2/5/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
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D.A.B. File No.: PDEV18-003 & PCUP18-001	Case Planner: Chuck Mercier
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Project Name and Location: Carvana Commercial Building 520 N Turner Ave

Applicant/Representative: Sean matsler – Manatt, Phelps & Phillips, LLP 695 Town Center Drive 14 th Flr Costa Mesa, CA 92626
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<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 1/10/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.
<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.

CORRECTIONS REQUIRED

Civil/ Site Plans

1. Show transformers located in planter areas, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Located on level grade. Coordinate with landscape plans.
2. Show backflow devices shall be located in planter areas and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
3. Locate utilities including light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
4. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
5. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs. Call out 12" wide curbs, pavers or DG paving with edging where parking spaces are adjacent to planters.
6. Show parking lot island tree planters at each row end, missing on the NE and NW sides of the building.
7. Show outdoor employee break area with table or bench and shade trees on the south and west sides.

Landscape Plans

8. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
9. Show backflows, trash enclosures and transformers, and show a 4' set back from paving with

landscape screening.

10. Show light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans to show all utilities on the landscape plans. Coordinate so utilities are clear of required tree locations.
11. Show parkway landscape and street trees spaced 30' apart.
12. Show ADA access route from the public sidewalk, ADA path to employee break area and ADA path to adjacent industrial buildings within the same development. Include required ADA parking spaces and access aisles.
13. Show parking lot island tree planters at each row end.
14. Call out type of proposed irrigation system (dripline and tree stream spray bubblers) and include preliminary MAWA calculation.
15. Show landscape hydrozones to separate water use areas or note type in legend.
16. Note that irrigation plans shall provide systems for trees with stream bubblers with pc screens.
17. Replace short lived, high maintenance or poor performing plants: Lantana, Ceanothus (except in afternoon shade areas), Agave, except where protected from frost. Remove hydroseed proposed for the concrete channel area.
18. Street trees for this project are: Brachychiton populneus 24" box 25-30' oc.
19. Show concrete mowstrips to identify property lines along open areas or to separate ownership or between maintenance areas.
20. Construction plans shall be designed and signed by a licensed landscape architect.
21. Show outdoor patio or employee break area with table or bench and shade trees on the south and west sides.
22. Show minimum on-site tree sizes per the Landscape Development standards, see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon.
23. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, Sambucus Mexicana, etc.) in appropriate locations.
24. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
25. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—less than 5 acres	\$1,301.00
Inspection—Construction (up to 3 inspections per phase)	\$278.00
Total	\$1,579.00

Landscape construction plans with building permit number for plan check may be emailed to: landscapeplancheck@ontarioca.gov



**ENGINEERING DEPARTMENT
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. PDEV18-003 RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

CITY PROJECT ENGINEER & PHONE NO: Bryan Lirley, P.E., (909) 395-2137 *BL*

CITY PROJECT PLANNER & PHONE NO: Chuck Mercier, (909) 395-2425

DAB MEETING DATE: March 19, 2018

PROJECT NAME / DESCRIPTION: A Development Plan to construct a 5,781 square foot, 70 foot high (8 Tier) tower commercial building for automotive sales (Carvana).

LOCATION: Southeast corner of I-10 Freeway and Turner Avenue

APPLICANT: Carvana, LLC

REVIEWED BY: *Miguel Sotomayor* 3/15/18
 Miguel Sotomayor Date
 Associate Engineer

APPROVED BY: *Khoi Do* 3-15-18
 Khoi Do, P.E. Date
 Assistant City Engineer



- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: _____

2. PRIOR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:

**A. GENERAL
 (Permits includes Grading, Building, Demolition and Encroachment)**

- 2.01 Record Parcel Map/Tract Map No. _____ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 **Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.**
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.



- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this 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 at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

- 2.08 **Submit a soils/geology report.**
- 2.09 **Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:**
 - State of California Department of Transportation (Caltrans)**
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other: _____

- 2.10 Dedicate to the City of Ontario the right-of-way described below:

_____ feet on _____

Property line corner 'cut-back' required at the intersection of _____ and _____.
- 2.11 Dedicate to the City of Ontario the following easement(s): _____

- 2.12 New Model Colony (NMC) Developments:
 - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
 - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
 - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 **Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**



- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$42,260, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: _____



B. PUBLIC IMPROVEMENTS

(See attached Exhibit 'A' for plan check submittal requirements.)

- 2.17 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	Turner Avenue	Street 2	Street 3	Street 4
Curb and Gutter	<input checked="" type="checkbox"/> New in Cul-De-Sac <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New ⁽¹⁾ <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation



Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

Specific notes for improvements listed in item no. 2.17, above

(1) – The applicant/developer shall close the existing driveway and install a new commercial driveway.

2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____



- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately _____, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: _____

C. SEWER

- 2.23 **A 8 inch sewer main is available for connection by this project in Turner Avenue. (Ref: Sewer plan bar code: S11072)**
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions: _____

D. WATER

- 2.27 **A 12 inch water main is available for connection by this project in Turner Avenue. (Ref: Water plan bar code: W13298)**
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 **Other conditions:**
 1. **The applicant/developer shall install domestic water service with backflow device as well as fire service with DCDA device.**

E. RECYCLED WATER

- 2.30 **A 12 inch recycled water main is available for connection by this project in Turner Avenue. (Ref: Recycled Water plan bar code:P10300)**
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
- 2.33 **Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.**

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.



Please contact: Cynthia Heredia-Torres
P (909) 395-2647
F (909) 395-2608
ctorres@ontarioca.gov

- 2.34 Other conditions: _____

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
- 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions:
- 1. **It shall be known that Caltrans is in the process of studying and installing High-Occupancy Toll lanes along the I-10 freeway in this location. The applicant/developer may be required to provide Caltrans a temporary construction easement or access in the future.**

G. DRAINAGE / HYDROLOGY

- 2.38 **A 48 inch storm drain main is available to accept flows from this project in Turner Avenue. (Ref: Storm Drain plan bar code:D10008)**
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions: _____

H. STORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES)

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB)



and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.

If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.

Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.

- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: _____

K. FIBER OPTIC

- 2.49 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located along the project frontage on Turner Avenue. See fiber optic exhibit herein.**
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

- 2.51 **Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at:**
<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>
- 2.52 **Other conditions:**
 1. The applicant/developer shall install an upgraded two-bin solid roof enclosure per the aforementioned manual.



3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:

- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.
- 3.02 Complete all requirements for recycled water usage.
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PDEV 18-003

The following items are required to be included with the first plan check submittal:

1. **A copy of this check list**
2. **Payment of fee for Plan Checking**
3. **One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.**
4. **One (1) copy of project Conditions of Approval**
5. **Two (2) sets of Potable and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size).**
6. Three (3) sets of Public Street improvement plan with street cross-sections
7. Three (3) sets of Private Street improvement plan with street cross-sections
8. Four (4) sets of Public Water improvement plan (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)
9. Four (4) sets of Recycled Water improvement plan (include recycled water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size and an exhibit showing the limits of areas being irrigated by each recycled water meter)
10. Four (4) sets of Public Sewer improvement plan
11. Five (5) sets of Public Storm Drain improvement plan
12. Three (3) sets of Public Street Light improvement plan
13. Three (3) sets of Signing and Striping improvement plan
14. **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
15. Three (3) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
16. Three (3) sets of Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.
17. **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
18. One (1) copy of Hydrology/Drainage study
19. **One (1) copy of Soils/Geology report**
20. Payment for Final Map/Parcel Map processing fee
21. Three (3) copies of Final Map/Parcel Map



- 22. One (1) copy of approved Tentative Map
- 23. One (1) copy of Preliminary Title Report (current within 30 days)
- 24. One (1) copy of Traverse Closure Calculations
- 25. One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.
- 26. **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 27. Other: _____

PDEV18-003 - Carvana
Comments by
Anna Vaca - 2/16/2018

PROJECT INFORMATION

PROJECT INFORMATION	150 NORTH TURNER AVE, OAKLAND, CA
ZONING CLASSIFICATION	COMMUNITY OFFICE (CO)
EXISTING USE	VACANT LOT
PROPOSED USE	ACCESSIBLE DEALERS - USED VEHICLES

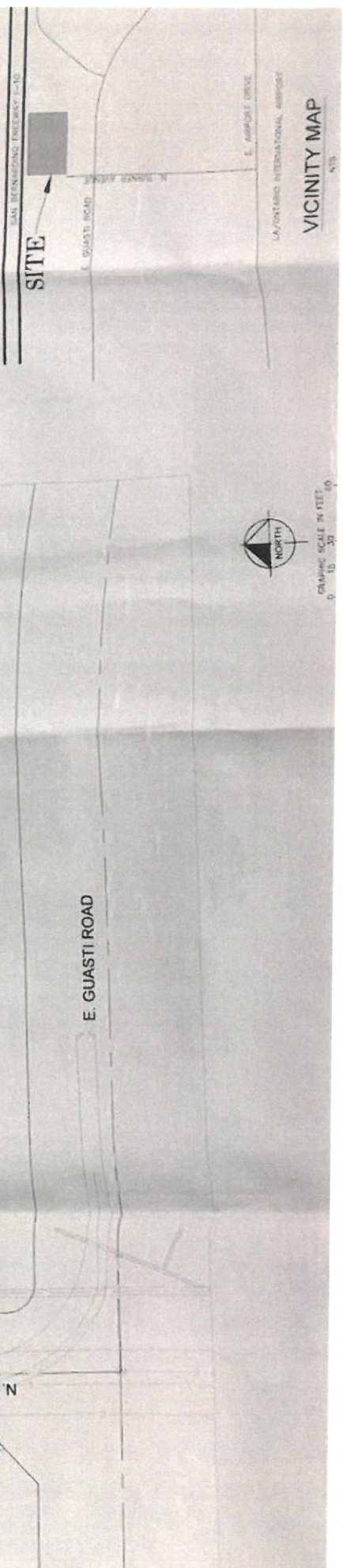
LEGEND

---	PROPERTY BOUNDARY
---	STREET CENTERLINE

① Conduit should terminate no less than 5 inches above the finished floor in the telecommunications room against the wall.

Location of telecommunications room is conceptual

- HH-1/*22 - PCA132418-90087 - Size 13" x 24" x 18"
- HH-2A/*22 - PCA243630-90064 - Size 24" x 36" x 30"
- HH-3/*22 - PCA304836-90244 - Size 30" x 48" x 36"
- HH-4/*22 - PCA366036-90146 - Size 36" x 60" x 36"



VICINITY MAP

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Charles Mercier
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 12, 2018
SUBJECT: PDEV18-003

-
- The plan **does** adequately address the departmental concerns at this time.
- No comments
- Report below.

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Charles Mercier, Planning Department

FROM: Douglas Sorel, Police Department

DATE: January 23, 2018

SUBJECT: PDEV18-003: A DEVELOPMENT PLAN TO CONSTRUCT A 70-FOOT HIGH TOWER AND AUTOMOBILE SALES CENTER AT TURNER AVENUE AND THE INTERSTATE 10 FREEWAY

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions.

The Applicant is invited to call Douglas Sorel at (909) 395-2873 regarding any questions or concerns.



CITY OF ONTARIO

MEMORANDUM

TO: Charles, Senior Planner
Planning Department

FROM: Paul Ehrman, Deputy Fire Chief/Fire Marshal
Fire Department

DATE: January 15, 2018

SUBJECT: PDEV18-003 - A Development Plan to construct a 5,781-square foot, 70-foot high commercial building for automotive sales (Carvana) in conjunction with a Conditional Use Permit to establish and operate an automotive sales facility, on 2.33 acres of land, located at the southeast corner of Interstate-10 Freeway and Turner Avenue, at 520 North Turner Avenue, within the OH (High Intensity Office) zoning district (APN: 0210-551-01). Related File: PCUP18-001.

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
- Standard Conditions of Approval apply, as stated below.
-

SITE AND BUILDING FEATURES:

- A. 2016 CBC Type of Construction: Not listed
- B. Type of Roof Materials: Not listed
- C. Ground Floor Area(s): 5,781 Sq. Ft.
- D. Number of Stories: One Story (70 Ft. High)
- E. Total Square Footage: 5,781 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): M

CONDITIONS OF APPROVAL:

1.0 GENERAL

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ontarioca.gov, click on “Fire Department” and then on “Standards and Forms.”
- ☒ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access 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 building plan check.
- ☒ 2.5 "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 obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, 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. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

5.0 BUILDING CONSTRUCTION FEATURES

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 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. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.

7.0 PROJECT SPECIFIC CONDITIONS

- ☒ 7.1 After meeting with the project manager, it was disclosed that the racking system that holds the automobiles has a built-in sprinkler system. It was agreed that the structure itself would not require a separate sprinkler system.



CITY OF ONTARIO

MEMORANDUM

TO: Hassan Haghani, Development Director
Scott Murphy, Assistant Development Director (Copy of Memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Khoi Do, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Ahmed Aly, Municipal Utility Company
Doug Sorel, Police Department
Paul Ehrman, Deputy Fire Chief/Fire Marshal
Jay Bautista, T. E., Traffic/Transportation Manager
Lorena Mejia, Senior Planner
Steve Wilson, Engineering/NPDES
Robin Lucero, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

EXPEDITE

FROM: Charles Mercier, Senior Planner

DATE: January 10, 2018

SUBJECT: FILE #: PDEV18-003

Finance Acct#:

RECEIVED
JAN 11 2018
City of Ontario
Planning Department

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, January 24, 2018**.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Development Plan to construct a 5,781 square foot, 70 foot high (8 Tier) tower commercial building for automotive sales (Carvana) in conjunction with a Conditional Use Permit to establish and operate an automotive sales use, on 2.33 acres of land, within the High Intensity Office zoning district, located on the southeast corner of the I-10 Freeway and Turner Avenue (520 N. Turner Avenue). APN: 0210-551-01
Related Files: PCUP18-001

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Code Rle Code Mgr 1-11-18
Department Signature Title Date

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, DENYING FILE NO. PVAR18-002, A VARIANCE TO DEVIATE FROM THE MAXIMUM NUMBER OF ALLOWED WALL SIGNS ON A COMMERCIAL BUILDING, FROM 3 SIGNS TO 4 SIGNS, ON 2.34 ACRES OF LAND LOCATED AT THE TERMINUS OF TURNER AVENUE, SOUTH OF INTERSTATE 10, AT 520 NORTH TURNER AVENUE, WITHIN THE CR (REGIONAL COMMERCIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-551-01.

WHEREAS, Carvana, LLC ("Applicant") has filed an Application for the approval of a Variance, File No. PVAR18-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.34 acres of land generally located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district, and is presently unimproved; and

WHEREAS, Interstate 10 (San Bernardino Freeway) abuts the project site to the north. A hotel (Fairfield Inn) abuts project site to the east, and is located within the Commercial-Hotel land use district of the Centrelake Specific Plan. Offices are located on property abutting the project site's south property line, which are located within the Office land use district of the Centrelake Specific Plan. The property abutting the project site to the west is unimproved and lies in the Office/Commercial land use district of the Guasti Plaza Specific Plan.; and

WHEREAS, the Applicant is requesting Variance approval to deviate from the maximum number of allowed wall signs on a commercial building, from 3 signs to 4 signs. This application was filed in conjunction with a Conditional Use Permit (refer to File No. PCUP18-001) approval to establish an automobile sales facility for Carvana, an on-line retailer of previously owned late model automobiles, a Development Plan (refer to File No. PDEV18-003) to construct the proposed automobile sales facility, as-well-as a Zone Change application (File No. PZC18-001), which will change the zoning designation on project site from HO (High Intensity Office) to CR (Regional Commercial), and a Development Code Amendment (File No. PDCA18-001) to allow used automobile dealerships to locate in the CR zoning district, under certain conditions; and

WHEREAS, as described in State law (Government Code Section 65906) and the City's Development Code (Development Code Section 4.02.02.E), a variance from the terms of the Development Code may be granted only when:

(1) The property would be denied a privilege enjoyed by other properties in the vicinity and in the same zoning district;

(2) The variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

(3) The variance would not grant a use or activity that is otherwise prohibited by the Development Code; and

WHEREAS, upon review of the Variance request, Planning Department staff has determined that approval of is not warranted in this case. The sign regulations contained in the Development Code (Division 8.01) provide that in commercial zoning districts, retail businesses occupying less than 8,000 square feet are allowed one wall sign per building elevation, not to exceed a total of three wall signs. As the applicant has requested Variance approval for the installation of a fourth wall sign, one more wall sign than otherwise allowed by the sign regulations, the property is not, therefore, being denied a privilege that is otherwise being enjoyed by other properties in the vicinity and in the same zoning district; and

WHEREAS, it is Planning Department staff's belief that approval of the Variance request would constitute the grant of a privilege that is not enjoyed by other properties in the vicinity and in the same zoning district. In approving the Variance request, thereby granting the installation of a fourth wall sign, the Applicant would be granted an added right that is not held by other properties in the vicinity and in the same zoning district; and

WHEREAS, the regulations prescribed by the Development Code are exclusive, meaning if a use or activity is not specifically allowed by the Development Code, the use or activity is prohibited. For this reason, because the sign regulations do not specifically state that four wall signs are allowed for retail businesses less than 8,000 square feet in area, the approval of a fourth wall sign by use of a Variance would constitute the grant of a use that is otherwise prohibited by the Development Code. Therefore, approval of the Variance request would be a violation of State law and the City's Development Code; and

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

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

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

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

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

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

(1) The administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) of the CEQA Guidelines, and is consistent with the following conditions:

(a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

- (b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
 - (c) The project site has no value as habitat for endangered, rare, or threatened species;
 - (d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality;
 - (e) The Project site can be adequately served by all required utilities and public services; and
- (3) The application of the categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2; and
- (4) The determination of CEQA exemption reflects the independent judgment of the Planning Commission.

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

SECTION 3: Concluding Facts and Reasons. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 and 2, above, the Planning Commission hereby concludes as follows:

- (1) ***The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship***

inconsistent with the objectives of the development regulations contained in the Development Code. No physical hardships exist on the project site that would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the regulations contained in the Development Code, and would warrant the approval of this variance request to exceed the maximum number of wall signs allowed for retail businesses less than 8,000 square feet in area.

(2) ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district.*** The sign regulations contained in the Development Code (Division 8.01) provide that in commercial zoning districts, retail businesses occupying less than 8,000 square feet are allowed one wall sign per building elevation, not to exceed a total of three wall signs. The applicant has requested Variance approval for the installation of a fourth wall sign, one more wall sign than otherwise allowed by the sign regulations. There are no exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties in the vicinity and in the same zoning district, and would warrant the approval of the variance request.

(3) ***The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.*** As the applicant has requested Variance approval for the installation of a fourth wall sign, one more wall sign than otherwise allowed by the sign regulations, the property is not, therefore, being denied a privilege that is otherwise being enjoyed by other properties in the vicinity and in the same zoning district. Furthermore, approval of the Variance request would constitute the grant of a privilege that is not enjoyed by other properties in the vicinity and in the same zoning district. In approving the Variance request, thereby granting the installation of a fourth wall sign, the Applicant would be granted an added right that is not held by other properties in the vicinity and in the same zoning district.

SECTION 4: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 3, above, the Planning Commission hereby DENIES the herein described Application.

SECTION 5: 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 6: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 7: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore



PLANNING COMMISSION STAFF REPORT

March 27, 2018

SUBJECT: A Tentative Tract Map (File No. PMTT16-003/TT 20012) to subdivide 37.47 acres of land into 176 numbered lots and 47 lettered lots for public streets, landscape neighborhood edge areas and common open space purposes, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan. (APNs: 0218-201-20, 0218-201-26 and 0218-201-27); **submitted by Ontario Avenida Associates, LLC.**

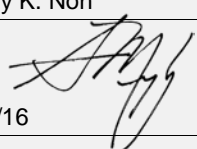
PROPERTY OWNER: Ontario Avenida Associates, LLC

RECOMMENDED ACTION: That the Planning Commission approve File No. PMTT16-003, pursuant to the facts and reasons contained in the staff report and attached resolution(s), and subject to the conditions of approval contained in the attached departmental reports.

PROJECT SETTING: The project site is comprised of 37.47 acres of land generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan, and is depicted in **Figure 1: Project Location**. The project site gently slopes from north to south and is developed with dairy/agricultural and single-family residential uses. The properties to the north are vacant and rough graded and are located within Planning Area 6A (Low Density Residential) and Planning Area 6B (Middle School) of The Avenue Specific Plan. The property to the east is developed with a poultry farm (Egg Ranch) and a single-family home and is located within Planning Area 8B (Low Density Residential) of The Avenue Specific Plan. The properties to the south are developed with agricultural/dairy uses



Figure 1: Project Location

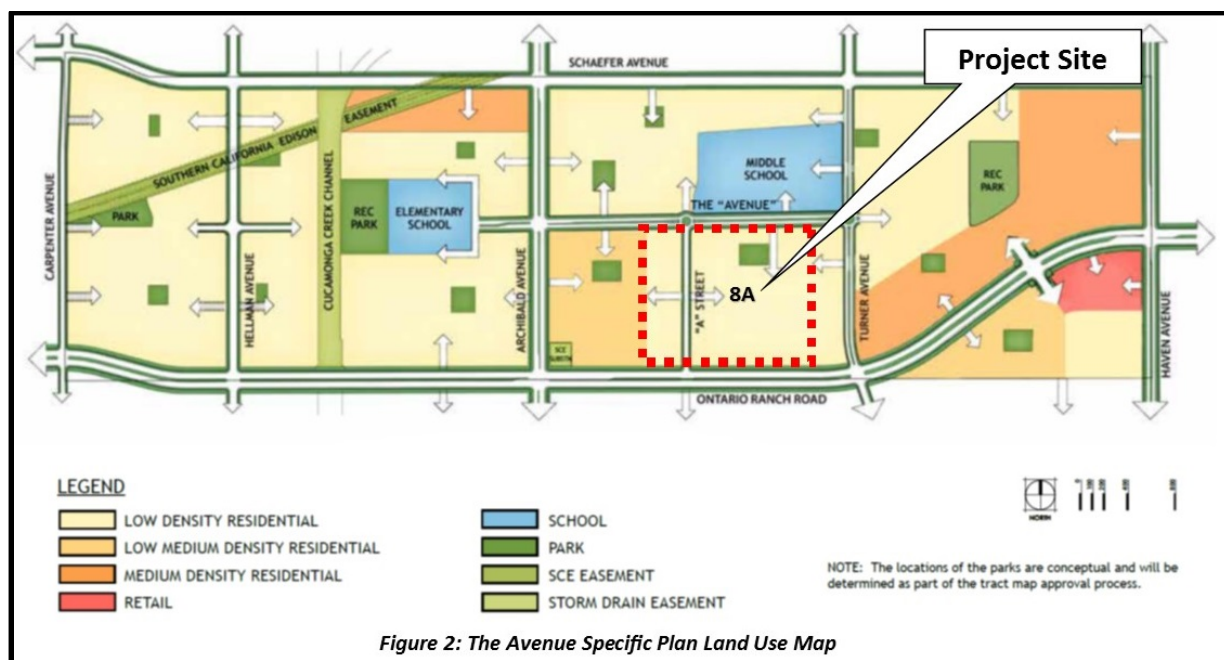
Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	10/16/17	Approve	Recommend
Submittal Date:	1/15/16	ZA			
Hearing Deadline:	N/A	PC	3/27/18		Final
		CC			

and are located within Planning Area 7 (High Density Residential) and Planning Area 10 (High School) of the Grand Park Specific Plan. The property to the west is rough graded and is located within Planning Area 7 (Low Medium Density Residential) of The Avenue Specific Plan.

PROJECT ANALYSIS:

[1] Background — The Avenue Specific Plan and Environmental Impact Report (EIR) were approved by the City Council on December 19, 2006. The Avenue Specific Plan establishes the land use designations, development standards, and design guidelines for 568 acres, which includes the potential development of 2,875 dwelling units and approximately 131,000 square feet of commercial.

The project street frontage improvements along Ontario Ranch Road were partially constructed by the adjacent New Haven Community (Planning Area 10A) of The Avenue Specific Plan. The project site will have access from Ontario Ranch Road and La Avenida Drive, which runs east and west along the northern and southern frontages of the project site (**Figure 2: The Avenue Specific Plan Land Use Plan**).



The Applicant, Ontario Avenida Associates, LLC, has submitted a Tentative Tract Map to subdivide 37.47 acres of land into 176 numbered lots and 47 lettered lots for public streets, landscape neighborhood edge areas and common open space purposes. The development plans for the proposed Conventional and Alley Loaded products will be brought before the Planning Commission at a future date.

On October 16, 2017, the Development Advisory Board recommended approval of the application to the Planning Commission.

[2] Tract Map Subdivision — The proposed Tentative Tract Map (File No. PMTT16-003/TT 20012) to subdivide 37.47 acres of land into 176 numbered lots and 47 lettered lots for public streets, landscape neighborhood edge areas and common open space purposes. The proposed project will provide additional conventional and alley loaded single-family home products within Planning Area 8A of The Avenue Specific Plan (**See Exhibit A: Tentative Tract Map 20012**). The residential lots range in size from 5,000 to 6,974 square feet for the single-family lots. The proposed lots exceed the Specific Plan’s minimum lot requirement of 4,250 square feet (Product Type 1B - Conventional) and 2,380 square feet (Product Type 2 - Alley Loaded).

[3] Site Access/Circulation — The project street frontage improvements along Ontario Ranch Road were partially constructed by the adjacent New Haven Community (Planning Area 10A) of The Avenue Specific Plan. The applicant will be responsible to construct the remaining Ontario Ranch Road improvements (i.e. last lane, parkway and neighborhood edge) along the project site’s frontage. Additionally, the applicant is required to construct La Avenida Drive along the northern frontage of the project site. Primary vehicular access into the development will be provided from Ontario Ranch Road and La Avenida Drive, which runs east and west along the northern and southern frontages of the project site.

[4] Parking — The proposed conventional single-family homes will provide a two-car garage and a standard two-car driveway. The Alley Loaded homes will have garage access from a private lane and will provide a two-car garage, the proposed products meet The Avenue Specific Plan and Development Code requirements. Additionally, the project provides 241 on-street parking spaces for visitors. As demonstrated within Table 1 below, the parking analysis concluded that there will be an average of 4.5 parking spaces per unit, which should be more than adequate to accommodate both resident and visitor parking.

Summary of Parking Analysis							
Product	Number of Units	Garage	Driveway Parking	On-Street Parking	Total Provided	Req. Per Unit	+/- Parking
Parking Per Unit							
SF Conventional	104	2	2	128	544	208	
Alley Loaded	72	2		113	257	144	
Total	176			241	801	352	+449
4.5 spaces per unit							

[5] Open Space — The Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract (see **Exhibit B: Illustrative Site Plan**). TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of private park per 1,000 residents. The proposed project is required to provide a 1.34 acre park to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing four neighborhood parks that will total 1.39 acres of park area and are strategically located throughout the project site to provide residents a variety of park options within walking distance.

[6] Public Comments – On November 27, 2017, the City received a letter (see **Exhibit C: Public Comment Letter**) from the property owner, located directly to the east of the project site (10076 Ontario Ranch Road – Jongs Ontario, LLC). The property owner has been operating a poultry farm for the past 25 years and has been in operation for more than 80 years. The property owner expressed the inherent characteristics of an operating poultry farm (i.e. flies, dust, odor, noise, etc.) and those impacts to the proposed adjacent residential development and therefore, requested that the proposed tentative tract map subdivision implement the required 100-foot separation between a new residential development and an existing dairy/feed lot.

Staff response – The proposed tract map subdivision is in compliance with the 100-foot Dairy/Agricultural Separation Requirement for Residential Developments. Staff expressed to the property owner that the 100-foot Dairy/Agricultural Use Separation requirement is measured from a residentially zoned lot (from property line) to an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. Additionally, staff provided a Site Utilization Plan (**Exhibits D and E: Site Utilization Plan**) to the property owner that illustrates that the closest proposed residentially zoned lot to the nearest building is 101 feet and 109 feet to the nearest poultry operation building and therefore is in compliance with the 100-foot Dairy/Agricultural Separation Requirement for Residential Developments. The 100-foot separation may be required to record an off-site easement that is acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map. Furthermore, a copy of the Public Report from the Department of Real Estate, prepared for the proposed Tentative Tract Map pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement that some of the properties adjacent to this tract are zoned for agricultural uses and there could have fly, odor, or related problems due to the proximity of animals.

The City is committed to supporting existing dairy and agriculture uses and through the Agricultural Overlay District (“Right to Farm”) the City can ease the transition from agricultural to urban uses and minimize conflicts between the two uses.

COMPLIANCE WITH THE ONTARIO PLAN: The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan

(General Plan), and City Council Priorities components of The Ontario Plan (TOP). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
 - Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[4] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

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

Housing Element:

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

➤ H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

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

Community Economics Element:

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

➤ CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

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

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

➤ CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

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

Community Design Element:

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

- CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

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

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

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

- A pattern of smaller, walkable blocks that promote access, activity and safety;

- Variable setbacks and parcel sizes to accommodate a diversity of housing types;

- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;

- Landscaped parkways, with sidewalks separated from the curb.

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

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

- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

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

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

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

- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

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

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

HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (180) and density (4.80 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with an overall density range of 2-12 DU/AC.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the 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 environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

CONDITIONS OF APPROVAL: See attached department reports.

TECHNICAL APPENDIX:

Surrounding Zoning and Land Use:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Agriculture/Dairy	Low Density Residential	The Avenue Specific Plan	Planning Area 8A – (LDR)
<i>North</i>	Vacant	Low Density Residential and Public School	The Avenue Specific Plan	Planning Area 6A – (LDR) Planning Area 6B and 9B (Middle School)
<i>South</i>	Agriculture/Dairy	Medium Density Residential and Public School	Grand Park Specific Plan	Planning Area 7 – (HDR) and Planning Area 10 – (High School)
<i>East</i>	Agriculture	Low Density Residential	The Avenue Specific Plan	Planning Area 8B – (LDR)
<i>West</i>	Vacant	Low Density Residential	The Avenue Specific Plan	Planning Area 7 – (LMDR)

Tentative Tract Map Summary:

<i>Item</i>	<i>TT20012</i>
<i>Total Area Gross (AC)</i>	37.47
<i>Total Area Net (AC)</i>	27.81
<i>Min. Lot Size (Sq. Ft.)</i>	5,000
<i>Max. Lot Size (Sq. Ft.)</i>	6,974
<i>No. of Numbered Lots/Units</i>	176
<i>No. of Lettered Lots</i>	47
<i>Gross Density (du/gross ac)</i>	4.70

Exhibit A — TENTATIVE TRACT MAP 20012

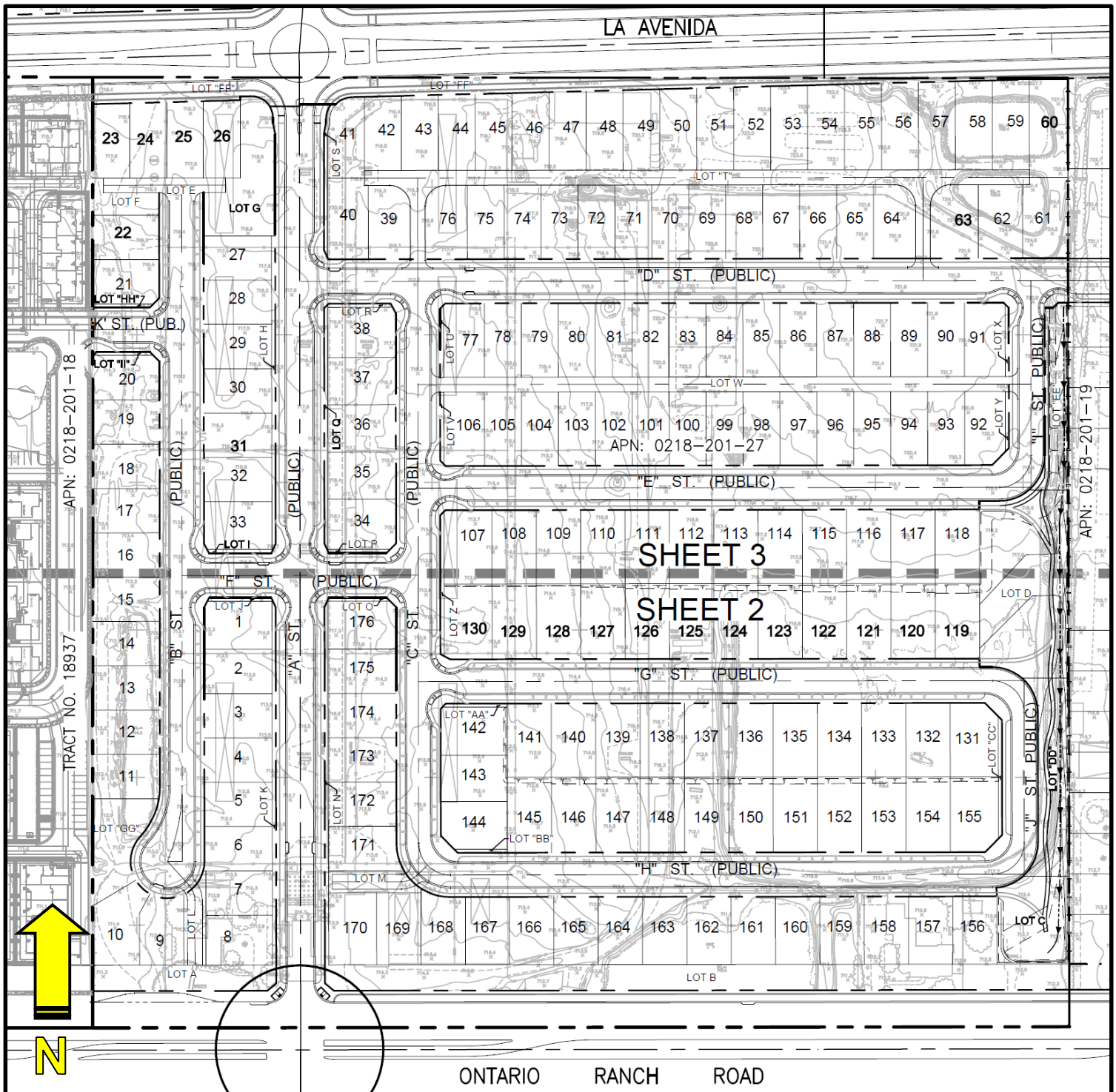


Exhibit B — ILLUSTRATIVE SITE PLAN



Exhibit C — PUBLIC COMMENT LETTER

Henry Noh, Senior Planner
City of Ontario
303 East "B" Street, Civic Center
Ontario, CA 91764



November 20, 2017

Re: Tentative Tract Map (File No. PMTT16-003TT20012)

Dear Mr. Noh:

I write on behalf of Jong's Ontario LLC, owner of property adjacent to the above-referenced Tentative Tract Map.

We would like to voice our opposition to the Tentative Tract Map, as currently designed, specifically, the location of residential lots 59, 60, 61, 62, 91, 92, and 118. As our family farm has been operating at this location for more than 25 years, and the farm itself has been in operation for more than 80 years, we are aware of the inherent characteristics of an operating poultry farm (e.g. flies, odors, noise, dust, farm vehicle traffic, others).

In 2007, we engaged with the City of Ontario and developers during the drafting of The Avenue Specific Plan, and requested that specific development standards be included to both protect our family farm and future neighbors.

Review of the proposed Tentative Tract Map shows residential lots will be constructed within 100 feet of the western boundary of the poultry farm. These lots should be set back at least 100 feet from the Jong's property.

The Development Regulations contained within The Avenue Specific Plan require a 100-foot separation between new residential development and an existing dairy/feed lot. The Specific Plan does not explicitly address separation between a poultry farm and new residential development but both dairy/feed lots and poultry ranches share the common characteristic of housing large numbers of animals in a very concentrated space. The policies applicable to dairy/feed lots are equally applicable to poultry farms.

The City of Ontario has long been committed to supporting existing agricultural uses which are in the path of new development. I am bringing this matter to your attention so that proper separation between the new development and the existing poultry farm can be included in the development review of this Tentative Tract Map.

I plan on attending the November 28, 2017 hearing and look forward to working with you.

Sincerely,

Joyce Jong
Jong's Ontario, LLC
10076 Edison Avenue, Ontario, CA 91762

Exhibit D — SITE UTILIZATION PLAN

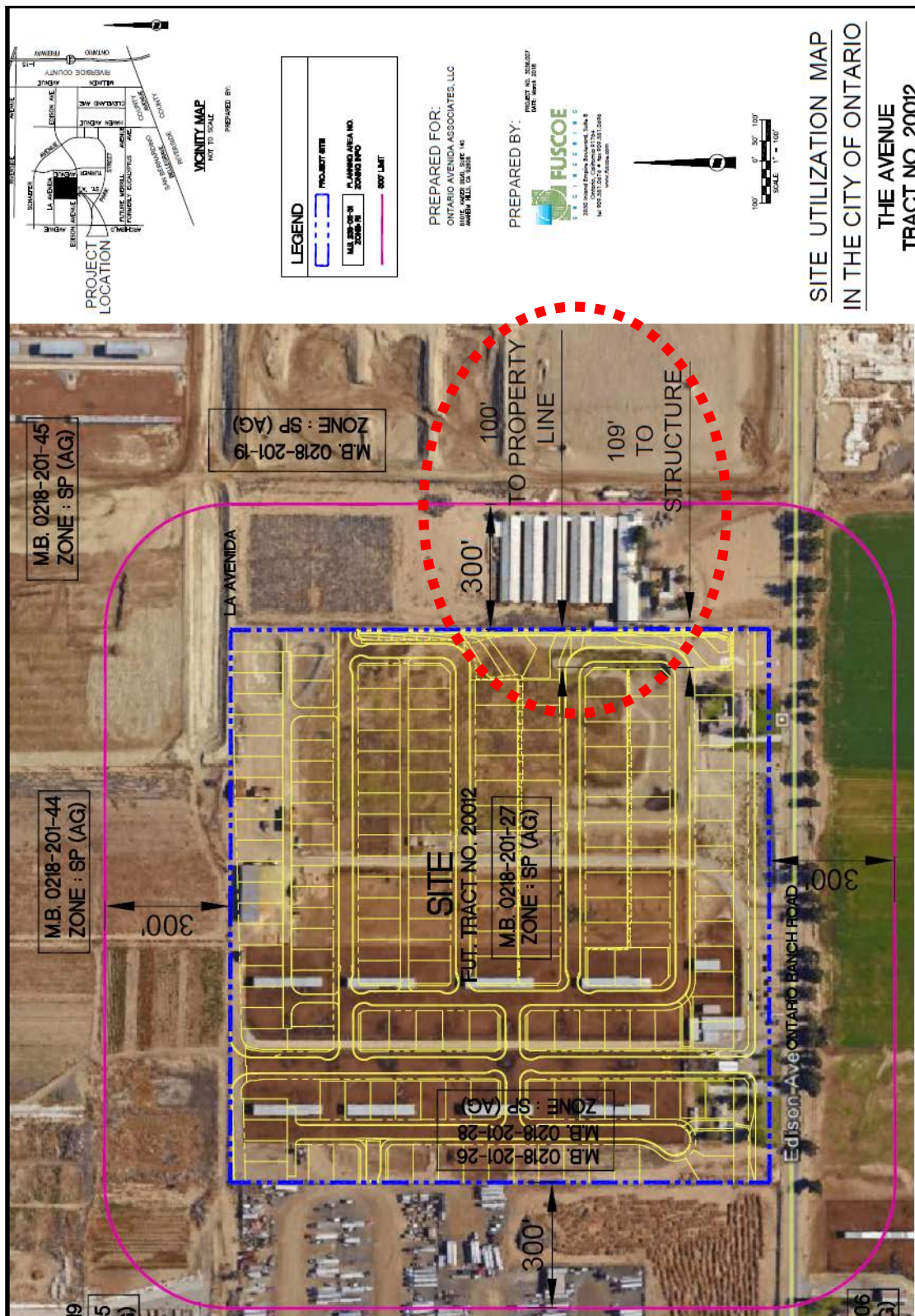
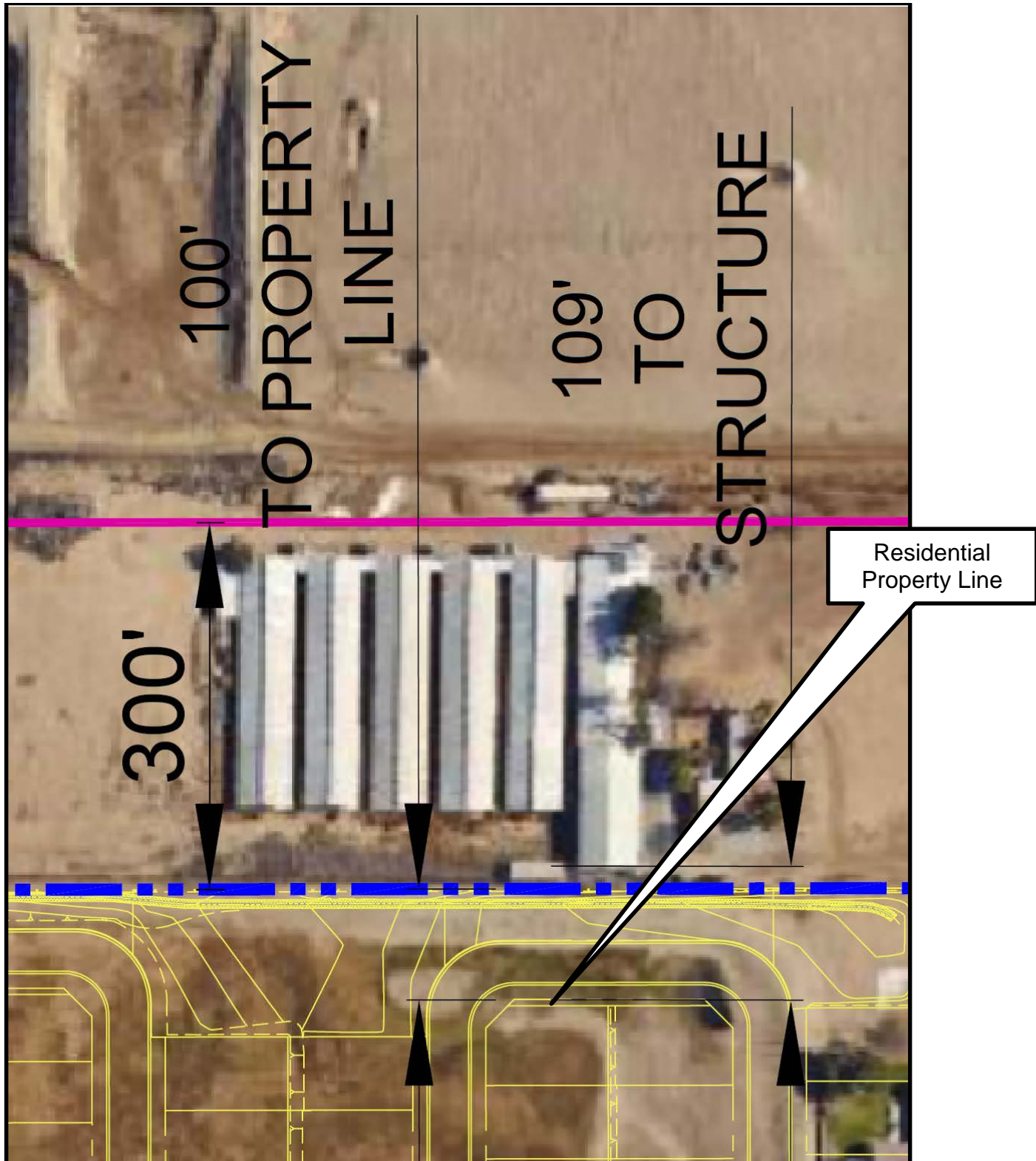


Exhibit D — SITE UTILIZATION PLAN - ENLARGED



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP (FILE NO. PMTT16-003/TT 20012) TO SUBDIVIDE 37.47 ACRES OF LAND INTO 176 NUMBERED LOTS AND 47 LETTERED LOTS FOR PUBLIC STREETS, LANDSCAPE NEIGHBORHOOD EDGE AREAS AND COMMON OPEN SPACE PURPOSES, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-201-20, 0218-201-26 AND 0218-201-27.

WHEREAS, Ontario Avenida Associates, LLC ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT16-003/TT 20012, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 37.47 acres of land generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan, and is presently improved with dairy/agricultural and single-family residential uses; and

WHEREAS, the property to the north of the Project site is within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan, and is developed with dairy/agricultural and single-family residential uses. The properties to the north are vacant and rough graded and are located within Planning Area 6A (Low Density Residential) and Planning Area 6B (Middle School) of The Avenue Specific Plan. The property to the east is developed with a chicken farm and single-family residential use and is located within Planning Area 8B (Low Density Residential) of The Avenue Specific Plan. The properties to the south are developed with agricultural/dairy uses and are located within Planning Area 7 (High Density Residential) and Planning Area 10 (High School) of the Grand Park Specific Plan. The property to the west is rough graded and is are located within Planning Area 7 (Low Medium Density Residential) of The Avenue Specific Plan; and

WHEREAS, the proposed Tentative Tract Map is in compliance with the requirements of The Avenue Specific Plan and is sufficient in size to facilitate and implement the traditional planning concepts for the "Residential Neighborhood" within the Specific Plan; and

WHEREAS, the proposed Tentative Tract Map is located within Planning Area 8A (Low Density Residential) land use district of The Avenue Specific Plan, which establishes a minimum lot requirement of 4,250 square feet (Product Type 1B - Conventional) and

2,380 square feet (Product Type 2 - Alley Loaded) and has a development capacity of up to 180 dwelling units; and

WHEREAS, the proposed Tentative Tract Map will subdivide 37.47 acres of land into 176 numbered lots and 47 lettered lots for public streets, landscape neighborhood edge areas and common open space purposes. The residential lots range in size from 5,000 to 6,974 square feet for the single-family lots. The proposed lots exceed the Specific Plan's minimum lot requirement of 4,250 square feet (Product Type 1B - Conventional) and 2,380 square feet (Product Type 2 - Alley Loaded), therefore the Tentative Tract Map is consistent with The Avenue Specific Plan; and

WHEREAS, TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of private park per 1,000 residents. The proposed project is required to provide a 1.34 acre park to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing four neighborhood parks that will total 1.39 acres of park area and are strategically located throughout the project site to provide residents a variety of park options within walking distance; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 19, 2006, and this Application introduces no new significant environmental impacts; and

WHEREAS, the City's "Local Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed; and

WHEREAS, the Application is a project pursuant to CEQA (Public Resources Code Section 21000 et seq.), and an initial study has been prepared to determine possible environmental impacts; and

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

WHEREAS, the Project has been reviewed for consistency with the Housing Element of the Policy Plan component of The Ontario Plan, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration

of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on October 16, 2017, the Development Advisory Board of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Decision No. DAB17-054 recommending the Planning Commission approve the Application; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation. Based upon the facts and information contained in the previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to The Avenue Specific Plan EIR (SCH# 2005071109) Environmental Impact Report, certified by the City of Ontario City Council on December 19, 2006.

(2) The previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109) reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous addendum to The Avenue Specific Plan EIR (SCH# 2005071109), and all mitigation measures previously adopted with the addendum to The Avenue Specific Plan EIR (SCH# 2005071109), are incorporated herein by this reference.

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental addendum to The Avenue Specific Plan EIR (SCH# 2005071109) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that will require major revisions to the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was prepared, that will require major revisions to the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and.

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the addendum to The Avenue Specific Plan EIR (SCH# 2005071109); or

(b) Significant effects previously examined will be substantially more severe than shown in the addendum to The Avenue Specific Plan EIR (SCH# 2005071109); or

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

(d) Mitigation measures or alternatives considerably different from those analyzed in the addendum to The Avenue Specific Plan EIR (SCH# 2005071109) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: *Housing Element Compliance.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (180) and density (4.80 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with an overall density range of 2-12 DU/AC.

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

(ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

SECTION 5: Concluding Facts and Reasons. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Tentative Tract/Parcel Map 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 applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract Map is located within the Low Density Residential land use district of the Policy Plan Land Use Map, and within Planning Area 8A (LDR) district of The Avenue Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “a spectrum of housing types and price ranges that match the jobs in the City, and that make it possible for people to live and work in Ontario and maintain a quality of life” (Goal LU1). Furthermore, the project will promote the City’s policy to “incorporate a variety of land uses and building types that contribute to a complete community where residents at all stages of life, employers, workers, and visitors, have a wide spectrum of choices of where they can live, work, shop, and recreate within Ontario” (Policy LU1-6 *Complete Community*). In addition, the Tentative Tract Map meets all minimum size requirements and development standards specified within the Low Density Residential (Planning Area 8A – Product Types: 1B and 2) land use district of The Avenue Specific Plan, therefore the proposed Tentative Tract Map is consistent with The Ontario Plan and The Avenue Specific Plan.

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map 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 applicable specific plans and planned unit developments.*** The proposed Tentative Tract Map is located within the Low Density Residential land use district of the Policy Plan Land Use Map, and within Planning Area 8A (LDR) district of The Avenue Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

In addition, the Tentative Tract Map meets all minimum size requirements and development standards specified within the Low Density Residential (Planning Area 8A – Product Types: 1B and 2) land use district of The Avenue Specific Plan, therefore the proposed Tentative Tract Map is consistent with The Ontario Plan and The Avenue Specific Plan.

(3) ***The site is physically suitable for the type of development proposed.***

The project site meets the minimum lot area and dimensions of the Low Density Residential (Planning Area 8A – Product Types: 1B and 2) land use district of The Avenue Specific Plan, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The Tentative Tract Map proposes to subdivide 37.47 acres of land into 176 numbered lots and 47 lettered lots for public streets, landscape neighborhood edge areas and common open space purposes. The residential lots range in size from 5,000 to 6,974 square feet for the single-family lots. The proposed lots exceed the Specific Plan’s minimum lot requirement of 4,250 square feet (Product Type 1B - Conventional) and 2,380 square feet (Product Type 2 - Alley Loaded). The Specific Plan provides for the development of up to 180 residential dwelling units and a density of 4.5 dwelling units per acre within Planning Area 8A. The Tentative Tract Map proposes 176 dwelling units at a density of 4.4 dwelling units per acre.

(4) ***The site is physically suitable for the density/intensity of development proposed.***

The project site is proposed for residential development at a density of 4.7 DUs/acre. The Specific Plan provides for the development of up to 180 residential dwelling units and a density of 4.8 dwelling units per acre within Planning Area 8A. The Tentative Tract Map proposes 176 dwelling units at a density of 4.7 dwelling units per acre. The Tentative Tract Map proposes to subdivide 37.47 acres of land into: 1) 72 alley loaded single-family numbered lots and 2) 104 conventional single-family numbered lots for the construction of 176 single-family residential units within (Planning Area 8A) of The Avenue Specific Plan. The residential lots range in size from 5,000 to 6,974 square feet

for the single-family lots. The proposed lots exceed the Specific Plan's minimum lot requirement of 4,250 square feet (Product Type 1B - Conventional) and 2,380 square feet (Product Type 2 - Alley Loaded) and is physically suitable for this proposed density/intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat. In addition, the environmental impacts of this project were previously reviewed in conjunction with an addendum to The Avenue Specific Plan EIR (SCH# 2005071109). This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the residential and infrastructure improvements proposed on the project site, are not likely to cause serious public health problems, as the project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site. In addition, the environmental impacts of this project were previously reviewed in conjunction with the addendum to The Avenue Specific Plan EIR (SCH# 2005071109). This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts.

(7) ***The design of the subdivision, or the type of improvements thereon, will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*** The proposed subdivision has provided for all necessary public easements and dedications for access through, or use of property within, the proposed subdivision. Furthermore, all such public easements and dedications have been designed pursuant to: (a) the requirements of the Policy Plan component of The Ontario Plan and applicable area plans; (b) applicable specific plan; (c) applicable provisions of the City of Ontario Development Code; (d) applicable master plans and design guidelines of the City; and (e) applicable Standard Drawings of the City.

SECTION 6: *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

SECTION 7: *Indemnification.* The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8: *Custodian of Records.* The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9: *Certification to Adoption.* The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-[insert #] was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT16-003/TT 20012
Departmental Conditions of Approval**

(Departmental conditions of approval to follow this page)



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

***Planning Department
Land Development Division
Conditions of Approval***

Meeting Date: October 16, 2017

File No: PMTT16-003

Related Files:

Project Description: A Tentative Tract Map (File No. PMTT16-003/TT 20012) to subdivide 37.47 acres of land into 176 numbered lots and 47 lettered lots for public streets, landscape neighborhood edge areas and common open space purposes, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan. (APNs: 0218-201-20, 0218-201-26 and 0218-201-27); **submitted by Ontario Avenida Associates, LLC.**

Prepared By: Henry K. Noh, Senior Planner
Phone: 909.395.2429 (direct)
Email: hnoh@ontarioca.gov

The Planning Department, Land Development Section, conditions of approval applicable to the above-described Project, are listed below. The Project shall comply with each condition of approval listed below:

1.0 Standard Conditions of Approval. The project shall comply with the *Standard Conditions for New Development*, adopted by City Council Resolution No. 2017-027 on April 18, 2017. A copy of the *Standard Conditions for New Development* may be obtained from the Planning Department or City Clerk/Records Management Department.

2.0 Special Conditions of Approval. In addition to the *Standard Conditions for New Development* identified in condition no. 1.0, above, the project shall comply with the following special conditions of approval:

2.1 Time Limits.

(a) Tentative Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

2.2 Subdivision Map.

(a) The Final Tract Map shall be in conformance with the approved Tentative Tract Map on file with the City. Variations from the approved Tentative Tract Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Tract Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

(c) The subject Tentative Tract Map for condominium purposes shall require the recordation of a condominium plan concurrent with the recordation of the Final Tract Map and CC&Rs.

(d) Pursuant to California Government Section 66474.9, the subdivider agrees that it will 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 this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

2.3 General Requirements. The Project shall comply with the following general requirements:

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

(b) The project site shall be developed 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.

(c) The herein-listed conditions of approval from all City departments shall be included in the construction plan set for project, which shall be maintained on site during project construction.

2.4 Landscaping.

(a) The Project shall provide and continuously maintain landscaping and irrigation systems in compliance with the provisions of Ontario Development Code Division 6.05 (Landscaping).

(b) Comply with the conditions of approval of the Planning Department; Landscape Planning Division.

(c) Landscaping shall not be installed until the Landscape and Irrigation Construction Documentation Plans required by Ontario Development Code Division 6.05 (Landscaping) have been approved by the Landscape Planning Division.

(d) Changes to approved Landscape and Irrigation Construction Documentation Plans, which affect the character or quantity of the plant material or irrigation system design, shall be resubmitted for approval of the revision by the Landscape Planning Division, prior to the commencement of the changes.

2.5 Walls and Fences. All Project walls and fences shall comply with the requirements of Ontario Development Code Division 6.02 (Walls, Fences and Obstructions).

2.6 Parking, Circulation and Access.

(a) The Project shall comply with the applicable off-street parking, loading and lighting requirements of City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

(c) All garage facilities shall be designed and maintained to be fully usable for the duration of the use requiring the facilities. Additionally, all garage facilities shall be used for parking purposes and any storage within the garage shall not inhibit the required number of vehicles to be parked within the garage.

(d) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

2.7 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.8 Sound Attenuation. The Project shall be constructed and operated in a manner so as not to exceed the maximum interior and exterior noised levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

2.9 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded prior to the issuance of a building permit.

(b) The CC&Rs shall be in a form and contain provisions satisfactory to the City. The articles of incorporation for the property owners association and the CC&Rs shall be reviewed and approved by the City.

(c) CC&Rs shall ensure reciprocal parking and access between parcels.

(d) CC&Rs shall ensure reciprocal parking and access between parcels, and common maintenance of:

(i) Landscaping and irrigation systems within common areas;

(ii) Landscaping and irrigation systems within parkways adjacent to the project site, including that portion of any public highway right-of-way between the property line or right-of-way boundary line and the curb line and also the area enclosed within the curb lines of a median divider (Ontario Municipal Code Section 7-3.03), pursuant to Ontario Municipal Code Section 5-22-02;

(iii) Shared parking facilities and access drives; and

(iv) Utility and drainage easements.

(e) CC&R's shall provide a communitywide plan for the following: 1) Garage inspection and enforcement; 2) Parking provisions and 3) Trash bin pick-up location (for each dwelling unit) that will be administered and enforced by the Home Owners Association.

(f) CC&Rs shall include authorization for the City's local law enforcement officers to enforce City and State traffic and penal codes within the project area.

(g) The required number of off-street parking spaces and/or loading spaces shall be provided at the time of site and/or building occupancy. All parking and loading spaces shall be maintained in good condition for the duration of the building or use.

(h) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(i) A specific methodology/procedure shall be established within the CC&Rs for enforcement of its provisions by the City of Ontario, if adequate maintenance of the development does not occur, such as, but not limited to, provisions that would grant the City the right of access to correct maintenance issues and assess the property owners association for all costs incurred.

2.10 Disclosure Statements.

(a) A copy of the Public Report from the Department of Real Estate, prepared for the subdivision pursuant to Business and Professions Code Section 11000 et seq., shall be provided to each prospective buyer of the residential units and shall include a statement to the effect that:

(i) This tract is subject to noise from the Ontario International Airport and may be more severely impacted in the future.

(ii) Some of the property adjacent to this tract is zoned for agricultural uses and there could be fly, odor, or related problems due to the proximity of animals.

(iii) The area south of Riverside Drive lies within the San Bernardino County Agricultural Preserve. Dairies currently existing in that area are likely to remain for the foreseeable future.

2.11 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSPA13-003, an amendment to The Avenue Specific Plan for which an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was adopted by the City Council on June 17, 2014. This application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval, and are incorporated herein by this reference.

(b) If human remains are found during project grading/excavation/construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and Native American consultation has been completed (if deemed applicable).

(c) If any archeological or paleontological resources are found during project grading/excavation/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.

2.12 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 any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. 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.

2.13 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD) filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County

Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in a 180-day extension to the statute of limitations for the filing of a CEQA lawsuit.

(b) After the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

2.14 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA17-007) shall apply to this tract.

(b) All applicable conditions of approval of The Avenue Specific Plan shall apply to this tract.

(c) Off-Site Subdivision Signs.

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) 945-1884.

(d) The applicant shall contact the Ontario Post Office to determine the size and location of mailboxes for this project. The location of the mailboxes shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

(e) The applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.

(f) Dairy Separation Requirement for Residential Development.

The following separation requirements from existing dairies/feed lots shall apply to new residential development or structures used for public assembly purposes from existing dairies/feed lots.

A minimum 100' separation shall be required between a new residential, commercial or industrial development or structure used for public assembly and an existing animal feed trough, corral/pen or an existing dairy/feed lot including manure stockpiles and related wastewater detention basins. The 100-foot separation requirement may be satisfied by an off-site easement acceptable to the Planning Director with adjacent properties, submitted with the initial final map and recorded prior to or concurrent with the final map.

(g) The applicant (Developer) shall be responsible for providing fiber to each home per City requirements and standards.

(h) Prior to the issuance of the 88th home certificate of occupancy within TT 20012, the Open Space Lots: C, D, G and GG shall be fully constructed.



ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company
Information Technology and Management Services Department conditions incorporated herein)

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input checked="" type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. TM-20012 RELATED FILE NO(S). PMTT 16-003	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u> </u> / <u> </u> / <u> </u>	

CITY PROJECT ENGINEER & PHONE NO: Bryan Lirley, P.E., 909-395-2137 *bc*

CITY PROJECT PLANNER & PHONE NO: Henry Noh, 909-395-2429

DAB MEETING DATE: October 16, 2017

PROJECT NAME / DESCRIPTION: TM-20012, a Tentative Tract Map to
subdivide 37.5 acres of land into
176 numbered lots, within The
Avenue Specific Plan

LOCATION: North of Ontario Ranch Road,
between Archibald and Turner
Avenue

APPLICANT: Ontario Avenida Associates, LLC.

REVIEWED BY: *Miguel Sotomayor* 10/4/17
Miguel Sotomayor Date
Assistant Engineer

APPROVED BY: *Khoi Do* 10-10-17
Khoi Do, P.E. Date
Assistant City Engineer



THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2010-021) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO FINAL MAP APPROVAL, APPLICANT SHALL: Check When Complete

- 1.01 Dedicate to the City of Ontario, the right-of-way in fee simple, described below:
 1. Ontario Ranch Road to the half ultimate right-of-way width of 80 feet (full ultimate ROW width is 160 ft) from CL along tract frontage.
 2. La Avenida to the half ultimate right-of-way width of 62 feet (full ultimate ROW width is 124 ft) from CL along tract frontage.
 3. A Street to the full ultimate right-of-way width of 66 feet.
 4. B, C, D, E, F, H and K Streets to the full ultimate right-of-way width of 60 feet.
 5. I and J Steets to the full ultimate right-of-way of 48.5 feet.
 6. Lettered Lots 'A' and 'B' along the north side of Ontario Ranch Road to achieve an overall Neighborhood Edge of 50 feet.
 7. Property line corner cut-back at all street intersections within the tract boundaries.

- 1.02 Dedicate to the City of Ontario, the following easement(s):
 1. 20 foot wide Public Utility Easement (PUE) across Lot 'M' to the City of Ontario for sewer and storm drain.
 2. 20 foot wide Public Utility Easement (PUE) across Lot 'L' to the City of Ontario for storm drain.
 3. 20 foot wide Public Utility Easement (PUE) across Lot 'C' to the City of Ontario for storm drain.

- 1.03 Restrict vehicular access to the site as follows: Access to subdivision shall only be granted at those locations shown in the approved Tentative Map and per latest approved The Avenue Specific Plan.

- 1.04 Vacate the following street(s) and/or easement(s): _____

- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.

- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.

- 1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this 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 at
http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Management Services Department at (909) 395-2124 regarding this requirement.
 - (1) _____
 - (2) _____
- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: www.ci.ontario.ca.us) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments:
 - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
 - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
 - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions:
 - 1. The developer shall obtain all right-of-ways necessary to construct the required public improvements identified in section 2.
 - 2. Lettered Lots 'H' through 'K', 'N' through 'S', 'U', 'V', 'X' through 'Z', 'AA' through 'CC', 'HH' and 'II' along interior public streets shall be landscaped lots, owned and maintained by the Home Owner's Association.
 - 3. La Avenida parkway (behind curb) shall be maintained by the Home Owner's Association.
 - 4. All drive aisles and alley ways shown on this map (Lettered Lots 'E', 'L', 'M', 'T' and 'W') are private and will be maintained by the HOA.
 - 5. The public and private improvements constructed within this tentative tract map shall be maintained through the combination of public and private entities as described in Section 5.5 and Table 4, "Maintenance Responsibilities" of The Avenue Specific Plan.



2. PRIOR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:

**A. GENERAL
 (Permits includes Grading, Building, Demolition and Encroachment)**

- 2.01 Record Parcel Map/Tract Map No. 20012 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per _____
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of _____
- 2.05 Apply for a: Certificate of Compliance with a Record of Survey; Lot Line Adjustment
 Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this 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 at http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.
- 2.08 Submit a soils/geology report.
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:
 - State of California Department of Transportation (Caltrans)
 - San Bernardino County Road Department (SBCRD)
 - San Bernardino County Flood Control District (SBCFCD)
 - Federal Emergency Management Agency (FEMA)
 - Cucamonga Valley Water District (CVWD) for sewer/water service
 - United States Army Corps of Engineers (USACE)
 - California Department of Fish & Game
 - Inland Empire Utilities Agency (IEUA)
 - Other:
- 2.10 Dedicate to the City of Ontario the right-of-way described below:
 _____ feet on _____
 Property line corner 'cut-back' required at the intersection of _____



and _____.

- 2.11 Dedicate to the City of Ontario the following easement(s): _____

- 2.12 **New Model Colony (NMC) Developments:**
 - 1) **Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.**
 - 2) **Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.**
 - 3) **Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).**

- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at _____% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.

- 2.14 **The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.**

- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department.**

- 2.16 **Other conditions:**
 - 1. **If at the time of this development, La Avenida street improvements and infrastructure has been constructed, the Applicant/Developer shall reimburse the constructing party for their fair share of the La Avenida improvements including the signal at Archibald and the various utilities beneath the road.**



B. PUBLIC IMPROVEMENTS
 (See attached Exhibit 'A' for plan check submittal requirements.)

2.17 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	Ontario Ranch Road	La Avenida	Internal Lettered Streets	Street 4
Curb and Gutter	<input checked="" type="checkbox"/> New; 65 ft. from C/L on north side <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 36 ft. from C/L on south side <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; (See item no. 2.37 below) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 26 additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> New (See item no. 2.37 below) <input type="checkbox"/> Widen additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> New (See item no. 2.37 below) <input type="checkbox"/> Widen ___ additional ft along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen additional ft along frontage, including pavm't transitions
PCC Pavement	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation



Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> New (along project frontage) <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New (along project frontage) <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral / Catch Basin	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	Roundabout at La Avenida and "A" Street.	_____	_____

Specific notes for improvements listed in item no. 2.15, above: _____

2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): _____



- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide water service sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 **Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).**
- 2.22 Other conditions: _____

C. SEWER

- 2.23 **A 30 inch sewer main is available for connection by this project in Ontario Ranch Road. (Ref: Sewer plan bar code: S15322).**
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 **Other conditions:**
 1. **Design and construct all in-tract sewer mains and laterals with connection to the Eastern Trunk Sewer line in Archibald Avenue.**
 2. **The applicant/developer shall install sewer improvements in the interior tract streets and along their project limits and beyond within La Avenida if under new pavement.**
 3. **Sewer service for lots 23-26 and 41-60 shall be served from the existing sewer line in La Avenida.**

D. WATER

- 2.27 **A 24 inch water main is available for connection by this project in Ontario Ranch Road. (Ref: Water plan bar code: W15604).**
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately _____ feet away.
- 2.29 **Other conditions:**
 1. **Two separate points of connection are required for this tract development (e.g. Ontario Ranch Road & La Avenida via Archibald Avenue).**
 2. **The applicant/developer shall install domestic water improvements in the interior tract streets and along their project limits and beyond within La Avenida if under new pavement.**
 3. **Water service for lots 23-26 and 41-60 shall be served from the existing sewer line in La Avenida.**

E. RECYCLED WATER

- 2.30 **A 24 inch recycled water main is available for connection by this project in Archibald Avenue. (Ref: Recycled Water plan bar code: P11409).**
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.



- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. Applicant shall be responsible for construction of a connection to the recycled water main for approved uses, when the main becomes available. The cost for connection to the main shall be borne solely by Applicant.
- 2.33 **Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.**

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.

- 2.34 **Other conditions:**
 - 1. This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation.
 - 2. Additional improvements include any off-site recycled waterline to be placed under new roadway within La Avenida.

F. TRAFFIC / TRANSPORTATION

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
 - 1. On-site and off-site circulation
 - 2. Traffic level of service (LOS) at 'build-out' and future years
 - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 **New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.**
- 2.37 **Other conditions:**
 - 1. The applicant/developer shall be responsible to design and construct a bus pad in accordance with Omnitrans Bus Stop Design Guidelines on the north side of Ontario Ranch Road, west of "A" Street.
 - 2. "A" Street and La Avenida shall be posted "No Parking Anytime." Ontario Ranch Road shall be posted "No Stopping Anytime."
 - 3. If, at the time of construction of Tract 20012, "K" Street does not continue west into Tract 18937, "K" Street shall be terminated as a temporary cul-de-sac per City Std Dwg No. 1101. Modify general notes accordingly.
 - 4. If, at the time of construction of Tract 20012, "D" Street does not continue east, "D" Street shall be terminated as a temporary dead end per City Std Dwg No. 1310. Modify general notes accordingly.
 - 5. Applicant/Developer shall design and construct "last-lane" street improvements along Tract frontage of Ontario Ranch Road, to achieve ultimate 1/2-width. Appropriate pavement transitions shall be designed. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, street lights, signing and striping, parkway landscaping, and, where designated, "neighborhood edge" and/or multi-purpose trail.
 - 6. The Applicant/Developer shall be responsible to design and construct all in-tract streets in accordance with City of Ontario Standards. All street improvements shall include concrete curb and gutter, sidewalk, street lights, signing and striping, and parkway landscaping.
 - 7. Applicant/Developer shall be responsible to design and construct ultimate 1/2-width street improvements with (a) raised landscaped median island and (b) opposing side circulation lane + shoulder, on La Avenida along the Tract Frontage. Applicant/Developer shall design and construct round-about at "A" Street/La Avenida intersection in its entirety, including conversion from a tee intersection to full round-about if applicable. Appropriate pavement transitions and dead-end conditions, respectively, shall be designed and constructed as necessary to accommodate lane shifts and incomplete streets, respectively.



Additional off-site La Avenida improvements include raised landscaped median island and east and westbound circulation lanes and shoulders from Archibald Avenue to TM 18922-2 boundary, just west of Turner Avenue, as well as all utilities to be placed under new pavement.

8. The applicant/developer shall be responsible to design and construct the traffic signal at Archibald Avenue and La Avenida. The new traffic signal shall include, video detection, CCTV, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.
9. Applicant/Developer shall obtain all rights-of-way necessary to construct all required improvements.
10. Applicant/Developer shall be responsible to design and construct the ultimate traffic circle at the intersection of La Avenida Drive and "A" Street to allow for proper traffic flow along the circular roadway.
11. The applicant/developer shall be responsible to design and construct a traffic signal system at Ontario Ranch Road and "A" Street. The new traffic signal shall include, video detection, interconnect cable and conduit, battery back-up, emergency vehicle preemption systems, CCTV and bicycle detection. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.
12. Applicant/Developer shall be responsible to design and construct traffic signal interconnect, LED-type street-lighting, and signing and striping, wherever street improvements are required. Interconnect shall include conduit, pull-boxes, fiber, and pull rope. Supplemental communications devices, e.g. radios, etc., may be required to transmit data where new interconnect is not contiguous to existing traffic signal network.
13. The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing and striping and/or street lighting design to discuss items such as signal phasing, striping layout and tie-ins to existing or future street light circuits.

G. DRAINAGE / HYDROLOGY

- | | | | |
|-------------------------------------|------|--|--------------------------|
| <input checked="" type="checkbox"/> | 2.38 | A 42 inch storm drain main is available to accept flows from this project in Ontario Ranch Road. (Ref: Storm Drain plan bar code: D13380). | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | 2.39 | Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study. | <input type="checkbox"/> |
| <input type="checkbox"/> | 2.40 | An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans. | <input type="checkbox"/> |
| <input type="checkbox"/> | 2.41 | Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project. | <input type="checkbox"/> |
| <input type="checkbox"/> | 2.42 | Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program. | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | 2.43 | Other conditions:
1. Additional improvements include any off-site storm drain to be placed under new roadway within La Avenida. | <input type="checkbox"/> |

H. STORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES)



- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.
If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.
Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.

- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**

- 2.46 Other conditions: _____

J. SPECIAL DISTRICTS

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.

- 2.48 Other conditions: _____

K. FIBER OPTIC

- 2.49 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Generally located within in-tract streets and along the project limits on Ontario Ranch Road and La Avenida.**

- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

L. Solid Waste

- 2.51 Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>

- 2.52 Other conditions:
1. CC&Rs / HOA shall define areas whereby tenants place their waste cans for pickup by service vehicles. Said policy shall be reviewed/approved by the Solid Waste Department.



3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:

- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.
- 3.02 Complete all requirements for recycled water usage.
 - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
 - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
 - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: Tract Map No. 20012

The following items are required to be included with the first plan check submittal:

1. A copy of this check list
2. Payment of fee for Plan Checking
3. One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.
4. One (1) copy of project Conditions of Approval
5. Two (2) sets of Potable and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size).
6. Three (3) sets of Public Street improvement plan with street cross-sections
7. Three (3) sets of Private Street improvement plan with street cross-sections
8. Four (4) sets of Public Water improvement plan (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)
9. Four (4) sets of Recycled Water improvement plan (include recycled water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size and an exhibit showing the limits of areas being irrigated by each recycled water meter)
10. Four (4) sets of Public Sewer improvement plan
11. Five (5) sets of Public Storm Drain improvement plan
12. Three (3) sets of Public Street Light improvement plan
13. Three (3) sets of Signing and Striping improvement plan
14. Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)
15. Three (3) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
16. Three (3) sets of Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.
17. Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).
18. One (1) copy of Hydrology/Drainage study
19. One (1) copy of Soils/Geology report
20. Payment for Final Map/Parcel Map processing fee



- 21. **Three (3) copies of Final Map/Parcel Map**
- 22. **One (1) copy of approved Tentative Map**
- 23. **One (1) copy of Preliminary Title Report (current within 30 days)**
- 24. **One (1) copy of Traverse Closure Calculations**
- 25. **One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.**
- 26. **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 27. Other: _____

**CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
303 East "B" Street, Ontario, CA 91764**

CONDITIONS OF APPROVAL

Sign Off	
 Carolyn Bell, Sr. Landscape Planner	2/10/16 Date

Reviewer's Name: Carolyn Bell, Sr. Landscape Planner	Phone: (909) 395-2237
D.A.B. File No.: PMTT16-003	Related Files:
Project Name and Location: The Avenue Specific Plan P-8 TT20012	Case Planner: Henry Noh
Applicant/Representative: Fusco Engineering 2850 Inland Empire Blvd Ontario, CA 91764	

<input checked="" type="checkbox"/>	A Tentative Tract Map (dated January 2016) has been approved with the consideration that the following conditions below be met upon submittal of the Development Plans
<input type="checkbox"/>	A Tentative Tract Map (dated) has not been approved. Applicable conditions are checked below. Corrections are required for DAB approval.

CONDITIONS OF APPROVAL (APPLICABLE ITEMS ARE CHECKED)

1. Corner wheelchair ramps are shown too large. Correct size to meet Engineering standard detail #1213, ramp and walkway behind shall be max 10' (currently shown at about 16'), for a 60' & 66' right of way and 13' for 88', 100', and 120' right of ways.
2. Revise 2:1 landscape slopes to be 3:1 slopes.
3. Limit the underground stormwater chambers or detention basin on Lot B and Lot C to max 40% of landscape area to allow for trees and ornamental landscape.

Revised 09-14

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT16-004
 Address: 328 West of the NWC of Ontario Ranch Rd & Turner Ave
 APN: 0218-201-26 & 27
 Existing Land Use: Vacant/Dairy Agricultural Land
 Proposed Land Use: Residential Subdivision - 176 lots for single family conventional - The Avenue SP
 Site Acreage: 37.47 Proposed Structure Height: n/a
 ONT-IAC Project Review: N/A
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia
 Contact Info: 909-395-2276
 Project Planner: Henry Noh
 Date: 3/3/2016
 CD No.: 2016-004
 PALU No.: n/a

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="radio"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input type="radio"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 200 ft +	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Safety Zones:

Zone 1
 Zone 2
 Zone 3
 Zone 4
 Zone 5
 Zone 6
 Allowable Height: _____

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP
 Consistent
 Consistent with Conditions
 Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2016-004
PALU No.: n/a

PROJECT CONDITIONS

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 21, 2016
SUBJECT: PMTT16-003

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.
-

Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Otto Kroutil, Development Director
Scott Murphy, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Doug Sorel, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director

FROM: Henry Noh,

DATE: January 19, 2016

SUBJECT: FILE #: PMTT16-003

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Tuesday, February 2, 2016**.

- Note:**
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Tentative Tract Map (TT20012) to subdivide approximately 37.47 acres of land into 176 lots, within the PA 8 (Low Density Residential) of TH3e Avenue Specific Plan, located at the north side of Edison Avenue, approximately 328 feet west of Turner Avenue. APN No. 0218-201-26 and 27.

- The plan does adequately address the departmental concerns at this time.
- No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
- The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

POLICE
Department

DOUGLAS SOREL
Signature

MANAGEMENT
ANALYST
Title

2/10/16
Date



HOUSING ELEMENT CONSISTENCY DETERMINATION



File No.: PMTT16-003

Prepared By:

Clarice Burden

Location: North side of Edison Avenue, approximately 328 feet west of Turner Avenue

Date:

2/5/16

Project Description:

A Tentative Tract Map (TT20012) to subdivide approximately 37.47 acres of land into 176 lots, within PA 8 (Low Density Residential) of The Avenue Specific Plan, located at the north side of Edison Avenue, approximately 328 feet west of Turner Avenue. APN: 0218-201-26 & 27

Signature:

Clarice Burden

This project has been reviewed for consistency with the adopted Housing Element. The following was found:

- The proposed project is consistent with the adopted Housing Element. The site is not one of the properties listed in the Available Land Inventory in the Housing Element.
- The proposed project is consistent with the adopted Housing Element. The site is listed as one of the sites in the Available Land Inventory in the Housing Element. The number of units proposed by the project of _____ and density of _____ du/ac is consistent with the minimum number of units specified in the Available Land Inventory in the Housing Element. The Available Land Inventory specifies that this site has a minimum number of _____ units at a minimum density of _____ du/ac.
- The proposed project is not consistent with the adopted Housing Element. The site is one of the properties listed in the Available Land Inventory in the Housing Element. The proposed project is not consistent with the number of dwelling units of _____ and/or the minimum density of _____ specified in the Available Land Inventory in the Housing Element. The Available Land Inventory specifies that this site has a minimum number of _____ units at a minimum density of _____ du/ac. One of the following will be needed:
 - A General Plan Amendment to remove the subject property from the Available Land Inventory in the Housing Element will need to be approved prior to the approval of this project. Removing the subject property from the Available Land Inventory will not impact the City's Regional Housing Needs Allocation obligations since there are an adequate number of sites in the inventory to meet the RHNA obligation without finding replacement sites; or
 - A General Plan Amendment to remove the subject property from the Available Land Inventory in the Housing Element will need to be approved prior to the approval of this project. Removing the subject property from the Available Land Inventory will impact the City's Regional Housing Needs Allocation obligations since there are not an adequate number of sites in the inventory to meet the RHNA obligation. Replacement sites that meet the HCD criteria will need to be found and included in the General Plan Amendment (listed by APN, number of units and density). Appropriate replacement sites will need to be reviewed by Advance Planning staff prior to including them in the Available Site Inventory.
 - There are not adequate replacement sites to meet the City's RHNA obligation. The proposed project will either need to be revised to comply with the Housing Element or denied since it is not consistent with The Ontario Plan.

Additional Comments:

The Housing Element specifies that some units in The Avenue Specific Plan be for moderate or above moderate income levels. The proposed subdivision, at a density of 4.69 du/ac, will help achieve additional units in the above-moderate income category.

Findings should be included in the approving resolutions stating how/if the proposed project is consistent with the adopted Housing Element.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Senior Planner
Planning Department

FROM: Adam A. Panos, Fire Protection Analyst
Fire Department

DATE: March 10, 2016

SUBJECT: A Tentative Tract Map (TT20012) to subdivide approximately 37.47 acres of land into 176 lots, within PA 8 (Low Density Residential) of The Avenue Specific Plan, located at the north side of Edison Avenue, approximately 328 feet west of Turner Avenue (APN: 0218-201-26 & 27).

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
 - Standard Conditions of Approval apply, as stated below.
- The plan **does NOT** adequately address Fire Department requirements.
- The comments contained in the attached report must be met prior to scheduling for Development Advisory Board.

SITE AND BUILDING FEATURES:

- A. 2013 CBC Type of Construction: N/A
- B. Type of Roof Materials: N/A
- C. Ground Floor Area(s): N/A
- D. Number of Stories: N/A
- E. Total Square Footage: N/A
- F. 2013 CBC Occupancy Classification(s): N/A

CONDITIONS OF APPROVAL:

1.0 GENERAL

- 1.1 The following are the Ontario Fire Department ("Fire Department") requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards ("Standards.") It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on "Fire Department" and then on "Standards and Forms."
- 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

2.0 FIRE DEPARTMENT ACCESS

- 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty (20) ft. wide. See Standard #B-004.
- 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access 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 building plan check.
- 2.5 "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 obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.

3.0 WATER SUPPLY

- 3.1 The required fire flow per Fire Department standards, based on the 2013 California Fire Code, Appendix B, is _____ gallons per minute (g.p.m.) for _____ hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.

- 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

4.0 FIRE PROTECTION SYSTEMS

- 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.2 Underground fire mains which cross property lines shall be provided with CC & R, 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. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard _____. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- 4.5 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- 4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- 4.7 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA)

Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

- 4.8 Hose valves with two and one half inch (2 ½") connections will be required on the roof, in locations acceptable to the Fire Department. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.
- 4.9 Due to inaccessible rail spur areas, two and one half inch 2-1/2" fire hose connections shall be provided in these areas. These hose valves shall be take their water supply from the automatic fire sprinkler systems, and shall be included in the design submitted for these systems. Identification shall be provided for all hose valves per Standard #D-004.

5.0 BUILDING CONSTRUCTION FEATURES

- 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 5.2 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. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1.3280 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1.3280 of the Ontario Municipal Code and Standard #H-003.
- 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.
- 5.8 The building shall be provided with a Public Safety 800 MHZ radio amplification system per the Ontario Municipal Code Section 4-11.09 (n) and the CFC. The design and installation shall be approved by the Fire Department.

6.0 OTHER SPECIAL USES

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.

7.0 OTHER PROJECT SPECIFIC CONDITIONS

- 7.1 NONE

<END.>



PLANNING COMMISSION STAFF REPORT

March 27, 2018

SUBJECT: A Development Agreement File No. PDA17-007 between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan. **Submitted by Ontario Avenida Associates, LLC. City Council action is required.**

PROPERTY OWNER: Ontario Avenida Property OWNER LLC

RECOMMENDED ACTION: That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement File No. PDA 17-007 between Ontario Avenida Property OWNER LLC, and the City of Ontario.

PROJECT SETTING: The project site is comprised of 37.47 acres of land generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan., and is depicted in **Figure 1: Project Location**.

The project site gently slopes from north to south and is developed with dairy/agricultural and single-family residential uses. The properties to the north are vacant and rough graded and are located within Planning Area 6A (Low Density Residential) and Planning Area 6B (Middle School) of The Avenue Specific Plan. The property to the east is developed with a poultry farm (Egg Ranch) and single-family home and is located within



Figure 1: Project Location

Case Planner:	Rudy Zeledon Principal Planner	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:		ZA			
Hearing Deadline:	09/28/2017	PC	03/27/2018		Recommend
		CC	04/17/2018		Final

Planning Area 8B (Low Density Residential) of The Avenue Specific Plan. The properties to the south are developed with agricultural/dairy uses and are located within Planning Area 7 (High Density Residential) and Planning Area 10 (High School) of the Grand Park Specific Plan. The property to the west is rough graded and is are located within Planning Area 7 (Low Medium Density Residential) of The Avenue Specific Plan.

PROJECT ANALYSIS:

[1] Background — In December 2016, the City Council approved The Avenue Specific Plan (File No. PSP05-002) and the Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 568 gross acres of land, which included the potential development of 2,875 dwelling units.

The financial commitments required for construction of properties within the specific plan are substantial. To adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Ontario Avenida Property OWNER LLC, has requested that staff enter into negotiations to create a Development Agreement (“Agreement”) with the City.

In accordance with California Government Code Section 65865 that states, in part, that “Any city...may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property...” and California Government Code Section 65865.52 which states, in part, that “A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property... and may include conditions, terms, restrictions...,” the City of Ontario adopted Resolution No. 2002-100 that sets forth the procedures and requirements for consideration of Development Agreements. Furthermore, the Financing and Construction Agreement with the NMC Builders LLC (NMC Builders) requires those developments wishing to use the infrastructure it creates, enter into Development Agreements with the City of Ontario. Pursuant to these procedures and requirements, staff entered into negotiations with the Owner to create a Development Agreement staff would recommend to the Planning Commission and City Council.

The proposed Development Agreement with the Owner is based upon the model development agreement that was developed in coordination with the City Attorney’s office and legal counsel for NMC Builders. This model Development Agreement is consistent with the provisions of the Construction Agreement. The LLC agreement between NMC Builders’ members requires that members of the LLC enter into Development Agreements that are consistent with the provisions of the Construction Agreement.

[2] Staff Analysis — The Development Agreement proposes to include 37.47 acres of land within Planning Area 8 of The Avenue Specific Plan as shown in **Exhibit A (The Avenue Specific Plan – Land Use Map)**. The Agreement grants Ontario Avenida

Property OWNER LLC , a vested right to develop Tentative Tract Map 20012 as long as the Ontario Avenida Property OWNER LLC , complies with the terms and conditions of The Avenue Specific Plan and Environmental Impact Report.

The term of the Development Agreement is for ten years with a five year option. The main points of the agreement address funding for all new City expenses created by the project which includes;

- Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, fire, open space/parks etc.);
- Public Service Funding to ensure adequate provisions of public services (police, fire and other public services);
- The creation of a Community Facilities District (CFD) for reimbursement of public improvements and maintenance of public facilities;
- The Park/Open Space Policy Plan requirement of five acres per 1,000 projected population through park dedication and/or the payment of in-lieu fees; and
- Public infrastructure improvements required to support the development of TT20012.

Other points addressed by the Agreement include provisions for affordable housing, as required by the Policy Plan, through construction, rehabilitation, or by paying an in-lieu fee, and satisfaction of the Mountain View Elementary School District and Chaffey High School District school facilities requirements.

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

[1] City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

[2] Vision.

Distinctive Development:

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

Governance.

Decision Making:

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
 - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision

[3] Policy Plan (General Plan)

Land Use Element:

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
 - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
 - LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.
 - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
- Goal LU2: Compatibility between a wide range of uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

Housing Element:

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

- H2-4 New Model Colony. We support a premier lifestyle community in the New Model Colony distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.

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

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

Community Economics Element:

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

- CE1-6 Diversity of Housing. We collaborate with residents, housing providers and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to support our workforce, attract business and foster a balanced community.

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

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

- CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional and sustainable places that will compete well with their competition within the region.

- CE2-4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

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

Safety Element:

▪ Goal S1: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S1-1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

Community Design Element:

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

➤ CD1-1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing the diverse character of our existing viable neighborhoods.

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

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

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

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

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

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

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

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

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

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

➤ CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

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

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

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

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

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

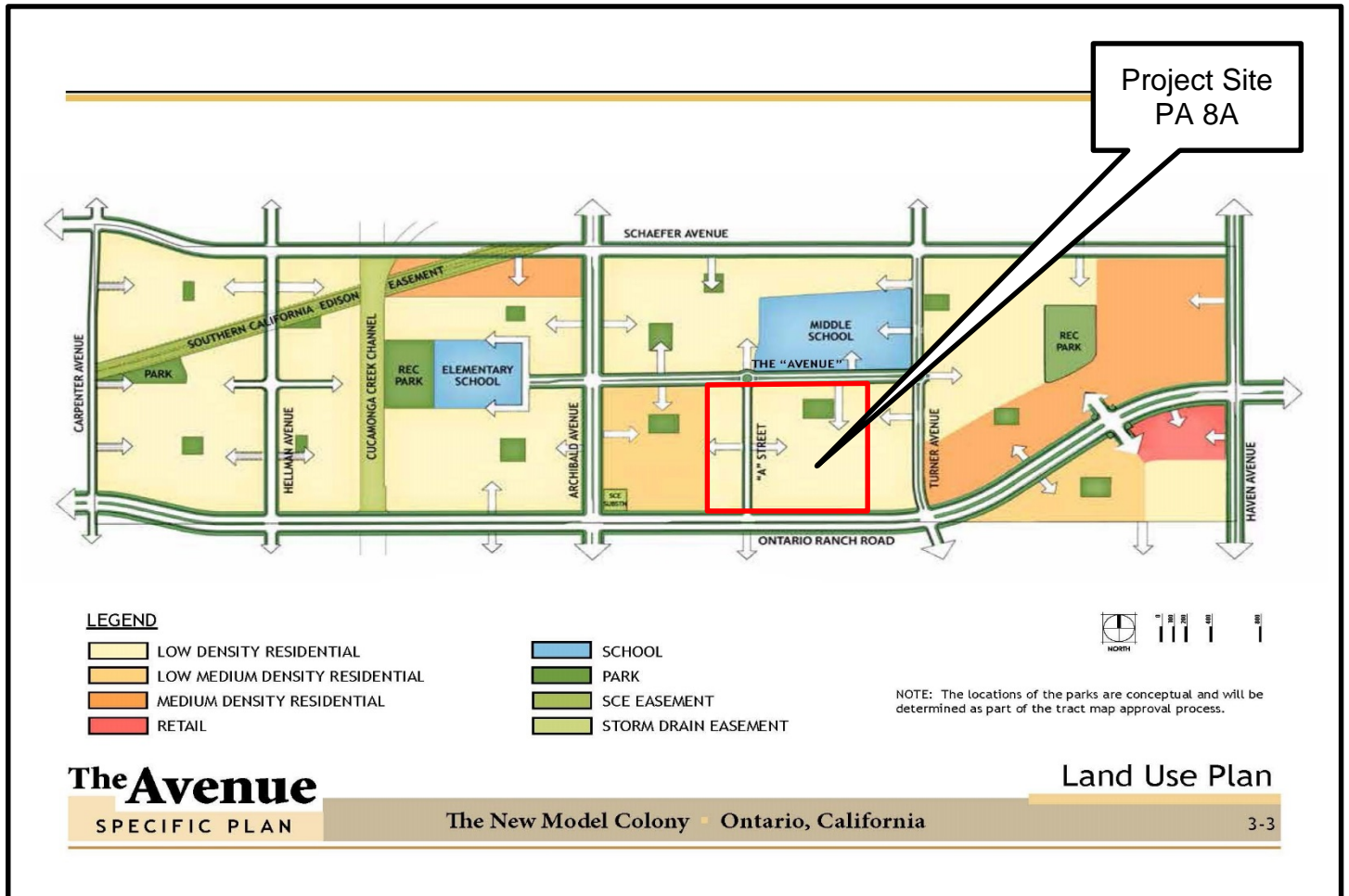
HOUSING ELEMENT COMPLIANCE: The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (180) and density (4.5 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

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

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's

"Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

Exhibit "A"
The Avenue Specific Plan Land Use Map



RESOLUTION NO. PC18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDA17-007, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO AVENIDA PROPERTY OWNER LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 176 RESIDENTIAL UNITS (FILE NO. PMTT16-003/TT 20012) ON 37.47 ACRES OF LAND, FOR PROPERTY GENERALLY LOCATED NORTH OF ONTARIO RANCH ROAD AND APPROXIMATELY 400 FEET WEST OF TURNER AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREA 8A OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-241-010, 0210-241-11, 0218-241-13, 0218-241-17 AND 0218-241-018.

WHEREAS, CALIFORNIA GOVERNMENT CODE SECTION 65864 NOW provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this resolution, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between the City of Ontario and Ontario Avenida Property OWNER LLC, for the potential development of up to 176 residential units (File No. PMTT16-003/TT 20012) on 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Resolution, the Development Agreement is referred to as the “Development Agreement”; and

WHEREAS, on November 28, 2006, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC06-141 recommending City Council certification of The Avenue Specific Plan EIR and Issued Resolution PC06-143 recommending approval of The Avenue Specific Plan (File No. PSP05-003); and

WHEREAS, on December 9, 2006, the City Council of the City of Ontario issued Resolution No. 2006-131 certifying The Avenue Specific Plan EIR (SCH No. 2005071109) and

WHEREAS, on January 16, 2007, the City Council of the City of Ontario adopted Ordinance No. 2851 approving The Avenue Specific Plan; and

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

WHEREAS, the environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on December 9, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on March 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Ontario as follows:

SECTION 1: Environmental Determination and Findings. As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the previous The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation. Based upon the facts and information contained in the previous The Avenue Specific Plan EIR (SCH# 2005071109) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with The Avenue Specific Plan EIR (SCH# 2005071109), certified by the City of Ontario City Council on December 9, 2006, in conjunction with File No. PSP05-003.

(2) The previous The Avenue Specific Plan EIR (SCH# 2005071109) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous The Avenue Specific Plan EIR (SCH# 2005071109), was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous The Avenue Specific Plan EIR (SCH# 2005071109) reflects the independent judgment of the Planning Commission; and

(5) The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous The Avenue Specific Plan EIR (SCH# 2005071109), and all mitigation measures previously adopted with The Avenue Specific Plan EIR (SCH# 2005071109), are incorporated herein by this reference.

SECTION 2: *Subsequent or Supplemental Environmental Review Not Required.* Based on the information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental to The Avenue Specific Plan EIR (SCH# 2005071109) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to The Avenue Specific Plan EIR (SCH# 2005071109) that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which The Avenue Specific Plan EIR (SCH# 2005071109) was prepared, that will require major revisions to The Avenue Specific Plan EIR (SCH# 2005071109) due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time The Avenue Specific Plan EIR (SCH# 2005071109) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in The Avenue Specific Plan EIR (SCH# 2005071109); or

(b) Significant effects previously examined will be substantially more severe than shown in The Avenue Specific Plan EIR (SCH# 2005071109); or

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

(d) Mitigation measures or alternatives considerably different from those analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the

Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (180) and density (4.5 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

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

SECTION 5: *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 4, above, the Planning Commission hereby concludes as follows:

- a. The Development Agreement applies to 37.47 acres of land, for property generally located north of Ontario Ranch Road and approximately 400 feet west of Turner Avenue, within the Low Density Residential (LDR) district of Planning Area 8A of The Avenue Specific Plan, and is presently used for agriculture and dairy uses; and
- b. WHEREAS, the properties to the north of the Project site are located within Low Density Residential\Middle School zoning designation of Planning Areas 6A, 6B and 9B and is currently being rough graded. The property to the east is within the Single Family Residential zoning district of Planning Area 8B of The Avenue Specific Plan and

is developed with a single family home and an active agriculture use (Egg poultry farm). The properties to the south are within Medium Density Residential\Public School (Future High School) zoning district of Planning Areas 7A and 10 of the Grand Park Specific Plan and currently vacant and used for dairy farm (PA-7A). The property to the west is within Low Density Land Use zoning district of Planning Area 7 of The Avenue Specific Plan and is currently being mass graded; and

c. The Development Agreement establishes parameters for the development of Tentative Tract Map 20012 within the Planning Area 8A (Low Density Residential) for the potential development of 176 residential units. The Development Agreement also grants Ontario Avenida Property OWNER LLC, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for The Avenue Specific Plan; and

d. The Development Agreement focuses on Tentative Tract Map 20012 that proposes to subdivide to subdivide 37.47 acres of land into 176 numbered lots for single family residential and open space purposes and 47 lettered lots for public streets, neighborhood edges, paseos, parks and parkways; and

e. The Development Agreement will provide for the development of up to 176 single family units as established for Planning Areas 8A of The Avenue Specific Plan; and

f. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

h. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

i. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project previously reviewed in conjunction with File No. PSP15-002, the Armstrong Ranch Specific Plan for which an Environmental Impact Report (SCH# 2016111009) was adopted by the City Council on December 5, 2017. This Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts; and

j. All adopted mitigation measures of the related EIR shall be a condition of

project approval and are incorporated herein by reference.

SECTION 6: Planning Commission Action. Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Development Agreement to the City Council subject to each and every condition set forth in The Avenue Specific Plan and EIR, incorporated by this reference.

SECTION 7: Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 8: Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 9: Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. **PC18-XXX** was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:
File No. PDA17-007
Development Agreement

(Development Agreement to follow this page)

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

City of Ontario
303 East "B" Street
Ontario California, California 91764
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

Space above this line for Recorder's Use Only

DEVELOPMENT AGREEMENT

By and Between

City of Ontario, a California municipal corporation,

and

Ontario Avenida Property OWNER LLC

a Delaware Limited Liability Company

_____, **2018**

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA17-007

This Development Agreement (hereinafter "Agreement") is entered into effective as of the ____ day of _____, 2018 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Ontario Avenida Property OWNER LLC, a Delaware Limited Liability Company (hereinafter "OWNER"):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that The Avenue Specific Plan FEIR (State Clearinghouse No. 2004011009 (the "FEIR"). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the The Avenue Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project,

and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement; and

WHEREAS, Ontario Avenida Property Owner LLC as "OWNER" represents that, upon its exercise of its option to acquire the Property, it will become the OWNER of the fee simple title to the Property and currently has the right to acquire fee simple title to the Property from the current owner(s) thereof; and

WHEREAS, Ontario Avenida Property Owner LLC has obtained, or shall obtain the consent of the current owner or owners of the Property to enter into and execute this Development Agreement prior to executing this Development Agreement with the City; and

WHEREAS, the City of Ontario and NMC Builders LLC have previously entered into the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve the Easterly Portion of the New Model Colony in August 2012 (the "Construction Agreement Amendment") and such agreement requires that the City reserve water capacity exclusively for members of NMC Builders LLC ("Members"); and

WHEREAS, Certificates of Net Water Availability made available through the construction of the Phase 1 water system Improvements are provided to Members only and the provisions of the Construction Agreement Amendment require that the City shall not issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders LLC, except to the bearer of a Certificate of Net MDD Water Availability; and

WHEREAS, OWNER acknowledges that OWNER shall be required to become a Member of NMC Builders LLC and the Property is characterized as a Phase 2 Property under the provisions of the Amendment to the Construction Agreement between the City and NMC Builders (the "Phase 2 Water Amendment) and OWNER shall be required to participate in the funding of the Phase 2 Water Improvements in order to receive the required Certificate of Phase 2 Net Water Availability; and

WHEREAS, the Property is defined in the "Phase 2 Water Amendment" as a "Phase 2 Water Property" and, as such, shall be required to provide funding for CITY's future construction of the "Phase 2 Water Improvements" which will result in the availability of additional Net MDD Water Availability required for the development; and

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the "New Model Colony" area and the New Model Colony area has now been renamed as "Ontario Ranch"; and

WHEREAS, OWNER is made aware of the South Archibald Trichloroethylene (TCE) Plume Disclosure Letter (Exhibit "G"). Property owner may wish to provide the attached 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 at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "CITY" means the City of Ontario, California, a California municipal corporation.

1.1.3 "Construction Agreement" means that First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21st day of August 2012.

1.1.4 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) development plan review;
- (d) conditional use permits (including model home use permits), public use permits and plot plans;
- (e) zoning;

(f) grading and building permits.

1.1.6 “Development Exaction” means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 “Development Impact Fee” means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4. For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

1.1.8 “Development Plan” means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.9 “Effective Date” means the date that the ordinance approving this Agreement goes into effect.

1.1.10 “Existing Development Approvals” means all development approvals approved or issued prior to the Effective Date. Existing development approvals includes the Approvals incorporated herein as Exhibit “C” and all other Approvals which are a matter of public record on the Effective Date.

1.1.11 “Existing Land Use Regulations” means all Land Use regulations in effect on the Effective Date. Existing Land Use regulations includes the regulations incorporated herein as Exhibit “D” and all other land use regulations that are in effect and a matter of public record on the Effective Date.

1.1.12 “General Plan” means the General Plan adopted on January 27, 2010.

1.1.13 “Improvement” or “Improvements” means those public improvements required to support the development of the Project as described in the Tract Map conditions for Tract No. 20012 and as further described in Exhibit “F” (the “Infrastructure Improvements Exhibit”).

1.1.14 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. “Land Use Regulations” does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.15 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 “Model Units” means a maximum of eight (8) units constructed by OWNER prior to the construction of any Production units and not offered for sale and occupancy for a period of time after the issuance of permits for Production Units and any structures in the open space or common areas of Tract 20012.

1.1.17 “OWNER” means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.18 “Phase 2 Water Amendment” means the amendment to the Construction Agreement between the City of Ontario and NMC Builders LLC dated September 19, 2017.

1.1.19 “Phase 2 Water EDUs” means the number of equivalent dwelling units or non-residential square footage assigned to a current or future Member upon payment to City of the Phase 2 Water Participation Fee for the Project and evidenced by the issuance by CITY of a Certificate of Phase 2 Net MDD Availability in the form attached as Exhibit G.

1.1.20 “Phase 2 Water Improvements” means those improvements set forth in Amended Exhibit C-1-R, of the Phase 2 Water Amendment.

1.1.21 “Phase 2 Water Participation Fee” means the fee paid to City, to fund the Project’s respective share of the projected costs of the design and construction of the Phase 2 Water Improvements by City. The Phase 2 Water Participation Fee shall be the calculated amount of the Regional Water DIF for the Project based upon the number of units, and land use category for residential units or the number of square feet, and land use category for non-residential square footage of the Project.

1.1.22 “Production Unit(s)” means all units constructed for sale and occupancy by OWNER and excludes the specified number of Model Units constructed by OWNER for promotion of sales.

1.1.23 “Project” means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.24 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.25 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.6 of this Agreement.

1.1.26 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “The Avenue Specific Plan.”

1.1.27 “Subsequent Development Approvals” means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.28 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.29 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the approval of a final tract map or parcel map shall be based upon water demand factors and assumptions listed in the Construction Agreement and Construction Agreement Amendment as “Water Availability Equivalents by Land Use” for each land use category.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” — Legal Description of the Property.

Exhibit “B” — Map showing Property and its location.

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — (Reserved – Not used)

Exhibit “F” — Infrastructure Improvements Exhibit

Exhibit “G” – Form of Certificate of Net MDD to be issued by CITY

Exhibit “H” – Form of Certificate of DIF Credit to be issued by CITY

Exhibit “I” - Form of Disclosure letter 2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to the Property or a portion thereof or has the right to acquire fee simple title to the Property or a portion thereof from the current owner(s) thereof. To the extent, OWNER does not own fee simple title to the Property, OWNER shall obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

(a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and

(b) In non-mixed use projects, the OWNER shall have obtained, as applicable, building permits for at least seventy percent (70%) of the actual number of residential units permitted under this Agreement; and

(c) OWNER is not then in uncured default of this Agreement.

2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.), to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume. OWNER may wish

to provide the attached Disclosure Letter (Exhibit G) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the portion of the Property so sold, transferred or assigned; and (2) the payment of the applicable processing charge to cover the CITY's review and consideration of such sale, transfer or assignment.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring owner is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring owner of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the portion of the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred property but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The owner of the Retained Property shall be liable for the performance of all obligations of OWNER with respect to Retained Property but shall have no further obligations with respect to the transferred property.

(c) The assignee's exercise, use and enjoyment of the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

2.4.5 Termination of Agreement with Respect to Individual Lots Upon Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease (for a period longer than one year) of any lot which has been finally subdivided and is individually (and not in "bulk") sold or leased to a member of the public or other ultimate user. Notwithstanding any other provisions of this Agreement, this Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been finally subdivided and individually (and not in "bulk") sold or leased (for a period longer than one year) to a member of the public or other ultimate user; and,

(b) A certificate of occupancy has been issued for a building on the lot, and the fees set forth under Section 4 of this Agreement have been paid.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.5.1 Amendment to Reflect Consistency with Future Amendments to the Construction Agreement. To the extent any future amendment to the Construction Agreement provides for modifications to rights or obligations that differ from or alter the same or similar rights or obligations contained in this Development Agreement, OWNER reserves the right to request an amendment to the Development Agreement to reflect any or all of such modifications.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

(e) Ten (10) days after written notice from the current owner of the Property to the CITY of OWNER's failure to acquire fee title to the Property prior to the ending date of the OWNER's option to acquire the Property from the current owners of the Property or such later date as may be agreed upon by the current owner and the OWNER. Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager
City of Ontario
303 East "B" Street
Ontario California, California 91764

with a copy to:

John Brown, City Attorney
Best Best & Krieger
2855 East Guasti Road, Suite 400
Ontario CA 91761

If to OWNER:

Ontario Avenida Property Owner LLC
8101 East Kaiser Blvd. Suite 140
Anaheim Hills, CA 92808
Attn: Richard Cisakowski

Phone: (714) 637-4405

Fax: (714) 637-4406

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In

connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.4 Requirement for Public Infrastructure Improvements. Development of the Property is contingent in part on the construction of area-wide infrastructure improvements over which the OWNER has control. The issuance of building permits by CITY for Model Units and Production Units is, in general, contingent on OWNER's completion of needed infrastructure improvements and the availability of improvements and services to serve the Property.

3.4.1 Attached hereto as Exhibit "F" is a description of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibit").

3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of eight (8) Model Units and any structures associated with the development of the open space park area, CITY may issue a maximum of eight (8) building permits for Model Units and building permits for any structures associated with the development of the open space park area. The plan to be submitted by OWNER for CITY approval shall describe the utilities and other infrastructure necessary to provide sufficient fire protection and other public health and safety requirements for the Model Units and the other facilities.

3.5 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and CITY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C" and may be further changed from time to time as

provided in this Section. Unless otherwise required by law, as determined in CITY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole; or,
 - (b) Increase the density or intensity of use of the Property as a whole;
- or,
- (c) Increase the maximum height and size of permitted buildings; or,
 - (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
 - (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.6 Reservations of Authority.

3.6.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

- (a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;
- (b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;
- (c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan;
- (d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the residents of the project and/or of the immediate community from a condition perilous to their health or safety;

- (e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan;
- (f) Regulations that may conflict but to which the OWNER consents.

3.6.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.6.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.6.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.7 Public Infrastructure and Utilities. OWNER is required by this Agreement to construct public works facilities which shall be dedicated to CITY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, storm drain, fiber optic communications, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.7.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property to master planned storm drain facilities to the connection with the County Line Channel as described in the attached Exhibit F. OWNER shall be responsible for the design, construction and completion of the required storm drain Improvements to serve the Property as described in the attached Exhibit F.

3.7.2 OWNER agrees that development of the Project shall require the construction of street improvements on La Avenida Avenue including a signalized intersection of Archibald Avenue with La Avenida Avenue and a signalized intersection on Ontario Ranch Road and A Street as shown on Exhibit F. OWNER shall also be responsible for the design, construction and completion of other Master Planned Street Improvements as further described in the attached Exhibit F.

3.7.2.1 Notwithstanding the requirements of Section 3.7.2, OWNER also agrees that OWNER shall be responsible for the design, construction and completion of street improvements, on La Avenida from the Archibald Avenue to Turner Avenue as shown on Exhibit F and OWNER shall be responsible to design and construct Improvements on La Avenida including the Water, Recycled Water, Storm Drain and Street Improvements from Archibald Avenue to a point of connection with La Avenida Drive at the boundary of Tract 18922-2. However, CITY and OWNER agree that if all or a portion of OWNER's required street improvements on La Avenida are constructed by others, OWNER shall be responsible for reimbursing such other parties for the fair share portion of OWNER's required street improvements on La Avenida constructed by others. Conversely, if OWNER constructs the street improvements on La Avenida as shown on Exhibit F, that others are also required to construct CITY shall use its best efforts to require such party or parties to reimburse OWNER for the respective fair share portion of the street improvements that OWNER constructed that the other party or parties were required to construct.

3.7.2.2 OWNER agrees that OWNER shall be responsible for the design, construction and completion of street improvements including neighborhood edge landscaping, sidewalks, trails and all other last lane improvements on Ontario Ranch Road as described in the Conditions of Approval for Tract 20012.

3.7.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water and recycled water utility infrastructure as described in Exhibit F consisting generally of the construction of the extension of permanent master planned water and recycled water utility Improvements, OWNER agrees that OWNER shall be responsible for the design, construction and completion of all water and recycled water utility Improvements as described in Exhibit F. OWNER agrees that no building permits shall be issued by CITY for Production Units prior to completion of the water and recycled water Improvements as described in Exhibit F. OWNER also agrees that recycled water

shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property.

3.7.4 OWNER agrees that NMC Builders shall be responsible for funding a portion of the design and construction of an additional extension of master planned recycled water infrastructure in Riverside and Haven Avenues to be constructed by CITY. OWNER shall deposit, or shall have deposited, with NMC Builders an amount, as determined by the City Engineer to be equal to the OWNER's capital contribution for the design and construction of the NMC Builders portion of the recycled water improvements in Riverside and Haven Avenues known as the "Phase 2 Recycled Water Improvements" within thirty (30) days after CITY requests such funds from NMC Builders. If OWNER has not deposited such amount, with NMC Builders within thirty (30) days after CITY requests such funds from NMC Builders, then CITY shall be entitled to withhold issuance of any further permits (whether discretionary or ministerial) for the Project unless and until OWNER deposits the amount of OWNER's capital contribution with NMC Builders for the design and construction of the NMC Builders portion of the Phase 2 Recycled Water System Improvements.

3.7.5 OWNER agrees that development of the Property shall require the extension of permanent master planned sewer infrastructure as described in the attached Exhibit F consisting generally of the construction of the extension of sewer infrastructure to serve the Property. OWNER agrees that OWNER shall be responsible for design, construction and completion of the sewer Improvements to serve the Property as described in Exhibit F.

3.7.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure as described in the attached Exhibit F consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the Property. OWNER agrees that OWNER shall be responsible for design, construction and completion of the fiber option communications Improvements as described on Exhibit F.

3.8 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not owned by OWNER ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.8 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.8.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not owned by OWNER, but such requirement is not based upon the Construction Agreement,

Sections 3.8.1 and 3.8.2 shall control the acquisition of the necessary property interest(s) ("Non-Construction Agreement Offsite Property"). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.8. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.8.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.8.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property.

3.9 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.10 Tentative Tract Maps; Extension. With respect to applications by OWNER for tentative subdivision maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the date that is five (5) years following the Effective Date of this Agreement. The CITY's City Council may, in its discretion, extend any such map for an additional period of up to five (5) years beyond its original term, so long as the subdivider files a written request for an extension with the City prior to the expiration of the initial five (5) year term.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of the CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable residential or other unit, except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit.

4.2.1.1 Payment of Development Impact Fee in the Regional Water Category. In lieu of the payment of the Development Impact Fee in the Regional Water Category, OWNER shall be required to pay a Phase 2 Water Participation Fee as defined as described Section 4.7.3. The timing of such payment shall be as required in Section 4.7.3. CITY agrees that the payment of the Phase 2 Water

Participation fee by OWNER shall be in-lieu of any further payment of Development Impact Fee in the Regional Water Category.

4.2.3 Parkland and Quimby Act Fees. Pursuant to the General Plan (OntarioPlan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of parkland per 1,000 residents). OWNER shall provide improved parks, developed in accordance with the CITY'S park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from CITY. CITY and OWNER agree that Lots C, D, and G of Tract Map No. 20012 consisting of 1.34 net acres shall be improved as open space park areas and shall be transferred to a homeowners' association and the homeowners' association shall be responsible for all maintenance of all developed open space park areas. OWNER shall also pay the full Development Impact Fee for the Parkland Acquisition and Development Fee category (Quimby Act fees) for the Project.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the areawide infrastructure construction within the Ontario Ranch will be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibit "F" and any and all tentative tract map conditions. Unless otherwise specified in the Subdivision Agreement/Tract Map conditions, all other required Improvements for Tract No. 20012 shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of the first building permit for Production Units for Tract No. 20012. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract No. 20012.

4.3.2 Construction of DIF Program Infrastructure (Construction Agreement). To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY'S Development Impact Fee Program and the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of the Construction Agreement and any amendments thereto. Use of DIF Credit issued to OWNER as a member of NMC Builders LLC to offset OWNER'S DIF payment obligations shall also be subject to the provisions of the Construction Agreement and any amendments thereto.

4.3.3 Construction of DIF Program Infrastructure (Non-Construction Agreement). To the extent, OWNER is required to construct and completes construction of public improvements that are included in CITY'S Development Impact Fee Program and such public improvements are not included the Construction Agreement between CITY and NMC Builders LLC, CITY agrees that CITY shall issue DIF Credit in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitation on the use of DIF Credit issued to OWNER to offset OWNER'S DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. CITY and OWNER agree that

the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

4.4 Affordable Housing Requirement.

4.4.1 Affordable Housing- Number of Units. OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low and moderate-income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.4.2.1 through 4.4.2.3. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

4.4.2 Affordability Spread. Of the total number of residential dwelling units specified in Section 4.4.1, to be constructed or rehabilitated pursuant to Sections 4.4.2.1 or 4.4.2.2 respectively, thirty percent (30%) shall be available to very low income, thirty percent (30%) shall be available to low income and forty percent (40%) shall be available to moderate income households. "**Households**" shall be as defined by California Health and Safety Code Section 50053.

4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER's option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER's Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER's Project. Such construction shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance affecting the unit.

4.4.2.2 Rehabilitation. If OWNER elects to fully or partially satisfy the

affordable housing requirement by the substantial rehabilitation of existing residential units in the City, it shall substantially rehabilitate and restrict the affordability of, the number of residential units specified in Section 4.4.1, provided that such units shall be provided elsewhere within the City. The rehabilitation work shall be substantial and of high quality and shall also address any deferred property maintenance issues on the property. "Substantial rehabilitation" shall mean rehabilitated multi-family rented dwelling units with three or more units and the value of the rehabilitation constitutes 25 percent of the after-rehabilitation value of the dwelling, inclusive of land value pursuant to Health and Safety Code Section 33413(b)(2)(A)(iii-iv) as such section exists as of the Effective Date of this Agreement. If OWNER chooses the option of rehabilitation of existing housing units within the City, a detailed Affordable Housing Agreement specifying the terms for the allowable month housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. Such rehabilitation shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not rehabilitated the required percentage of units, based on the number of building permits, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to the City in order to ensure the faithful completion of such required percentage of rehabilitation.

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.4.1 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, OWNER shall pay an "Affordability In-Lieu Fee". If OWNER has not provided any affordable residential units by construction or rehabilitation, the Affordability In-Lieu fee shall be equal to Two Dollars and Forty-Three Cents (\$2.43) per square foot of residential development within OWNER's Project or, if pre-paid as set forth below, Two Dollars and Thirteen Cents (\$2.13) per square foot of residential development within OWNER's Project. If OWNER has partially complied with the requirements of Section 4.4.1 by construction or rehabilitation of less than the minimum number of units, then the Affordability In-lieu Fee shall be recalculated and reduced in consideration of the number and type of affordable units provided. The Affordability In-Lieu Fee shall be paid by OWNER to City no later than prior to the issuance of each building permit within OWNER's Project based on the square footage of the residential unit for which such building permit is sought; provided however that OWNER may, at OWNER's election, pre-pay such Affordability In-Lieu Fee by paying such Affordability In-Lieu Fee within thirty (30) days following the earliest discretionary approval by the City for OWNER's Project, including, but not limited to, any general plan amendment, specific plan adoption, development agreement, tentative map approval, variance, conditional use permit, or resolution of intention to form any public financing mechanism. The Two Dollars and Forty-Three Cents

(\$2.43) and the Two Dollars and Thirteen Cents (\$2.13) per square foot amounts shall automatically be increased annually, commencing on July 1, 2018, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the applicable specific plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, “**Maximum Development Density**” shall be determined by multiplying the OWNER’s Project’s density for residential development potential as set forth in the General Plan or the applicable Specific Plan, whichever is less, by the net acreage of land within OWNER’s Project. All “Affordability In-Lieu Fees” collected by the City shall be used to promote the construction of affordable housing within the City.

4.4.2.4 Affordability Covenants. Prior to the issuance of the first building permit for any affordable unit, the City and OWNER shall enter into an Affordable Housing Agreement. Affordability shall be assured for a period of forty-five (45) years for for-sale units and fifty-five (55) years for rentals. For rental units, base rents shall be established by the City and rental adjustments required by the City shall be performed on an annual basis. In addition, the Affordable Housing Agreement shall impose maximum occupancy limits of 2 occupants per bedroom plus 1 additional occupant per dwelling unit, and a requirement for the owner or tenant to properly maintain each dwelling unit.

4.4.2.5 Transfer of Affordable Project. No transfer of title to any affordable housing project shall occur without the prior written consent of the City. In the event OWNER transfers title to any affordable housing project required to be constructed pursuant to this Agreement to a non-profit entity, or other entity, that receives an exemption from ad valorem real property taxes, the City shall be required to assure payment of an annual in lieu fee to the City on July 1 of each year equal to one-tenth of one percent (0.1%) of the assessed value of such project. The City may permit OWNER to satisfy this obligation by recorded covenants against the property and enforceable against said entity by the City. Any such covenants shall be approved by the Planning Director and the City Attorney.

4.5 Written Evidence of Compliance with Schools Obligations. OWNER shall, either through joint or individual agreements between OWNER and the applicable school district(s), shall satisfy its new school obligations. The new school obligations for the Mountain View School District in the Ontario Ranch area have been projected to include the acquisition or dedication of school sites for, and construction of, up to eight (8) schools. Of these eight (8) schools, six (6) are to be elementary (K-5) grade schools and two (2) are to be middle grade schools. The new school obligations for the Chaffey Joint Union High School District in the Ontario Ranch area have been projected to include the dedication of a school site for, and construction of, an additional high school. The new school obligations for the applicable school district shall be met by a combination of the

following: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.4.1.

4.6 Public Services Funding Fee.

4.6.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to the residents of each Project in a timely manner, OWNER shall pay to CITY a "Public Services Funding Fee." The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of One Thousand Nine Hundred and Seventy-Five Dollars (\$1,975.00) per residential dwelling unit. The Public Services Funding Fee shall be paid in one (1) installment within one hundred eighty (180) calendar days after the effective date of the Development Agreement or in two (2) installments, at OWNER's option, as follows:

4.6.2.1 First Installment (Residential uses). The First Installment of the Public Services Funding Fee shall be Nine Hundred Eighty-Seven dollars and fifty cents (\$987.50) per residential dwelling unit. The First Installment shall be based upon the "Maximum Development Density" of the OWNER Project, as defined in Section 3.7.2.3 of the First Amended and Restated Construction Agreement. The First Installment shall be due and payable 30 days following the effective date of this Development Agreement. If OWNER does not complete the purchase of the Property, OWNER shall request and CITY shall refund to OWNER the amount of the First Installment paid by OWNER.

4.6.2.2 Second Installment (Residential Uses). The Second Installment of the Public Services Funding Fee shall be Nine Hundred Eighty-Seven dollars and fifty cents (\$987.50) per residential unit. The Second Installment shall be paid at the time of the issuance of each building permit for the Project. The amount of the Second Installment shall increase automatically by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2019.

OWNER may exercise the option to pay the Second Installment amount for all residential units, a portion of the residential units, or for the remainder of the residential units within OWNER's Project on or before each December 31st, before the Second Installment amount is automatically increased.

4.6.2.3 Single Installment (Non-residential Uses). A single installment payment of the Public Services Funding Fee shall be required in the amount of Fifty-Seven Cents (\$.57) per square foot of non-residential buildings. The single installment for non-residential uses shall be due and payable prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1st of each year, beginning on January 1, 2019. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

4.7 Net MDD/Water Availability Equivalents.

4.7.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders LLC to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders LLC. NMC Builders has assigned to OWNER its allocable share of the Net MDD issued by City. The provisions of the Construction Agreement Amendment require that the City shall not approve a final parcel map or tract map for the area of development within the Ontario Ranch served by the water system improvements funded by NMC Builders LLC, except to the bearer of an Assignment of Net MDD Water Availability.

4.7.2 Requirement for NMC Builders LLC Membership as a Phase 2 Water Member. OWNER and CITY agree that OWNER's' payment to CITY required by Section 4.7.3 below represents OWNER's contribution to the funding required for the future construction of the Phase 2 Water Improvements and the availability of additional Net MDD Water Availability required for the development of the Property described in Exhibit A of this Agreement. CITY and OWNER also agree that CITY approval of this Agreement shall be conditioned upon OWNER agreement to become a Member of NMC Builders LLC.

4.7.3 CITY Issuance of Water Availability Equivalents. Within 30 days after the Effective Date of this Development Agreement OWNER shall pay to City the applicable Phase 2 Water Participation Fee. The Phase 2 Water Participation Fee shall be the calculated based on the amount of the projected Regional Water DIF, the Maximum Development Density and the approved land use category for such Project. The calculated amount of the Phase 2 Water Participation Fee shall be paid to City within 30 days after the Effective Date of this Development Agreement or, at OWNER's option, the Phase 2 Water Participation Fee may be paid to City in two (2) installments. The first installment shall be fifty percent (50%) of the total

Phase 2 Water Participation Fee and such first installment shall be due and payable to City within 30 days after the Effective Date of this Development Agreement. The second installment shall be the remaining amount of the Phase 2 Water Participation Fee and such second installment shall be due and payable to City within one (1) year after the payment of the first installment, or prior to, and as a condition precedent to the recording of any final tract map for the Project, whichever occurs first. Upon OWNER's complete payment to CITY of the Phase 2 Water Participation Fee CITY shall issue a Certificate of Water Availability Equivalents in the form attached hereto as Exhibit G. Such Water Availability Equivalents Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. CITY and OWNER agree that the amount of Water Availability Equivalents issued to OWNER shall be based on the maximum projected need for Water Availability Equivalents required for the Property based upon water demand factors and assumptions listed in Exhibit C-2R of the Phase 2 Water Amendment, "Water Demand Equivalents by Land Use" for each land use category. Additionally, within thirty (30) days of CITY's receipt of OWNER complete payment as required under Section 4.7.3, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the regional water DIF Category. The amount of the DIF Credit issued by CITY shall be equivalent to OWNER's payment to CITY of the Phase 2 Water Participation Fee. The form of the Certificate of DIF Credit shall be as described in Exhibit H, attached hereto and incorporated herein.

4.7.3.1 The Phase 2 Water Participation Fee may be paid by OWNER, any subsequent owner of the Property (or any portion thereof), or any combination of the foregoing, in accordance with Section 4.7.2. OWNER, on behalf of itself and any and all subsequent owner(s) of the Property (or any portion thereof), agrees and acknowledges that, should the OWNER or any subsequent owner of the Property (or any portion thereof) request, demand or seek any administrative or judicial relief seeking a return of any portion of the Phase 2 Water Participation Fee (individually or collectively, a "Refund Request"), then CITY shall refund to OWNER, the Phase 2 Water Participation Fee previously paid, and the Development Agreement and any and all land use entitlements (including, but not limited to the Development Agreement and Tentative Tract Map No. 20012) shall be automatically deemed null and void and of no further force or effect, without further action on the part of any party, and without any liability on the part of the CITY, its officials, officers or employees. Without limiting the nature of the foregoing, in the event of a Refund Request and CITY's payment of the requested refund, OWNER and any and all subsequent owner(s) of the Property (or any portion thereof) will be deemed to have automatically consented to a termination of the Development Agreement as well as a reversion of Tract Map 20012 to acreage pursuant to the Subdivision Map Act (California Government Code section 66499.16(b)(1)). Additionally, all related Certificates of Net MDD Availability and all Certificates of DIF Credit issued to OWNER in recognition of OWNER's payment of the Phase 2 Water Participation Fee shall be null and void and of no value.

4.7.4 Use of Assigned Net MDD Water Availability. OWNER shall provide evidence of sufficient Net MDD Water Availability Equivalents (or portions thereof) prior to and as a condition precedent to, CITY's approval of the final Tract Map for Tract No.20012. The amount of Net MDD Water Availability Equivalents required shall be based upon water demand factors and assumptions listed in Exhibit C-2R of the Construction Agreement Amendment as "Water Demand Equivalents by Land Use" for each land use category.

4.8 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to an OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.9 Storm Water Capacity Availability.

4.9.1 OWNER and CITY agree that OWNER is not eligible to utilize the regional storm water treatment facilities to meet the requirements of the NPDES permit and the requirements of Section 3.8 of the Construction Agreement Amendment shall not apply to the Property. OWNER shall provide on-site storm water treatment facilities to meet the requirements of the NPDES permit.

4.10 Maintenance of Common Areas and Open Space. OWNER shall provide for the ongoing maintenance of all park, common areas and open space areas within the Project as more particularly set forth in the Specific Plan, through a homeowners' association as approved by the CITY. Covenants, conditions and restrictions establishing any homeowners' association shall be approved by the Planning Director and City Attorney.

4.12 Compliance with Public Benefits Requirements.

4.12.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.10, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8 hereof, thereby entitling the City to any and all remedies available to it, including, without limitation, the right of the City to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). In accordance with the Memorandum of Agreement between the CITY and NMC Builders, CITY will cooperate with OWNER in the formation of a CFD, or CFDs, to include all of the Project, to provide a financing mechanism to reimburse the OWNER for funds paid to NMC Builders LLC for OWNER's share of the costs of public infrastructure pursuant to the Construction Agreement and to acquire other public facilities constructed by OWNER subject to the provisions of the

Memorandum of Agreement between CITY and NMC Builders LLC. Notwithstanding such reimbursements and acquisitions, OWNER shall remain entitled to DIF Credits as provided for in Article 3 of the Construction Agreement and/or as provided for in a separate Fee Credit Agreement between CITY and OWNER. OWNER agrees that, prior to the recordation of any Tract Map for the Property, the Property shall be included in a CFD to finance City services through annual special taxes that will initially be \$1,442.00 per Single Family Detached Dwelling Unit, \$1,250.00 per Multiple-Family Dwelling Unit, \$1,048.00 per Gated Apartment Community Dwelling Unit, and \$.27 per square foot for Non-Residential buildings. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. In addition to the rights of the CITY pursuant to section 4.5 hereof, CITY shall have the right, but not the obligation, to condition the formation of any CFD, assessment district or other public financing mechanism within the Property on the OWNER mitigating all Project-related impacts to the applicable school district(s) as required by such school district(s). Written evidence by such school district(s) may be required by the CITY as the condition to the formation of any CFD, assessment district or other public financing mechanism within the Property, or any steps preliminary thereto, including, without limitation, the adoption of any resolution of intention to form such CFD, assessment district or other public financing mechanism within the Property. It is not the intent of the parties hereto, by this provision, to prohibit or otherwise limit the City's ability to take any and all necessary steps requisite to the formation of the CFD to finance City services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue

a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (1) Recommendation of the Planning staff;
- (2) Affirmative vote of at least four (4) members of the Planning Commission; or
- (3) Affirmative vote of at least three (3) members of the City Council.

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

6.1.4 Public Hearing. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this

Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and
- (c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [RESERVED]

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

(a) Money damages are unavailable against CITY as provided in Section 8.1 above.

(b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.2 and 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure

such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

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

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

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default

to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and

the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do

or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is

not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of The Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO DEVELOPMENT AGREEMENT**

"OWNER"

Ontario Avenida Property Owner LLC, a
Delaware limited liability company

By: Ontario Avenida Associates, LLC, a
Delaware limited liability company, its Managing
Member

By: Avenida Associates Investments, LLC, a
Delaware limited liability company, its
Administrative Member

By: RCCD, Inc, a California corporation, its
Manager

By: _____
Name: Richard Cisakowski
Title: President

Date: _____

"CITY"

CITY OF ONTARIO

By: _____
Scott Ochoa
City Manager

Date: _____

ATTEST:

City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF STATE)
)
 COUNTY OF SAN BERNARDINO) ss.

On _____, 2018 _____,
 before me, _____,
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")

personally appeared _____,
Name of Signer(s)

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

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer

Title(s)

- Partner(s) Limited
- General

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

Signer is representing:
 Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number Of Pages

Date Of Document

Signer(s) Other Than Named Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ONTARIO IN THE COUNTY OF SANBERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

TENTATIVE MAP NO. TM 20012 IS A SUBDIVISION OF THE LAND DESCRIBED AS FOLLOWS:

PARCEL NO. 1: 0218-201-26-0-000

THE WEST ½ OF THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM SAID SOUTH ½, THE WEST 30 ACRES THEREOF MEASURED TO THE CENTER OF ADJOINING STREETS.

ALSO EXCEPT THEREFROM SAID SOUTH ½, THE EAST ½ OF THE EAST ½ OF THE SOUTHEAST ¼ OF SAID NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

ALSO EXCEPT THEREFROM SAID SOUTH ½, THE SOUTH 30.00 FEET FOR ROAD PURPOSES.

PARCEL NO. 2: 0218-201-27-0-000

THE EAST ½ OF THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM SAID SOUTH 1/2 , THE WEST 30 ACRES THEREOF MEASURED TO THE CENTER OF ADJOINING STREETS.

ALSO EXCEPT THEREFROM SAID SOUTH ½; THE EAST ½ OF THE EAST ½ OF THE SOUTHEAST ¼ OF SAID NORTHWEST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

ALSO EXCEPT THEREFROM SAID SOUTH ½, THE SOUTH 30.00 FEET FOR ROAD PURPOSES.

ALSO EXCEPT THEREFROM SAID SOUTH ½, A WELL SITE DESCRIBED AS FOLLOWS:

THE EASTERLY 40.00 FEET OF THE WESTERLY 1944.50 FEET OF THE NORTHERLY 58.00 FEET OF THE SOUTH ½ OF THE NORTHWEST ¼ OF SAID SECTION 14.

PARCEL NO. 3: 0218-201-20-0-000

THE EASTERLY 40.00 FEET OF THE WESTERLY 1944.50 FEET OF THE NORTHERLY 58.00 FEET OF THE SOUTH ½ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location

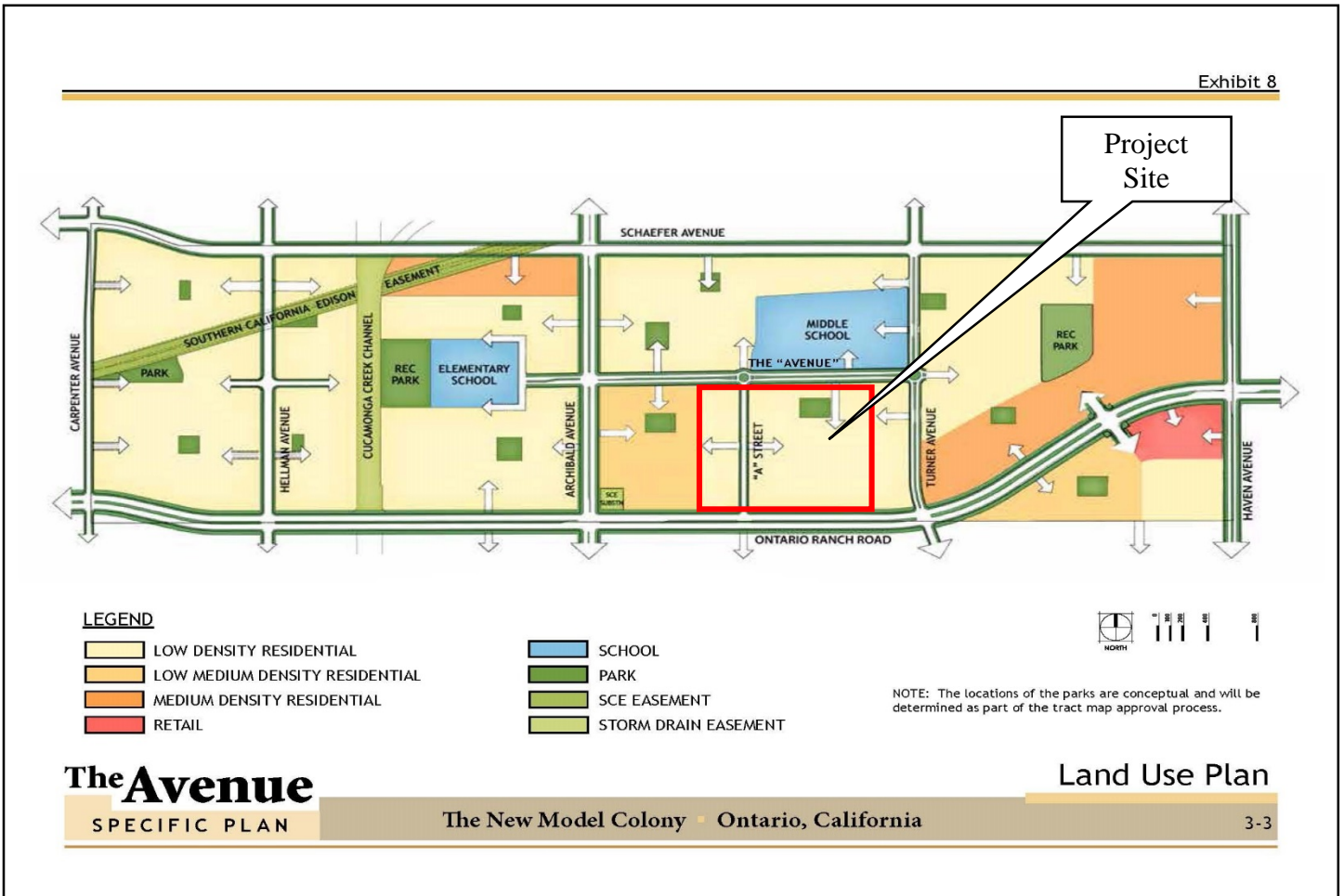


EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

Existing Development Approvals

On November 28, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-141 recommending City Council adopt and certify The Avenue Specific Plan Environmental Impact Report;
- b) Issued Resolution No. PC06-143 recommending City Council approval of The Avenue Specific Plan (PSP05-003).

On December 9, 2006, the City Council:

- a) Adopted Resolution No. 2006-131 certifying The Avenue Specific Plan Environmental Impact Report (SCH No. 2005071109)

On January 16, 2007, the City Council:

- a) Adopted Ordinance No. 2851 approving The Avenue Specific Plan (PSP05-003)

On February 2, 2010, the City Council:

- a) Adopted Resolution No. 2010-010 certifying the Supplemental Environmental Impact Report for an amendment to The Avenue Specific Plan (File No. PSPA07-004)
- b) Adopted Resolution No. 2010-011 approving an amendment to The Avenue Specific Plan (File No. PSPA07-004)

On March 27, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-*** recommending City Council approval of the Development Agreement (File No. PDA17-007);
- b) Issued Resolution No. PC18-*** approving Tentative Tract Map 20012 (File No. PMTT16-003).

EXHIBIT "D"
TO DEVELOPMENT AGREEMENT

Existing Land Use Regulations

These documents are listed for reference only:

1. The Avenue Specific Plan Environmental Impact Report, Resolution No. 2006-131.
2. The Avenue Specific Plan (PSP15-003), Ordinance No. 2851
3. Tentative Tract Map No. 20012, Resolution No. PC18-***
4. City of Ontario Municipal Code
 - a. Six – Sanitation & Health
 - b. Seven – Public Works
 - c. Eight – Building Regulations
 - d. Nine – Development Code
 - e. Ten – Parks & Recreation

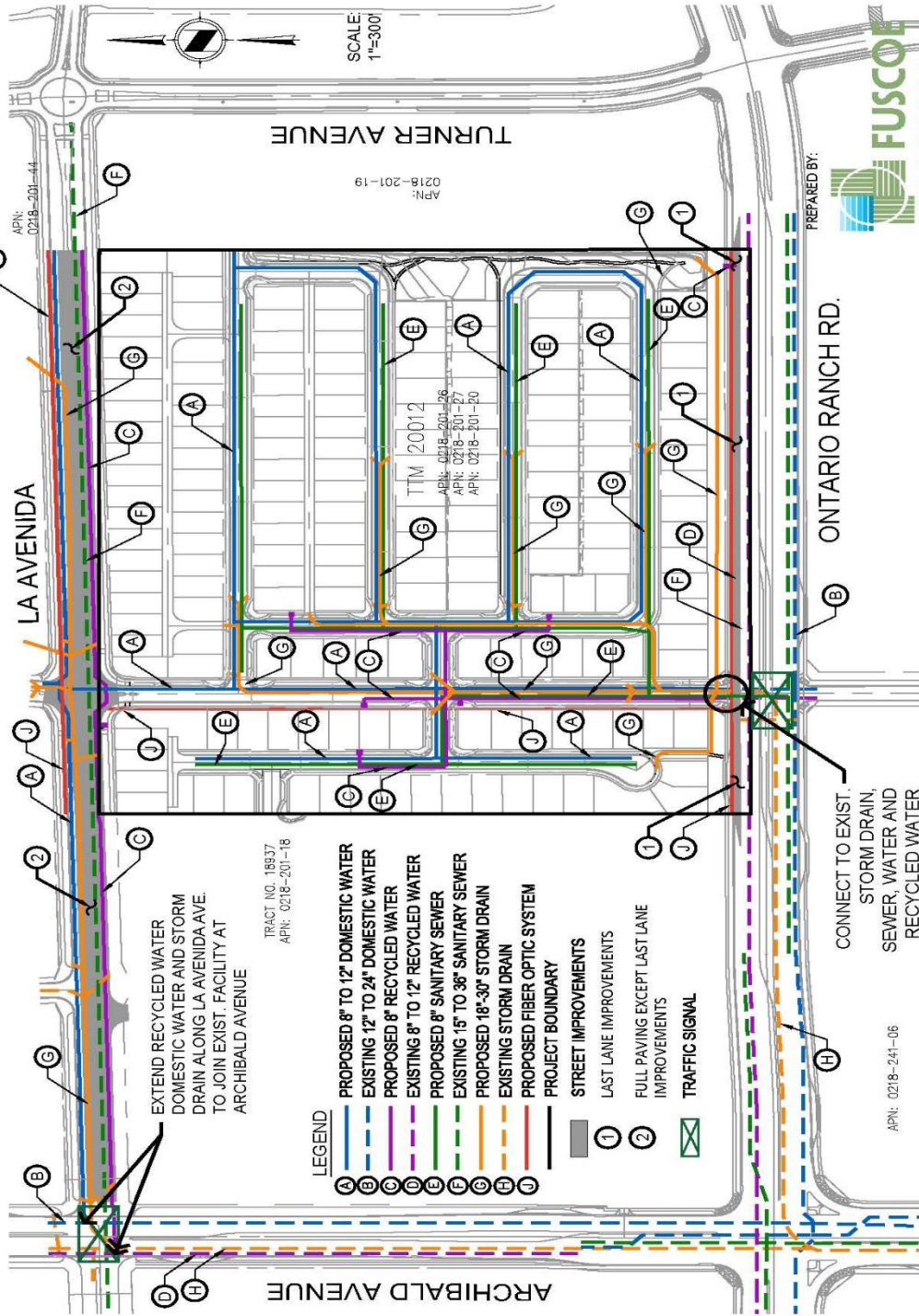
Exhibit "F"

Required Infrastructure Improvements

TENTATIVE TRACT MAP NO. 20012

IN THE CITY OF ONTARIO IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

**JONGSMA
INFRASTRUCTURE
EXHIBIT F**



- LEGEND**
- PROPOSED 8" TO 12" DOMESTIC WATER
 - - - EXISTING 12" TO 24" DOMESTIC WATER
 - PROPOSED 8" RECYCLED WATER
 - - - EXISTING 8" TO 12" RECYCLED WATER
 - PROPOSED 8" SANITARY SEWER
 - - - EXISTING 15" TO 36" SANITARY SEWER
 - PROPOSED 18"-30" STORM DRAIN
 - - - EXISTING STORM DRAIN
 - PROPOSED FIBER OPTIC SYSTEM
 - PROJECT BOUNDARY
 - STREET IMPROVEMENTS
 - LAST LANE IMPROVEMENTS
 - FULL PAVING EXCEPT LAST LANE IMPROVEMENTS
 - TRAFFIC SIGNAL

EXTEND RECYCLED WATER DOMESTIC WATER AND STORM DRAIN ALONG LA AVENIDA AVE. TO JOIN EXIST. FACILITY AT ARCHIBALD AVENUE

TRACT NO. 18937
APN: 0218-201-18

SCALE:
1"=300'

APN: 0218-201-19

TTM 20012
APN: 0218-201-06
APN: 0218-201-07
APN: 0218-201-10

PREPARED BY:



2850 Inland Empire Boulevard, Suite B
Ontario, California 91764
Tel: 909.381.0676 • Fax: 909.381.0696
www.fusco.com

DATE: March 14, 2018

PREPARED FOR:
**DISTINGUISHED
HOMES**

NOTE:
SEWER AND WATER SERVICES FOR LOTS FRONTING LA AVENIDA TO COME FROM LA AVENIDA SEWER AND WATER MAINS

NOTE:
WQMP AND LID REQUIREMENTS TO BE MET WITHIN THE NEIGHBORHOOD EDGE, AS SHOWN ON THE TENTATIVE TRACT MAP

CONNECT TO EXIST.
STORM DRAIN,
SEWER, WATER AND
RECYCLED WATER

APN: 0218-241-06

EXHIBIT "G"

FORM OF CERTIFICATE OF PHASE 2 NET MDD WATER AVAILABILITY

Pursuant to Section 7 of that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to serve an Easterly Portion of the New Model Colony between the City of Ontario, a California municipal corporation, and NMC Builders, LLC, a California limited liability corporation, hereinafter called "Developer", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Amendment", the City of Ontario hereby certifies based on receipt of payment of the Phase 2 Water Participation Fee and Development Entitlement of Member's Project, that Member is entitled to the following Phase 2 Net MDD Water Availability.

Residential Phase 2 Net MDD Water Availability _____ Units

Non-Residential Phase 2 Net MDD Water Availability _____ Square Feet

Scott Ochoa, City Manager

Dated: _____

EXHIBIT "H"

FORM OF CERTIFICATE OF REGIONAL WATER DIF CREDIT

Pursuant to Section 7 of that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to serve an Easterly Portion of the New Model Colony between the City of Ontario, a California municipal corporation, and NMC Builders, LLC, a California limited liability corporation, hereinafter called "Developer", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Amendment", the City of Ontario hereby certifies that the Member of Developer is entitled to the following amount of Regional Water DIF Credits:

Amount of Regional Water DIF Credit: \$_____

Scott Ochoa, City Manager

Dated:_____

Exhibit "I"

FORM OF PLUME DISCLOSURE LETTER

CITY OF



ONTARIO

ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

March 2017

AL C. BOLING
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

**DISCLOSURE NOTICE
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME**

Dear Property Owner/Developer/Applicant:

The City of Ontario ("City") has approved or will be approving development in the Ontario Ranch area in 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 a groundwater plume, known as the South Archibald Trichloroethylene (TCE) Plume which may exist in, under or near owner's property.

The groundwater plume is in an area in the central Chino Basin south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of TCE, a discontinued industrial solvent, and is subject to a clean-up under the oversight and direction of the Santa Ana Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal and treatment of groundwater containing TCE via groundwater wells to reduce the plume concentrations and control its migration. In addition, the City is providing potable water supplies for domestic purposes to residences with private domestic wells affected by the plume. 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 are documented in a Remedial Action Plan approved by the Regional Board in September 2016.

Further and current information may be found on the Regional Board's Geotracker website at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658.

Property owners may wish to include this letter as a part of a Real Estate Transfer Disclosure under California Civil Code Section 1102 et seq.



PLANNING COMMISSION STAFF REPORT

March 27, 2018

SUBJECT: A Development Code Amendment (**File No. PDCA18-002**) proposing various modifications, clarifications and updates to certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation, generally located north of Mission Boulevard, south of Airport Drive, east of Grove Avenue, and west of Haven Avenue; **City Initiated. City Council action is required.**

RECOMMENDED ACTION: That the Planning Commission recommend that the City Council approve the proposed Development Code Amendment, File No. PDCA18-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The proposed Development Code Amendment pertains to the property zoned “ONT” (Ontario International Airport). The 1,500-acre area is generally bounded by Airport Drive on the north, Jurupa Avenue and Mission Boulevard on the south, Haven Avenue on the east, and Grove Avenue on the west and is depicted in **Figure 1 – Location Map** below. The property is developed with an airport and airport-related support facilities, including passenger terminals, parking areas, rental car agencies, air cargo sorting facilities, and repair facilities.

PROJECT ANALYSIS:

[1] Background — In 2003, Los Angeles World Airports (“LAWA”) began the process of creating a master plan for Ontario International Airport. As LAWA embarked developing a master plan, LAWA encountered issues with the extent of the master plan and potential environmental impacts associated with the plan. Additionally, at about the same time, the City began a campaign to regain local control of the

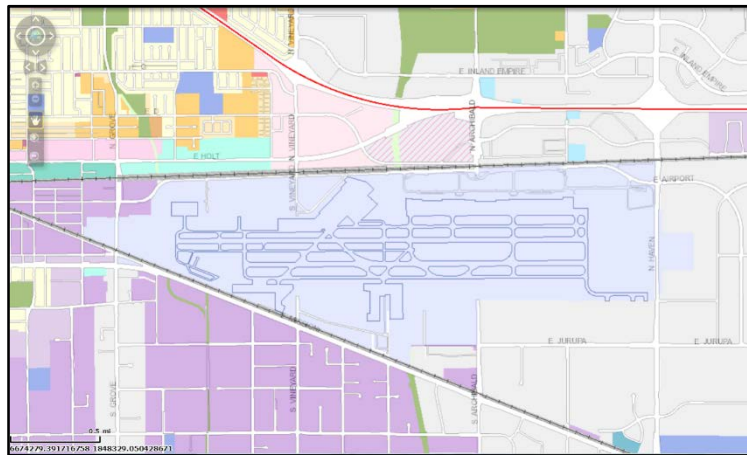



Figure 1—LOCATION MAP

Case Planner:	Scott Murphy	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:		PC	3/27/2018		Recommend
Hearing Deadline:	N/A	CC – 1st	4/17/2018		Introduction
		CC – 2nd	5/1/2018		Final

airport. The combination of pressure from Ontario and other local, state and federal representatives resulted in LAWA opting not to pursue the master plan and, ultimately, relinquishing control of the airport in November 2016 to The Ontario International Airport Authority (“OIAA”) through a Joint Powers Agreement between of the City of Ontario and the County of San Bernardino. As a result, the current master plan for Ontario International Airport is over 25 years old and is generally reflected by the improvements existing at the airport today.

[2] The Ontario Plan (TOP)/Zoning Consistency – Dating back to 1992, the General Plan designation for the airport was “Industrial” and the property was zoned M3, General Industrial. The land uses allowed within the M3 zone were representative of the M3 zone and did not reflect the more commercial nature of the airport. In 2010, the City updated its General Plan and created the “Airport” land use designation, removing the Industrial designation. That change was followed by a Development Code update and zone change creating the ONT zoning designation. With these changes, however, the allowed land uses within the ONT were not updated but, instead, maintained the industrial land uses.

[3] Ontario International Airport Authority – Since taking over control of the airport, OIAA has made huge strides in restoring Ontario International Airport to the regional significance that it once enjoyed. As ridership has increased, OIAA been approached by various individuals and companies about improvements to the airport, including the addition of new flights and physical improvements to the property. In either case, it has become clear that the nature of the inquiries requires OIAA to move quickly to secure potential opportunities. Because the timing of improvements can make or break a deal, meetings have been conducted between OIAA and City staff to explore improvements to our review process that will facilitate projects on airport property and, more precisely within the ONT zoning designation.

[4] Land Use Control – While OIAA has operational control of the airport, the land use control of the airport still falls to the City. As a result, it is imperative the City and OIAA work hand-in-hand to ensure the economic success of the airport.

To that end, the City is proposing several modifications to the Development Code (Ontario Municipal Code Title 9) to adjust and clarify certain provisions of the Code, which are described below. Additionally, a draft copy of the Ordinance containing the below-described Development Code amendments is included as an attachment to the Planning Commission Resolution.

The recommended Development Code Amendment includes the following:

[A] Amend **Table 2.02-1: Review Matrix** to provide development applications that comply with all regulations and standards as a ministerial (administrative) permit and decision, requiring plan check. This will provide a more expedited review of development on the airport;

[B] Pursuant to the Joint Powers Authority, OIAA is designated as the lead agency for environmental review. As a result, **Table 2.02-1: Review Matrix** is amended to reflect OIAA's responsibility for conducting the environmental review for property zoned ONT;

[C] Amend Table 5.02-1 (Land Use Matrix), adding certain land use classifications as shown on Exhibit A of the Resolution, to eliminated inappropriate industrial uses from the ONT zone and recognize the commercial nature of the airport;

[D] Recognizing that Ontario International Airport is a regional draw and, as such, has unique signage needs to serve the traveling public, Chapter 8 Sign Regulations is being amended to provide for up to six (6) billboards and to allow the development of a uniform sign program to address monument sign, wall sign, and wayfinding/directional sign needs to serve the traveling public;

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

[1] City Council Goals.

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

[2] Vision.

Distinctive Development:

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

[3] Governance.

Decision Making:

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

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

[4] Policy Plan (General Plan).

[a] Land Use Element – Balance:

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

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

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

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

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

[b] Land Use – Compatibility

- Goal LU2: Compatibility between wide ranges of uses.

- LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.

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

[c] Land Use – Phased Growth

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

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

[d] Community Design Element – Image & Identity:

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

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

[e] Community Design Element – Design Quality

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

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

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

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

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

➤ CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

➤ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and buildings to reduce energy demand through solar orientation, maximum use of natural

daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

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

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

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

[f] Community Design Element – Pedestrian & Transit Environments

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

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

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

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

[g] Community Design Element – Protection of Investment

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

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

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

[h] Mobility Element – Roadway System:

▪ Goal M1: A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.

➤ M1-1 Roadway Design and Maintenance. We require our roadways to:

- Comply with federal, state and local design and safety standards.
- Meet the needs of multiple transportation modes and users.
- Handle the capacity envisioned in the Functional Roadway Classification Plan.
- Maintain a peak hour Level of Service (LOS) E or better at all intersections.
- Be compatible with the streetscape and surrounding land uses.
- Be maintained in accordance with best practices and our Right-of-Way Management Plan.

➤ M1-2 Mitigation of Impacts. We require development to mitigate its traffic impacts.

[i] Mobility Element – Airport Planning

▪ Goal LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.

➤ LU5-1 Coordination with Airport Authorities. We collaborate with FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other shareholders in the preparation, update and maintenance of airport-related plans.

➤ LU5-4 ONT Growth Forecast. We support and promote an ONT that accommodates 30 million annual passengers and 1.6 million tons of cargo per year, as long as the impacts associated with that level of operations are planned for and mitigated.

➤ LU5-7 ALUCP Consistency with Land Use Regulations. We comply with state law that requires general plans, specific plans and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

[j] Environmental Resources Element – Energy:

- Goal ER3: Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.

[k] Environmental Resources Element – Air Quality:

- Goal ER4: Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.

- ER4-1 Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance

- ER4-3 Greenhouse Gases (GHG) Emissions Reductions. We will reduce GHG emissions in accordance with regional, state and federal regulations.

[l] Community Economics Element – Complete Community:

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

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

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

[m] Community Economics Element – Place-Making:

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

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

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

- CE2-6 Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance

of the public realm whether on private land, in rights-of-way, or on publicly-owned property.

HOUSING ELEMENT COMPLIANCE: The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project 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.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the 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 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 PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PDCA18-002, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS MODIFICATIONS, CLARIFICATIONS AND UPDATES TO CERTAIN PROVISIONS OF THE ONTARIO DEVELOPMENT CODE, INCLUDING CHAPTER 2.0, TABLE 2.02-1 (REVIEW MATRIX), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 8.0 (SIGN REGULATIONS) AS IT RELATES TO THE ONT (ONTARIO INTERNATIONAL AIRPORT) ZONING DESIGNATION, GENERALLY LOCATED NORTH OF MISSION BOULEVARD, SOUTH OF AIRPORT DRIVE, EAST OF GROVE AVENUE, AND WEST OF HAVEN AVENUE, 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. PDCA18-002, 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 for the purpose of modifying, clarifying and updating certain provisions of the Ontario Development Code, including Chapter 2.0, Table 2.02-1 (Review Matrix), Chapter 5.0 (Zoning and Land Use), Chapter 8.0 (Sign Regulations) as it relates to the ONT (Ontario International Airport) zoning designation; and

WHEREAS, the Ontario International Airport is a regional significant facility serving the traveling public; and

WHEREAS, operation of Ontario International Airport is subject to a Joint Powers Agreement between the City of Ontario and the County of San Bernardino wherein the Ontario International Airport Authority ("OIAA") was created to oversee airport operations; and

WHEREAS, since taking over control of the airport, OIAA has made huge strides in increasing passenger ridership at Ontario International Airport; and

WHEREAS, OIAA been approached by various individuals and companies about improvements to the airport, including the addition of new flights and physical improvements to the property. In either case, the nature of the inquiries requires OIAA to move quickly to secure potential opportunities; and

WHEREAS, while OIAA has operational control of the airport, the land use control of the airport still falls to the City. As a result, it is imperative the City and OIAA work hand-in-hand to ensure the economic success of the airport; and

WHEREAS, the City is proposing several modifications to the Development Code to streamline the review process for projects within the ONT zone; 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 27, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND RESOLVED by the Planning Commission of the City of Ontario, as follows:

SECTION 1. *Environmental Determination and Findings.* As the recommending body for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

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, 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; 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 Planning Commission.

SECTION 2. *Housing Element Consistency.* Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission 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 3. *Airport Land Use Compatibility Plan (ALUCP) Consistency.* As the recommending body for the Project, the Planning Commission 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 4. *Concluding Facts and Reasons.* Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing and upon the specific findings set forth in Section 1 through 9 above, the Planning Commission 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 5. *Planning Commission Action.* Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby

RECOMMENDS THE CITY COUNCIL APPROVE the herein described Development Code Amendment, attached as Exhibit "A".

SECTION 6. Indemnification. The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

SECTION 7. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

SECTION 8. Certification to Adoption. The Secretary shall certify to the adoption of the Resolution.

The Secretary Pro Tempore for the Planning Commission of the City of Ontario shall certify as to the adoption of this Resolution.

I hereby certify that the foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Ontario at a regular meeting thereof held on the 27th day of March 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

Richard D. Delman
Planning Commission Chairman

ATTEST:

Scott Murphy, AICP
Assistant Development Director
Secretary of Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. PC18-*** was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on March 27, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

EXHIBIT A:

Proposed Development Code Amendment

(Development Code Amendment to follow this page)

Proposed Development Code Amendment File No. PDCA18-002:

2.02.005: Applicability

Table 2.02-1 (Review Matrix), below, establishes the recommending, approving, and appeal authorities for all permits, amendments, and approvals stipulated by this Development Code. The symbols used within the Table have the following meanings:

- R = Advisory (Recommending) Authority
- X = Approving Authority
- A = Appeal Authority

Table 2.02-1: Review Matrix

<i>Applications, Actions, Decisions and Processes</i>	<i>Reviewing Authorities [4]</i>								
	<i>Planning Director</i>	<i>City Engineer</i>	<i>Building Official</i>	<i>Zoning Administrator [2]</i>	<i>Development Advisory Board</i>	<i>Historic Preservation Subcommittee [2]</i>	<i>Historic Preservation Commission</i>	<i>Planning Commission</i>	<i>City Council</i>
C. MINISTERIAL (ADMINISTRATIVE) PERMITS AND DECISIONS									
11. Wall, Fence, and Obstructions Plans (Ref. ODC Section 6.02.005)	X							A	A
12. Development Applications within the ONT zoning designation	X								
D. ENVIRONMENTAL DETERMINATIONS AND ACTIONS									
5. Addendums to previously certified EIRs and previously adopted NDs and MNDs (Ref: CCR Section 15164)				X[3]	X[3]	X[3]	X[3]	X[3]	X[3]
6. Environmental review for projects within the ONT zoning designation [9]	--	--	--	--	--	--	--	--	--

Notes:

- [1] A hearing is required pursuant to the procedures set forth in Division 2.03 (Public Hearings) of this Development Code.
- [2] The Approving Authority may refer any application subject to their review to the next higher authority (Appeal Authority).
- [3] The Approving Authority for environmental determinations/actions shall be the same as the related legislative or discretionary actions. NDs and MNDs, and Addendums to previously certified EIRs, and previously adopted NDs or MNDs, which are not associated with, or are independent of, legislative or discretionary actions, shall be subject to Development Advisory Board review and adoption. EIRs that are not associated with, or are independent of, legislative or discretionary actions shall be subject to Planning Commission review and certification.
- [4] An application submitted for concurrent review and action with another application, action or decision requiring review and action by a higher Reviewing Authority shall be subject to concurrent review and action by that higher Reviewing Authority.

- [5] *The Approving Authority for a Stay of Permit Approval Time Limit shall be the same as the related application, action or decision.*
- [6] *An appeal of an Historic Preservation—Certificate of Appropriateness—Waiver shall be considered by the Historic Preservation Subcommittee, except that an Historic Preservation—Waiver for an Historic Landmark shall be considered by the Historic Preservation Commission*
- [7] *Refer to the ALUCP for procedures for application processing and administration, and appeals processing.*
- [8] *Appeal shall be subject to review by the Mediation Board established pursuant to ALUCP Section 4.*
- [9] *Pursuant to the Joint Powers Authority agreement between the City of Ontario and the County of San Bernardino, the Ontario International Airport Authority (OIAA) shall be the lead agency.*

Table 5.02-1: Land Use Matrix (Partial)

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
00 RESIDENTIAL										
	Accessory Residential Structures									
	· Accessory Dwelling Units	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	---	---	---	---	---	See Subsection B (Accessory Residential Structures) of Section 5.03.010
	Animal Keeping (as an accessory use)									
	Household Pets (limited to any combination of dogs, cats, potbellied pigs, rabbits, chinchillas, and other small, domesticated animals that are maintained for non-breeding purposes only)									
	· 4 or fewer pets	P	---	P	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
	Caretaker Quarters (excludes Caretaker Quarters established in conjunction with Self-Storage Facilities (NAICS 493190))	P	---	---	Ⓢ	---	---	---	---	
	Community Gardens, Urban Farms, and Related Uses	A	A	A	---	A	A	---	A	See Section 5.03.410 (Urban Agriculture)
	Employee (Farmworker) Housing									
	· 6 or fewer employees	P	---	---	---	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	· 7 to 12 employees	P	---	---	---	---	---	---	---	
	Home Occupations	A	---	A	---	---	---	---	---	See Section 5.03.240 (Home Occupations)
	Mixed-Use Developments (commercial developments incorporating single-family and/or multiple-family dwellings)	---	---	---	---	---	---	---	---	See Section 5.03.285 (Mixed-Use Developments)
	Mobilehome Parks	---	---	P	---	---	---	---	---	See Section 5.03.295 (Mobilehome Parks)
	Multiple-Family Dwellings	---	---	---	---	---	---	---	---	
	Second Dwellings	P	---	---	---	---	---	---	---	See Section 5.03.355 (Second Dwellings)
	Senior Citizen Housing Developments	---	---	---	---	---	---	---	---	See Section 5.03.360 (Senior Citizen Housing Developments)
	Single-Family Dwellings	P	---	---	---	---	---	---	---	See Section 5.03.365 (Single-Family Dwellings)
	Single Room Occupancy (SRO) Facilities	---	---	---	---	---	---	---	---	See Section 5.03.370 (Single Room Occupancy (SRO) Facilities)
	Supportive Housing	---	C	---	Ⓢ	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	Work/Live Units	---	---	---	---	---	---	---	---	See Section 5.03.425 (Work/Live Units)

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
		11 COMMERCIAL AGRICULTURE								
111 Commercial Crop Production and Farming (except community gardens, urban farms, and marijuana cultivation)		P	---	---	P	P	P	P	P	See Section 5.03.410 (Urban Agriculture)
Community Gardens		A	A	A	P	A	A	A	A	
Urban Farms		A	A	---	P	A	A	A	A	
Marijuana Cultivation		---	---	---	---	---	---	---	---	See OMC Title 6, Chapter 18 for Marijuana Cultivation for Personal Use
112 Commercial Animal Production										
1121 Cattle Ranching and Farming		C	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
1122 Hog and Pig Farming		---	---	---	---	---	---	---	---	
1123 Poultry and Egg Production		---	---	---	---	---	---	---	---	
1124 Sheep and Goat Farming		C	---	---	---	---	---	---	---	
1125 Aquaculture		C	---	---	---	---	---	---	---	
1129 Other Animal Production										
11291 Apiculture (bee keeping and production)		P	---	---	---	---	---	---	P	
11292 Horses and Other Equine Production		C	---	---	---	---	---	---	---	
11293 Fur-Bearing Animal Production (limited to rabbits, chinchillas, and other similar small, fur-bearing animals)		C	---	---	---	---	---	---	---	
11299 All Other Animal Production, limited to the following (NAICS 112990):										
112990 Kennels and Catteries (includes animals owned by the owner or occupant of the property, and those kept and/or boarded for remuneration)										
Fewer than 8 animals		P	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture) and OMC Section 6-1.224 through Section 6-1.228 regarding commercial kennel licensing.
8 or more animals		C	---	---	P	---	---	---	---	
112990 Alpaca and Llama Farming		C	---	---	---	---	---	---	---	See Section 5.03.410 (Urban Agriculture)
112990 Aviaries		C	---	---	---	---	---	---	---	
112990 Ostrich, Emu, and Rhea Farming		C	---	---	---	---	---	---	---	
115 Support Activities for Agriculture										
115110 Support Activities for Crop Production (limited to cotton ginning; soil preparation, planting and cultivating; crop harvesting; postharvest crop activities; farm labor contractors and crew leaders; and farm management services)		P	---	---	---	---	---	---	---	
115210 Support Activities for Animal Production		P	---	---	---	---	---	---	---	
21 MINING, QUARRYING, AND OIL AND GAS EXTRACTION										
211 Oil and Gas Extraction		---	---	---	---	---	---	---	---	
212 Mining (except oil and gas)		---	---	---	---	---	---	---	---	
22 UTILITIES										

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
221	Utilities									
2211	Electric Power Generation, Transmission and Distribution									
22111	Electric Power Generation									
221111	Hydroelectric Power Generation	---	---	---	---	---	---	---	---	
221112	Fossil Fuel Electric Power Generation	---	---	---	G ---	---	---	---	---	
221113	Nuclear Electric Power Generation	---	---	---	---	---	---	---	---	
221114, 221115	Solar and Wind Electric Power Generation	---	P	---	---	---	---	---	C	See Section 5.03.160 (Electric Power Generation, Solar and Wind)
221116, 221117, 221118	Geothermal, Biomass, and All Other Electric Power Generation (excepting solar and wind electric power generation)	---	---	---	---	---	---	---	---	
22112	Electric Power Transmission, Control and Distribution (transformer stations and substations)	---	C	C	G P	C	C	C	C	
23	CONSTRUCTION									
236, 237, 238	Contractors (limited to businesses whose primary activity is performing specific activities involved in building construction, engineering and capital									
	· Completely within a Building	---	---	---	P ---	---	---	---	---	
	· With Outdoor Storage (screened from public view)	---	---	---	P ---	---	---	---	---	See Section 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors)
31-33	MANUFACTURING									
311	Food Manufacturing									
3111	Animal Food Manufacturing	---	---	---	P ---	---	---	---	---	
3112	Grain and Oilseed Milling	---	---	---	G ---	---	---	---	---	
3113	Sugar and Confectionery Product Manufacturing	---	---	---	---	---	---	---	---	
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing	---	---	---	P ---	---	---	---	---	
3115	Dairy Product Manufacturing	---	---	---	P ---	---	---	---	---	
3116	Animal Slaughtering and Processing	---	---	---	G ---	---	---	---	---	
3117	Seafood Product Preparation and Packaging	---	---	---	G ---	---	---	---	---	
3118	Bread and Tortilla Manufacturing	---	---	---	P ---	---	---	---	---	See Section 5.03.085 (Bread and Tortilla Manufacturing)

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3119	Other Food Manufacturing (including snack foods, roasted nuts and peanut butter, coffee and tea, flavoring syrup and concentrate, seasoning and dressing, spice and extract, and all other miscellaneous food manufacturing)	---	---	---	P	---	---	---	---	See Section 5.03.190 (Food Manufacturing, Other)
312	Beverage and Tobacco Product Manufacturing									
3121	Beverage Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales) for regulations regarding alcoholic beverage sales for on-premise consumption (such as tasting rooms) and/or off-premise consumption.
3122	Tobacco Products Manufacturing	---	---	---	P	---	---	---	---	
313	Textile Mills (transforms basic fiber into fabric)	---	---	---	P	---	---	---	---	
314	Textile Product Mills (transforms fabric into product, except apparel)	---	---	---	P	---	---	---	---	
315	Apparel Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.035 (Apparel Manufacturing)
316	Leather and Allied Product Manufacturing									
3161	Leather and Hide Tanning and Finishing	---	---	---	---	---	---	---	---	
3162	Footwear Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.195 (Footwear Manufacturing)
3169	Other Leather and Allied Product Manufacturing (limited to manufacturing of luggage, handbags, purses, personal leather goods and other leather products)	---	---	---	P	---	---	---	---	See Section 5.03.255 (Leather and Allied Product Manufacturing, Other)
321	Wood Product Manufacturing	---	---	---	P	---	---	---	---	
322	Paper Manufacturing									
3221	Pulp, Paper, and Paperboard Mills	---	---	---	P	---	---	---	---	
3222	Converted Paper Product Manufacturing	---	---	---	P	---	---	---	---	
323	Printing and Related Support Activities	---	---	---	P	---	---	---	---	
324	Petroleum and Coal Products Manufacturing	---	---	---	C	---	---	---	---	
325	Chemical Manufacturing									
3251	Basic Chemical Manufacturing	---	---	---	C	---	---	---	---	
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	---	---	---	---	---	---	---	---	
3253	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing									
32531	Fertilizer Manufacturing (limited to mixing of purchased materials; excludes on-site composting facilities—see NAICS 562219)	C	---	---	C	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
32532	Pesticide and Other Agricultural Chemical Manufacturing	---	---	---	---	---	---	---	---	
3254	Pharmaceutical and Medicine Manufacturing (excludes biological product manufacturing—see NAICS 325414, below)	---	---	---	Ⓢ	---	---	---	---	See Section 5.03.325 (Pharmaceutical and Medicine Manufacturing)
325414	Biological Product (except diagnostic) manufacturing	---	---	---	Ⓢ	---	---	---	---	
3255	Paint, Coating, and Adhesive Manufacturing	---	---	---	Ⓢ	---	---	---	---	
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	---	---	---	Ⓢ	---	---	---	---	See Section 5.03.375 (Soap, Cleaning Compound, and Toilet Preparation Manufacturing)
3259	Other Chemical Product and Preparation Manufacturing	---	---	---	Ⓢ	---	---	---	---	
326	Plastics and Rubber Products Manufacturing									
3261	Plastics Product Manufacturing	---	---	---	Ⓢ	---	---	---	---	See Section 5.03.335 (Plastics Product Manufacturing)
3262	Rubber Product Manufacturing	---	---	---	Ⓢ	---	---	---	---	
327	Nonmetallic Mineral Product Manufacturing (except glass and glass product manufacturing)	---	---	---	Ⓢ	---	---	---	---	
32721	Glass and Glass Product Manufacturing	---	---	---	Ⓢ	---	---	---	---	
331	Primary Metal Manufacturing	---	---	---	Ⓢ	---	---	---	---	
332	Fabricated Metal Product Manufacturing	---	---	---	Ⓢ	---	---	---	---	
3321	Forging and Stamping	---	---	---	Ⓢ	---	---	---	---	
3322	Cutlery and Hand Tool Manufacturing	---	---	---	Ⓢ	---	---	---	---	See Section 5.03.135 (Cutlery and Hand Tool Manufacturing)
3323	Architectural and Structural Metals Manufacturing	---	---	---	Ⓢ	---	---	---	---	
3324	Boiler, Tank and Shipping Container Manufacturing	---	---	---	Ⓢ	---	---	---	---	
3325	Hardware Manufacturing	---	---	---	Ⓢ	---	---	---	---	See Section 5.03.235 (Hardware Manufacturing)
3326	Spring and Wire Product Manufacturing	---	---	---	---	---	---	---	---	See Section 5.03.385 (Spring and Wire Product Manufacturing)
3327	Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.260 (Machine Shops, Turned Product, and Screw, Nut and Bolt Manufacturing)
3328	Coating (e.g., anodizing, electroplating, etc.), Engraving, Heat Treating, and Allied Activities (except painting, powder coating, and polishing metal and metal products for the trade)	---	---	---	P	---	---	---	---	
332812	Painting, Powder Coating and Polishing Metal and Metal Products for the Trade	---	---	---	Ⓢ P	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
3329	Other Fabricated Metal Product Manufacturing									
33291	Metal Valve Manufacturing	---	---	---	P	---	---	---	---	
33299	All Other Fabricated Metal Product Manufacturing									
332991	Ball and Roller Bearing Manufacturing	---	---	---	P	---	---	---	---	
332992	Small Arms Ammunition Manufacturing	---	---	---	P	---	---	---	---	
332993	Ammunition (except Small Arms) Manufacturing	---	---	---	P	---	---	---	---	
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing, limited to the following:									
	· Small Arms Manufacturing	---	---	---	P	---	---	---	---	
	· Other Ordnance and Accessories Manufacturing	---	---	---	P	---	---	---	---	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	---	---	---	---	---	---	---	---	
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing	---	---	---	---	---	---	---	---	See Section 5.03.185 (Fabricated Metal Product Manufacturing, All Other Miscellaneous)
333	Machinery Manufacturing	---	---	---	P	---	---	---	---	
334	Computer and Electronic Product Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.115 (Computer and Electronic Product Manufacturing)
335	Electrical Equipment, Appliance, and Component Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.165 (Electrical Equipment, Appliance, and Component Manufacturing)
336	Transportation Equipment Manufacturing	---	---	---	P	---	---	---	---	
337	Furniture and Related Product Manufacturing	---	---	---	P	---	---	---	---	See Section 5.03.215 (Furniture and Related Product Manufacturing)
339	Miscellaneous Manufacturing									
3391, 3399	Medical Equipment and Supplies; Jewelry and Silverware; Sporting and Athletic Goods; Dolls, Toys and Games; Office Supplies; Signs; and All Other Miscellaneous Manufacturing (excepting Boutique Manufacturing Facilities)	---	---	---	P	---	---	---	---	See Section 5.03.265 (Manufacturing, Miscellaneous)
	Boutique Manufacturing Facilities	---	---	---	---	---	---	---	---	
42	WHOLESALE TRADE									
423	Merchant Wholesalers, Durable Goods									
4231	Motor Vehicles and Motor Vehicle Parts and Supplies	---	---	---	P	---	---	---	---	
4232	Furniture and Home Furnishings	---	---	---	P	---	---	---	---	
4233	Lumber and Other Construction Materials	---	---	---	P	---	---	---	---	
4234	Professional and Commercial Equipment and Supplies	---	---	---	P	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
4235	Metals and Minerals (except Petroleum)	---	---	---	---	---	---	---	---	
4236	Household Appliances, and Electrical and Electronic Goods	---	---	---	---	---	---	---	---	
4237	Hardware and Plumbing, and Heating Equipment and Supplies	---	---	---	---	---	---	---	---	
4238	Machinery Equipment and Supplies	---	---	---	---	---	---	---	---	
4239	Miscellaneous Durable Goods	---	---	---	---	---	---	---	---	
423910	Sporting and Recreational Goods and Supplies	---	---	---	---	---	---	---	---	
423920	Toy and Hobby Goods and Supplies	---	---	---	---	---	---	---	---	
423930	Recyclable Materials (includes wholesale activity only; refer to NAICS 562920 (Material Recovery Facilities) for recovery/processing (recycling) activities)	---	---	---	---	---	---	---	---	
423940	Jewelry, Watches, Precious Stones, and Precious Metals	---	---	---	---	---	---	---	---	
423990	Other Miscellaneous Durable Goods, excepting ordnance and accessories	---	---	---	---	---	---	---	---	
424	Merchant Wholesalers, Nondurable Goods (excluding industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)	---	---	---	---	---	---	---	---	
424690	Fireworks and Explosives	---	---	---	---	---	---	---	---	
424690	Industrial Gases and Liquefied Gases (except petroleum gases)	---	---	---	---	---	---	---	---	
424710	Petroleum Bulk Stations and Terminals	---	---	---	---	---	---	---	---	
424720	Petroleum and Petroleum Products (except bulk stations and terminals)	---	---	---	---	---	---	---	---	
425	Wholesale Electronic Markets and Agents, and Brokers									
425110	Business to Business Electronic Markets (via internet or other electronic means)	---	---	---	---	---	---	---	---	See Section 5.03.090 (Business to Business Electronic Markets)
425120	Wholesale Trade Agents and Brokers, limited to the following:									
	· Automobile auctions (wholesale auctions only)	---	---	---	---	---	---	---	---	
	· Durable and Nondurable Goods Agents and Brokers (office only)	---	---	---	---	---	---	---	---	See Section 5.03.155 (Durable and Nondurable Goods Agents and Brokers)

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
44-45	RETAIL TRADE									
441	Motor Vehicle and Parts Dealers									
4411	Automobile Dealers, limited to new and used automobiles, and light trucks and vans (includes vehicle sales, and ancillary motor vehicle repair and maintenance activities)									
441110	New Vehicles	---	---	---	---	---	---	---	---	See Section 5.03.040 (Automobile Dealers - New Vehicle Sales and Leasing, and Automobile Rental) and Section 5.03.305 (Motor Vehicle Dealers)
441120	Used Vehicles	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
4412	Other Motor Vehicle Dealers									
441221	Recreational Vehicles, Motorcycles, Personal Watercraft, All Terrain Vehicles, and Other Similar Vehicles	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
441222	Boats	---	---	---	---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
441229	All Other Motor Vehicles (such as truck-tractors, utility trailers, buses, and other similar vehicles)	---	---	---	P ---	---	---	---	---	See Section 5.03.305 (Motor Vehicle Dealers)
4413	Automotive Parts, Accessories and Tire Stores									
441310	Automotive Parts and Accessories (excludes automotive repair)	---	---	---	---	---	---	---	---	
441320	Tire Stores	---	---	---	---	---	---	---	---	
442	Furniture and Home Furnishings Stores									See Section 5.03.210 (Furniture and Home Furnishings Stores)
443	Electronics and Appliance Stores					P				See Section 5.03.175 (Electronics and Appliance Stores)
444	Building Materials, Garden Equipment and Supplies Stores									
445	Food and Beverage Stores									
	Alcoholic Beverage Sales for Off-Premise Consumption (except beer, wine and liquor stores (see NAICS 4453); and business to consumer internet retail wine sales (Type 85 ABC license) (NAICS 454111))	---	---	---	C	---	---	---	---	See Section 5.03.025 (Alcoholic Beverage Sales)
4451	Grocery Stores									
44511	Supermarkets and Other Grocery Stores (primarily retailing a range of grocery items and meats), Commissaries and Food Stores	---	---	---	---	---	---	---	---	
44512	Convenience Stores	---	---	---	P	---	---	---	---	See Section 5.03.125 (Convenience Markets and Specialty Food Stores)
4452	Specialty Food Stores									
44521, 44522, 44523, 44529	Confectionary and Baked Goods, Dairy Products, Ice Cream, Meat, Seafood, Produce (except farmers markets and certified farmers' markets), Soft Drink, Tea and Coffee, Water Stores, and All Other Specialty Foods	---	---	---	P	---	---	---	---	
445230	Farmers Markets and Certified Farmers Markets	C	C	---	---	---	C	---	---	

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		4453	Beer, Wine and Liquor Stores	---	---	---	G P	---	---	---
446	Health and Personal Care Stores									
446110	Pharmacies and Drug Stores	---	---	---	P	---	---	---	---	See Section 5.03.330 (Pharmacies and Drug Stores))See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
	Marijuana Dispensary	---	---	---	---	---	---	---	---	See Section 5.03.280 (Marijuana Dispensary)
44612	Cosmetics, Beauty Supplies, and Perfume Stores	---	---	---	P	---	---	---	---	
44613	Optical Goods Stores	---	---	---	P	---	---	---	---	
44619	Other Health and Personal Care Stores (limited to hearing aids, medical equipment and supplies, and prosthetics)	---	---	---	---	---	---	---	---	
447	Gasoline and Fueling Stations									
447110	Gasoline Fueling with Convenience Stores	---	---	---	---	---	---	---	---	
447190	Self-Serve and Full Service Fueling Stations	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)
447190	Automated Fueling Facilities ("card lock" facilities)	---	---	---	P	---	---	---	---	See Section 5.03.225 (Gasoline and Fueling Stations)
447190	Truck Stops	---	---	---	G ---	---	---	---	---	
448	Clothing and Clothing Accessories Stores									
451	Sporting Goods, Hobby, Book, and Music Stores (includes sporting goods stores; hobby, toy and game stores; sewing, needlework and piece goods (fabric and upholstery materials) stores; musical instrument and supplies stores; book stores; and news dealers and newsstands)	---	---	---	P	---	---	---	---	
452	General Merchandise Stores									
4521	Department Stores	---	---	---	---	---	---	---	---	
4529	Other General Merchandise Stores									
452910	Warehouse Clubs and Supercenters	---	---	---	---	---	---	---	---	
452990	All Other General Merchandise Stores (limited to dollar stores, variety stores and catalog showrooms)	---	---	---	P	---	---	---	---	
453	Miscellaneous Store Retailers									
4531	Florists	---	---	---	P	---	---	---	---	
4532	Office Supplies, Stationery, and Gift Stores	---	---	---	P	---	---	---	---	
4533	Used Merchandise Stores (except motor vehicles), limited to the following (NAICS 453310):									
453310	Antique, Vintage and Collectibles Shops	---	---	---	---	---	---	---	---	
453310	Consignment Shops	---	---	---	---	---	---	---	---	
453310	Flea Markets and Swap Meets (indoor only)	---	---	---	---	---	---	---	---	

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		453310	Precious Metals, Gemstones, Jewelry, and Similar Merchandise (includes the purchase of used items, such as "cash for gold" stores)	---	---	---	P	---	---	---
453310	Personal Property Donation Bins	---	---	---	---	---	---	---	---	See Section 5.03.320 (Personal Property Donation Bins)
453310	Thrift and Secondhand Stores, and Used Goods Stores	---	---	---	---	---	---	---	---	See Section 5.03.400 (Thrift and Secondhand Stores, and Used Goods Stores)
4539 Other Miscellaneous Store Retailers										
453910	Pet and Pet Supplies Stores	---	---	---	---	---	---	---	---	
453920	Art Dealers	---	---	---	---	---	---	---	---	
453930	Manufactured (Mobile) Home Dealers, limited to the following:									
	· Without Display of Homes	---	---	---	---	---	---	---	---	
	· With Indoor Display of Homes (no outdoor display of homes permitted)	---	---	---	---	---	---	---	---	
453991	Smoking/Vaping Retailers (includes cigar stores, cigarette stands, electronic cigarette stores, hookah supplies stores, smoking / vaping supplies stores, tobacco stores, and other similar facilities — In-store smoking and/or vaping shall be prohibited)	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments, Smoking / Vaping Lounges, and Smoking / Vaping Retailers)
453998	All Other Miscellaneous Store Retailers, limited to the following:									
	· Art Supplies, Candles, Closet Organizers, Collectibles, Flowers, Home Security Equipment, Hot Tubs, Janitorial Supplies, Police Supplies, Religious Goods, Swimming Pool Supplies and Trophy Shops	---	---	---	---	---	---	---	---	
	· Auction Houses	---	---	---	---	---	---	---	---	
	· Industrial Retail Sales (limited to the ancillary retail sales of goods and/or product either manufactured, warehoused or wholesaled on-site)									
	[1] Up to 15% of Building GFA Area or 8,000 sq-ft, whichever is less	---	---	---	P	---	---	---	---	
	[2] Over 8,000 sq-ft or 15% of Building GFA	---	---	---	C P	---	---	---	---	
454 Nonstore Retailers										
4541	Electronic (internet) Shopping and Auctions, and Mail-Order Houses (includes direct business to consumer internet retail sales, auction houses, and/or mail order retail sales)	---	---	---	P	---	---	---	---	See Section 5.03.170 (Electronic Shopping and Mail-Order Houses)
4542	Vending Machine Operators	---	---	---	---	---	---	---	---	
4543	Direct Selling Establishments	---	---	---	---	---	---	---	---	
454312	Fuel Dealers (liquefied petroleum gas)	---	---	---	---	---	---	---	---	
454390	Other Direct Selling Establishments	---	---	---	---	---	---	---	---	

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48-49	TRANSPORTATION AND WAREHOUSING									
481	Air Transportation , limited to the following:									
	· Airport	---	---	---	P	---	---	---	---	See Section 5.03.020 (Air Transportation)
	· Helipad/Heliport	---	P	---	G P	---	---	---	---	
482	Rail Transportation , limited to the following:									
	· Railroad Passenger Terminals (limited to line haul)	---	P	---	G P	---	---	P	---	
	· Railroad Equipment Maintenance Yards	---	---	---	C	---	---	C	---	
484	Truck Transportation (includes general and specialized freight trucking)	---	---	---	P	---	---	---	---	
485	Transit and Ground Passenger Transportation									
4851	Urban Transit Systems (includes public mixed-mode, commuter rail and bus transit passenger terminals and stations)	C	C	C	P	C	C	C	C	
4853	Taxi and Limousine Services	---	---	---	P	---	---	---	---	
4855	Charter Bus Services	---	---	---	P	---	---	---	---	
488	Support Activities for Transportation									
4881	Support Activities for Air Transportation	---	---	---	P	---	---	---	---	
4882	Support Activities for Rail Transportation (includes servicing and maintenance facilities)	---	---	---	---	---	---	C	---	
4884	Support Activities for Road Transportation									
488410	Towing Services (see Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)	---	---	---	P ---	---	---	---	---	
488490	Bus Passenger Terminals (independent)	---	---	---	---	---	---	---	---	
4885	Freight Transportation Arrangement (limited to shipping agents and brokers)	---	---	---	---	---	---	---	---	See Section 5.03.200 (Freight Transportation Arrangement)
491	Postal Service (limited to US Postal Service and contract services. See "Private Mail Centers and Postal Services and Supplies" (NAICS 561431) for commercial mail services)	---	P	---	P	---	---	---	---	
492	Couriers and Messengers	---	---	---	P	---	---	---	---	
493	Warehousing and Storage									
493110	General Warehousing and Storage, limited to the following:									
	· Within a Wholly Enclosed Building	---	---	---	P	---	---	---	---	
	· Outside Materials and Equipment Storage	---	---	---	---	---	---	---	---	
	[1] In conjunction with an allowed use	---	---	---	P	---	---	---	---	
	[2] As a primary use of property	---	---	---	P	---	---	---	---	
493120	Refrigerated Warehousing and Storage	---	---	---	P	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
493190	Other Warehousing and Storage, limited to the following:									
	· Bulk Petroleum Storage (tank farm)	---	---	---	---	---	---	---	---	
	· Lumber Storage	---	---	---	P	---	---	---	---	
	· Motor Vehicle Storage									
	[1] Indoor Vehicle Storage	---	---	---	P	---	---	---	---	See Section 5.03.310 (Motor Vehicle Storage Facilities)
	[2] Outdoor Vehicle Storage	---	---	---	P	---	---	---	C	
	· Self-Storage Facilities (includes one Caretaker Quarters)	---	---	---	P	---	---	---	---	
51	INFORMATION									
511	Publishing Industries (except Internet—see Other Information Services)									
5111	Newspaper, Periodical, Book, and Directory Publishers	---	---	---	---	---	---	---	---	
5112	Software Publishers	---	---	---	---	---	---	---	---	
512	Motion Picture and Sound Recording Industries									
5121	Motion Picture and Video Industries (except Motion Picture and Video Exhibition -- movie theaters)	---	---	---	P	---	---	---	---	
51213	Motion Picture and Video Exhibition (movie theaters)	---	---	---	---	---	---	---	---	
5122	Sound (Audio) Recording Facilities	---	---	---	P	---	---	---	---	See Section 5.03.380 (Sound (Audio) Recording Facilities)
515	Broadcasting (except Internet—see Other Information Services)									
515112	Radio Stations	---	---	---	P	---	---	---	---	
515120	Television Broadcast Studios	---	---	---	P	---	---	---	---	
515120	Radio and Television Transmission/Antenna Facilities	---	---	---	---	---	---	---	---	
517	Telecommunications Facilities									
517311	Wired telecommunications Facilities	P	P	P	---	P	P	P	P	
517312	Wireless Telecommunications Facilities	C	P	P	P	P	P	P	P	See Section 5.03.420 (Wireless Telecommunications Facilities)
5174	Satellite Facilities	---	---	---	P	---	---	---	---	
5179	All Other Telecommunications (includes telecommunications resellers, radar station operations, and satellite telemetry operations and tracking stations)	---	---	---	---	---	---	---	---	
518	Data Processing, Hosting and Related Services	---	---	---	P	---	---	---	---	See Section 5.03.140 (Data Processing, Hosting and Related Services)
519	Other Information Services									
51911	News Syndicates (office only)	---	---	---	---	---	---	---	---	
51912	Libraries and Archives	---	P	---	---	---	---	---	---	
51913	Internet Publishing and Broadcasting	---	---	---	---	---	---	---	---	
52	FINANCE AND INSURANCE									

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
522	Credit Intermediation and Related Activities									
5221	Depository Credit Intermediation (limited to commercial banking, savings institutions and credit unions)	---	---	---	---	---	---	---	---	See Section 5.03.145 (Depository Credit Intermediation) See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
5222	Nondepository Credit Intermediation (limited to loan processing, reserve, and clearinghouse activities, excepting pawnshops and pawn brokers)	---	---	---	---	---	---	---	---	
522298	Pawnshops and Pawnbrokers	---	---	---	---	---	---	---	---	
5223	Activities Related to Credit Intermediation									
52231	Mortgage and Nonmortgage Loan Brokers	---	---	---	---	---	---	---	---	
52232	Financial Transactions Processing and Clearinghouse Activities	---	---	---	---	---	---	---	---	
52239	Other Activities Related to Credit Intermediation (limited to check cashing, money order issuance, money transmission and payday advance services)	---	---	---	---	---	---	---	---	See Section 5.03.130 (Credit Intermediation-Related Activities)
523, 524, 525	Securities, Commodity Contracts, and Other Financial Investments; Insurance Carriers; and Related Activities, Funds, Trusts, and Other Financial Vehicles	---	---	---	---	---	---	---	---	
53	REAL ESTATE, RENTAL AND LEASING									
531	Real Estate (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)	---	---	---	---	---	---	---	---	
531120	Banquet Facilities (standalone facilities only)	---	---	---	---	---	---	---	---	
532	Rental and Leasing Services									
5321	Automotive Equipment Rental and Leasing									
53211	Passenger Car Rental and Leasing	---	---	---	P	---	---	---	---	See Section 5.03.040 (Automobile Dealers—New Vehicle Sales and Leasing, and Automobile Rental)
53212	Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing	---	---	---	P	---	---	---	---	
5322	Consumer Goods Rental (limited to rental of consumer electronics and appliances, costumes, formal wear, furniture rental, home health equipment, musical instrument rental, party and banquet accessories, recreational goods, and video tapes and discs)	---	---	---	---	---	---	---	---	See Section 5.03.120 (Consumer Goods Rental)
5323	General Rental Centers (limited to home and garden tool and equipment rental)	---	---	---	---	---	---	---	---	See Section 5.03.230 (General Rental Centers)
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing	---	---	---	G	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
54	PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES									
541	Professional, Scientific and Technical Services, except Scientific Research and Development Services, and Veterinary and Animal Hospital Services (limited to legal, accounting, tax preparation, bookkeeping, payroll, architecture, engineering, and specialized design services; systems design; management, scientific, and technical consulting services; and advertising and public relations services)	---	---	---	---	---	---	---	---	
5417	Scientific Research and Development Services	---	---	---	P	---	---	---	---	
5419	Other Professional, Scientific, and Technical Services (except veterinary and animal hospital services)	---	---	---	P	---	---	---	---	
541940	Veterinary and Animal Hospital Services	C	---	---	---	---	---	---	---	
55	MANAGEMENT OF COMPANIES AND ENTERPRISES									
551	Management of Companies and Enterprises (limited to offices of holding companies, and corporate, subsidiary and regional managing offices)	---	---	---	---	---	---	---	---	
56	ADMINISTRATIVE AND SUPPORT, AND WASTE MANAGEMENT AND REMEDIATION SERVICES									
561	Administrative and Support Services									
5611, 5612	Office Administrative Services and Facilities Support Services (limited to services provided for others on a contract or fee basis)	---	---	---	---	---	---	---	---	
5613	Employment Services (limited to employment placement, executive search and temporary employment services)	---	---	---	---	---	---	---	---	
5614	Business Support Services									
56141	Document Preparation Services	---	---	---	---	---	---	---	---	
56142	Telephone Call Centers	---	---	---	---	---	---	---	---	
56143	Business Service Centers									
561431	Private Mail Centers, and Postal Services and Supplies	---	---	---	P	---	---	---	---	
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)	---	---	---	P	---	---	---	---	
56144	Collection Agencies	---	---	---	---	---	---	---	---	
56145	Credit Bureaus	---	---	---	---	---	---	---	---	
56149	Other Business Support Services (including repossession services, court reporting and stenotype services and all other business support services)	---	---	---	---	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
		5615	Travel Arrangement and Reservation Services	---	---	---	P	---	---	---
5616	Investigation and Security Services	---	---	---	---	---	---	---	---	
5617	Services to Buildings and Dwellings (limited to exterminating and pest control, janitorial, landscaping, carpet and upholstery cleaning, building exterior and chimney cleaning, power washing, gutter cleaning, light building maintenance, parking lot cleaning and swimming pool maintenance services)	---	---	---	P	---	---	---	---	See Section 5.03.180 (Exterminating Services)
5619	Other Support Services (limited to packaging and labeling services, convention and trade show organizers, and document shredding services)	---	---	---	P	---	---	---	---	
562	Waste Management and Remediation Services									
5621	Waste Collection									
562111	Solid Waste Collection, limited to the following									
	· Waste, Refuse and Garbage Collection Services (service yards)	---	---	---	---	---	---	---	---	
	· Waste Transfer Facilities	---	---	---	C	---	---	---	---	
	· Recycling Facilities (implements the California Beverage Container Recycling and Litter Reduction Act (PRC Section 14500 et seq.))									
	[1] Reverse Vending Machines	---	---	---	---	---	---	---	---	See Section 5.03.340 (Recycling Facilities)
	[2] Small Collection Facilities (a facility 500 SF or less in area, including Mobile Recycling Units, Bulk Reverse Vending Machines, Kiosk Type Units, and Unattended Containers)	---	---	---	P	---	---	---	---	
	[3] Large Collection Facilities (a facility greater than 500 SF in area)	---	---	---	P	---	---	---	---	
	[4] Processing Facilities	---	---	---	P	---	---	---	---	
	· Salvage Facilities (such as automobile dismantling and metal salvage/recycling. See NAICS 562920, Material Recovery Facilities, for the recovery/processing (recycling) of waste materials)									
	[1] Within a Wholly Enclosed Building	---	---	---	C	---	---	---	---	See Section 5.03.350 (Salvage Facilities)
	[2] With Outdoor Storage and/or Processing Activities	---	---	---	C	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
562112	Hazardous Waste Collection, limited to the following:									
	· Hazardous Waste Collection and Storage Facilities (except household hazardous waste collection facilities)	---	---	---	---	---	---	---	---	
	· Hazardous Waste Collection Services	---	---	---	---	---	---	---	---	
	· Household Hazardous Waste Collection Facility	---	---	---	P ---	---	---	---	---	
562119	Other Waste Collection Services	---	---	---	---	---	---	---	---	
5622	Waste Treatment and Disposal									
562211	Hazardous Waste Treatment and Disposal	---	---	---	---	---	---	---	---	
562212	Solid Waste Landfill	---	---	---	---	---	---	---	---	
562213	Solid Waste Combustors and Incinerators	---	---	---	---	---	---	---	---	
562219	Other Nonhazardous Waste Treatment and Disposal (limited to composting facilities and anaerobic digestion; excludes fertilizer manufacturing—see NAICS 325314)	C	---	---	---	---	---	---	---	
5629	Remediation and Other Waste Management Services									
562910	Remediation Services	---	---	---	---	---	---	---	---	
562920	Material Recovery Facilities (MRF) (consists of the removal of recyclable materials from a waste stream)	---	---	---	---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562920	· Electronic Equipment Recycling	---	---	---	P ---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562920	· Salvage Facilities (includes facilities for the recovery/processing (recycling) of waste materials. See NAICS 562111 for automobile dismantling and metal salvage/recycling facilities. See NAICS 327999 for concrete and asphalt crushing or grinding)									See Sections 5.03.275 (Material Recovery Facilities) and 5.03.350 (Salvage Facilities)
562920	[1] Within a Wholly Enclosed Building	---	---	---	C ---	---	---	---	---	
562920	[2] With Outdoor Storage and/or Processing Activities	---	---	---	C ---	---	---	---	---	
562920	· Tires and Scrap Rubber Recycling	---	---	---	C ---	---	---	---	---	See Section 5.03.275 (Material Recovery Facilities))
562991	Septic Tank and Related Services	---	---	---	---	---	---	---	---	
562998	All Other Miscellaneous Waste Management Services (includes but is not limited to storm and catch basin cleaning services, grease trap cleaning services, sewer cleaning and rodding services, and tank cleaning and disposal services)	---	---	---	---	---	---	---	---	

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
61	EDUCATION SERVICES									
611	Educational Services									
6111, 6112, 6113	Elementary and Secondary Schools, Junior Colleges, and Colleges, Universities and Professional Schools (includes activities and facilities ancillary to, and/or serving, an educational service, such as, but not limited to, administrative offices, student and educator housing, libraries and museums, performing arts and sports facilities, eating facilities, medical clinics, etc.)									
	· Public Schools	---	P	P	---	---	---	---	---	
	· Private Schools	---	C	C	---	---	---	---	---	
6114	Business Schools and Computer and Management Training	---	C	---	G	---	---	---	---	
6115	Technical and Trade Schools	---	C	---	G	---	---	---	---	
6116	Other Schools and Instruction									
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting and sculpture)									
	· GFA less than 2,000 SF	---	---	---	P	---	---	---	---	
	· GFA 2,000 SF or more	---	---	---	G	---	---	---	---	
611620	Sports and Recreation Instruction (cheerleading, gymnastics, and martial arts)									
	· GFA less than 10,000 SF	---	---	---	P	---	---	---	---	
	· GFA 10,000 or More SF	---	---	---	G	---	---	---	---	
611691	Exam Preparation and Tutoring Services	---	---	---	---	---	---	---	---	
611692	Automobile Driving School	---	C	---	---	---	---	---	---	
611699	Other Schools of Instruction (public speaking, survival training, and speed reading)	---	C	---	---	---	---	---	---	
6117	Educational Support Services (limited to testing, evaluation, and tutorial services)	---	---	---	---	---	---	---	---	
62	HEALTH CARE AND SOCIAL ASSISTANCE									
621	Ambulatory Health Care Services									
6211, 6212, 6213, 6214, 6215, 6216	Offices of Physicians and Dentists, Other Health Practitioners, Outpatient Centers, Laboratory Testing Services, Home Healthcare Services, and Community Clinics (excludes massage establishments—see NAICS 812199)	---	---	---	---	---	---	---	---	See Section 5.02.270 (Massage Establishments and Services) for massage therapists or massage practitioners See Section 6.01.035.B.2.c (Development Standards and Guidelines) for medical offices and clinics that front Euclid Avenue
6219	Other Ambulatory Health Care Services									
62191	Ambulance Services	---	---	---	C	---	---	---	---	
62199	All Other Ambulatory Health Care Services									

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621991	Blood and Organ Banks	---	---	---	---	---	---	---	---	
621999	All Other Miscellaneous Ambulatory Health Care Services (limited to blood pressure screening, health screening, hearing testing, industrial clinics, pacemaker monitoring, physical fitness evaluation, and smoking cessation program services)	---	---	---	---	---	---	---	---	See Section 5.03.030 (Ambulatory Health Care Services—All Other Miscellaneous)
622	Hospitals	---	---	---	---	---	---	---	---	
623	Nursing and Residential Care Facilities									
6231	Nursing Care Facilities	---	---	C	---	---	---	---	---	
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	
	· More than 6 persons	---	---	C	---	---	---	---	---	
6233	Community Care Facilities for the Elderly									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	See Section 5.03.110 (Community Care Facilities for the Elderly—6 or Fewer Persons)
	· More than 6 persons	---	---	C	---	---	---	---	---	See Section 5.03.105 (Community Care Facilities for the Elderly—More Than 6 Persons)
6239	Other Residential Care Facilities									
	· 6 or fewer persons	---	---	P	---	---	---	---	---	See Section 5.03.345 (Residential Care Facilities, Other—6 or Fewer Persons)
	· More than 6 persons	---	---	C	---	---	---	---	---	
624	Social Assistance									
6241	Individual and Family Services									
62411	<i>Child and Youth Services (limited to nonresidential social assistance services for children and youth)</i>									
624110	Adoption Services, Child Guidance Agencies, Child Welfare Services, and Foster Care Placement Services	---	---	---	---	---	---	---	---	
624110	Teen Outreach Services and Youth Centers	---	---	---	---	---	---	---	---	
62412	<i>Services for the Elderly and Persons with Disabilities</i>									
624120	Senior Citizen and Adult Community Centers	---	P	---	---	---	---	---	---	
624120	Adult Day Care Services									
	· 6 or Fewer Persons	---	---	P	---	---	---	---	---	
	· 7 or More Persons	---	---	C	---	---	---	---	---	
624190	Other Individual and Family Services	---	---	---	---	---	---	---	---	
6242	Community Food and Housing, Emergency and Other Relief Services									
62421	Community Food Services (limited to food banks, meal delivery programs, and fixed and mobile soup kitchens)	---	---	---	C	---	---	---	---	
62422	Community Housing Services									

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624221	Temporary Shelters									
	· Emergency Shelters	---	C	C	Ⓢ	---	---	---	---	See Section 5.03.405 (Transitional Shelter Housing)
	· Transitional Housing	---	C	P	Ⓢ	---	---	---	---	
	· Transitional Living Centers	---	---	---	Ⓢ	---	---	---	---	
624229	Other Community Housing Services (agencies and organizations)	---	P	---	---	---	---	---	---	
62423	Emergency and Other Relief Services (administrative services/activities only)	---	---	---	---	---	---	---	---	
6243	Vocational Rehabilitation Services (limited to vocational habilitation and rehabilitation, and workshops for persons with disabilities)	---	C	---	Ⓢ	---	---	---	---	
6244	Child Day Care Services, limited to the following:									
624410	Child Day Care Centers (Commercial Facilities)	---	P	C	---	---	---	---	---	See Section 5.03.100 (Child Day Care Services)
624410	Child Day Care Centers (Employer Provided Services)	---	P	---	---	---	---	---	---	
624410	Family Child Day Care (Residential Facilities)									
	· Large Family (7 to 14 children)	---	---	A	---	---	---	---	---	See Section 5.03.100 (Child Day Care Services)
	· Small Family (less than 8 children)	---	---	P	---	---	---	---	---	
71	ARTS, ENTERTAINMENT AND RECREATION									
711	Performing Arts, Spectator Sports, and Related Industries	---	C	---	---	---	---	---	---	
712	Museums, Historical Sites, and Similar Institutions									
7121	Museums, Historical Sites, and Similar Institutions									
71211	Museums	---	P	C	---	---	P	---	---	
71213	Zoos and Botanical Gardens	---	---	---	---	---	C	---	---	
713	Amusement, Gambling, and Recreation Industries									
7131	Amusement Parks and Arcades									
71311	Amusement and Theme Parks	---	---	---	Ⓢ	---	C	---	---	
71312	Amusement Arcades (limited to video and electronic game arcades, cyber cafes and on-line and internet gaming facilities)	---	---	---	---	---	---	---	---	See Section 5.03.220 (Game Arcades, Internet Cafes, On-Line Internet Gaming, and Similar Facilities)
7132	Gambling Industries (except Bingo conducted pursuant to Ontario Municipal Code Title 5, Chapter 18 (Bingo for Charity))	---	---	---	---	---	---	---	---	
7139	Other Amusement and Recreation Industries									
71391	Golf Courses and Country Clubs	---	---	---	Ⓢ	---	P	---	---	

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71394	<i>Fitness and Recreational Sports Centers (limited to health clubs and gyms, fitness and sports training facilities, tennis clubs, swim clubs and other similar activities and facilities)</i>									
	· GFA Less than 10,000 SF	---	---	---	P	---	---	---	---	
	· GFA 10,000 or More SF	---	---	---	C	---	---	---	---	
71395	Bowling Centers	---	---	---	---	---	---	---	---	
71399	All Other Amusement and Recreation Industries, limited to the following (NAICS 713990):									
713990	Adult-Oriented Businesses	---	---	---	P	---	---	---	---	See Section 5.03.015 (Adult-Oriented Businesses)
713990	Batting Cages -- Indoor	---	---	---	P	---	---	---	---	
713990	Batting Cages -- Outdoor	---	---	---	P	---	C	---	---	
713990	Billiard Parlors and Pool Halls	---	---	---	---	---	---	---	---	See Section 5.03.075 (Billiard Parlors and Pool Halls)
713990	Dancing, Dance Clubs, Dance Halls, Ballrooms and Discotheques	---	---	---	C	---	---	---	---	
713990	Escape, Exit, Mystery, and Puzzle Rooms	---	---	---	---	---	---	---	---	
713990	Golf Driving Ranges, Miniature and Pitch-N-Put Golf Courses, and Practice Ranges	---	---	---	C	---	C	---	---	
713990	Hookah Establishments	---	---	---	---	---	---	---	---	See Section 5.03.245 (Hookah Establishments)
713990	Live Entertainment	---	C	---	C +F4 99	---	---	---	---	>10,00 SF REQUIRE CUP
713990	Off-Road Vehicle Riding Facilities (recreational)	---	---	---	---	---	---	---	---	
713990	Open Space and Park Lands (publicly owned facilities)	P	P	P	P	P	P	P	P	
713990	Shooting and Archery Ranges and Galleries — Indoor Only	---	---	---	C	---	---	---	---	
713990	Simulated Racing (limited to go-carts, radio controlled vehicles and other similar facilities)	---	---	---	---	---	---	---	---	
713990	Simulated Shooting Games — Indoor Only (limited to laser tag and paint ball)	---	---	---	---	---	---	---	---	
713990	Skating Rinks and Parks (indoor only)	---	---	---	C	---	---	---	---	
713990	Smoking Lounges, Vape Lounges, and Other Similar Facilities (excluding hookah facilities)	---	---	---	---	---	---	---	---	
713990	Stables (commercial riding)	---	---	---	---	---	C	---	---	
72 ACCOMMODATION AND FOOD SERVICES										
721 Accommodation (Lodging Facilities)										
7211 Traveler Accommodation										
72111	Hotels and Motels	---	---	---	P	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation)

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		72119	Other Traveler Accommodation							
721191	Bed-and-Breakfast Inns	---	---	C	---	---	---	---	---	See Section 5.03.070 (Bed-and-Breakfast Inns)
721199	All Other Traveler Accommodation									
	· Residence Inns	---	---	---	---	---	---	---	---	See Section 5.03.250 (Hotels, Motels, Residence Inns, and Other Similar Traveler Accommodation)
	· Cabins and Cottages	---	---	---	---	---	---	---	---	
	· Hostels	---	---	---	---	---	---	---	---	
7212	RV (Recreational Vehicle) Parks and Recreational Camps	---	---	---	---	---	---	---	---	
7213	Boarding, Lodging and Rooming Houses	A	---	A	---	---	---	---	---	See Section 5.03.080 (Boarding, Lodging and Rooming Houses)
722	Food Services and Drinking Places									
	Alcoholic Beverage Sales for On-Premise Consumption (except drinking places)	---	C	---	G P	---	C	---	---	See Section 5.03.025 (Alcoholic Beverage Sales)
7223	Special Food Services									
72231	Food Service Contractors	---	---	---	---	---	---	---	---	
72232	Caterers	---	---	---	---	---	---	---	---	
72233	Mobile Food Services	---	---	---	---	---	---	---	---	See Section 5.03.290 (Mobile Food Services)
7224	Drinking Places (includes bars, cocktail lounges, nightclubs and taverns, and other similar facilities)	---	---	---	P	---	C	---	---	
7225	Restaurants and Other Eating Places									
722511	Full-Service Restaurants (includes ancillary banquet facilities— see NAICS 531120 for standalone banquet facilities)	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722513	Limited-Service and Fast Food Restaurants	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722514	Cafeterias and Buffets	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
722515	Snack and Nonalcoholic Beverage Bars	---	P	---	P	---	P	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
81	OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)									
811	Repair and Maintenance									
8111	Motor Vehicle Repair and Maintenance (Note: See Motor Vehicle Storage (NAICS 493190) for vehicle storage requirements)									
81111	Motor Vehicle Mechanical and Electrical Repair and Maintenance									
811111	Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts)	---	---	---	P	---	---	---	---	See Section 5.03.065 (Automotive Repair and Maintenance—Servicing Facilities)
811111	General Repair Facilities (includes general motor vehicle mechanical and electrical repair and maintenance of air conditioning, brake, cooling, electric, exhaust, fuel, and suspension systems; and engine, transmission, and drive train)									
	· Automobile, Light Truck and Van Repair and Maintenance	---	---	---	P	---	---	---	---	See Section 5.03.060 (Automotive Repair and Maintenance—General Repair Facilities)
	· Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance	---	---	---	P	---	---	---	---	
81112	Automotive Body, Paint, Interior and Glass Repair									
811121	Automotive Body, Paint, and Interior Repair and Customization									
	· Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization	---	---	---	P	---	---	---	---	See Section 5.03.045 (Automotive Body, Paint, and Interior Repair and Customization—Minor Customization Work)
	· Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only -- no body or paint work is allowed)	---	---	---	P	---	---	---	---	
	· Large Truck and Bus Body, Paint, and Interior Repair and Maintenance	---	---	---	P	---	---	---	---	
	· Mobile Body and Paint Repair Services	---	---	---	P	---	---	---	---	See Section 5.03.050 (Automotive Body and Paint—Mobile Repair Services)
811122	Automotive Glass Replacement Shops (limited to stationary and mobile services)	---	---	---	P	---	---	---	---	See Section 5.03.055 (Automotive Glass Replacement Shops)
81119	Other Automotive Repair and Maintenance									
811191	Automotive Oil Change and Lubrication Shops	---	---	---	P	---	---	---	---	
811192	Car Washes--Full-Service and Self-Service (excludes facilities ancillary to fueling stations)									
	· Automobiles, Light Trucks and Vans	---	---	---	P	---	---	---	---	
	· Trucks and Similarly Large Vehicles	---	---	---	P	---	---	---	---	
	· Mobile Washing and Detailing Services	---	---	---	---	---	---	---	---	See Section 5.03.300 (Mobile Washing and Detailing Services)
811198	All Other Automotive Repair and Maintenance									

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
	· Emissions Testing (test only facilities)	---	---	---	---	---	---	---	---	
	· Rustproofing and Undercoating Shops	---	---	---	---	---	---	---	---	
	· Spray-On Bedliner Installation Shops	---	---	---	---	---	---	---	---	
	· Plug-In Electric Vehicle (PEV) Charging Facilities (ancillary to an allowed land use)	P	P	P	---	P	P	P	P	
8112	Electronic and Precision Equipment Repair and Maintenance	---	---	---	P	---	---	---	---	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	---	---	---	P	---	---	---	---	
8114	Personal and Household Goods Repair and Maintenance									
811411, 811412	Home and Garden Equipment and Appliance Repair and Maintenance	---	---	---	P	---	---	---	---	
811420	Reupholsters and Furniture Repair	---	---	---	P	---	---	---	---	
811430	Footwear and Leather Goods Repair	---	---	---	---	---	---	---	---	
811490	Other Personal and Household Goods Repair and Maintenance -- Without Retail Sales (limited to garment alteration and repair, gun repair, jewelry repair, key duplicating, musical instrument repair and tailor shops)	---	---	---	P	---	---	---	---	
811490	Boat Repair and Maintenance Services (no retail sales of new boats)	---	---	---	P	---	---	---	---	
811490	Motorcycle Repair and Maintenance Services (no retail sales of new motorcycles)	---	---	---	P	---	---	---	---	
812	Personal and Laundry Services									
8121	Personal Care Services									
81211	Hair, Nail, and Skin Care Services	---	---	---	---	---	---	---	---	
81219	Other Personal Care Services									
812191	Diet and Weight Reducing Centers	---	---	---	---	---	---	---	---	
812199	Other Personal Care Services, limited to the following:									
	· Chair Massage	---	---	---	P	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services)
	· Color Consulting Services	---	---	---	---	---	---	---	---	
	· Day Spas	---	---	---	---	---	---	---	---	
	· Hair Removal Services	---	---	---	---	---	---	---	---	
	· Hair Replacement Services	---	---	---	---	---	---	---	---	
	· Make-Up Salons (includes the application of permanent cosmetics)	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application)
	· Massage Establishments	---	---	---	---	---	---	---	---	See Section 5.03.270 (Massage Establishments and Services)
	· Tanning Salons	---	---	---	---	---	---	---	---	
	· Body Art Services (includes tattooing, body piercing, and branding)	---	---	---	---	---	---	---	---	See Section 5.03.390 (Tattoo, Body Piercing, Branding, and Permanent Cosmetics Application)
8122	Death Care Services									

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
		812210	Funeral Director Services (limited to office/retail only)	---	---	---	---	P	---	---
812210	Funeral Parlors and Mortuary Services (excludes funeral establishments)	---	---	---	---	P	---	---	---	
812210	Funeral Establishments	---	---	---	---	P	---	---	---	
812220	Cemeteries	---	---	---	---	P	---	---	---	
812220	Crematories	---	---	---	---	C	---	---	---	
8123	Drycleaning and Laundry Services									
81231	Coin-Operated Laundries and Drycleaners	---	---	---	---	---	---	---	---	
81232	Drycleaning and Laundry Services (except Coin-Operated)	---	---	---	---	---	---	---	---	See Section 5.03.150 (Drive-Thru Facilities) for the inclusion of drive-thru facilities.
81233	<i>Linen and Uniform Supply</i>									
812331	Linen Supply	---	---	---	P	---	---	---	---	
812332	Industrial Launderers	---	---	---	P	---	---	---	---	
8129	Other Personal Services									
81291	Pet Care (except Veterinary and Kennel) Services, limited to the following (NAICS 812910):									
812910	Pet Grooming and Training Services	---	---	---	P	---	---	---	---	
812910	Pet Boarding and Sitting (Doggy Daycare) Services, and Shelters	---	---	---	P	---	---	---	---	
81292	Photofinishing	---	---	---	---	---	---	---	---	
812930	Parking Lots and Garages (commercial)	---	---	---	---	---	---	---	---	
81299	All Other Personal Services, limited to the following (NAICS 812990):									
812990	Astrology, Fortunetelling, Numerology, Palmistry, Phrenology and Psychic Reading Services	---	---	---	---	---	---	---	---	
812990	Funeral Planning Services (office only—excludes preparation of the dead for burial or interment, and the conducting of funeral services)	---	---	---	---	---	---	---	---	
812990	Party Planning Services	---	---	---	---	---	---	---	---	
812990	Personal Fitness Trainer	---	---	---	---	---	---	---	---	See Section 5.03.315 (Personal Fitness Trainer)
812990	Wedding and Funerary Chapels (excludes religious assembly)	---	---	---	---	---	---	---	---	
813	Religious, Grantmaking, Civic, Professional and Similar Organizations									
8131	Religious Organizations									
813110	Religious Assembly	---	C	C	---	---	---	---	---	
813110	Monasteries, Convents and Other Similar Facilities	---	---	C	---	---	---	---	---	
8132, 8133, 8134, 8139	Grantmaking and Giving Services; Social Organizations; and Business, Professional, Labor, and Political and Similar Organizations									
	· Offices Only	---	---	---	---	---	---	---	---	
	· Assembly Facilities	---	---	---	---	---	---	---	---	
92	PUBLIC ADMINISTRATION									

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>	AG	CIV	MHP	ONT	OS-C	OS-R	RC	UC	Additional Regulations
921	Executive, Legislative, and Other General Government Support	---	P	---	---	---	---	---	---	
922	Justice, Public Order, and Safety Activities									
92211	Courts	---	P	---	---	---	---	---	---	
92212	Police Protection (limited to stations, substations and storefront facilities)	P	P	P	P	P	P	P	P	
92213	Legal Counsel and Prosecution	---	P	---	---	---	---	---	---	
92214	Correctional Institutions	---	---	---	---	---	---	---	---	
92215	Parole Offices and Probation Offices	---	P	---	---	---	---	---	---	
92216	Fire Protection	P	P	P	P	P	P	P	P	
923	Administration of Human Resource Programs (limited to administrative offices for education, public health and veterans' affairs, and other similar facilities)	---	P	---	---	---	---	---	---	
TEMPORARY AND INTERIM LAND USES, BUILDINGS, AND STRUCTURES										
	Temporary and Interim Land Uses	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)
	Temporary and Interim Buildings, Structures, and Facilities									
	· Fewer than 5 years	A	A	A	A	A	A	A	A	See Section 5.03.395 (Temporary and Interim Land Uses, Buildings, and Structures)
	· 5 to 10 years	C	C	C	A	C	C	C	C	
	· More than 10 years	---	---	---	A	---	---	---	---	

8.01.015: Prohibited Signs

The following signs and circumstances are expressly prohibited within the City, except as otherwise provided by this Division:

- A.** Any sign not specifically allowed by this Division; however, nothing in this Division shall be construed to prohibit any sign, notice, or advertisement required by Federal, State, or local laws.
- B.** Billboards, including vehicle-mounted billboards (roving or stationary), excepting billboards established pursuant to a Billboard Relocation Agreement, implemented pursuant to Section 4.02.010 (Billboard Relocation Agreements) of this Development Code and billboards located within the ONT zone pursuant to Table 8.01-1: Sign Regulations Matrix.

<i>Sign Classification</i>	<i>Sign Type, Number (max.), and Location</i>	<i>Sign Area (max.)</i>	<i>Sign Height (max.)</i>	<i>Sign Length (max.)</i>	<i>Special Regulations</i>
F. SPECIAL USE ZONING DISTRICTS (excepting those "Specialty Signs" listed in Subsection F (Standards for Specialty Signs) of this Table)					
4. Ontario International Airport					
a. Temporary Signs					
▪ Real Estate Signs	One freestanding or wall sign per parcel.	24 SF per sign face.	7 FT		<p>[1] Only non-illuminated signs shall be allowed.</p> <p>[2] Signs shall be removed within 5 days following the sale or lease of the last unit, or final Building Department inspection.</p>
▪ Window Signs and Displays	Window signs	Limited to 25% of the window area.			<p>[1] Window signs shall be allowed for a maximum of 3 periods of 30 days, annually.</p> <p>[2] Window signs shall be allowed only on windows located on the ground floor of a building frontage.</p> <p>[3] Window signs shall be painted or mounted only on the inside of doors and windows.</p> <p>[4] Signs placed on the interior of a building that are located within 3 FT of a storefront window and are visible from the building exterior shall be deemed a window sign.</p>
▪ On-Site Signs and Banners	One wall-mounted sign or banner per business.	50 SF per sign face.			
b. Permanent Signs					

<p>▪ Wall Signs</p>	<p>One wall sign per tenant/building (for corner lots, one per street elevation, not to exceed 2 signs per building)</p> <p>As approved as part of a Uniform Sign Program</p>	<p>[1] One SF of sign per lineal FT of building frontage; [2] For corner lots, one SF of sign per lineal FT of building frontage, on each street; or one half SF of sign area for each lineal foot of lot frontage on one street only. [3] 200 SF maximum sign area, calculated as prescribed above. A calculation of less than 20 SF shall result in a maximum sign area of 20 SF.</p>			
<p>▪ Monument Sign</p>	<p>One monument sign per development.</p> <p>As approved as part of a Uniform Sign Program</p>	<p>50 SF per sign face.</p>	<p>7 FT</p>		<p>[1] Comply with Paragraph 8.01.020.C.1 (Monument Signs) of this Division. [2] Signs shall not be located in any required setback area, unless authorized by the Planning Commission.</p>
<p>▪ Freeway Signs</p>	<p>[1] One sign per parcel having a minimum of 600 FT of freeway frontage, and is developed as a single entity. [2] Two signs per parcel having a minimum of 1,800 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity. [3] Three signs per parcel having a minimum of 3,000 FT of freeway frontage, a minimum of 10 acres in area, and is developed as a single entity.</p>	<p>150 SF per sign face.</p>	<p>35 FT maximum; however, the height may be increased to 45 FT if the site is at least 10 FT lower than the freeway finish surface.</p>	<p>No sign face (vertical or horizontal) shall exceed 25 FT in any direction.</p>	<p>[1] Any advertisement, text, symbols, or other indications displayed on the sign face shall be limited to 5 words, letters, numbers, figures, symbols or other indications to substitute for words. [2] Signs shall be separated by 600 FT. Signs may not be located further than 40 FT from the freeway. [3] Sign shall not have more than 2 display surfaces, unless approved by the Planning Commission. [4] No tentative map or parcel map shall be approved on a parcel upon which a bonus sign is located if the effect on the parcel upon which said bonus sign is located would be to reduce its area to less than 10 acres</p>

					or its freeway frontage to less than 600 FT.
▪ Wayfinding/ Directional Signs	As approved as part of a Uniform Sign Program				
▪ Billboards	Three (3) LED signs Three (3) static message signs	LED – 675 sq. ft. per sign face Static – 250 sq. ft. per sign face Total square footage of all billboard signs shall not exceed 2,500 square feet.	LED – 35 feet Static – 35 feet	LED – 48 feet Static – 11 feet	All billboard signs shall be located within the terminal and/or rental car area of the airport
5. Open Space— Cemetery	As determined appropriate by the Planning Director.				
6. Open Space— Recreation	As determined appropriate by the Planning Director.				
7. Rail Corridor	As determined appropriate by the Planning Director.				
8. Utilities Corridor	As determined appropriate by the Planning Director.				



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Scott Murphy, AICP, Assistant Development Director *SM*

DATE: March 27, 2018

SUBJECT: MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF FEBRUARY 2018

Attached, you will find the Planning Department Monthly Activity Report for the month of February 2018. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site. New applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-applications>, and actions taken on applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-actions>.

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DEVELOPMENT ADVISORY BOARD MEETING

February 5, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-049:

A Development Plan to construct a 314 square-foot addition and façade improvements to an existing 2,446 square-foot commercial building (ARCO service station/convenience store), on 0.45 acres of land located at 1245 East Fourth Street, within the CN (Neighborhood Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1047-462-13) **submitted by Joseph Karaki/Karaki Western States.**

Action: The Development Advisory Board approved the project subject to conditions.

ZONING ADMINISTRATOR MEETING

February 5, 2018

Meeting Cancelled

CITY COUNCIL MEETING

February 6, 2018

No Planning Department Items Scheduled

CITY COUNCIL MEETING

February 20, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA08-001: A Development Agreement Amendment (First Amendment – File No PDA08-001) between the City of Ontario and True North Management Group to extend the term of the development agreement allowing for the construction of up to 870,000 square feet of class “A” mixed use office park and the required infrastructure, on approximately 24.8 acres of land within the Guasti Specific Plan, for property located north of Guasti Road and south of the I-10 Freeway, between Turner Avenue and Archibald Avenue. The Environmental Impacts of this project were previously reviewed in conjunction with File Nos. PDEV06-001 & PMTT06-019 for which a Mitigated Negative Declaration was adopted by the Planning Commission on May 23, 2006. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-022-02, 0218-563-01 through 04, 0218-022-10 and 11, 0218-554-01 through 68, 218-573-01 through 06, 0218-033-01 through 06, 0218-583-01, and

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0218-014-01 through 07); submitted by True North Management Group. The Planning Commission recommended approval of this item on January 23, 2018, with a vote of 6 to 0.

Action: The City Council introduced and waived further reading of an ordinance approving the first amendment to the Development Agreement.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA13-003: A Development Agreement Amendment (Third Amendment – File No PDA13-003) between the City of Ontario and SL Ontario Development Company LLC, to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No’s 18913-1, 18913-2, 18913-3, 18913-4, 18913-5 and 18913. The project is generally located north of Riverside County Line Channel (Bellegrave Flood Control Channel), south of Eucalyptus Avenue, east of Archibald Avenue, and west of the SCE utility corridor, within Planning Areas 4 through 27, of the Subarea 29 Specific Plan (Park Place Community). The environmental impacts of this project were previously reviewed in conjunction with an addendum to the Subarea 29 Specific Plan EIR (SCH# 2004011009) that was adopted by the City Council on April 21, 2015. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-022-02, 0218-563-01 through 04, 0218-022-10 and 11, 0218-554-01 through 68, 218-573-01 through 06, 0218-033-01 through 06, 0218-583-01, and 0218-014-01 through 07) **submitted by SL Ontario Development Company, LLC.** The Planning Commission recommended approval of this item on January 23, 2018, with a vote of 6 to 0.

Action: The City Council introduced and waived further reading of an ordinance approving the third amendment to the Development Agreement.

ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA16-005: An amendment to the Rich Haven Specific Plan (File No. PSPA16-005) to annex 72.3 acres of land located on the southeast corner of Haven Avenue and Ontario Ranch Road into the Mixed-Use Overlay district of the Rich Haven Specific Plan including updates to the development standards, exhibits and text changes to reflect the proposed annexation and Policy Plan (general plan) compliance. Staff has prepared an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-211-01 and 218-211-23) **submitted by Brookcal Ontario LLC/Richland Communities.** The Planning Commission recommended approval of this item on January 23, 2018, with a vote of 6 to 0.

Action: The City Council approved the Specific Plan Amendment.

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ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO.

PSPA17-004: An Amendment to the Ontario Center Specific Plan to allow “Short-Term Sleeping Accommodations” as a conditionally permitted land use within the Garden Commercial land use district. The project is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder pursuant to Section 15061(b)(3) of the CEQA Guidelines, which is 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. The proposed project affects properties located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); **submitted by Nap-To-Go, LLC.** The Planning Commission conducted a public hearing on December 18, 2017, to consider the project and voted unanimously (6-0) to recommend denial to the City Council.

Action: **The City Council denied the Specific Plan Amendment.**

DEVELOPMENT ADVISORY BOARD MEETING

February 21, 2018

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT16-

004 (TT 19966): A Tentative Tract Map to subdivide 111.10 acres of land into 480 numbered lots and 92 lettered lots within the Residential Single Family district of Planning Areas 2, 3, 4, and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (SCH#2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11) **submitted by CVRC Ontario Investments, LLC.** **Planning Commission action is required.**

Action: **The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.**

ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW

FOR FILE NOS. PMTT16-018 (PM 19827) AND PDEV16-032: A Tentative Parcel Map (File No. PMTT16-018/PM 19827) to subdivide 3.98 acres of land into two parcels, in conjunction with a Development Plan (File No. PDEV16-032) to construct a 25,512 square foot industrial building on Parcel 1. The project is located at the southwest corner of State Street and Mountain Access Road, at 1121 West State Street, within the IL (Light Industrial) zoning district. Staff has

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determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1011-191-02 and 1011-191-03) **submitted by Chris Evans. Planning Commission action is required.**

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS.

PVAR17-006 AND PDEV17-027: A Variance (File No. PVAR17-006) to deviate from the Grove Avenue Specific Plan building setback standard along Grove Avenue, from 40 feet to 30 feet, and reduction in the interior building setback, from 10 feet to 0 feet, in conjunction with a Development Plan (File No. PDEV17-027) to construct a 23,570 square-foot warehouse/office building on 1.27 acres of land located at 930 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Minor Alterations to Land) and Section 15332 (In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP), provided certain conditions are met; (APN: 1049-384-09) **submitted by The Heaton Company. Planning Commission action is required.**

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ZONING ADMINISTRATOR MEETING

February 21, 2018

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP17-016: A Conditional Use Permit to establish and operate a towing service on 2.0 acres of land located at 810 East Main Street, within the IG (General Industrial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1-Existing Facilities) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1049-111-05 and 1049-111-06); **submitted by Pepe's Towing Service.**

Action: The Zoning Administrator approved the project subject to conditions.

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ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP17-029: A Conditional Use Permit to establish a 5,299 square-foot Escape Room/Game Room Facility on 0.28 acres of land, located at 520 North Euclid Avenue, within the MU-1 (Downtown Mixed-Use) and EA (Euclid Avenue Overlay) zoning districts. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1048-362-08) **submitted by Bramaron Entertainment, LLC.**

Action: The Zoning Administrator approved the project subject to conditions.

PLANNING COMMISSION MEETING

February 27, 2018

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN

REVIEW FOR FILE NOS. PCUP17-021 & PDEV17-046: Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No. PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 South Grove Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0216-081-25) **submitted by Fast 5 Xpress Car Wash.**

Action: The Planning Commission continued this item.

ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW

FOR FILE NOS. PMTT16-018 (PM 19827) & PDEV16-032: A Tentative Parcel Map (File No. PMTT16-018/PM 19827) to subdivide 3.98 acres of land into 2 parcels in conjunction with a Development Plan (File No. PDEV16-032) to construct a 25,512 square foot industrial building on Parcel 1. The project is located at the southwest corner of State Street and Mountain Access Road, at 1121 West State Street within the IL (Light Industrial) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1011-191-02 and 1011-191-03) **submitted by Chris Evans.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT, VARIANCE, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS.

PVAR17-006 & PDEV17-027: A Variance (File No. PVAR17-006) to deviate from the Grove Avenue Specific Plan building setback standard along Grove Avenue, from 40 feet to 30 feet, and reduce the interior building setback, from 10 feet to 0 feet, in conjunction with a Development Plan (File No. PDEV17-027) to construct a 23,570 square-foot warehouse/office building on 1.27 acres of land located at 930 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Minor Alterations to Land) and Section 15332 (In-Fill Development Projects) of the CEQA guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP), provided certain conditions are met; (APN: 1049-384-09) **submitted by The Heaton Company.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA16-002: A

Development Agreement (File No. PDA16-002) between the City of Ontario and CVRC Ontario Investments, LLC, for the potential development of up to 480 residential units (File No. PMTT16-004/TT 19966) on 111.10 acres of land within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (State Clearing House No. 2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11) **submitted by CVRC Ontario Investments, LLC. City Council action is required.**

Action: The Planning Commission recommended the City Council approve the application.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT16-

004 (TTM 19966): A Tentative Tract Map (PMTT16-004/TT 19966) to subdivide 111.10 acres of land into 480 numbered lots and 92 lettered lots within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue. The environmental impacts of this project were previously reviewed in conjunction with the Armstrong Ranch Specific Plan (File No. PSP15-002), for which an Environmental Impact Report (State Clearing House No. 2016111009) was adopted by the Ontario City Council on December 5, 2017. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of

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Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 218-101-01, 218-101-02, 218-101-07, 218-101-08, 218-102-10, 218-102-11) **submitted by CVRC Ontario Investments, LLC.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA05-001: A Development Agreement Amendment (Second Amendment – File No PDA05-001) between the City of Ontario and Edenglen Ontario, to clarify and update the timing of the construction of public infrastructure, the development impact fee provisions, and the extension of the term of the agreement to serve Tract Map Nos. 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, and 17564, generally located north of Chino Avenue, south of Riverside Drive, east of Mill Creek Avenue, and west of the SCE utility corridor, within Planning Areas 1 through 8 of the Edenglen Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Edenglen Specific Plan Environmental Impact Report (SCH# 2004051108) that was adopted by the City Council on November 5, 2005. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0218-171-15; 0218-921-07, 08, 16, 19, 22, and 30; 0218-931-01 through 25; 218-931-75 through 89; 0218-932-01 through 21; 0218-933-01 through 17; 0218-934-01 through 24; 0218-935-01- through 04; 0218-935-12 through 19; 0218-935-22 through 38; 0218-941-01 through 39; 0218-941-55 through 93; 0218-951-01 through 70; 0218-952-19 through 82; 0218-954-01 through 42; 0218-955-01 through 42; 0218-956-01 through 58; 0218-961-07 through 88) **submitted by Edenglen Ontario, LLC. City Council action is required.**

Action: The Planning Commission recommended the City Council approve the application.

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PCUP18-006: Submitted by Tacos La Bufadora Ontario, LLC

A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer and wine (Type 41 ABC license) in conjunction with an existing 2,200-square foot restaurant (Tacos La Bufadora Baja Grill) on 1.03 acres of land located at 4880 East Motor Lane, Suites D and E, within the Light Industrial land use district of the California Commerce Center Specific Plan (APN: 0283-121-71).

PCUP18-007: Submitted by T-Mobile

A Conditional Use Permit to establish a non-stealth wireless telecommunications facility (65 FT in height), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land located at 13434 South Ontario Avenue, within the SP (AG) zoning district (APN: 0218-122-06). Related: PDEV17-061.

PCUP18-008: Submitted by Heartland Alliance, LLC

A Conditional Use Permit to establish and operate a hotel in conjunction with a Development Plan to construct a 5 story, 208 room hotel and a 10,000 SF retail/restaurant pad on 4.94 acres of land located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the High Intensity Office (OH) zoning district (APN: 0210-191-30 & 0210-191-32).

PDCA18-001: Submitted by Carvana, LLC

A Development Code Amendment to allow used vehicle automobile dealers in the CR (Regional Commercial) zoning district, subject to the approval of a Conditional Use Permit. Related Files: PCUP18-001 & PDEV18-003.

PDEV18-007: Submitted by LCD Residential at Ontario, LLC

A Development Plan to construct seven 4-story multiple-family residential buildings totaling 338 dwellings on approximately 10.6 acres of land generally located at the southwest corner of Fourth Street and Via Asti, within the Piemonte Overlay district of the Ontario Center Specific Plan (APNs: 0210-204-10, 0210-204-11 & 0210-204-16). Related File: Pending LLA17-008.

PDEV18-008: Submitted by Heartland Alliance, LLC

A Development Plan to construct a 5 story, 208 room hotel and 10,000 retail/restaurant pad on 4.94 acres of land, within the High Intensity Office (OH) zoning district, generally located on the southeast corner of Archibald Avenue and Inland Empire Boulevard (APN: 0210-191-30 & 0210-191-32).

PGPA18-001: Submitted by SRG Archibald, LLC

A Policy Plan (General Plan) Amendment within the California Commerce Center Specific Plan area, to change the land use designation on 2.05 acres of land from Commercial/Food/Hotel to Rail Industrial, located at the southeast corner of Haven Avenue and Francis Street (APN: 0211-281-56). Related File: PSPA18-002.

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PHP-18-001: **Submitted by Ontario Heritage**

A request for a historic bronze plaque for the McCann Block Building, Local Landmark No. 38, located at 108 South Euclid Avenue (APN: 1049-057-05).

PHP-18-002: **Submitted by Mauricio Garcia Recillas**

A request to remove an Eligible Historic Resource from the Ontario Register (single-family residence) located at 540 East D Street, from the Ontario Register (APNs: 1048-531-09).

PHP-18-003: **Submitted by City of Ontario**

Eighteenth Annual Model Colony Awards.

PHP-18-004: **Submitted by Ontario Housing Authority**

A request to remove an Eligible Historic Resource from the Ontario Register (1,430 square foot, one-story commercial building) located at 303 West Emporia Street, within the MU-1 (Downtown Mixed-Use) zoning district, from the Ontario Register (APN: 1049-059-07).

PHP-18-005: **Submitted by City of Ontario**

A request to rescind a Tier Determination for a 2-story, commercial building located at 745 West Holt Boulevard, within the CC (Community Commercial) zoning district (APN: 1049-01-104).

PHP-18-006: **Submitted by City of Ontario**

A request to remove an Eligible Historic Resource from the Ontario Register, located at 745 West Holt Boulevard, within the CC (Community Commercial) zoning district (APN: 1049-01-104).

PPRE18-001: **Submitted by Brookcal Ontario, LLC**

A Preliminary Review for a proposed Specific Plan for the development of up to 1,546 residential units on 140.7 acres of land bordered by Edison Avenue on the north, Eucalyptus Avenue on the south, Walker Avenue on the east, and Grove Avenue on the west, within West Ontario Ranch (APNs: 0216-321-01, 0216-321-02, 0216-321-03, 0216-321-06, 0216-321-07 & 0216-321-08, and 0216-322-01, 0216-322-02, 0216-322-03, 0216-322-04, 0216-322-05 & 0216-322-10).

PSGN18-021: **Submitted by Clear Sign & Design Inc**

A Sign Plan for the installation of one wall sign (80 SF) on the south building elevation, for K1 SPEED INDOOR KART RACING, located at 5350 East Ontario Mills Parkway.

PSGN18-022: **Submitted by Nadine Aros**

A Sign Plan for the installation of a monument sign (36 SF) and a wall sign (39 SF) for MAZDA PARTS AND DELIVERY CENTER, located at 1496 East Locust Street.

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PSGN18-023: **Submitted by Swain Sign, Inc.**

A Sign Plan for the installation of a wall sign (23.2 SF) for ONEMAIN FINANCIAL, located at 2252 South Euclid Ave, Suite E.

PSGN18-024: **Submitted by Sign Development**

A Sign Plan for the installation of two wall signs for CIRCLE K, located at 405 North Vineyard Avenue.

PSGN18-025: **Submitted by Alberto Chavez**

A Sign Plan for the installation of a wall sign (18 SF) for JORGE'S BARBER SHOP (sign to read "Barber"), located at 940 North Mountain Avenue.

PSGN18-026: **Submitted by AKC Permit Co**

A Sign Plan for the installation of various new signs for WENDY'S restaurant, located at 590 East Holt Boulevard, including two wall signs, one drive-thru sign, one menu board, one preview menu board, one shared monument sign, and directional signs.

PSGN18-027: **Submitted by Sergio Merion**

A Sign Plan for the installation of a wall sign for TACO MAN, located at 2502 South Euclid Avenue.

PSGN18-028: **Submitted by AGI**

A Sign Plan for the installation of various new signs for RAISING CANE'S restaurant, located at 4360 East Mills Circle, including three wall signs (30 SF, each), one monument sign (25 SF), two drive-thru menu boards, and two preview menu boards. Related File: PDEV17-019.

PSGN18-029: **Submitted by Williams Sign Co.**

A Sign Plan for the installation of two wall signs (45 SF, each, on the north and east elevations) for BBB INDUSTRIES, located at 1420 South Vintage Avenue.

PSGN18-030: **Submitted by Julian Pearsoan**

A Sign Plan for the installation of one wall sign for SMOKE 4 LESS, located at 1226 East Sixth Street.

PSGN18-031: **Submitted by Elite Sign Services, Inc.**

A Sign Plan for the installation of three replacement wall signs (south, east, and west elevations) and the reface of an existing monument sign for COUNTRY INN & SUITES, located at 4674 East Ontario Mills Parkway.

PSPA18-002: **Submitted by SRG Archibald, LLC**

An Amendment to the California Commerce Center Specific Plan to change the land use designation on 2.05 acres of land from Commercial/Food/Hotel to Rail Industrial, located at the

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southeast corner of Haven Avenue and Francis Street (APN: 0211-281-56). Related File: PGPA18-001.

PTUP18-006:

Submitted by Apex Events

A Temporary Use Permit for Apex Performance Test Drive at Ontario Mills Mall, located at 1 East Mills Circle. Event will be held from 2/24/2018 through 2/25/2018.

PTUP18-007:

Submitted by Unicare Community Health Center Inc.

A Temporary Use Permit for a community health and wellness screening event by Unicare Community Health Center, Inc., located at 437 North Euclid Avenue. Event will be held on 3/10/2018.

PTUP18-008:

Submitted by Circo Hermanos Caballero

A Temporary Use Permit for a Circus at the Ontario Mills Mall, located at 1 East Mills Circle. Event will be held from 2/23/2018 through 3/5/2018. Set-up will start 2/20/2018, with take-down on 3/6/2018.

PTUP18-009:

Submitted by Run for the Wall

A Temporary Use Permit for Annual Run for the Wall event at the Ontario Convention Center, located at 2000 East Convention Center Way. Event will be held on 5/16/2018.

PTUP18-010:

Submitted by El Santuario Inc.

A Temporary Use Permit for church-held flower sale event located at 1801 East D Street. Event to be held on 2/14/2018.

PTUP18-011:

Submitted by Ontario Agricultural Commodities

A Temporary Use Permit to establish a temporary facility at 7325 East Edison Avenue, which consists of a biomass gasification facility that converts woody biomass waste into biochar, electrical power, and thermal energy. The facility is a demonstration project (Ontario Agricultural Commodities) operated by All Powers Lab, through a California Energy Commission grant. Temporary facility to begin on 4/1/2018 and end on 4/1/2020.

PVAR18-001:

Submitted by Inland Christian Home, Inc.

A Minor Variance to deviate from the minimum Development Code standard for parking setback, from 20 FT to 13 FT, at an existing in senior living facility (Inland Christian Home, Inc.) on 8.74 acres of land, located at 1950 South Mountain Avenue, within the MDR-18 (Medium Density Residential - 11.1 to 18.0 DU/Acre) zoning district (APN: 1014-461-12).

PVAR18-002:

Submitted by Carvana

A Variance to deviate from the maximum Development Code standard for number of wall signs from 3 elevations to 4 elevations, in conjunction with the construction of a 5,781 square-foot,

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70-foot high commercial building on 2.34 acres of land, located at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 210-551-01). Related Files: PZC18-001, PDEV18-003 and PCUP18-001.

PVER18-005: **Submitted by Shana Hines**

Zoning Verification for 3555 East Inland Empire Boulevard (APN: 0210-204-01).

PVER18-006: **Submitted by Ferguson**

Zoning Verification for 4652 East Brickell Street (APN: 0238-211-46).

PVER18-007: **Submitted by Bock and Clark**

Zoning Verification for 560 South Magnolia Avenue (APN: 1011-201-28).

PWIL18-001: **Submitted by Marlane Trust Miller**

A Williamson Act Land Conservation Contract (#70-159) nonrenewal on 34.62 acres of land generally located on the west side of Archibald Avenue, approximately 1,248 feet south of Merrill Avenue, within the SP(AG) (Specific Plan and Agricultural Overlay) zoning districts (APN: 0218-311-06).

PWIL18-002: **Submitted by CapRock**

A Williamson Act Land Conservation Contract (#70-159) Cancellation on 34.62 acres of land generally located on the west side of Archibald Avenue, approximately 1,248 feet south of Merrill Avenue within the SP(AG) (Specific Plan and Agricultural Overlay) zoning districts (APN: 0218-311-06).

PZC-18-001: **Submitted by Carvana, LLC**

A Zone Change from OH (High Intensity Office) to CR (Regional Commercial) on 2.34 acres of land located the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue (APN: 0210-551-01). Related Files: PDCA18-001, PDEV18-003 and PCUP18-001.