

CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

July 24, 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 June 26, 2018, approved as written.

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.

B. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR

FILE NO. PMTT17-003: A Tentative Tract Map (File No. PMTT17-003/TTM 20081) to subdivide 44.98 acres of land into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan File (No. PSP05-004) EIR (SCH# 2006051081) that was certified by the City Council on December 4, 2007 and an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) certified by City Council on January 27, 2010. 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: 218-211-02 and 218-211-05) **submitted by Brookcal Ontario, LLC.**

1. CEQA Determination

No action necessary – use of previous addendum to an EIR

2. File No. PMTT17-003 (Tentative Tract Map)

Motion to Approve/Deny

- C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA17-002:** A Development Agreement (File No. PDA17-002) between the City of Ontario and Brookcal Ontario, LLC, to establish the terms for the development of Tentative Tract Map 20081 (File No. PMTT17-003) to subdivide 44.98 acres of land into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) that was certified by the City Council on December 4, 2007 and an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) certified by City Council on January 27, 2010. 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: 218-211-02 and 218-211-05) **submitted by Brookcal Ontario, LLC. City Council action is required.**

1. CEQA Determination

No action necessary – use of previous addendum to an EIR

2. File No. PDA17-002 (Development Agreement)

Motion to recommend Approval/Denial

- 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, 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, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PVAR18-003 & PDEV18-019:

A Variance (File No. PVAR18-003) for a reduction in the minimum required front and exterior side (corner) setbacks of the California Commerce Center Specific Plan, from 35 feet to 20 feet for the Francis Street (front) setback, and from 35 feet to 12 feet for the Haven Avenue (exterior side) setback, to facilitate a Development Plan (File No. PDEV18-019) to construct a 23,400-square foot industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 33, 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: 0211-281-56); **submitted by RGA Architects for Sares Regis Group.**

1. CEQA Determination

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. File No. PVAR18-003 (Variance)

Motion to Approve/Deny

3. File No PDEV18-019 (Development Plan)

Motion to Approve/Deny

F. ENVIRONMENTAL ASSESSMENT AND REVIEW FOR TENTATIVE PARCEL MAP FILE NO. PMTT17-011 AND DEVELOPMENT PLAN FILE NO. PDEV17-057:

A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the Business Park and General Industrial land use districts of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that was certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PMTT17-011 (Tentative Parcel Map)

Motion to Approve/Deny

3. File No. PDEV17-057 (Development Plan)

Motion to Approve/Deny

G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA17-003:

A Development Agreement (File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19738 (File No. PMTT17-011). The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the Business Park and General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that was certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV. City Council Action Required.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PDA17-003 (Development Agreement)

Motion to recommend Approval/Denial

H. ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA18-005:

An amendment to the California Commerce Center Specific Plan to: [1] change the land use designation on 38.09 acres of land generally located at the southeast corner of Airport Drive and Haven Avenue, from Commercial/Flood/Hotel to Light Industrial; [2] change the land use designation on 6.83 acres of land generally located at the northeast corner of Haven Avenue and Jurupa Street, from Commercial/Flood/Hotel to Light Industrial; and [3] Change the land use designation on 36.49 acres of land generally located at the northeast corner of Commerce Parkway and Jurupa Street, from Office to Light Industrial. The Specific Amendment will bring the subject parcels into conformance with the underlying Policy Plan land use designation of Industrial (0.55 FAR). The environmental impacts of this project were previously reviewed in conjunction with The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) that was certified by the City Council on January 27, 2010. This project introduces no new 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: 0211-222-55, 0211-232-45, 0211-232-46, 0211-232-16, 0211-232-17, 0211-232-18, 0211-232-19, and 0211-232-20); **submitted by Ontario International Airport Authority. City Council action is required.**

1. CEQA Determination

No action necessary – use of previous EIR

2. File No. PSPA18-005 (Specific Plan Amendment)

Motion to recommend Approval/Denial

MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION

- 1) Old Business
 - Reports From Subcommittees
 - Historic Preservation (Standing): Did not meet this month
- 2) New Business
 - New Subcommittee Appointments
- 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.

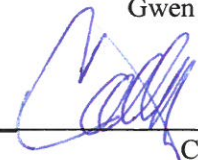
If you challenge any action of the Planning/Historic Preservation Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning/Historic Preservation Commission at, 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 **July 20, 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



Cathy Wahlstrom, Planning Director
Planning/Historic Preservation
Commission Secretary

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

MINUTES

June 26, 2018

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

MINUTES

June 26, 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,
Gregorek, and Reyes

Absent: Downs, Gage

OTHERS PRESENT: Planning Director Wahlstrom, City Attorney Maldonado, Asst.
Planning Director Zeledon, Senior Planner Batres, Senior Planner
Mejia, Associate Planner Chen, Assistant Planner Vaughn,
Assistant Planner Aguilo, Assistant City Engineer Do, Building
Official Rico and Planning Secretary Berendsen

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Commissioner DeDiemar.

Mr. Gregorek arrived at 6:34 pm.

SPECIAL RECOGNITION PRESENTATION

Mr. Zeledon presented the history regarding the Holt Melrose Plaza, which the commission had voted to be recognized for a Design Award. He explained how this is setting the tone for Holt Boulevard. Mr. Zeledon stated the Wendy's has a very modern design, with architectural details and use of various materials and extensive landscaping. He explained that the AutoZone gets away from its traditional image and is complimentary to the rest of the center with the architectural details. He explained that the Industrial building is an emporia and that the office portion faced the commercial portion of it, which shows the glazing and various color treatments and the screened dock area and the he explained about the use of sky lighting within the building to add natural lighting.

Mr. Delman stated this is a great infill project and it really makes Holt Blvd stand out.

Mr. Reyes concurred with Mr. Delman's comments and additionally thanked staff that worked with Wendy's and stated the function of the sight with parking, entrance and exits works really well.

Mr. Zeledon accepted the award for Brent Ogden the developer on the project, who was unable

to attend tonight. The Commissioners presented Shane Grey, representing Wendy's, with the Design Award. Mr. Grey stated it was great working with the city and thanked them for the award.

ANNOUNCEMENTS

No one responded from the audience.

PUBLIC COMMENTS

No one responded from the audience.

CONSENT CALENDAR ITEMS

A-01. MINUTES APPROVAL

A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-052: A Development Plan (File No. PDEV17-052) to construct a 1,255,382 square foot industrial building on 57.68 acres of land, for property generally located along the southeast corner of Merrill Avenue and Carpenter Avenue, within Planning Area 1 (PA-1) of the Colony Commerce Center West Specific Plan. The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) that was certified by the City Council on October 3, 2017. All adopted mitigation measures of the related EIR 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 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. (APNs: 0218-292-05 and 0218-311-11); **submitted by Colony Commerce Center LLC.**

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Willoughby, to approve the Planning Commission Minutes of May 22, 2018, as written and the Development Plan, File No. PDEV17-052, subject to conditions of approval. The motion was carried 5 to 0.

PUBLIC HEARING ITEMS

B. ENVIRONMENTAL ASSESSMENT AND VARIANCE REVIEW FOR FILE NO. PVAR18-001: A Variance to deviate from the minimum Development Code standards for parking setbacks along an arterial street, from 20 feet to 13 feet, for an existing senior living facility (Inland Christian Home, Inc.), on 8.74 acres of land located at 1950 S. Mountain Avenue, within the Medium Density Residential (MDR-18) 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 an existing land use and is not subject to the policies and criteria of the Ontario International

Airport Land Use Compatibility Plan (ALUCP) for ONT; (APN: 1014-461-12);
submitted by Inland Christian Home, INC.

Mr. Reyes recused himself from Item B.

Assistant Planner Vaughn presented the staff report. She described the location and surrounding area and the facilities business. She described the reason for the variance is for much needed additional visitor and staff parking. She described the proposed design for the parking area. She stated that staff is recommending the Planning Commission approve File No. PVAR18-001, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Willoughby wanted clarification regarding the current parking which is 6 parking spaces short and that the variance would change that to 9 parking spaces over.

Ms. Vaughn stated that was correct.

Mr. Willoughby wanted clarification regarding the turf that was being removed to accommodate the variance and what if drought tolerant landscape would be replacing it.

Ms. Vaughn stated this would be better answered by the representative for the project.

PUBLIC TESTIMONY

Mr. David Stienstra, the Executive Director for Inland Christian Home, appeared and thanked staff for working with him and responded to Mr. Willoughby's question regarding the turf, stating that he believed it would be replaced with drought tolerant plants.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by DeDiemar, to adopt a resolution to approve the Variance, File No., PVAR18-001, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gregorek, and Willoughby; NOES, none; RECUSE, Reyes; ABSENT, Downs, Gage. The motion was carried 4 to 0.

- C. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-034:** A Development Plan to construct a non-stealth wireless telecommunications facility (monopole) totaling 204 square feet on 25.8 acres of land, generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the UC (Utilities Corridor) 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. 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: 0238-241-10) **submitted by Verizon Wireless.**

Assistant Planner Aguilo presented the staff report. She described the location and the surrounding area. She described the proposed design, parking area and the coverage it will provide. She stated that staff is recommending the Planning Commission approve File No. PDEV15-034, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

PUBLIC TESTIMONY

Mr. Chris Colten, from Spectrum Services, representing Verizon Wireless, appeared and stated he accepted the conditions of approval.

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

Mr. Gregorek stated he supported the item.

PLANNING COMMISSION ACTION

It was moved by DeDiemar, seconded by Willoughby, to adopt a resolution to approve the Development Plan, File No., PDEV15-034, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs, Gage. The motion was carried 5 to 0.

- D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-021:** A Development Plan to attach a non-stealth wireless telecommunications facility to an existing Southern California Edison (SCE) tower, including the construction of a 400 square foot equipment enclosure, on property located at 3252 East Riverside Drive, within the UC (Utilities Corridor) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) and 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 (ONT) and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-151-45); **submitted by T-Mobile.**

Associate Planner Chen presented the staff report. He described the location and the surrounding area and the proposed look, landscaping, parking, and enclosures. He stated that staff is recommending the Planning Commission approve File No. PDEV17-021, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted to know if the standard notification was sent out to the residents immediately to the west of the project site and if we got any responses.

Mr. Chen stated yes notification was sent out to all residents within a 500 foot radius and nothing to date had been received.

Mr. Willoughby wanted clarification regarding the landscaping trees being placed at Riverside Drive.

Mr. Chen stated yes that was correct, the trees would be placed approximately 34 feet south of Riverside Drive, just next to the easement, and would be approximately 470 feet long, by 10 feet wide.

PUBLIC TESTIMONY

Mr. Aly Romero, with Reliant Land Services, representing T-Mobile USA appeared and stated he was available to answer any questions regarding this matter.

Ms. Julie Cajen, the resident on the west corner of the project, stated they did not receive any notice and this is their backyard view. She wanted to know if there are any health issues and if their property value would be affected.

Ms. Wahlstrom stated that this is a co-location on an existing SCE tower, and that this is a common practice, within residential areas.

Mr. Romero responded regarding the health issues, stating that they are within FCC compliance and that all wireless facilities are at a low frequency, comparable to the emissions of a cell phone. He stated that he was not an expert regarding the home values but that this would be increasing the value to the subscribers to T-Mobile, within the area.

Mr. Reyes wanted clarification regarding the emissions from the antennas and the unit that would be sitting on the ground.

Mr. Romero stated that the unit within the wall is a base transmission units (BTUs) would be 200 amp coverage, which would have low emissions. He stated the residence won't hear it from that area unless you are within 10 feet of the surrounding wall.

Mr. Willoughby wanted clarifications regarding the testing that the FCC has done testing on the health issues

Mr. Romero stated that is correct and they meet those requirements.

Mr. Willoughby wanted clarification regarding other towers in the area

Mr. Romero stated there are other towers in the vicinity, but need it within this area to accommodate the need created by the new residents coming into the city.

Mr. Reyes wanted to verify the address of the resident was within the notification radius.

Ms. Wahlstrom stated they would look into it, but they are within the radius.

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

Mr. Reyes wanted it noted that the tower is at 132 feet high and the antenna will sit at 65 feet

high.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by DeDiemar, to adopt a resolution to approve the Development Plan, File No., PDEV17-021, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs, Gage. The motion was carried 5 to 0.

- E. **ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT17-003:** A Tentative Tract Map (File No. PMTT17-003/TTM 20081) to subdivide 44.98 into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. 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: 218-211-02 and 218-211-05) **submitted by Brookcal Ontario LLC.**

Ms. Wahlstrom stated this item is being continued to the July 24, 2018 meeting.

PUBLIC TESTIMONY

No one responded.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gregorek, to continue File No. PMTT17-003, to the July 24, 2018 meeting. The motion was carried 5 to 0.

- F. **ENVIRONMENTAL ASSESSMENT AND AIRPORT LAND USE COMPATIBILITY REVIEW FOR FILE NO. PALU18-004:** An amendment to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) to: 1) Update airport ownership references from Los Angeles World Airports (LAWA) to Ontario International Airport Authority (OIAA); 2) Eliminate LAWA's proposal to reconfigure the ONT runway system by shifting both runways south and east of their present position (Exhibit 1-6: Simplified Airport Diagram) and rely on the existing runway system (current Airport Layout Plan) for the ONT ALUCP; and 3) Update Policy Maps 2-1: Airport Influence Area, 2-2: Safety Zones, 2-3: Noise Impact Zones, 2-4: Airspace

Protection Zones and 2-5: Overflight Notification Zones to reflect impacts from the existing runway configuration and eliminate the composite approach that protects existing and LAWA's proposed runway reconfigurations. The geographic scope of the ONT ALUCP is the Airport Influence Area (AIA), which includes portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, Claremont and unincorporated portions of San Bernardino, Riverside and Los Angeles Counties. The environmental impacts of this project were previously reviewed in conjunction with File No. PADV07-008, for which a Negative Declaration (SCH# 2011011081) was adopted by the Ontario City Council on April 19, 2011. This project introduces no new significant environmental impacts. **Submitted by: City of Ontario, Planning Department. City Council action is required.**

Senior Planner Mejia presented the staff report. She described the original adoption of the Airport Land Use Compatibility Plan, the change of owner/operator to OIAA, Ontario International Airport Authority and its decision to keep the existing runway configuration. She described the three major objectives of the amendment. She stated that staff is recommending the Planning Commission recommend approval to the City Council, File No. PALU18-004, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted clarification regarding the project being submitted by City of Ontario Planning department and not OIAA and the impact on the perimeter properties, regarding land use.

Ms. Mejia stated that the document being changed is the City's and not an OIAA document. She stated that knowing the direction OIAA wants to go makes it possible to maximize the land use, by not protecting land that is in the current configuration.

Mr. Willoughby wanted clarification regarding the property on the NE corner of Mission and Grove, if the allowed use would change in this area.

Ms. Mejia stated that portions of that property were within the no build zone, but it may allow for more flexibility now.

Mr. Willoughby wanted clarification regarding the alternation of landing and take-off directions at night.

Ms. Mejia stated that the FAA regulates how flights go in and out and her understanding is that the FAA was only allowing westerly landing and take-off, but that they will be returning to the contra flow condition.

Mr. Willoughby wanted to know if there are any plans on our international arrivals.

Ms. Mejia stated that she believes they are looking at a separate facility for that, but it is still in the works.

Ms. DeDiemar wanted clarifications regarding limiting the future additions to the runway by allowing the proposed land use changes.

Ms. Mejia stated that the current owner/operator, OIAA has determined the maximum capacity that they are willing to accept, can be accommodated with the current configuration.

Mr. Willoughby wanted clarification regarding the old LAWA runway configuration.

Ms. Mejia stated they were going to separate the existing runways and extend them out further east.

Ms. Wahlstrom stated that the Airport Land Use Compatibility Plan requires that they look forward at least 20 years, and the existing configuration would allow for them to expand to the maximum they can foresee in the future, of up to 30 million passengers per year.

Ms. DeDiemar wanted to know what percentage of the maximum are we at now.

Ms. Mejia stated they are currently at approximately 4.5 million per year.

Mr. Willoughby stated that is only about 15 % of the maximum.

PUBLIC TESTIMONY

No one responded.

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

There was no Planning Commission deliberation.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by Gregorek, to recommend adoption of a resolution to approve the Ontario International Airport Land Use Compatibility Plan Amendment, File No., PALU18-004, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, Downs, Gage. The motion was carried 5 to 0.

G. ENVIRONMENTAL ASSESSMENT AND REVIEW FOR TENTATIVE PARCEL MAP FILE NO. PMTT17-011 AND DEVELOPMENT PLAN FILE NO. PDEV17-057:

A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV.**

Ms. Wahlstrom stated this item is being continued to the July 24, 2018 meeting.

PUBLIC TESTIMONY

No one responded.

PLANNING COMMISSION ACTION

It was moved by Gregorek, seconded by Reyes, to continue File Nos. PMTT17-011 and PDEV17-057, to the July 24, 2018 meeting. The motion was carried 5 to 0.

- H. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA17-003:** A Development Agreement (File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19738 (File No. PMTT17-011). The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV. City Council Action Required.**

Ms. Wahlstrom stated this item is being continued to the July 24, 2018 meeting.

PUBLIC TESTIMONY

No one responded.

PLANNING COMMISSION ACTION

It was moved by Willoughby, seconded by DeDiemar, to continue File No. PDA17-003, to the July 24, 2018 meeting. The motion was carried 5 to 0.

MATTERS FROM THE PLANNING COMMISSION

Old Business Reports From Subcommittees

Historic Preservation (Standing): This subcommittee met 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. Reyes stated he would like to see a map of the Ontario Ranch area, showing what is current and what is proposed for commercial industrial.

Ms. Wahlstrom stated this is something they can put together for a future meeting.

Mr. Delman stated that he will be reassigning subcommittees at next month's meeting.

NOMINATIONS FOR SPECIAL RECOGNITION

None at this time.

DIRECTOR'S REPORT

Ms. Wahlstrom stated the monthly activity reports are in their packets.

ADJOURNMENT

Gregorek motioned to adjourn, seconded by DeDiemar. The meeting was adjourned at 7:47 PM.

Secretary Pro Tempore

Chairman, Planning Commission



PLANNING COMMISSION STAFF REPORT

July 24, 2018

SUBJECT: A Tentative Tract Map (File No. PMTT17-003/TTM 20081) to subdivide 44.98 acres into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. (APNs: 218-211-02 and 218-211-05); **submitted by Brookcal Ontario, LLC.**

PROPERTY OWNER: Brookcal Ontario, LLC

RECOMMENDED ACTION: That the Planning Commission approve File No. PMTT17-003, 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 44.98 acres of land located at the northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan, and is depicted in Figure 1: Project Location, below. The project site was historically utilized for agricultural dairy purposes. The site has been cleared of any structures utilized for agricultural purposes and has been mass graded and is presently vacant. The natural vegetation and soil conditions that once occurred throughout the project area have been significantly altered through agricultural uses, leaving little to no native vegetation. In addition, the project area is relatively flat sloping to the south towards Ontario Ranch Road and with graded berms located along street facing portions of the site.



Figure 1: Project Location

Case Planner:	Lorena Mejia	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	7/16/18	Approve	Recommend
Submittal Date:	2/21/17	ZA			
Hearing Deadline:		PC	7/24/18		Final
		CC			

PROJECT ANALYSIS:

[1] Background — On December 4, 2007, the City Council approved the Rich Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office.

In 2010, The Ontario Plan (TOP) was adopted by City Council. TOP Policy Plan (General Plan) Land Use Plan (Policy Plan Exhibit LU-01) changed the land use designations within certain areas of the Rich Haven Specific Plan. To bring the Rich Haven Specific Plan into conformance with TOP Policy Plan, an amendment to the Rich Haven Specific Plan (File No. PSPA16-001) was processed and approved by the Ontario City Council on March 15, 2016. The Amendment included updates to the Rich Haven Specific Plan Land Use Plan, the housing product types, exhibits and language to reflect the proposed land use changes and overall TOP Policy Plan consistency.

On February 20, 2018, the City Council approved an Amendment to the Rich Haven Specific Plan (File No. PSPA16-005) for the annexation of 72.3 acres of land located on the southeast corner of Haven Avenue and Ontario Ranch Road into the Mixed-Use district of the Rich Haven Specific Plan (see **Figure 2: The Rich Haven Specific Plan Land Use Plan**). The amendment included updates to the development standards, exhibits and text changes to reflect the proposed annexation and overall TOP Policy Plan compliance. The amendment also allowed the combining of units between Planning Areas 6A and 9A (Brookcal owned parcels) and Planning Areas 6B and 9B (Richland owned parcels) to meet residential density requirements (14.0 – 50 du/ac).

On July 16, 2018, the Development Advisory Board reviewed the subject application and recommended that the Planning

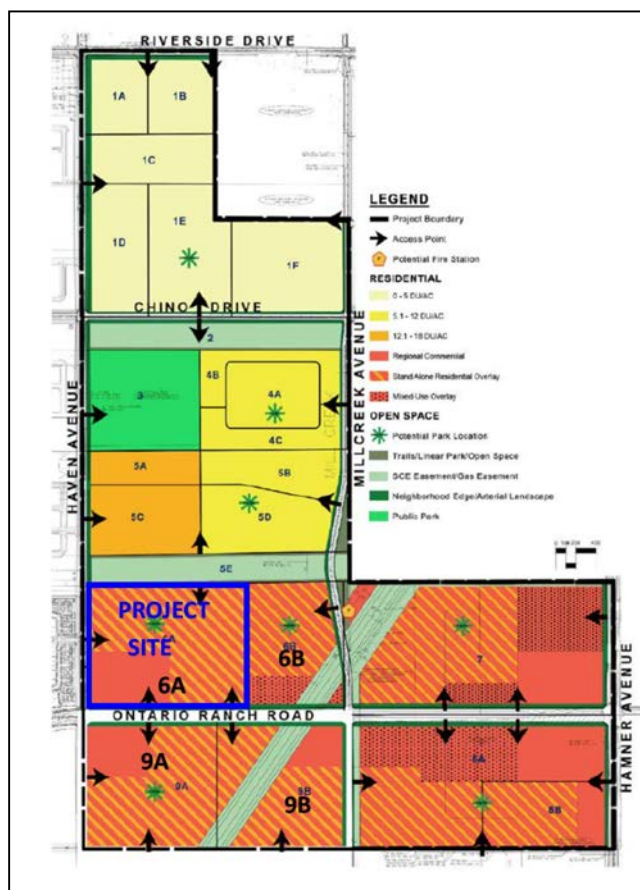


Figure 2: The Rich Haven Specific Plan Land Use Plan

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] Tentative Tract Map Subdivision — The proposed Tentative Tract Map PMTT17-003 (TTM 20081) will subdivide 44.98 into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes (see **Exhibit A: Illustrative Site Plan**). The commercial portion of the project is located at the southwest corner of the site and is 4.13 net acres in size. The majority of the project site is being subdivided for residential purposes and accommodates 3 product types that include 6-pack cluster, Row Town Homes and Courtyard Town Homes totaling 485 units that are discussed further below (see **Exhibit B: Tentative Tract Map 20081**):

- **6-pack Cluster** – The cluster single family homes (**Figure 3** below), are located along the eastern portion of the project site and include lots 5 thru 41 and lots 52 thru 75 for a total of 61 units. The Rich Haven Specific Plan requires cluster lots to maintain a minimum lot size of 2,000 square feet. The proposed lot sizes range from 2,150 to 5,089 square feet with an average lot size of 2,476; and

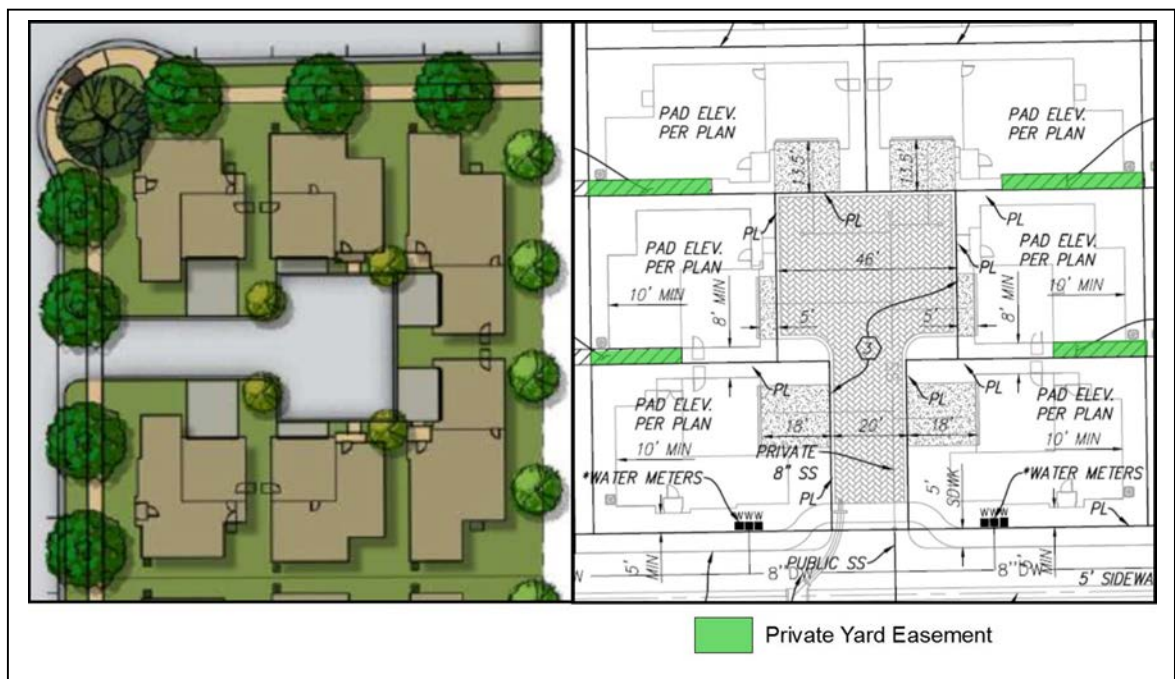


Figure 3: 6-Pack Cluster Product

- **Courtyard Town Homes** – The 14 unit courtyard town home product type (**Figure 4** on the following page) will be located along Haven Avenue and Ontario Ranch Road street frontages and include lots 1, 2 and 42 thru 45 for a total of 210 units.

The Rich Haven Specific Plan requires courtyard town homes to maintain a minimum unit size of 1,800 square feet and allows for up to 16 units per building and a minimum lot size is not specified for this product type. The proposed lot sizes range from 40,002 to 75,019 square feet; and



Figure 4: Courtyard Town Home Product (14-plex)

- Row Town Homes** – The row town homes (**Figure 5**, below) are concentrated in the center and northern half of the project site and include lots 3, 4 and 46 thru 51 for a total of 214 units. The Rich Haven Specific Plan requires row town homes to maintain a minimum unit size of 1,800 square feet and allows for up to 16 units per building and a minimum lot size is not specified for this product type. The proposed lot sizes range from 19,913 to 105,223 square feet.

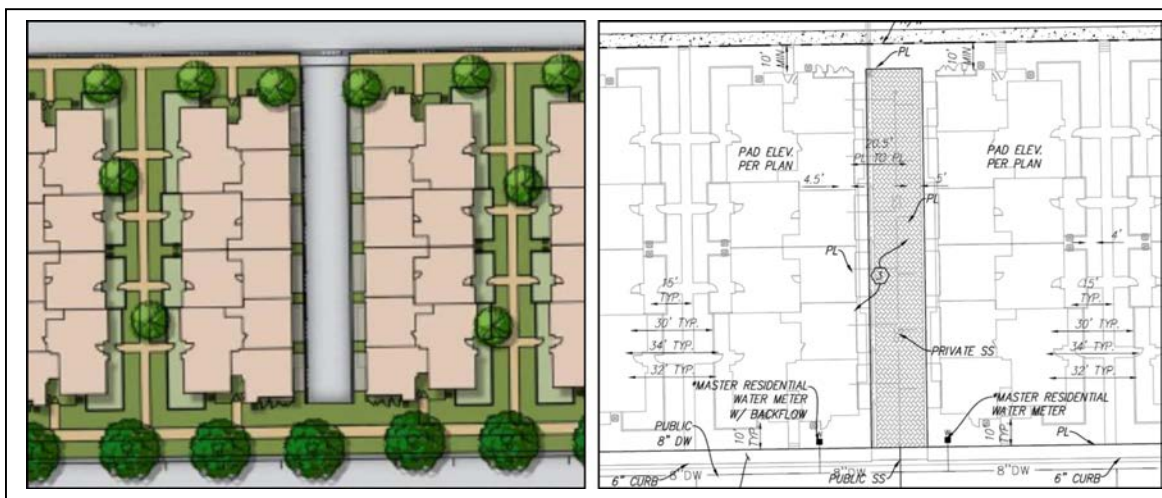


Figure 5: Row Town Home Product (6-plex)

Site Access/Circulation — The project site will have one access point from Haven Avenue which runs north and south along the western frontage of the site and two access points from Ontario Ranch Road, which runs east and west along the southern frontage of the site. The Tentative Tract Map will also construct the interior tract streets and private lanes that will provide access to the future residential development north and east of the project site. The tract map is consistent with TOP Policy CD2-2 that promotes the importance of neighborhood connectivity through local street patterns and neighborhood edges as a way to unify neighborhoods.

[3] Parking — A parking plan was completed for the proposed Tract Map to demonstrate there is sufficient parking throughout the project site. The Tract Map's proposed product types would require a total of 1,166 parking spaces and 940 of those parking spaces would be provided within a garage. The parking plan also demonstrates that the required parking would be exceeded by 401 parking spaces. The additional parking spaces are provided throughout the site as on-street parking, driveways and within the private drive aisles. The parking plan (see **Exhibit C: Parking Plan**) demonstrates that there will be an average of 3.2 parking spaces per unit, which should be more than adequate to accommodate both resident and visitor parking. As the proposed tract develops parking will continue to be analyzed for each product type as part of the Development Plan entitlement process to meet development standards.

[4] Open Space — The Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract. 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 3.3 acres of parkland to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing a 2.61 acre neighborhood park that is centrally located within the tract and 3 pocket parks totaling 0.9 acres that are a ¼ acre or larger in size. The pedestrian circulation system provides connectivity to the parks, residential neighborhoods within the project site and adjacent communities. Future park design and amenities will be addressed as part of the Development Plan entitlement process that will require consistency with Rich Haven Specific Plan.

[5] CC&R's — As a Condition of Approval, staff will require that CC&R's be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the on-going maintenance of the common areas and facilities.

[6] Rich Haven Specific Plan Consistency — The Rich Haven Specific Plan allows the averaging of units between Planning Areas 6A and 9A to meet residential density requirements (14.0 – 50 du/ac). At 14 dwelling units per acre Planning Area 6A is required to construct 551 units and the project is proposing 485 units which is deficient by 66 units. As a result, any future development of Planning Area 9A shall be required to incorporate

an additional 66 units from Planning Area 6A to maintain a minimum of 14 dwelling units per acre between the two planning areas.

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
- Maintain the Current High Level of Public Safety
- 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.

- 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.

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.

➤ CD2-2 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.

➤ CD2-10 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.

➤ CD2-13 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.

➤ 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, 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. 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 allocates a total of 4,256 dwelling units

for the Rich Haven Specific Plan and 1,524 dwelling units within the Moderate Income range (10-24 du/ac). The project is proposing 485 units within the Moderate Income range consistent and within the specified ranges and unit counts allowed within the Available Land Inventory.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are 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:

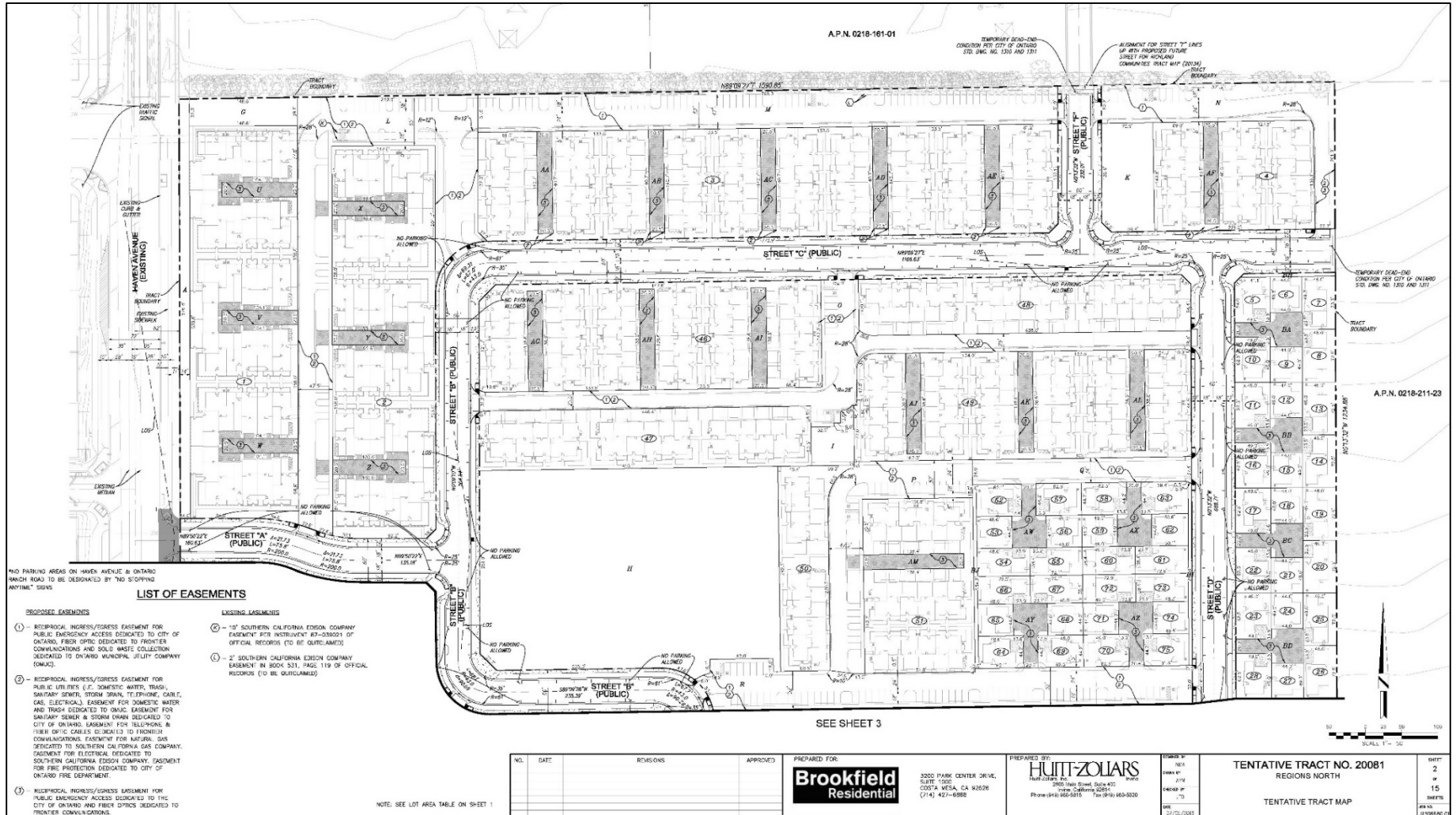
	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Mixed Use	Rich Haven Specific Plan	Mixed Use District PA 6A (Regional Commercial and Stand Alone Residential Overlay)
<i>North</i>	Vacant/SCE Corridor	Open Space – Non Recreational	Rich Haven Specific Plan	SCE Easement/Gas Easement
<i>South</i>	Vacant	Mixed Use	Rich Haven Specific Plan	Mixed Use District PA 9A & 9B (Mixed-Use Overlay and Stand Alone Residential Overlay)
<i>East</i>	Vacant	Mixed Use	Rich Haven Specific Plan	Mixed Use District PA 6B (Regional Commercial and Stand Alone Residential Overlay)
<i>West</i>	Residential Subdivision	Medium Density Residential	The Avenue Specific Plan	Medium Density Residential

Tentative Tract Summary

<i>Item</i>	<i>TT20081</i>	<i>Meets Rich Haven Specific Plan Requirements</i>
<i>Total Area Gross (AC)</i>	44.98	N/A
<i>Total Area Net (AC)</i>	43.46	N/A
<i>Cluster Min. Lot Size (Sq. Ft.)</i>	2,137	Yes
<i>Cluster Max. Lot Size (Sq. Ft.)</i>	4,714	Yes
<i>Courtyard Town Home Min. Lot Size (AC)</i>	0.92	Yes
<i>Courtyard Town Home Max. Lot Size (AC)</i>	1.72	Yes
<i>Row Town Home Min. Lot Size (AC)</i>	0.46	Yes
<i>Row Town Home Max. Lot Size (AC)</i>	2.42	Yes
<i>No. of Numbered Lots/Units</i>	76	N/A
<i>No. of Lettered Lots</i>	62	N/A
<i>Gross Density (du/net ac)</i>	12.3	Yes
<i>Commercial Lot Net (AC)</i>	4.13	N/A

Exhibit A: Illustrative Site Plan





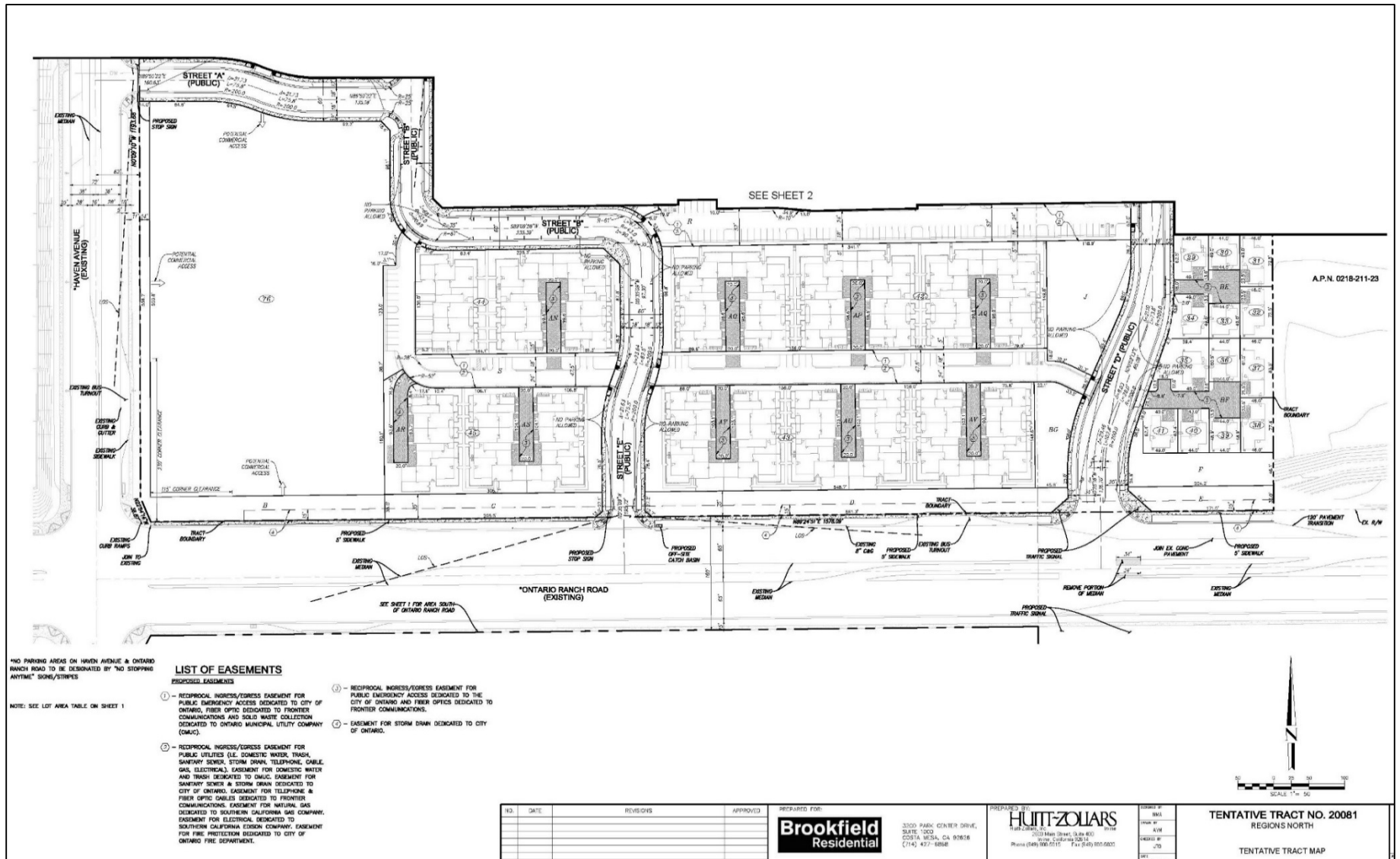


Exhibit C: Parking Plan



NORTH REGIONS PROPERTY - PARKING AND TRASH SUMMARY

PARKING REQUIRED:

PRODUCT	UNITS	PARKING REQ./DU	PARKING REQ.
130' x 145' CLUSTER SFD	61	2 SPACES/DU	122
SUBTOTAL	61		122
ROWTOWNS			
2 BR	68	2.0 SPACES/DU	136
3 BR	146	2.5 SPACES/DU	365
SUBTOTAL	214		501
COURT TOWNS			
1 BR	30	1.75 SPACES/DU	53
2 BR	60	2.0 SPACES/DU	120
3 BR	120	2.5 SPACES/DU	300
SUBTOTAL	210		473
GUEST PARKING	1 SPACE/6 DU		71
GUEST TOTAL			71
TOTAL REQUIRED PARKING			1166
PARKING PROVIDED:			
GARAGES			
CLUSTER SFD	61	2.0 SPACES/DU	122
ROWTOWNS	214	2.0 SPACES/DU	428
COURT TOWNS			
	30	1.0 SPACE/DU	30
	180	2.0 SPACES/DU	360
GARAGE SPACES PROVIDED			229
ROWTOWN DRIVEWAY SPACES (2/6- PLEX)			33
DESIGNATED/NUMBERED OPEN SPACES			133
GUEST PARKING (ROWTOWNS)			26
GUEST PARKING (COURT TOWNS)			37
TOTAL REQUIRED PARKING ON PLAN (YELLOW SPACES)			1169
CLUSTER SFD DRIVEWAY SPACES (4/CLUSTER)			82
ADDITIONAL ON STREET SPACES			100
ADDITIONAL PARKING SPACES			100
ADDITIONAL DRIVEWAY SPACES (ROWTOWN)			99
ADDITIONAL HANDICAP PARKING SPACES			20
TOTAL ADDITIONAL PARKING (GREEN SPACES)			401



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-003, A TENTATIVE TRACT MAP TO SUBDIVIDE 44.98 ACRES OF LAND INTO 76 NUMBERED LOTS AND 62 LETTERED LOTS FOR RESIDENTIAL AND COMMERCIAL USES, PUBLIC/PRIVATE STREETS, LANDSCAPE NEIGHBORHOOD EDGES AND COMMON OPEN SPACE PURPOSES FOR A PROPERTY LOCATED ON NORTHEAST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE, WITHIN THE MIXED USE DISTRICT PLANNING AREA 6A (REGIONAL COMMERCIAL AND STAND ALONE RESIDENTIAL OVERLAY) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN'S : 218-211-02 AND 218-211-05.

WHEREAS, Brookcal Ontario, LLC ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT17-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 44.98 acres of land generally located on the northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan, and is presently mass graded and vacant; and

WHEREAS, the property to the north of the Project site is within the SCE Easement/Gas Easement land use district of the Rich Haven Specific Plan, and is developed with SCE transmission lines and towers. The property to the east is within the Mixed Use District Planning Area 6B (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan zoning district, and is vacant. The property to the south is within the Mixed Use District Planning Areas 9A and 9B (Mixed-Use Overlay and Stand Alone Residential Overlay) of the Rich Haven Specific Plan zoning district, and is vacant. The property to the west is within the Medium Density Residential land use district of The Avenue Specific Plan, and is developed with a residential subdivision; and

WHEREAS, the Tentative Tract Map proposed is in compliance with the requirements of the Rich Haven 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 PMTT17-003 (TTM 20081) will subdivide 44.98 into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes; and

WHEREAS, the commercial portion of the project is located at the southwest corner of the site and is 4.13 net acres in size; and

WHEREAS, the majority of the project site is being subdivided for residential purposes and accommodates 3 product types that include 6-pack cluster, Row Town Homes and Courtyard Town Homes, totaling 485 units; and

WHEREAS, the project site will have one access point from Haven Avenue which runs north and south along the western frontage of the site and two access points from Ontario Ranch Road, which runs east and west along the southern frontage of the site; and

WHEREAS, the Tentative Tract Map will also construct the interior tract streets and private lanes that will provide access to future residential development north and east of the project site; and

WHEREAS, the Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract. TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of Private Park per 1,000 residents. The proposed project will provide 3.4 acres of parkland to meet the minimum TOP private park requirement which includes a 2.61 acre neighborhood park that is centrally located within the tract and 3 pocket parks totaling 0.9 acres that are a ¼ acre or larger in size; and

WHEREAS, CC&R's are required to be prepared and recorded with the final map. The CC&R's will outline the maintenance responsibilities for the open space areas, recreation amenities, drive aisles, utilities and upkeep of the entire site to ensure the on-going maintenance of the common areas and facilities; and

WHEREAS, the Rich Haven Specific Plan allows averaging of units between Planning Areas 6A and 9A to meet residential density requirements (14.0 – 50 du/ac). At 14 dwelling units per acre Planning Area 6A is required to construct 551 units and the project is proposing 485 units which is deficient by 66 units. As a result, any future development of Planning Area 9A shall be required to incorporate an additional 66 units from Planning Area 6A to maintain a minimum of 14 dwelling units per acre between the two planning areas; 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 an Addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and

an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010, 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 July 16, 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. DAB18-044, recommending the Planning Commission approve the Application; and

WHEREAS, on July 24, 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 Certified EIR Addendums and supporting documentation. Based upon the facts and information contained in the previous Certified EIR Addendums and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were previously analyzed in an Addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010.

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

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

(4) The previous Certified EIR Addendums 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 Certified EIR Addendums, and all mitigation measures previously adopted with the Certified EIR Addendums, 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 Certified EIRs is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIRs that will require major revisions to the Certified EIRs 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 EIRs were prepared, that will require major revisions to the Certified EIRs 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 EIRs were certified/adopted, that shows any of the following:

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

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIRs; 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 EIRs 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 allocates a total of 4,256 dwelling units for the Rich Haven Specific Plan and 1,524 dwelling units within the Moderate Income range (10-24 du/ac). The project is proposing 485 units within Moderate Income range consistent and within the specified ranges and unit counts allowed within the Available Land Inventory.

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/Parcel Map is located within the Mixed Use land use district of the Policy Plan Land Use Map, and the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven 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*).

(1) ***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/Parcel Map is located within the Mixed Use land use district of the Policy Plan Land Use Map, and the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. The proposed design 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*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan, and is physically suitable for the type of residential and commercial development proposed in terms of zoning, land use and development activity proposed, and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential and commercial development at a density of 14 DUs/acre and a floor area ratio of 0.70. The project site meets the minimum lot area and dimensions of the Rich Haven Specific Plan, 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.

(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 commercial infrastructure improvements existing or 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.

(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 plans or planned unit developments; (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 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 24th day of July 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:

Cathy Wahlstrom
Planning 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 July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT17-003
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: July 16, 2018
File No: PMTT17-003 (TTM 20081)
Related Files: N/A

Project Description: A Tentative Tract Map (File No. PMTT17-003/TTM 20081) to subdivide 44.98 into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. (APNs: 218-211-02 and 218-211-05); **submitted by Brookcal Ontario LLC.**

Prepared By: Lorena Mejia, Senior Planner
Phone: 909.395.2276 (direct)
Email: Imejia@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 Parcel/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/Parcel Map shall be in conformance with the approved Tentative Tract/Parcel Map on file with the City. Variations from the approved Tentative Tract/Parcel Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Tract/Parcel 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) 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.

(d) 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 CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(h) 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 analyzed in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. 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.

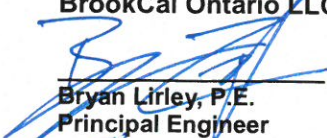
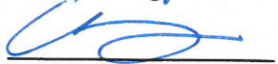
(a) ~~The Rich Haven Specific Plan allows the averaging of units between Planning Areas 6A and 9A to meet residential density requirements (14.0 – 50 du/ac). At 14 dwelling units per acre Planning Area 6A is required to construct 551 units. Any future development of Planning Area 9A shall be required to incorporate and additional 66 units from Planning 6A and maintain an overall minimum density 14 du/ac between Planning Areas 6A and 9A.~~ **The Rich Haven Specific Plan allows the averaging of units between Planning Areas 6A and 9A provided that residential density requirements of 14.0 to 50 dwelling units per acre are maintained. The proposed Tentative Tract Map (PMTT17-003/ TTM20081) is currently proposing 485 units and is required to construct 551 units based on a minimum of 14 dwelling units per acre for Planning Area 6A. Since the proposed Tentative Tract Map is deficient in meeting the minimum of 14 dwelling units per acre, any future development for Planning Area 9A shall be required to incorporate the remaining units from Planning Area 6A. The two Planning Areas 6A and 9A shall maintain the minimum density requirement of 14 dwelling units per acre.**



**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"/> FOR CONDOMINIUM PURPOSES	<input checked="" type="checkbox"/> TRACT MAP
PROJECT FILE NO. <u>TM20081/PMTT17-003</u> RELATED FILE NO(S). _____		
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 7/16/2018		

CITY PROJECT ENGINEER & PHONE NO:	Naiim Khoury, Associate Engineer (909) 395-2152 <i>NK</i>
CITY PROJECT PLANNER & PHONE NO:	Lorena Mejia, Senior Planner (909) 395-2429
DAB MEETING DATE:	July 16, 2018
PROJECT NAME / DESCRIPTION:	TM-20081, a Tentative Tract Map to subdivide 44.98 acres of land into 76 numbered lots and 62 lettered lots within Rich Haven SP
LOCATION:	Notheast corner of Ontario Ranch Road and Haven Avenue
APPLICANT:	BrookCal Ontario LLC.
REVIEWED BY:	<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  Bryan Lirley, P.E. Principal Engineer </div> <div style="text-align: center;"> <u>7/16/18</u> Date </div> </div>
APPROVED BY:	<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  Khoi Do, P.E. Assistant City Engineer </div> <div style="text-align: center;"> <u>7/17/18</u> Date </div> </div>



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 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 PLUS THE ALL THE CONDITIONS AND REQUIREMENTS SPECIFIED IN RICH HAVEN SPECIFIC PLAN AND THE DEVELOPMENT AGREEMENT.

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:
 - a) Ontario Ranch Road to the full ultimate right-of-way width of 160 feet along tract frontage.
 - b) Haven Avenue to the half ultimate right-of-way width of 62 feet (full ultimate ROW width is 124 ft) from CL along tract frontage.
 - c) Street "D" to the full ultimate right-of-way width of 85 feet between Ontario Ranch Road and Private Drive Aisle "Lot T".
 - d) Street "D" variable right-of-way width of 60 feet 85 feet between Private Drive Aisles "Lot R" and "Lot T".
 - e) Streets A, B, C, D, E and F to the full ultimate right-of-way width of 60 feet.
 - f) 14 feet for Lettered Lot "A" along the east of Haven Avenue to achieve an overall Neighborhood Edge of 40 feet.
 - g) 35 feet for Lettered Lots "B", "C", "D" and "E" along the north of Ontario Ranch Road to achieve an overall Neighborhood Edge of 50 feet.
 - h) Property line corner cut-back at all street intersections within the tract boundaries to the satisfaction of the City Engineer.

- 1.02 Dedicate to the City of Ontario, the following easement(s):
 - a) Blanket easement across all private alleys "Lots AA through Lots AV" for fiber optic, Emergency Access and Solid Waste Collection purposes.
 - b) Blanket easement across Drive Aisles "Lots L" through "T" for Emergency Access and Solid Waste Collection.
 - c) Blanket easement across Drive Aisles "Lots L, O, P, Q and S for public utility purposes (fiber optic, sewer and water).
 - d) Blanket easement across Drive Aisles "Lots R and T" for public utility purposes (storm drain, sewer and water).
 - e) Blanket easement across Drive Aisles "Lots G, L, M and N" for public utility purposes (fiber optic and storm drain).
 - f) 15 feet easement along the south portion of Lots "B", "C", "D" and "E" for public utilities and sidewalk purposes.

- 1.03 Restrict vehicular access to the site as follows: _____
- 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.

Also, the CC&R document shall include the following provisions:

- a) **Common Use and Private Utilities:** Identify all common use/private utility systems and solid waste collection facilities and detail the Operations and Maintenance of these facilities.
- ~~b) **Repair of Private Pavement:** In the event that private pavement replacement is needed due to the repair of any public utilities within PUEs, the replacement will only include AC paving and no other type of hardscape or paving (e.g. decorative, etc.).~~
- c) **Solid Waste Collections:** The Solid Waste Handling Plan, shall be included in the CC&R's with a provision that the HOA will enforce the can collections placement requirements of this Plan.
- d) **The Developer shall prepare and provide a Home Buyer Disclosure exhibit to each lot that shows the individual lot and the location that is designated for its Solid Waste Collection. The disclosure shall be recorded against the property.**

- 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:

- a) Reserve private easement for sidewalk purposes on all lots that are located adjacent to driveways in the drive aisles to accommodate for meandering sidewalk and ADA compliance, as required.
- b) The developer shall obtain all the necessary right-of-ways/PUE to construct the required public improvements beyond the tract limits that are identified in section 2.
- c) The PUE's surface shall be paved and shall be designed to allow access to the full length of the utility main by a City maintenance vehicle
- d) All drive aisles and alley ways shown on this map are private and will be maintained by the HOA.
- e) 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 8.5 and Table 8-4, "Maintenance Responsibilities" of Rich Haven Specific Plan.
- f) The applicant/developer shall provide notarized letter from the adjacent property owners (Richland Communities and Southern California Edison) for right of entry and grading operations.
- ~~g) Reserve 15 feet private easement along the north portion of Lots "G", "L", "M" and "N" for storm drain purposes for the benefit of the property owner (Richland Communities) to the north of this tract.~~

2. PRIOR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:

**A. GENERAL
 (Permits includes Grading, Building, Demolition and Encroachment)**

- 2.01 Record Tract Map No. 20081 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) for connecting storm drain to the County Channel at Bellegrave Avenue.
- 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: Southern California Edison for any work encroaching into their easement(s)/property.**

- 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: _____



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	Haven Avenue	Internal Public Streets (A-F)	PUE in Private Drive Aisles and Alleys
Curb and Gutter	<input checked="" type="checkbox"/> New; 65 ft. from C/L on north side from existing C&G easterly to PL <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 checked="" type="checkbox"/> New; 18 ft. from C/L on both sides <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"/> New/Widen to gutter line along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> New (16 ft on both sides) <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 checked="" type="checkbox"/> Remove and reconstruct panels due to trenching or cutting of existing PCC pavm't	<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 for missing sections <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 checked="" type="checkbox"/> Modification to existing for truck turning movements	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New in Street D <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New / <input checked="" type="checkbox"/> Relocation As required	<input type="checkbox"/> New <input checked="" type="checkbox"/> Relocation As required	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main connection at Street A <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<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
Traffic Signal System (see Sec. 2.F)	<input checked="" type="checkbox"/> New at Street D <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New at Street D and Ontario Ranch Road <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 type="checkbox"/> New <input checked="" 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 <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <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 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 checked="" type="checkbox"/> Main in the neighborhood edge along site frontage <input checked="" type="checkbox"/> Laterals and catch basins	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral <input checked="" type="checkbox"/> Catch Basin	<input checked="" type="checkbox"/> Main <input checked="" 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 checked="" 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

- a) Trenching or saw cutting existing PCC concrete pavement in Ontario Ranch Road for the project frontage improvements and median modification shall require reconstruction of the entire concrete panels that will be impacted by these improvements.
- b) The applicant/developer shall be responsible to relocate any existing street lights, fire hydrants, pull boxes and other appurtenances that are impacted by the proposed frontage improvements and modifications for this tract to a minimum of 5 feet from driveways beginning of curb returns/BCR's or end of curb returns/ECR's limits.
- c) ~~Repair of Private Pavement: In the event that private pavement replacement is needed due to the repair of any public utilities within the public right-of-way or public utility easements (PUEs), the replacement will only include AC paving and no other type of hardscape or paving (e.g. decorative, etc.).~~

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s):
 - a) Trenching Haven Avenue for utilities and street modification shall require 2-inch grind and overlay of asphalt concrete within the intersection limits at Street A in accordance with the City of Ontario Street moratorium requirements.
- 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 **24, 12 inch sewer main** is available for connection by this project in Ontario Ranch Road (Ref: Sewer plan bar code: S15993 and S15327-15329).
- 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:**
 - a) **Design and install public sewer improvements in the interior tract streets and connect to the sewer main in Ontario Ranch Road and Haven Avenue as identified in the sewer Master Plan and Rich Haven Specific Plan.**
 - b) **Design and install public sewer improvements in the private drive aisles as shown on the tentative tract map. Public sewer system in the drive aisles shall require PUE dedication as identified in item 1.02.**
 - c) **A City of Ontario 12-inch sewer main is available for connection by this project in Ontario Ranch Road.**
 - d) **Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations: Prior to issuance of any permits, a Sewer Sub-Area Master Plan with Sewer Sizing and Design Calculations (SSMAP) shall be prepared for the Tract Map area and include any areas that are tributary to this tract map (*Sewer Master Plan Section 4-8*). The SSAMP shall demonstrate that the sewer is hydraulically and physically capable of receiving sewer flows from the entire tributary area; and each Sub-Area. All design and construction shall conform to the approved SSAMP and any revisions shall be submitted to OMUC for approval.**
 - 1. **A SSAMP was submitted but not finalized for the TTM20081 which includes sewerage a portion of TTM20134 through this Tract Map. The submitted SSAMP shall be revised to eliminate the Sewer connection at Haven Avenue and to sewer the entire Tract to the existing sewer main in Ontario Ranch Road.**

D. WATER

- 2.27 **12 inch water mains** are available for connection by this project in Ontario Ranch Road and Haven Avenue. (Ref: Water plan bar code: W15605, W15606 and W15812-W1514).
- 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:**
 - a) **Design and construct 8-inch 925' PZ public domestic water improvements in the interior tract streets with a point of connection to the potable water system at Street "D" and Ontario Ranch Road and another point of connection at Street "A" and Haven Avenue, as identified in the Domestic Water Master Plan and Rich Haven Specific Plan.**
 - b) **Design and construct a 12-inch 925' PZ potable water main in Street "A", connecting to the 12-inch 925' PZ potable water main in Haven Avenue and in Street "B" from Street "A" extending south to Lot 44.**
 - c) **Design and construct public domestic water system in the private drive aisles as shown**



on the tentative tract map. Public domestic water in the drive aisles shall require PUE dedication as identified in item 1.02.

- d) Design and construct a Master Plan 12-inch 925PZ potable water main in Haven Avenue from the existing 12-inch 925 PZ main in Ontario Ranch Road to the northern Tract Map boundary.

E. RECYCLED WATER

- 2.30 12 inch and 16 inch recycled water mains are available for connection by this project in Ontario Ranch Road and Haven Avenue. (Ref: Recycled Water plan bar code:P11414-P11416 and P11432-P11433)
- 2.31 Design and construct recycled water system for the neighborhood edges, parkway, open space and park areas 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.

- 2.34 Other conditions:
 - a) Design and construct in Haven Avenue master plan 16-inch 930PZ main connecting from 12-inch 930 PZ main in Ontario Ranch Road and running north in Haven Avenue to 30-inch 930PZ main in Chino Avenue.
 - ~~b) Design and construct the 30-inch master plan 930PZ in Chino Avenue from Haven Avenue to the Pressure Reducing Station.~~
 - c) Design and construct public and private recycled water improvements in the interior streets to serve parks, open space, parkways and neighborhood areas. The interior recycled water mains shall be connected to recycled water mains in Ontario Ranch Road and/or Haven Avenue as identified in the Recycled Water Master plan and Rich Haven Specific Plan. The applicant/developer shall submit recycled water sleeve plans for street crossings in the interior streets for review and approval.
 - d) 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 for HOA maintained areas and parks. Appropriately sized public and private mains shall be install throughout the Tract to meet this requirement, as approved by the City.
 - e) Provide an exhibit showing all areas using recycled water for review and approval.
 - f) Provide two hard copies and the digital files in PDF and AutoCAD format of both on-site and off-site utility plans, including landscape and irrigation.

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:

- a) The Applicant/Developer shall be responsible to pay in-lieu fee for the ultimate street widening and frontage improvements along the tract frontage of Haven Avenue between existing wheelchair ramp (at Schaefer Avenue) and northerly property line. The Haven Avenue ultimate half width street section is 62-foot right of way, 16-foot raised median, 28-foot roadway and 40-foot neighborhood edge. All street and neighborhood improvements shall include concrete curb and gutter, pavement, sidewalk, street lights, fiber optic system, signing and striping, parkway landscaping. Haven Avenue shall be signed "No Stopping Anytime".
- b) The applicant/developer shall be responsible to design and construct the ultimate street improvements along the property frontages of Ontario Ranch Road from existing improvements to the easterly property line. The Ontario Ranch Road ultimate half width street section is 80-foot right of way, 52-foot roadway, 15-foot parkway, 26-foot raised median plus additional 35-foot landscaping for neighborhood edge. All frontage improvements shall include concrete curb and gutter, sidewalk, street lights, signing and striping and parkway landscaping. Ontario Ranch Road shall be signed "No Parking Anytime". Also, appropriate pavement transitions beyond the tract limit shall be installed to accommodate lane shifts. The applicant shall be responsible to obtain the necessary easement to construct the pavement transition, as required.
- c) The applicant/developer shall be responsible to design and construct all in-tract public streets in accordance with the City of Ontario General Plan and Master Plan of Streets and Highways, and applicable standards to the satisfaction of the City Engineer. All street improvements shall include concrete curb and gutter, sidewalk, street lights, fiber optic system, signing and striping, and parkway landscaping.
- d) The Applicant/Developer shall be responsible to design and construct the traffic signal at Street "D" and Ontario Ranch Road. The new traffic signal shall include, video detection, CCTV, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.
- e) 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.
- f) Median breaks shall not be allowed on Street "D" between Ontario Ranch Road and Lot BE.
- g) Ontario Ranch Road and Haven Avenue shall be posted "No Stopping Anytime".
- h) Parking shall be restricted at pedestrian ramps on public streets being installed at non-choker locations as required by City Standard Drawing 1309 for Corner Sight Distance.
- i) Parking shall be restricted at Modified Bends per City Standard Drawing 1114, Note 5.
- j) Tract entry Street "A" shall be posted "No Parking Anytime" from Haven Avenue to Street "B".
- k) Tract entry Street "D" shall be posted "No Parking Anytime" or "No Stopping Anytime" from Ontario Ranch Road to Lot R.



- l) Tract entry Street "E" shall be posted "No Parking Anytime" from Ontario Ranch Road to Lot S/Lot T.
- m) During the development and construction of the Tract, at least two points of access shall be maintained at all times.
- n) Street "E" shall be limited to right-in/right-out access only at Ontario Ranch Road. Street "A" shall be limited to right-in/right-out access only at Haven Avenue.
- o) The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing/stripping and/or street lighting design.
- p) Applicant/Developer shall design and construct last lane improvements on Ontario Ranch Road, as required by the Land Development Division, including pavement transitions where necessary.
- q) Applicant/Developer shall obtain all rights-of-way necessary to construct all required improvements.
- r) If, at the time of construction of TT 20081, Street "F" does not continue into the property to the North, the Applicant/Developer shall terminate Street "F" as a temporary dead-end condition per City of Ontario Standard Drawing No. 1310 and 1311.
- s) If, at the time of construction of TT 20081, Street "C" does not continue into the property to the East, the Applicant/Developer shall terminate Street "C" as a temporary dead-end condition per City of Ontario Standard Drawing No. 1310 and 1311.

G. DRAINAGE / HYDROLOGY

- 2.38 A 78 inch storm drain (SD) main is available to accept flows from this project in Haven Avenue. (Ref: Storm Drain plan bar code:D13611 and D13612)
- 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:
 - a) Design and construct storm drain improvements to serve this tract in the interior streets and Drive Aisles and connect to the storm drain mains in Ontario Ranch Road and Haven Avenue as identified in the Storm Drain Master Plan and Rich Haven Specific Plan including offsite storm drain improvements to the ultimate point of connection at the County Line Channel at Bellgrave Avenue.
 - b) Design and construct public SD system (a minimum 24 inch RCP) along the north side of Ontario Ranch Road within the neighborhood edge from the easterly tract limit to existing storm drain system just east of Haven Avenue. The applicant/developer shall submit hydrology and hydraulic analysis to demonstrate that the proposed SD is



adequately sized and the existing catch basins, laterals and SD mainlines in Ontario Ranch Road and Haven Avenue are adequate to accept the additional Q100 flow from Brookfield/BrookCal property as well as the historical flow collected at Richland Communities property/APN 0218-211-23. Depending on the results of the analysis, the applicant/developer shall be responsible to mitigate additional storm drain and street improvements, as required and to the satisfaction of the City Engineer.

- c) Design and construct private SD system along the north side of Ontario Ranch Road within the adjacent easterly property (APN 0218-211-23/Richland Communities) including swales and SD riser in the sump area to intercept and accept the historical drainage overflow. The applicant/developer shall submit hydrology and hydraulic analysis for the proposed swales, basin and private SD improvements on Richland Communities property.
- d) The applicant/developer shall abandon the existing temporary 4-18-inch pipes that cross Ontario Ranch Road which used to divert historic drainage flow from Region North/APN 0218-211-02 and 5 to Region South/ APN 0218-211-01 to the satisfaction of the City Engineer.
- e) The applicant/developer shall abandon the existing temporary pipes that cross the south leg of Haven Avenue at Ontario Ranch Road to the satisfaction of the City Engineer.
- e) The applicant/developer shall abandon the existing 54-inch RCP storm drain main in Ontario Ranch Road between the easterly property line and Street "D" and the existing SD segment in Street "D" north of the intersection at Ontario Ranch Road shall be removed to the satisfaction of the City Engineer
- f) Design and construct public SD lateral (a minimum 24 inch RCP) across Haven Avenue at the northwest corner of this tract for the purpose of accepting historical drainage flow from Southern California Easement/Richland Communities property (APN's 0218-161-01) through this tract to ultimately connect to the existing storm drain in Haven Avenue. The applicant/developer shall submit hydrology and hydraulic analysis for the surface historical flow on Southern California Easement/Richland Communities property and the proposed private and public SD improvements.
- g) The applicant/developer shall obtain the necessary easements and approval from Richland Communities and Southern California Edison to construct the proposed improvements mentioned in items 2.43, c-d, above. The storm drain connections at these locations shall meet all City standards and requirements.
- h) Design and construct public storm drain improvements in the private drive aisles as shown on the tentative tract map. Public storm drain system in the drive aisles shall require PUE dedication as identified in item 1.02.
- i) Storm drain facilities shall be public within public streets/public right-of-way and public utility easements (PUE), and shall be private in all other areas within the tract.

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 on-site and off-site 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/PUE 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 in Haven Avenue and Ontario Ranch Road.

- 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.

- 2.45 Other conditions:

- a) The applicant/developer shall provide fiber optic connection to each home unit per city standards and guidelines.
- b) OntarioNet fiber optic plans must be designed and approved at the same time as other improvement plans.
- c) Project shall be designed and constructed 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 in the Right-of-Way (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.
- d) Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties. There should be no "Gaps" in conduit between the contractor's development and the adjacent property. OntarioNet hand holes are typically located in the ROW at the extreme edge of a property.
- e) Hand holes - Design and install OntarioNet fiber optic hand hole HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively Newbasis Part # PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 per City Standard 1316. Conduits sweeping into hand holes shall enter in flush with the cut-out mouse holes aligned parallel to the bottom of the box and come



in perpendicular to the wall of the box. Conduits shall not enter at any angle other than parallel. Provide 5 foot minimum clearance from existing/proposed utilities.

- f) **ROW Conduit – Design and install fiber optic conduit at a minimum depth of 36-inch. Trenching shall be per City Standard 1306. Install (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct and (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange with Black Stripe) duct. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct.**
- g) **ROW Conduit - Design and Install all Fiber Optic Conduit at a Minimum Depth of 36". Trenching Shall be Per City Standard 1306. (1) 7-way Microduct (Duraline - Orange) 13/16mm tubes and (1) 2" HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct.**
- h) **Building Entrance (Multi-family and Commercial) - Design and install fiber optic conduit at a minimum depth of 36 inches. Trenching shall be per City Standard for Commercial Buildings. (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Install locate/tracer wires minimum 12AWG within conduit bank and fiber warning tape 18-inch above the uppermost duct.**
- i) **Building Entrance (Single Family) – Design and install 0.75-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct from hand holes on property or hand holes in the ROW. Consult City's Fiber Team for design assistance.**
- j) **Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.**
- k) **All hand holes, conduits, conduit banks, materials and installations are per the City's Fiber Optic Master Plan and City Fiber Optic Cable and Duct Standards. All hand holes, conduits and ducts shall be placed in the public right of way. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.**
- l) **All unused conduits/ducts/microducts shall be protected with duct plugs that provide a positive seal. Ducts that are occupied shall be protected with industry accepted duct seal compound.**
- m) **Locate/Tracer Wire - Conduit bank requires (1) 12AWG high strength (minimum break load 452#) copper-clad steel with 30mil HDPE orange insulation for locate/tracer wire. Contact City's Fiber Team for tracer wire specifications and see note 8.**
- n) **Multi-family and commercial properties shall terminate conduit in an electrical room adjacent to the wall no less than five inches above the finished floor. A 20" width X length 36" space shall be reserved on the plywood wall for OntarioNet equipment. This space shall be labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"**
- o) **A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the multi-family or commercial building communal telecom/electrical room/closet to each multi-family or commercial building unit shall be installed. See Structured Wiring Checklist on City's website for additional details.**
- p) **Developer to install 3 inch SCE conduit stub for future City fiber optic meter pedestal within an 8-foot wide, 5-foot deep reserved area for City fiber optic network cabinet. A 3-foot clearance must be maintained around the cabinet and the meter. HH4 shall be placed near the reserved area for cable entrance to network cabinet. The pedestal and**



network cabinet will be supplied and installed by the City. The service submittal to SCE will be coordinated by the City.

- q) Hand holes, conduits and ducts shall be placed in the public right of way or PUE.
- r) Public fiber optic system in the drive aisles and alleys shall require PUE dedication as identified in item 1.02.
- s) Multi-family dwellings are considered commercial property.
- t) Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.
- u) Please contact City's Fiber Team at OntarioNet@ontarioca.gov for conduit design assistance.
- v) For additional information please refer to the City's Fiber Optic Master Plan.
- w) **Structured Wiring** – An integrated structured wiring system (low-voltage wiring) provides infrastructure for today's technology applications and the framework for the future technology advances.
- x) **Requirements and benefits of a structured wiring system include:**
 1. Residential (single-family and multi-family), commercial and industrial developments shall adhere to the City's Structured Wiring ordinance
 2. Allows for uniform receipt & distribution of technology services
 3. Ensures scalability of wiring for future technology advances
 4. Provides consistent & identical wiring protocols throughout developments
 5. Enables the property infrastructure to interface efficiently with broadband networks for highest bandwidth capacity
 6. Adoption of these standards will minimize retrofitting required to ensure new property owners are capable of the latest technologies and services.

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:
 - a) **Solid Waste Handling Plan (SWHP):** Prior to approval of the any building permits, a Solid Waste Handling Plan Sheet shall be submitted accompanying the Precise Grading Plan Submittal to the City/OMUC for review and approval. The SWHP Sheet shall demonstrate compliance with the TTM20081 SWHP, dated 06/04/2018, and any deviation from this plan shall require the SWHP to be updated and resubmitted to OMUC for review and approval.
 - b) For solid waste servicing, "No Parking Anytime" signs shall be installed along the curb side of the interior private Drive Aisles along curb sides and this condition to be included in the CC&R document and exhibits.

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, studie and reports (i.e. hydrology, traffic, WQMP, etc.).**



EXHIBIT 'A'

ENGINEERING DEPARTMENT First Plan Check Submittal Checklist

Tract Map No. 20081

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: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT17-003
 Address: NEC Ontario Ranch Road & Haven Ave
 APN: 0218-211-02 & 05
 Existing Land Use: Vacant/Dairy Farms
 Proposed Land Use: Tentative Tract Map for 70 numbered residential lots and 24 lettered lots
 Site Acreage: 45 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: Lorena Mejia
 Date: 4/18/17
 CD No.: 2017-018
 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.

See Attached

Airport Planner Signature: _____

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT

CD No.: 2017-018
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: Lorena Mejia, Senior Planner
Planning Department

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

DATE: April 10, 2018

SUBJECT: PMTT17-003 – A Tentative Tract Map to subdivide approximately 45 acres of land into ~~70~~ **76** numbered lots and **24 62** lettered lots located at the northeast corner of Haven Avenue and Ontario Ranch Road, within the Mixed Use land use district of the Rich Haven Specific Plan (APN(s): 0218-211-02 and 05).

The plan **does** adequately address the departmental concerns at this time.

See previous report dated April 27, 2017, for conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Senior Planner
Planning Department

FROM: Lora L. Gearhart, Fire Protection Analyst
Fire Department

DATE: April 27, 2017

SUBJECT: PMTT17-003 - A Tentative Tract Map To Subdivide Approximately 45 Acres Of Land Into 70 76 Numbered Lots And 24 62 Lettered Lots Located At The Northeast Corner Of Haven Avenue And Ontario Ranch Road, Within The Mixed Use Land Use District Of The Rich Haven Specific Plan (APN(S): 0218-211-02 And 05.

-
- The plan **does** adequately address Fire Department requirements at this time.
- No comments.
- Standard Conditions of Approval apply, as stated below.
-

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 (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.

3.0 WATER SUPPLY

- ☒ 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 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.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Lorena Mejia
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: April 11, 2018
SUBJECT: PMTT17-003

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

Conditions of Approval

1. See previous report for conditions

KS:lm

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Lorena Mejia
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: February 28, 2017
SUBJECT: PMTT17-003

-
- 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: 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
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Lorena Mejia, Senior Planner

DATE: April 05, 2018

SUBJECT: FILE #: PMTT17-003

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, April 19, 2018**.

PROJECT DESCRIPTION: A Tentative Tract Map to subdivide approximately 45 acres of land into 70 numbered lots and 24 lettered lots located at the northeast corner of Haven Avenue and Ontario Ranch Road, within the Mixed Use land use district of the Rich Haven Specific Plan (APN(s): 0218-211-02 and 05).

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.

5/9/18
Landscape Planning Carolyn Bell Sr. Landscape Architect
Department Signature Title Date



CITY OF ONTARIO

MEMORANDUM

TO: "Vacant", 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
Art Andres, Deputy Fire Chief/Fire Marshal
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning
Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director
Jimmy Chang , IT Department
David Simpson, Development/IT (Copy of memo only)

FROM: Lorena Mejia, Senior Planner

DATE: February 22, 2017

SUBJECT: FILE #: PMTT17-003

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 **Wednesday, March 8, 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 Tentative Tract Map to subdivide approximately 45 acres of land into 70 numbered lots and 24 lettered lots, located at the northeast corner of Haven Avenue and Ontario Ranch Road within the Mixed Use land use district of the Rich Haven Specific Plan (APN(s): 0218-211-02 & 05.

- 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

3/13/17
Date



PLANNING COMMISSION STAFF REPORT

July 24, 2018

SUBJECT: A Development Agreement (File No. PDA17-002) between the City of Ontario and Brookcal Ontario, LLC, to establish the terms for the development of Tentative Tract Map 20081 (File No. PMTT17-003) to subdivide 44.98 acres of land into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. **Submitted by Brookcal Ontario, LLC. City Council action is required.**

PROPERTY OWNER: Brookcal Ontario, LLC

RECOMMENDED ACTION: That the Planning Commission recommend City Council adopt an ordinance approving the Development Agreement File No. PDA 17-002 between Brookcal Ontario, LLC, and the City of Ontario.

PROJECT SETTING: The project site is comprised of 44.98 acres of land located northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan, and is depicted in **Figure 1: Project Location**. The project site slopes gently from north to south and is vacant and previously used for dairy and agricultural uses.

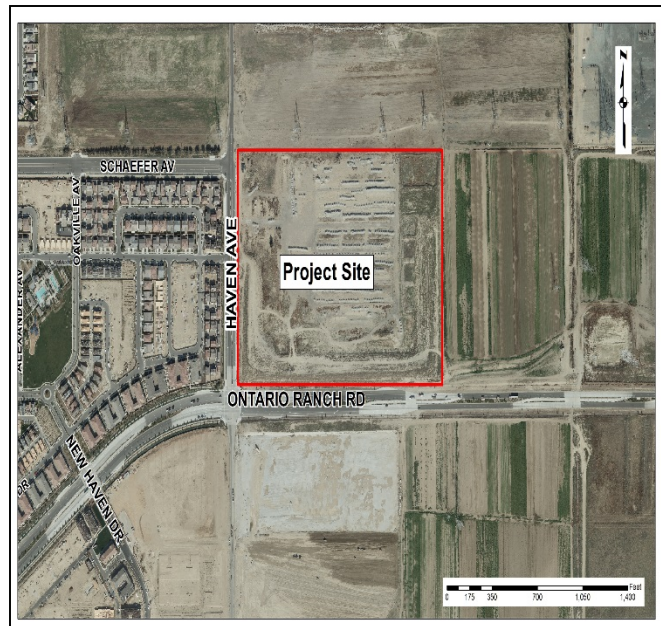


Figure 1: Project Location

PROJECT ANALYSIS:

[1] Background — On December 4, 2007, the City Council approved the Rich Haven Specific Plan (File No. PSP05-004) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan

Case Planner:	Rudy Zeledon, Asst. Planning Director	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	02/21/2017	ZA			
Hearing Deadline:	N/A	PC	07/24/2018		Recommend
		CC	08/21/2018		Final

established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office.

In 2010, The Ontario Plan (TOP) was adopted by City Council. TOP Policy Plan (General Plan) Land Use Plan (Policy Plan Exhibit LU-01) changed the land use designations within certain areas of the Rich Haven Specific Plan. To bring the Rich Haven Specific Plan into conformance with TOP Policy Plan, an amendment to the Rich Haven Specific Plan (File No. PSPA16-001) was processed and approved by the Ontario City Council on March 15, 2016. The Amendment included updates to the Rich Haven Specific Plan Land Use Plan, the housing product types, exhibits and language to reflect the proposed land use changes and overall TOP Policy Plan consistency.

In February of this year, the City Council approved amendment (File No. PSPA16-005) to the Rich Haven Specific Plan to annex 72.3 acres of land located on the southeast corner of Haven Avenue and Ontario Ranch Road into the Mixed-Use 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. With the annexation, the Specific Plan maximum residential unit count increased to 7,194 residential 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, Brookcal Ontario, 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 44.98 acres of land located northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan as shown in **Exhibit A (Rich Haven Specific Plan – Land Use Map)**. The Agreement grants Brookcal Ontario, LLC, a vested right to develop Tentative Tract Map 20081, with the potential development of up to 485 residential units and 4.13 acres of commercial development, as long as the Brookcal Ontario, LLC, complies with the terms and conditions of the Rich Haven 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 TT20081.

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.

[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.
 - LU1-3 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.

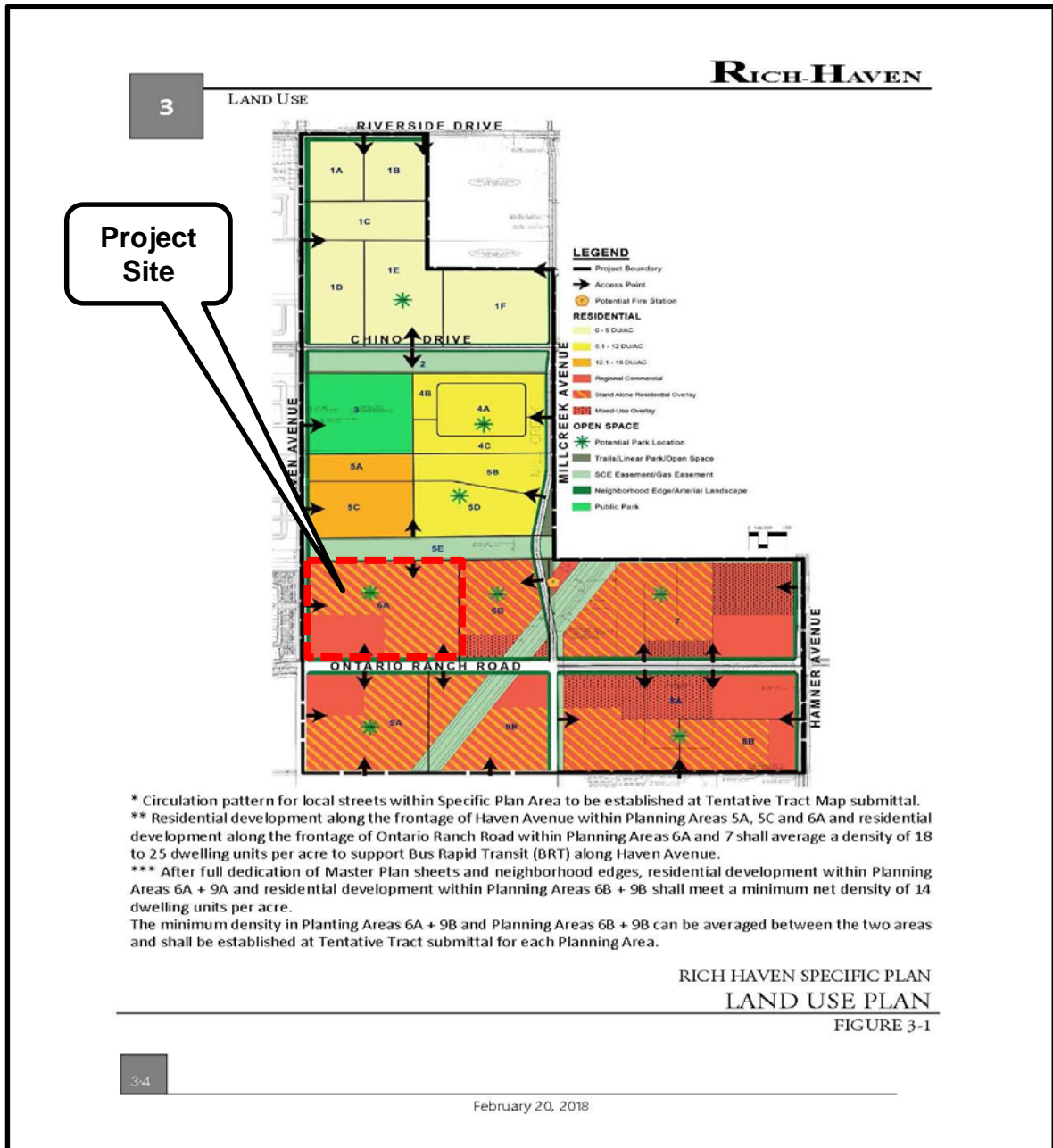
HOUSING ELEMENT COMPLIANCE: Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, 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 allocates a total of 4,256 dwelling units for the Rich Haven Specific Plan and 1,524 dwelling units within the Moderate Income range (10-24 du/ac). The project is proposing 485 units within Moderate Income range consistent and within the specified ranges and unit counts allowed within the Available Land Inventory.

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.

ENVIRONMENTAL REVIEW: The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) that was certified by the City Council on December 4, 2007 and an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) certified by City Council on January 27, 2010. 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.

Exhibit "A" Rich Haven Plan Land Use Map



RESOLUTION NO. PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDA17-002, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC, TO ESTABLISH THE TERMS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20081 (FILE NO. PMTT17-003) TO SUBDIVIDE 44.98 ACRES OF LAND INTO 76 NUMBERED LOTS AND 62 LETTERED LOTS FOR RESIDENTIAL AND COMMERCIAL USES, PUBLIC/PRIVATE STREETS, LANDSCAPE NEIGHBORHOOD EDGES AND COMMON OPEN SPACE PURPOSES FOR A PROPERTY LOCATED ON NORTHEAST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE, WITHIN THE MIXED USE DISTRICT PLANNING AREA 6A (REGIONAL COMMERCIAL AND STAND ALONE RESIDENTIAL OVERLAY) OF THE RICH HAVEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 218-211-02 AND 218-211-05.

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 Brookcal Ontario, LLC, for the potential development of up to 485 residential units (File No. PMTT17-003/TT 20081) and 4.13 acres of commercial development on 44.98 acres of land located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven 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 October 23, 2007, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC07-125 recommending City Council certification of the Rich-Haven EIR and Issued Resolution PC07-127 recommending to City Council approval of the Rich-Haven Specific Plan (File No. PSP05-004); and

WHEREAS, on December 4, 2007, the City Council of the City of Ontario conducted a duly noticed public hearing and issued Resolution 2007-145 to certify the Rich-Haven Specific Plan EIR (SCH #2006051081); and

WHEREAS, on December 4, 2007, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Ordinance No. 2884 approving the Rich-Haven Specific Plan; and

WHEREAS, on February 23, 2016, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC16-003 recommending City Council adoption of an Addendum to the Rich-Haven EIR and Issued Resolution PC16-004 recommending to City Council approval of the Rich-Haven Specific Plan Amendment (File No. PSPA16-001); and

WHEREAS, on March 15, 2016, the City Council of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. 2016-024 for the adoption of an Addendum (File No. PSPA16-001) to the Rich-Haven Specific Plan EIR; and

WHEREAS, on March 15, 2016, the City Council of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. 2016-025 approving an Amendment (File No. PSPA16-001) to the Rich-Haven Specific Plan; and

WHEREAS, on January 23, 2018, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC18-014 recommending City Council adoption of an Addendum to the Rich-Haven EIR and issued Resolution PC18-015 recommending to City Council approval of the Rich-Haven Specific Plan Amendment (File No. PSPA16-005); and

WHEREAS, on February 20, 2018, the City Council of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. 2018-017 for the adoption of an Addendum (File No. PSPA16-005) to the Rich-Haven Specific Plan EIR; and

WHEREAS, on February 20, 2018, the City Council of the City of Ontario conducted a duly noticed public hearing and issued Resolution No. 2018-018 approving an Amendment (File No. PSPA16-005) to the Rich-Haven 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 an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) that was certified by the City Council on December 4, 2007 and an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) certified by City Council on January 27, 2010. 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; and

WHEREAS, on July 24, 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 previously adopted Rich-Haven Specific Plan EIR (SCH# 2006051081) and supporting documentation. Based upon the facts and information contained in the Rich-Haven Specific Plan EIR (SCH# 2006051081) and supporting documentation, the Planning Commission finds as follows:

a. The previous Rich-Haven Specific Plan EIR (SCH# 2006051081) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous Rich-Haven Specific Plan EIR (SCH# 2006051081) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous Rich-Haven Specific Plan EIR (SCH# 2006051081) reflects the independent judgment of the Planning Commission; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by reference; and

e. The proposed project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Rich-Haven Specific Plan EIR (SCH# 2006051081), and all mitigation measures previously adopted with the Rich-Haven Specific Plan EIR (SCH# 2006051081), 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 Rich-Haven Specific Plan EIR (SCH# 2006051081) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Rich-Haven Specific Plan EIR (SCH# 2006051081) that will require major revisions to the Rich-Haven Specific Plan EIR (SCH# 2006051081) 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 Rich-Haven Specific Plan EIR (SCH# 2016111009) was prepared, that will require major revisions to the Rich-Haven Specific Plan EIR (SCH# 2006051081) 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 Rich-Haven Specific Plan EIR (SCH# 2006051081) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Rich-Haven Specific Plan EIR (SCH# 2006051081); or

(b) Significant effects previously examined will be substantially more severe than shown in the Rich-Haven Specific Plan EIR (SCH# 2006051081); 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 Rich-Haven Specific Plan EIR (SCH# 2006051081) 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 allocates a total of 4,256 dwelling units for the Rich Haven Specific Plan and 1,524 dwelling units within the Moderate Income range (10-24 du/ac). The project is proposing 485 units within Moderate Income range consistent and within the specified ranges and unit counts allowed within the Available Land Inventory.

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 48.98 acres of land located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan, and is presently vacant; and

b. WHEREAS, the property to the north of the Project Site is within the SCE Utility Easement and is presently used for as utility corridor with transmission towers. The properties to the east are within Planning Area 6B (Regional Commercial/Mixed Use) of the Rich-Haven Specific Plan, and is presently vacant and previously used for dairy and agricultural uses and are developed with residential and agricultural land uses. The property to the south is within Planning Areas 9A and 9B (Regional Commercial/Mixed Use) of the Rich-Haven Specific Plan, and is presently vacant and previously used for dairy and agricultural uses. The property to the west is within the Planning Area 10A of The Avenue Specific Plan and is developed with single family homes; and

c. The Development Agreement establishes parameters for the development of Tentative Tract Map 20081 within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan for the potential development of 485 residential units. The Development Agreement also grants Brookcal Ontario, 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 Rich Haven Specific Plan; and

d. The Development Agreement focuses on Tentative Tract Map 20081 that proposes to subdivide 44.98 acres of land into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on the northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan; and

e. The Development Agreement will provide for the development of up to 485 single family units as established for Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven 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 were previously analyzed in an addendum to The Rich Haven Specific Plan (File No. PSP05-004) EIR (SCH# 2006051081) that was certified by the City Council on December 4, 2007 and an Addendum to The Ontario Plan (File No. PGPA06-001) EIR (SCH# 2008101140) certified by City Council on January 27, 2010. 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; 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, 4, and 5 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 Rich-Haven 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 24th day of July 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:

Cathy Wahlstrom
Planning 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. PC was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:
File No. PDA17-002
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

BrookCal Ontario L.L.C.

a California limited liability company

_____, **2018**

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA17-002

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 BrookCal Ontario, LLC, California 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 The Rich Haven Specific Plan (State Clearinghouse No. 2006051081 (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 Rich Haven 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 order to assure development of the Property in accordance with this Agreement; 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.

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.”

WHEREAS, the property developer/owners are 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 certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all amendments thereto and “Construction Agreement Amendment” 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. 20018 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 twenty-three (23) model units, private common recreation facilities and sales facilities 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.

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 "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.

1.1.19 "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.

1.1.20 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.21 "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.

1.1.22 "Specific Plan" means that certain specific plan adopted by the City Council, and entitled, "Rich Haven Specific Plan."

1.1.23 "Storm Water Treatment Capacity Availability" means a designated portion of the total Storm Water Treatment Capacity Availability made available through the completion of construction of a Phase of regional storm water treatment facilities by the NMC Builders LLC as described in the Construction Agreement Amendment. The amount, in acres, of Storm Water Treatment Capacity Availability required for the issuance of a grading permit shall be based upon the factors and assumptions listed in the Construction Agreement Amendment.

1.1.24 “Subsequent Development Approvals” means all Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.25 “Subsequent Land Use Regulations” means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.26 “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” — (Not Used)

Exhibit “F” — Infrastructure Improvements Exhibits

Exhibit F-1 – Storm Drain Improvements

Exhibit F-2 - Sewer Improvements

Exhibit F-3 Water and Recycled Water Improvements

Exhibit F-4 Fiber Optic Communications System Improvements

Exhibit F-5 Street Improvements

Exhibit “G” - Form of Plume 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.

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:

Dave Bartlett
BrookCal Ontario, LLC
3200 Park Center Drive, Suite 1000
Costa Mesa, CA 92626
Email: Dave.Bartlett@Brookfieldrp.com
Phone: 714.200.1533

with a copy to:

Tim Roberts
BrookCal Ontario, LLC
3200 Park Center Drive, Suite 1000
Costa Mesa, CA 92626
Phone: (714) 200-2483

(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 Ca1. 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 phasing 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 Exhibits "F" and Exhibits F-1 through F-5 are descriptions of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibits").

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 twenty-three (23) Model Units, private common recreation facilities and sales facilities. CITY may issue a maximum of twenty-three (23) building permits for Model Units, private common recreation facilities and sales facilities. 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 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 any public works facilities which will 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, 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 facilities from the Property to the connection with the County Line Channel as described in Exhibit F-1. OWNER shall be responsible for the construction of the necessary extension of master planned Storm Drain facilities to the Project.

3.7.2 OWNER agrees that development of the Project shall require the construction of Sewer Improvements for the Property as described in Exhibit F-2.

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-3 consisting generally of the construction of the extension of permanent master planned water and recycled water utility improvements to serve the Property. 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-3. 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 also agrees to construct permanent master planned recycled water lines in Haven Avenue from Schaefer Avenue to Chino Avenue. The design of such recycled water Improvements shall be completed and OWNER shall initiate construction of such recycled water Improvements by September 1, 2018 and OWNER shall complete the construction of such recycled water Improvements by September 1, 2019.

3.7.5 OWNER agrees to that development of the Project shall require the construction of fiber optic communications system improvements as described on Exhibit F-4.

3.7.6 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit F-5.

3.7.7 OWNER agrees that NMC Builders shall be responsible for funding a portion of the design and construction of the remaining portion of an additional extension of master planned recycled water infrastructure in Riverside and Haven Avenues to be constructed by CITY. These remaining master planned recycled water Improvements in Haven Avenue shall also serve the Project. OWNER shall deposit, or shall have deposited, with NMC Builders an amount equal to the OWNER's capital contribution for the design and construction of the NMC Builders portion of the remaining recycled water improvements in Haven Avenues known as the remaining "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 remaining Phase 2 Recycled Water System Improvements.

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. Deferral of the payment of Development Impact Fees may be granted pursuant to a separate agreement approved by City pursuant to City policy.

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). In order to meet this standard 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. Such areas shall either be dedicated to the City or transferred to a homeowners' association. If approved by the City Manager, OWNER may satisfy this requirement through the development of non-public recreation facilities such as private recreational clubhouses or pool facilities. Credit for such private recreational facilities areas shall be limited to a maximum of 50% of the foregoing park development requirement. If OWNER's Project does not provide dedicated and developed park acreage equal to two (2) acres per 1,000 projected population, OWNER shall pay a fee in-lieu equal to the per acre estimated costs of acquisition and development of parkland in the City's Development Impact Fee for the calculated park acreage deficiency. Such in-lieu fee shall be due and payable within 10 days following the issuance of the first building permit issued to OWNER.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the areawide infrastructure construction within 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. 20018 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. 20018. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Tract Map conditions for Tract No. 20018.

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. 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 4.4.2.1. 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 4.3.1, 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 4.3.1 by providing the minimum number of affordable units through the construction of new affordable units or by the substantial rehabilitation of existing units, 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 Fifty-Three Cents (\$2.53) per square foot of residential development within OWNER's Project or, if pre-paid as set forth below, Two Dollars and Twenty-one Cents (\$2.21) 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 Fifty-Three Cents (\$2.53) and the Two Dollars and Twenty-one Cents (\$2.21) per square foot amounts shall automatically be increased annually, commencing on July 1, 2019, 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 Schools Obligations.

4.5.1 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 4.5.1.

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 the First installment amount is not paid for all residential dwelling units within the Project (based on the Maximum Development Density, or the number of units described on "B Maps" if approved) by January 1, 2019, the amount of the First Installment shall be increased. Such increase 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. Additionally, the amount shall be further increased automatically by the percentage increase in the Consumer Price Index (Los Angeles-Anaheim-Riverside) on each January 1 thereafter.

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 requires 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 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. 20018. 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.

4.7.3 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.

4.8 Storm Water Capacity Availability.

4.8.1 Requirement for Storm Water Treatment Capacity Availability. OWNER shall provide evidence of sufficient Storm Water Treatment Capacity Availability as reserved in a Certificate of Storm Water Treatment Capacity Availability the same manner and subject to the same limitations as provided for the assignment of Certificates of Net MDD Availability in Section 4.7 of this Agreement.

4.8.2 Use of Storm Water Treatment Capacity Availability. The amount of Storm Water Treatment Capacity Availability required for the issuance of a grading permit to OWNER shall be based upon the Net Residential Acreage of the area to be graded regardless of the corresponding use.

4.8.3 Requirement for other Storm Water Improvements. The Certificate of Storm Water Treatment Capacity Availability is evidence only of available storm water treatment capacity and does not satisfy any other conditions applicable to a particular development project, including those relating to on-site water treatment, water quality, connection to the storm water collection system, or other public infrastructure requirements.

4.9 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.

4.10 Compliance with Public Benefits Requirements.

4.10.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.9, 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 shall be \$1,622.00 per Single Family Detached Dwelling Unit, \$1,406.00 per Multiple-Family Dwelling Unit, \$1,179.00 per Gated Apartment Community Dwelling Unit, and \$.30 per square foot for Non-Residential buildings for the CITY's fiscal year 2018-19. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. 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 5.2 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**

**BROOKCAL ONTARIO LLC
"OWNER"**

BrookCal Ontario LLC, a California limited liability company

By: _____

Name:

Title: Authorized Representative

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)
) ss.
 COUNTY OF SAN BERNARDINO)

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

DESCRIPTION OF ATTACHED DOCUMENT

- Individual
- Corporate Officer

 Title or Type of Document

- Partner(s) Limited
- General

 Number Of Pages

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

 Date Of Document

Signer is representing:
 Name Of Person(s) Or Entity(ies)

 Signer(s) Other Than Named Above

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

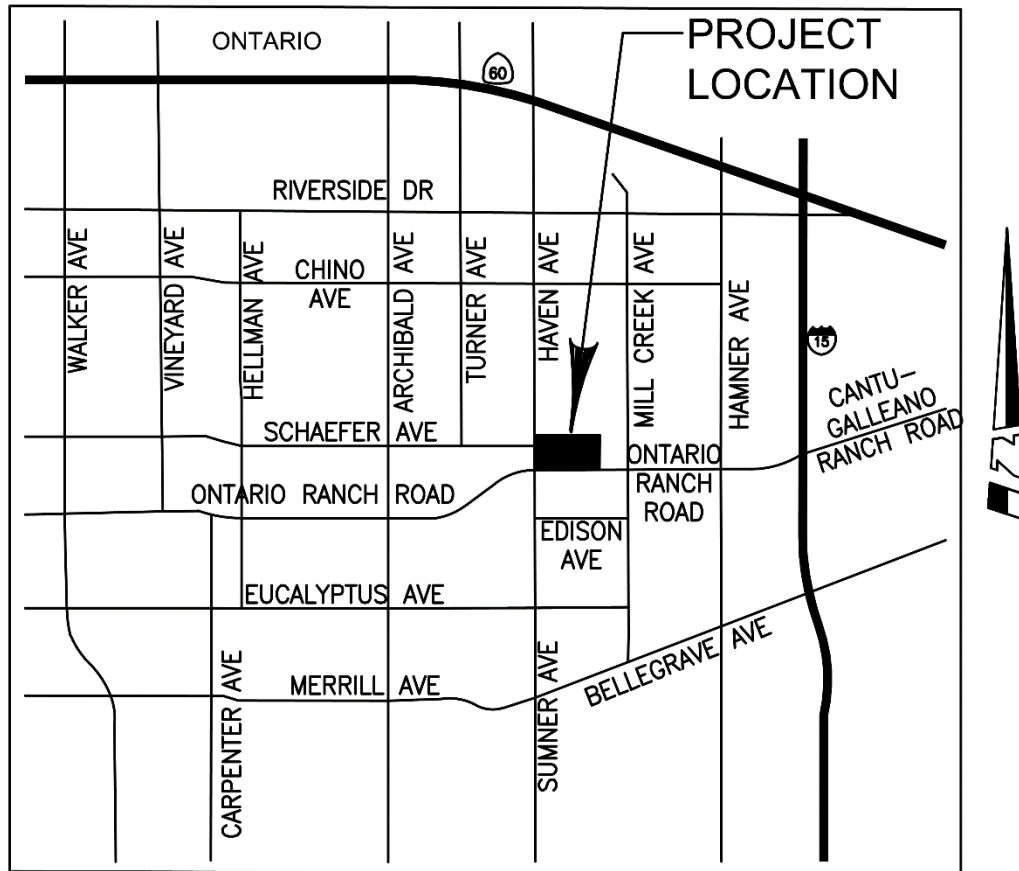
LEGAL DESCRIPTION

A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

TOGETHER WITH THE WEST 10 ACRES OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXHIBIT "B"
TO DEVELOPMENT AGREEMENT

Map showing Property and its location



VICINITY MAP

NOT TO SCALE

EXHIBIT "C"
TO DEVELOPMENT AGREEMENT
Existing Development Approvals

On October 23, 2007, the Planning Commission:

- a) Issued Resolution No. issued Resolution PC07-125 recommending City Council certification of the Rich-Haven EIR.
- b) Issued Resolution PC07-127 recommending City Council approval of the Rich-Haven Specific Plan (File No. PSP05-004).

On December 4, 2007, the City Council:

- a) Issued Resolution 2007-145 to certifying the Rich-Haven Specific Plan EIR (SCH #2006051081).
- b) Adopted Ordinance No. 2884 approving the Rich-Haven Specific Plan.

On February 23, 2016, the Planning Commission:

- a) Issued Resolution PC16-003 recommending City Council adoption of an Addendum to the Rich-Haven EIR.
- b) Issued Resolution PC16-004 recommending approval of the Rich-Haven Specific Plan Amendment (File No. PSPA16-001).

On March 15, 2016, the City Council:

- a) Issued Resolution No. 2016-024 for the adoption of an Addendum (File No. PSPA16-001) to the Rich-Haven Specific Plan EIR.
- b) Issued Resolution No. 2016-025 approving an Amendment (File No. PSPA16-001) to the Rich-Haven Specific Plan.

On January 23, 2018, the Planning Commission:

- a) Issued Resolution PC18-014 recommending City Council adoption of an Addendum to the Rich-Haven EIR.
- b) Issued Resolution PC18-015 recommending to City Council approval of the Rich-Haven Specific Plan Amendment (File No. PSPA16-005)

On February 20, 2018 the City Council:

- a) Issued Resolution No. 2018-017 for the adoption of an Addendum (File No. PSPA16-005) to the Rich-Haven Specific Plan EIR.
- b) Issued Resolution No. 2018-018 approving an Amendment (File No. PSPA16-005) to the Rich-Haven Specific Plan.

On July 24, 2018, the Planning Commission:

- a) Issued Resolution No. 2018-XXX for the approval of Tentative Tract Map 20081
(File No. PMTT17-003).

EXHIBIT “D”
TO DEVELOPMENT AGREEMENT
Existing Land Use Regulations

These documents are listed for reference only:

1. The Rich-Haven Specific Plan (File No. PSP05-004) Environmental Impact Report, Resolution No. 2007-145.
2. The Rich-Haven Specific Plan (File No. PSP05-004), Ordinance No. 2884.
3. Addendum to the Rich-Haven Specific Plan (File No. PSPA16-001) Environmental Impact Report, Resolution No. 2016-024.
4. Amendment to the Rich-Haven Specific Plan (File No. PSPA16-001), Resolution No. 2016-025.
5. Addendum to the Rich-Haven Specific Plan (File No. PSPA16-005) Environmental Impact Report, Resolution No. 2018-017
6. Amendment to the Rich-Haven Specific Plan (File No. PSPA16-005), Resolution No. 2018-018.
7. 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

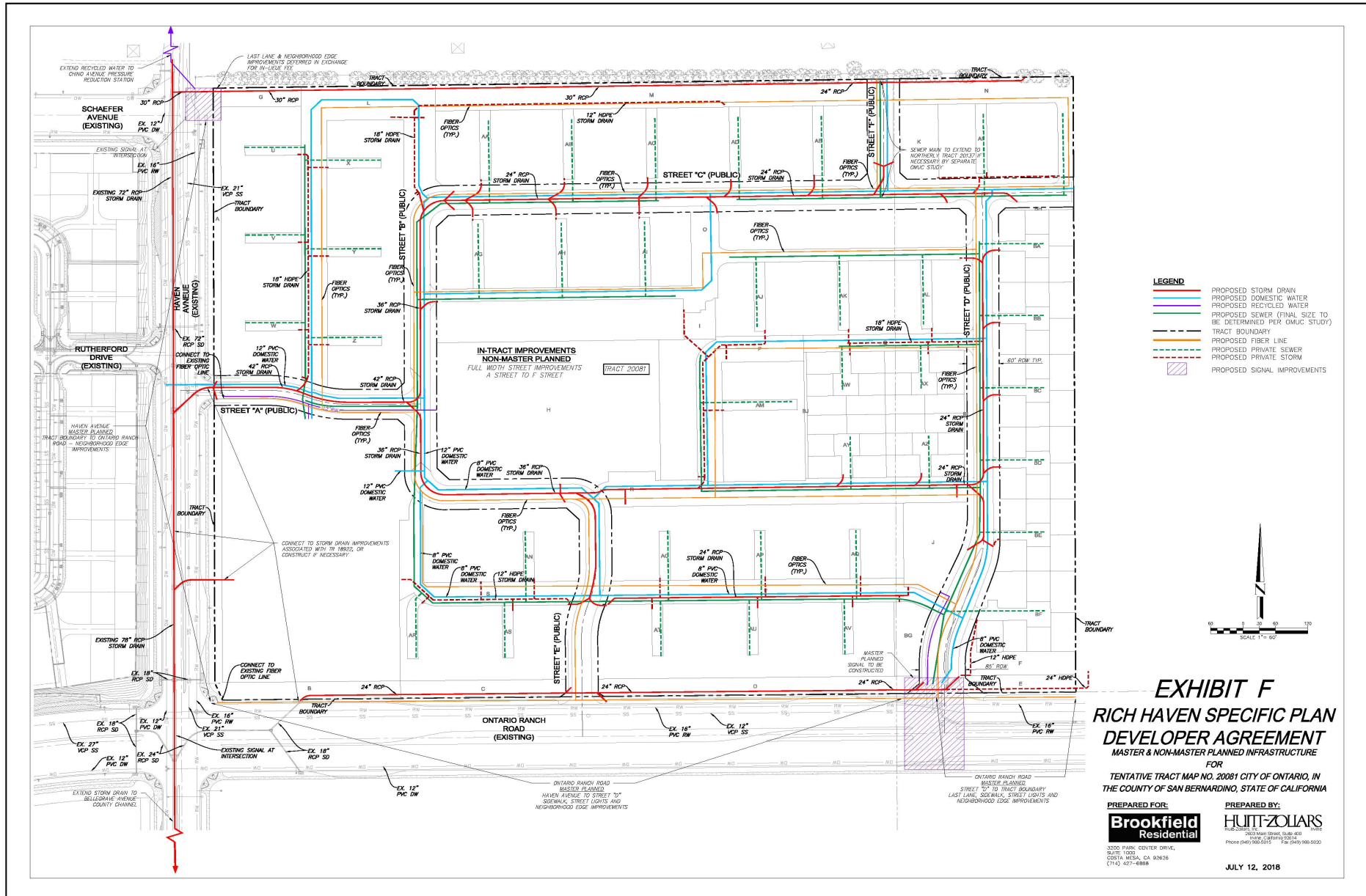


EXHIBIT F RICH HAVEN SPECIFIC PLAN DEVELOPER AGREEMENT MASTER & NON-MASTER PLANNED INFRASTRUCTURE FOR

TENTATIVE TRACT MAP NO. 20081 CITY OF ONTARIO, IN
THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

PREPARED FOR: **Brookfield Residential**
3200 PARK CENTER DRIVE, SUITE 1000, COSTA MESA, CA 92626 (714) 427-6888

PREPARED BY: **HUITT-ZOLARS**
2000 Main Street, Suite 400, Irvine, California 92614
Phone (949) 266-0375 Fax (949) 266-6120

JULY 12, 2018

Exhibit "F-1" Required Infrastructure Improvements

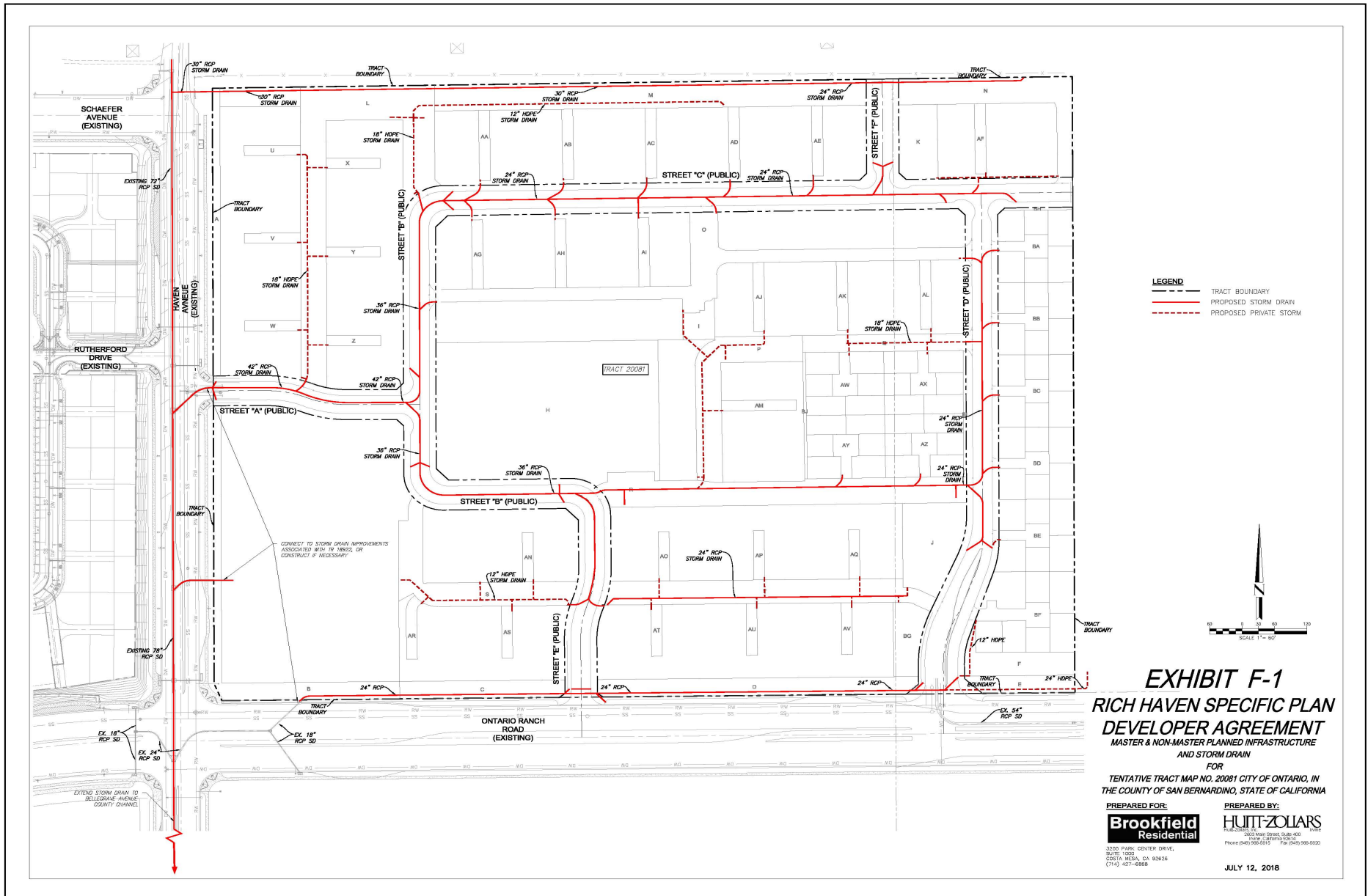


EXHIBIT F-1 RICH HAVEN SPECIFIC PLAN DEVELOPER AGREEMENT MASTER & NON-MASTER PLANNED INFRASTRUCTURE AND STORM DRAIN

FOR
TENTATIVE TRACT MAP NO. 20081 CITY OF ONTARIO, IN
THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

PREPARED FOR: **Brookfield Residential**
 5105 PARK CENTER DRIVE,
 SUITE 1000,
 COSTA MESA, CA 92626
 (714) 427-8888

PREPARED BY: **HUTT-ZOLLARS**
 11717
 14000 BUCKLE UP DRIVE, SUITE 400
 IRVINE, CALIFORNIA 92614
 PHONE (949) 868-8100 FAX (949) 868-8500

JULY 12, 2018

Exhibit "F-2" Required Infrastructure Improvements

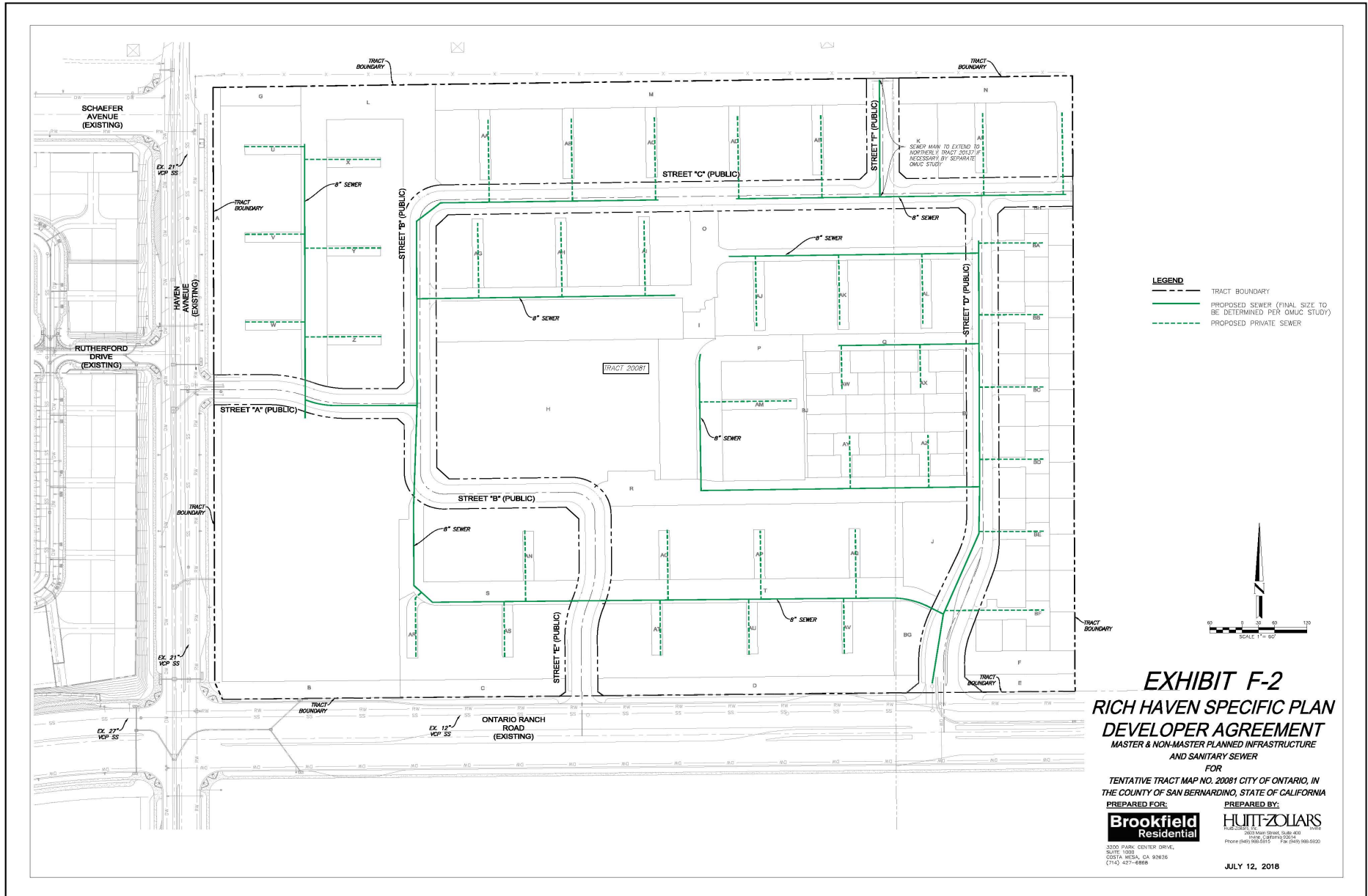


EXHIBIT F-2
RICH HAVEN SPECIFIC PLAN
DEVELOPER AGREEMENT
MASTER & NON-MASTER PLANNED INFRASTRUCTURE
AND SANITARY SEWER

FOR
TENTATIVE TRACT MAP NO. 20081 CITY OF ONTARIO, IN
THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

PREPARED FOR: **Brookfield Residential**
3200 PARK CENTER DRIVE,
SUITE 1000,
COSTA MESA, CA 92626
(714) 427-6868

PREPARED BY: **HUITT-ZOLLARS**
2000 MAIN STREET, SUITE 400
COSTA MESA, CALIFORNIA 92626
PHONE (949) 985-9775 FAX (949) 985-9320

JULY 12, 2018

Exhibit "F-3" Required Infrastructure Improvements

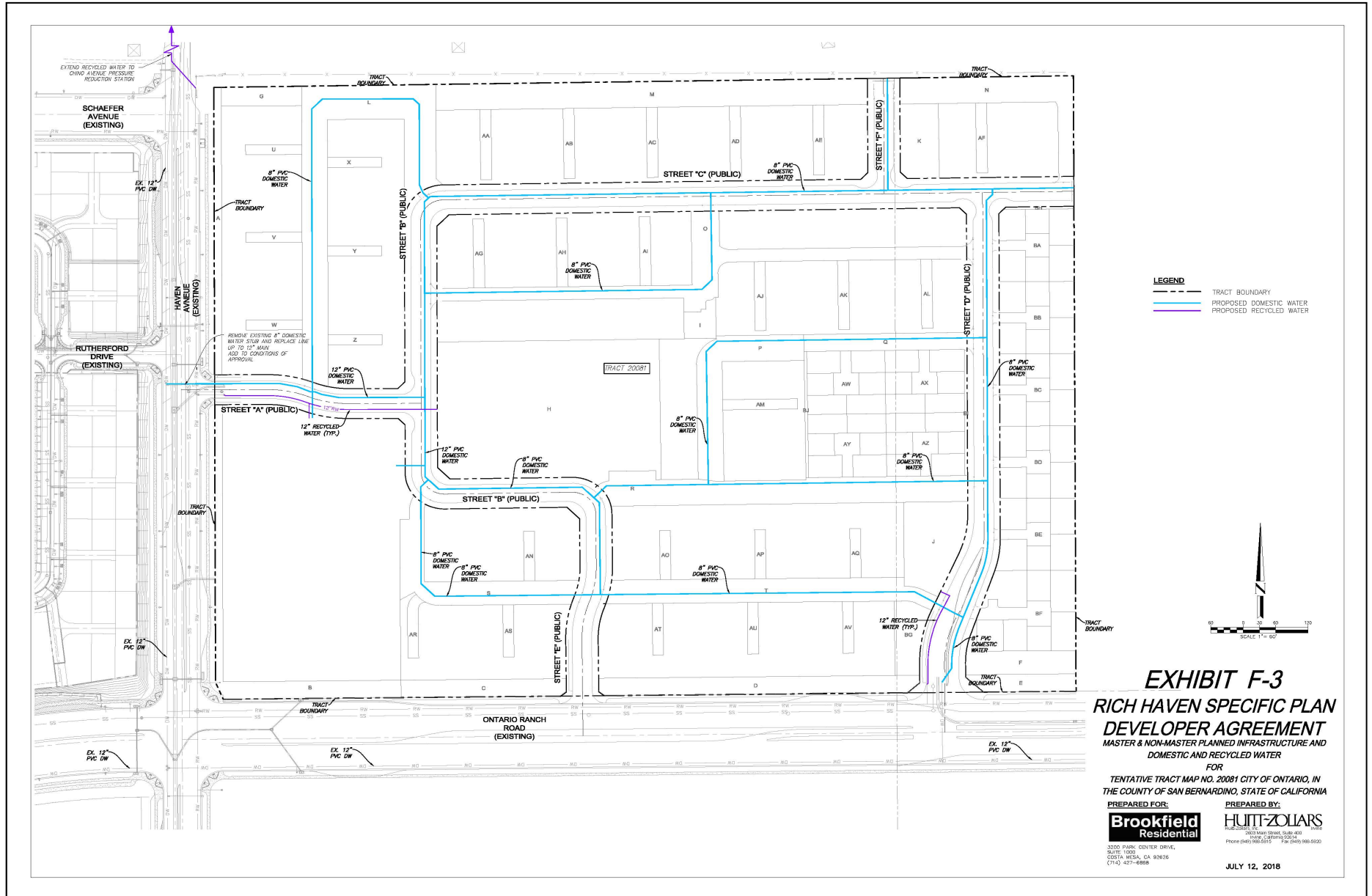


Exhibit "F-4" Required Infrastructure Improvements

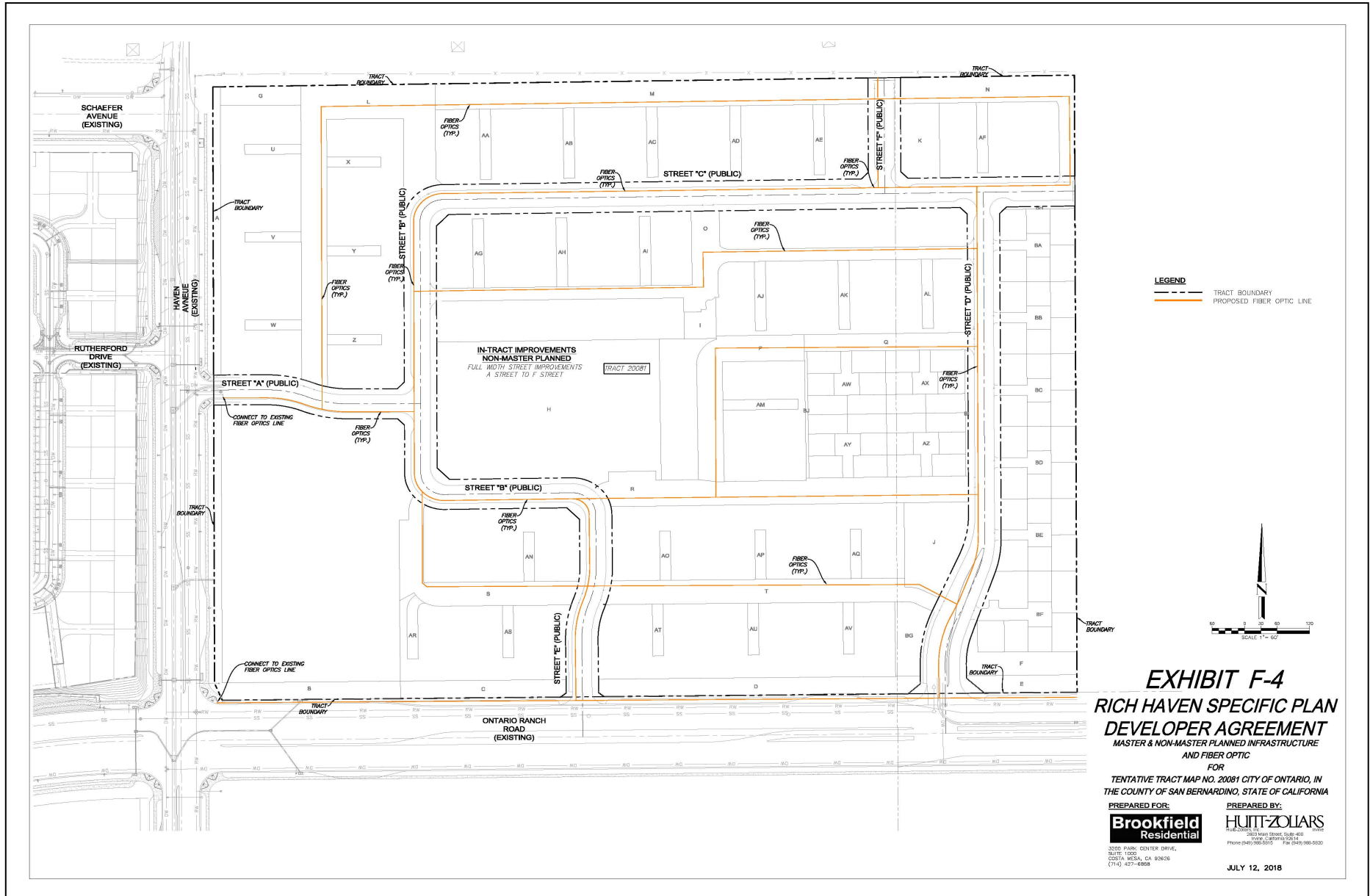


EXHIBIT F-4 RICH HAVEN SPECIFIC PLAN DEVELOPER AGREEMENT MASTER & NON-MASTER PLANNED INFRASTRUCTURE AND FIBER OPTIC

FOR
TENTATIVE TRACT MAP NO. 20081 CITY OF ONTARIO, IN
THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

PREPARED FOR:
Brookfield Residential

PREPARED BY:
HUNT-ZOLIARS

3330 BUNKER CENTER DRIVE,
SUITE 1000
COSTA MESA, CA 92626
(714) 427-8958

10000 HAVEN DRIVE, SUITE 410
RICH HAVEN, CALIFORNIA 92518
Phone (949) 988-8914 Fax (949) 988-8920

JULY 12, 2018

Exhibit "F-5" Required Infrastructure Improvements

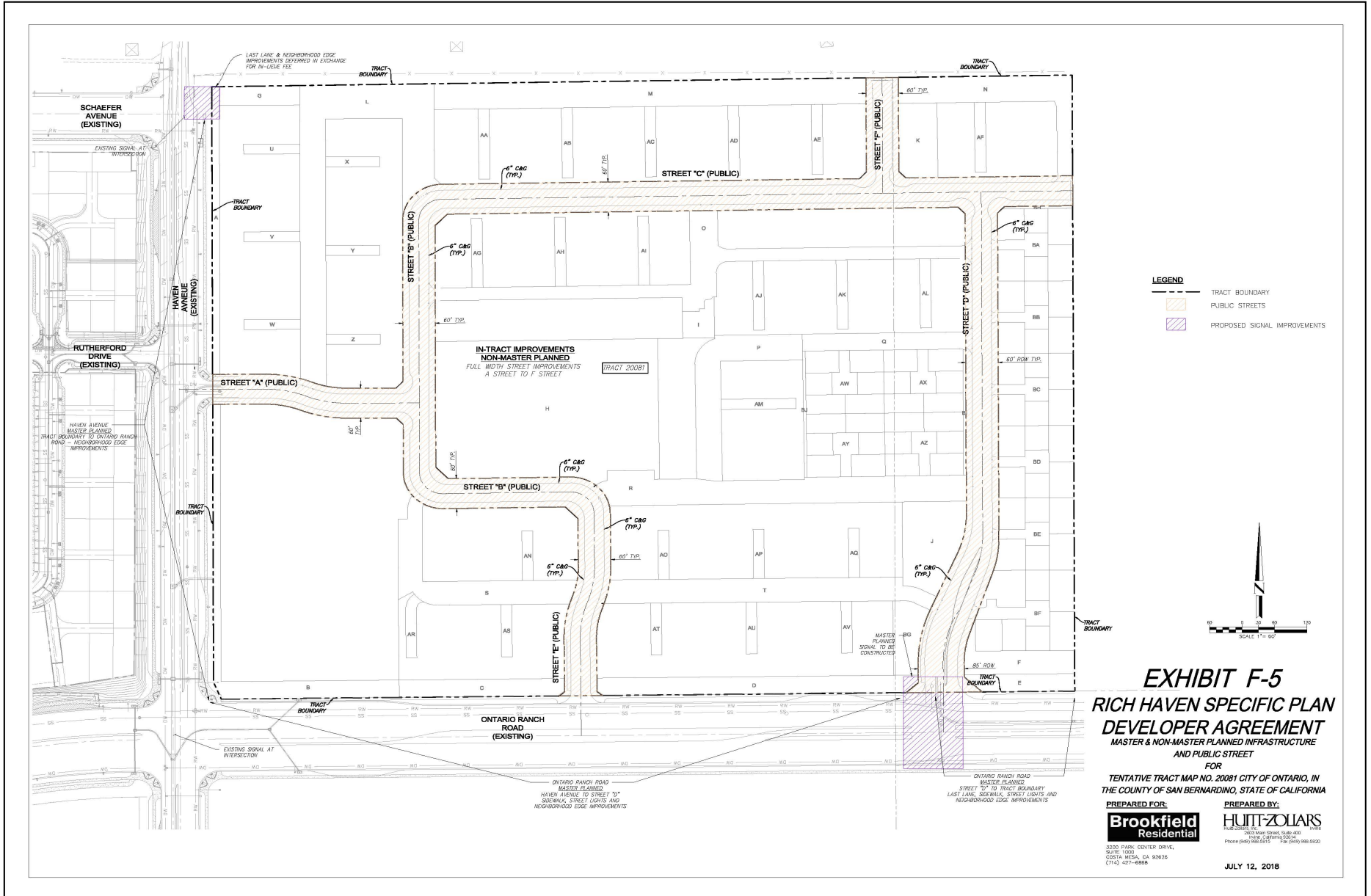


Exhibit "G"
Form of Plume Disclosure Letter

C I T Y O F



O N T A R I O

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. MILHIGER
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

July 24, 2018

SUBJECT: 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. (APN: 1008-431-21); **submitted by Raising Cane's Chicken Fingers.**

PROPERTY OWNER: City of Ontario

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PDEV17-033 and PCUP17-015, 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 0.81 acres of land located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan (MVSP), and is depicted in Figure 1: Project Location, below. The property surrounding the Project site is characterized by general commercial land uses and is developed with Carl's Jr. restaurant to the north, Wal-Mart and commercial shopping center to the south, and multi-story office building and ancillary off-street parking to the west. In addition, there are existing single-family dwellings within the RE (Residential Estate) zoning district to the east, across Mountain Avenue. The existing surrounding land uses, zoning and General Plan land use designations are listed in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.



Figure 1: Project Location

PROJECT ANALYSIS:

[1] Background — The Applicant is requesting approval of a Development

Case Planner:	Jeanie Irene Aguilo	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	07/02/2018	Approved	Recommend
Submittal Date:	07/27/2017	ZA			
Hearing Deadline:		PC	07/24/2018		Final
		CC			

Plan (File No. PDEV17-033) to construct a fast food restaurant (Raising Cane's Chicken Fingers) totaling 3,233 square feet. The restaurant will feature a single lane drive-thru for which Conditional Use Permit (File No. PCUP17-015) approval has been requested in accordance with the land use requirements of the MVSP.

On July 2, 2018, the Development Advisory Board reviewed the subject application and recommended that the Planning Commission approve the proposed project, subject to the departmental conditions of approval included with this report.

[2] Site Design/Building Layout — The proposed restaurant consists of the construction of a 3,233-square foot fast food restaurant with drive-thru (Raising Cane's Chicken Fingers). The building is situated at the center of the site, with a 46.6-foot building setback from the east property line along Mountain Avenue (front), 52.6-foot building setback from the north property line, 82.6-foot building setback from the west property line (rear), and 54.2-foot building setback from the south property line.

[3] Site Access/Circulation — The restaurant's primary public entrance faces east, toward Mountain Avenue, while a secondary public entrance will face north, toward the site's primary off-street parking area. The restaurant will have a similar layout to the Carl's Jr. restaurant, which abuts the project site on the north side, with parking surrounding the building. The drive-thru will have a stacking length of 234 feet, which will accommodate up to 9 vehicles behind the first drive-thru window (a minimum of 6 stacking spaces are required).

Primary site access is from Mountain Avenue via a shared driveway with the Carl's Jr. restaurant. A future secondary access point will be constructed by the City at the rear of the site (identified as Main Street by the Mountain Village Specific Plan), which will connect to Fifth Street to the north and Hawthorne Street to the south.

[4] Parking — The Project has been parked in accordance with the "restaurant" parking standards of the MVSP, which requires that a minimum of one off-street parking space must be provided for each 75 square feet of "public service area" within the restaurant (outdoor dining area is exempt from the parking requirement, up to 25 percent of the restaurants built floor area). Based upon 970 square feet of public service area contained within the restaurant, the project must provide a minimum of 13 off-street parking spaces. A total of 43 off-street parking spaces have been provided, exceeding the minimum parking requirement for the Project. In addition to the MVSP parking standards, the Project provides and meets off-street parking pursuant to the "restaurant" parking standards of the City's Development Code. The parking calculations for the Project are contained in the Technical Appendix of this report.

[5] Architecture — The proposed project incorporates a contemporary architectural style that is consistent with the requirements of the MVSP, and is complementary with the existing commercial development to the south (Wal-Mart and commercial shopping

center) and north (Carl's Jr. restaurant). The project incorporates design elements consistent with the design guidelines for commercial developments and drive-thru facilities, which are contained in the MVSP (see *Exhibit C: Proposed Exterior Elevations*). The design guidelines of the MVSP provides that a building should be designed to ensure that it's massing and proportion, along with its colors and architectural detailing, are consistent on all building walls, giving a four-sided (360-degree architecture) appearance. This is exemplified through the use of:

- Articulation in the building footprint; incorporating recessed and popped-out building wall planes;
- Articulation in the building parapet and roof line by providing varied parapet heights on the front and side building elevations;
- A mix of exterior finishes/materials, such as stucco, stone veneer, metal reveals, and storefront glazing; and
- Incorporation of decorative metal canopies building entries, and a solid overhead trellis above the drive-up windows.

[6] Landscaping — The project has achieved 23.6 percent landscape coverage and has been required to implement an enhanced landscape treatment plan, as required by the Mountain Village Specific Plan (MVSP). This includes a variety of accent and shade trees such as 24-inch box Coast Live Oaks, 36-inch box Desert Willows and 48-inch box Jacarandas have been selected to enhance the project. Additionally, decorative lighting will be provided at key locations within the project pursuant to the requirements of the Specific Plan.

The Village Wall concept identified by the MVSP will also be implemented along the project's Mountain Avenue frontage. The wall will consist of combinations of decorative pilasters and low walls to screen the parking area, and identify the Project entries. The purpose of the wall is to provide a consistent unifying treatment along Mountain Avenue.

[7] Signage — Pursuant to the Mountain Village Specific Plan (MVSP), any new signage must be consistent with the MVSP design requirements, which allows for the installation of freestanding signage incorporated into the Village Wall. One sign per tenant per street-facing building elevation with a maximum of 50 square feet is permitted for the site. Two signs are proposed above the entrances along the east elevation facing Mountain Avenue and the north elevation. The sign along the north elevation has been allowed as an alternate configuration as Main Street along the west elevation is not constructed at this time, which is consistent with the Carl Jr. restaurant signs. In addition, signage has been incorporated into the Village Wall facing Mountain Avenue.

[8] Conditional Use Permit — Pursuant to the MSVP, new drive-thru restaurants are required to be reviewed under a Conditional Use Permit in conjunction with a Development Plan application. Conditional Use Permit review is performed in order to

weigh a proposed use's compatibility with adjacent uses, and identify and establish measures to mitigate any potential nuisance activities. The MVSP requires a Conditional Use Permit for restaurants with drive-thru facilities, which are located in the Main Street District, due to the proximity of the use to residential land uses. 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. The project site is located within the Main Street District land use designation of the Mountain Village Specific Plan, for which a drive-thru restaurant is a conditionally permitted use. The project will be conditioned to ensure that it will operate and be properly maintained, therefore the project will not be detrimental or injurious to surrounding property and improvements. Staff finds that the proposed drive-thru restaurant, when implemented in conjunction with the conditions of approval, is consistent with the standards and guidelines of the MVSP and the City's Development Code. Therefore, staff supports the granting of the requested Conditional Use Permit.

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] Policy Plan (General Plan)

Land Use Element:

- Goal LU2: Compatibility between a wide range of uses.
 - LU2-1: Land Use Decisions: We require infrastructure to be aesthetically pleasing and in context with the community character.
 - LU2-2: Buffers: We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.
 - LU2-5: Regulation of Uses: We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.
 - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

- Goal LU3: Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
 - LU3-1: Development Standards: We maintain clear development standards which allow flexibility to achieve our Vision.

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.

➤ CD1-3 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.

➤ CD2-10 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: 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 proposed 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.

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	GC (General Commercial)	Mountain Village Specific Plan	Main Street District
<i>North</i>	Carl's Jr. Restaurant	GC (General Commercial)	Mountain Village Specific Plan	Main Street District
<i>South</i>	Retail	GC (General Commercial)	Mountain Village Specific Plan	Main Street District
<i>East</i>	Residential	LDR (Low Density Residential)	RE4 (Residential Estate)	N/A
<i>West</i>	Medical Offices	GC (General Commercial)	Mountain Village Specific Plan	Main Street District

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	0.8 AC	N/A	
<i>Lot/Parcel Size:</i>	0.8 AC	N/A	
<i>Building Area:</i>	3,233 SF	N/A	
<i>Floor Area Ratio:</i>	0.10	0.36 (Max.)	Y
<i>Building Height:</i>	21 FT	35 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>Restaurant</i>	970 SF	One off-street parking space must be provided for each 75 square feet of "public service area" within the restaurant (outdoor dining area is exempt from the parking requirement, up to 25 percent of the restaurants built floor area)	13	43
<i>TOTAL</i>			13	43

Exhibit A—PROJECT LOCATION MAP

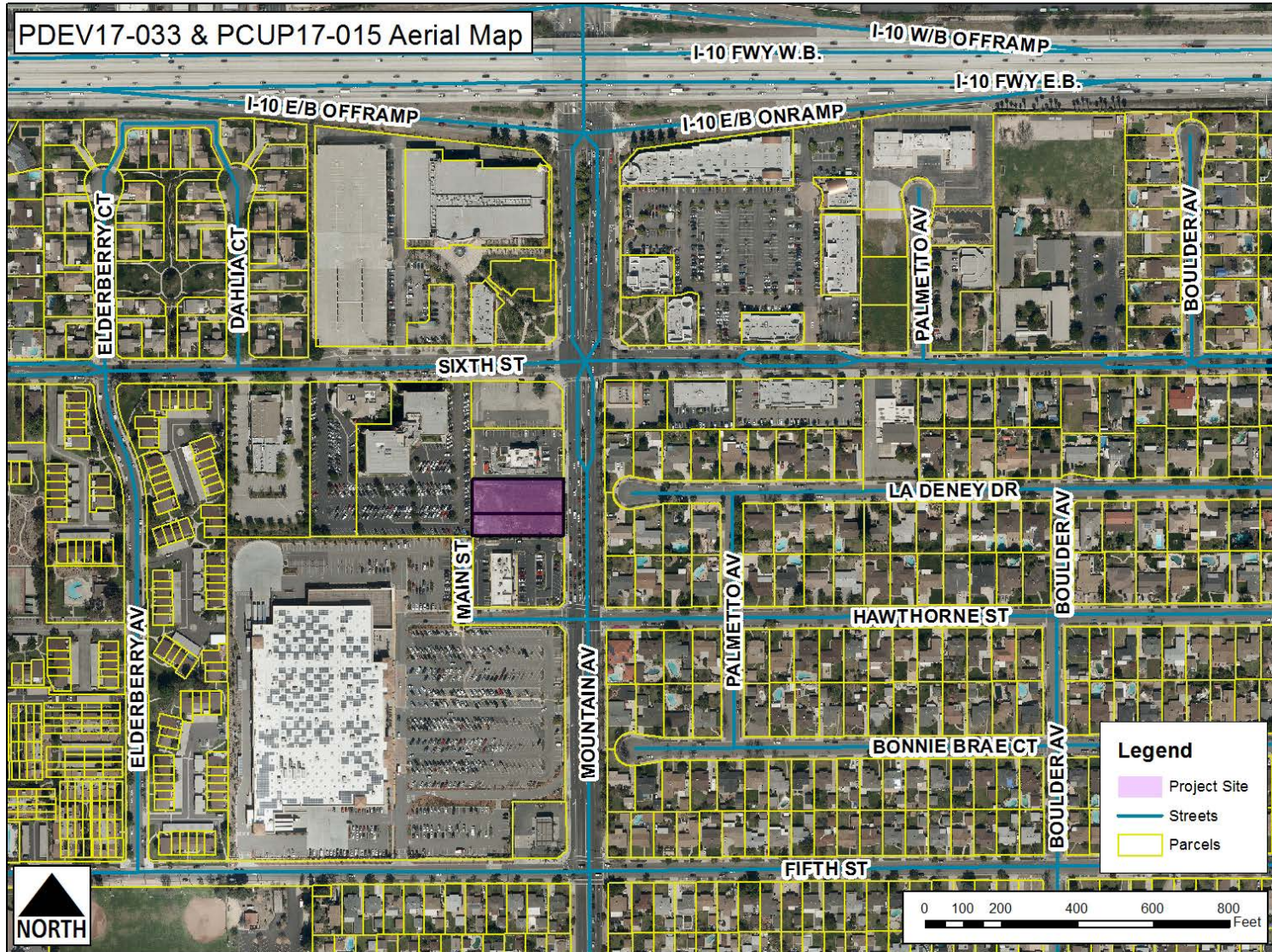


Exhibit B—PROJECT SITE UTILIZATION MAP

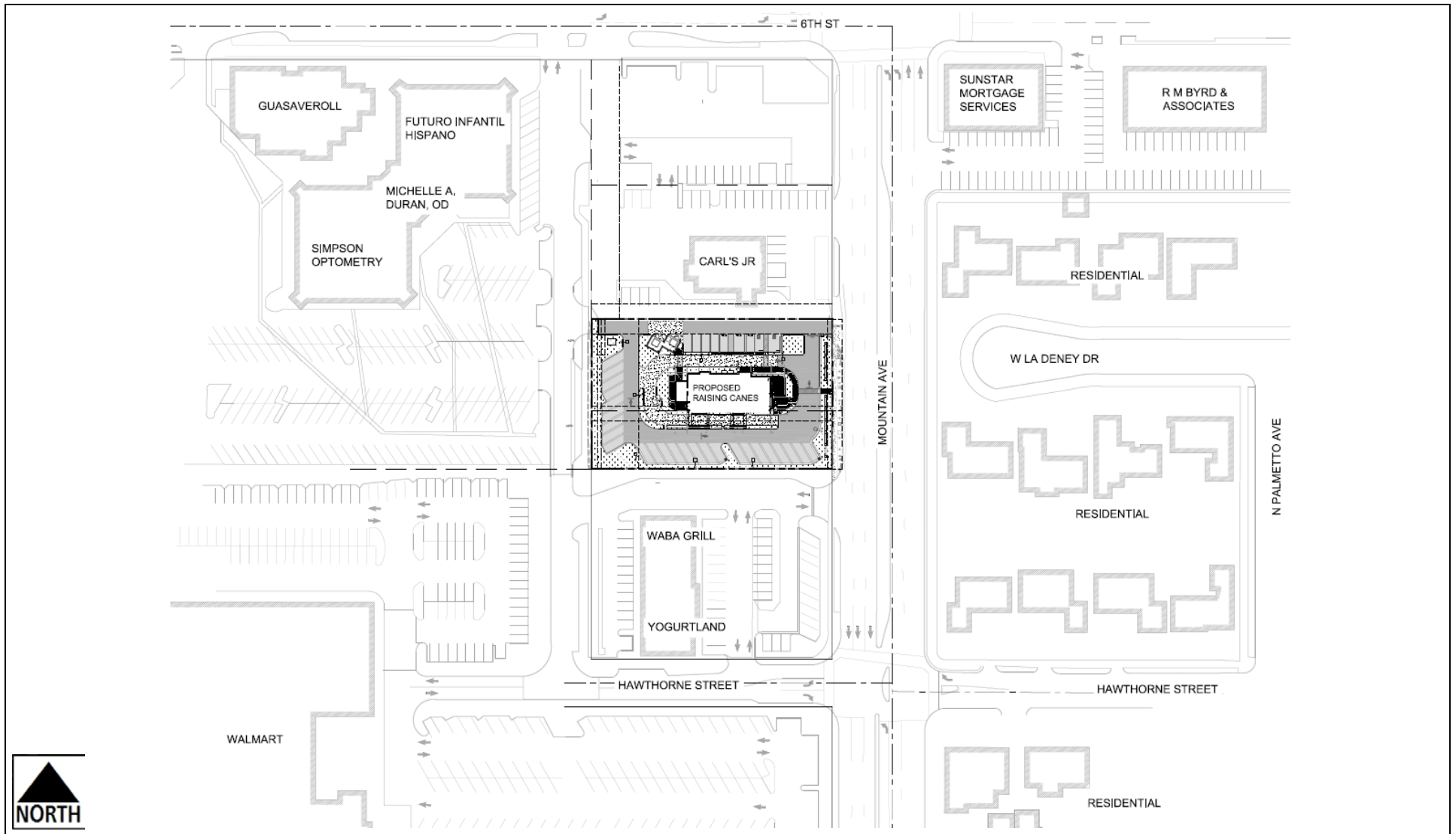


Exhibit C—SITE PLAN

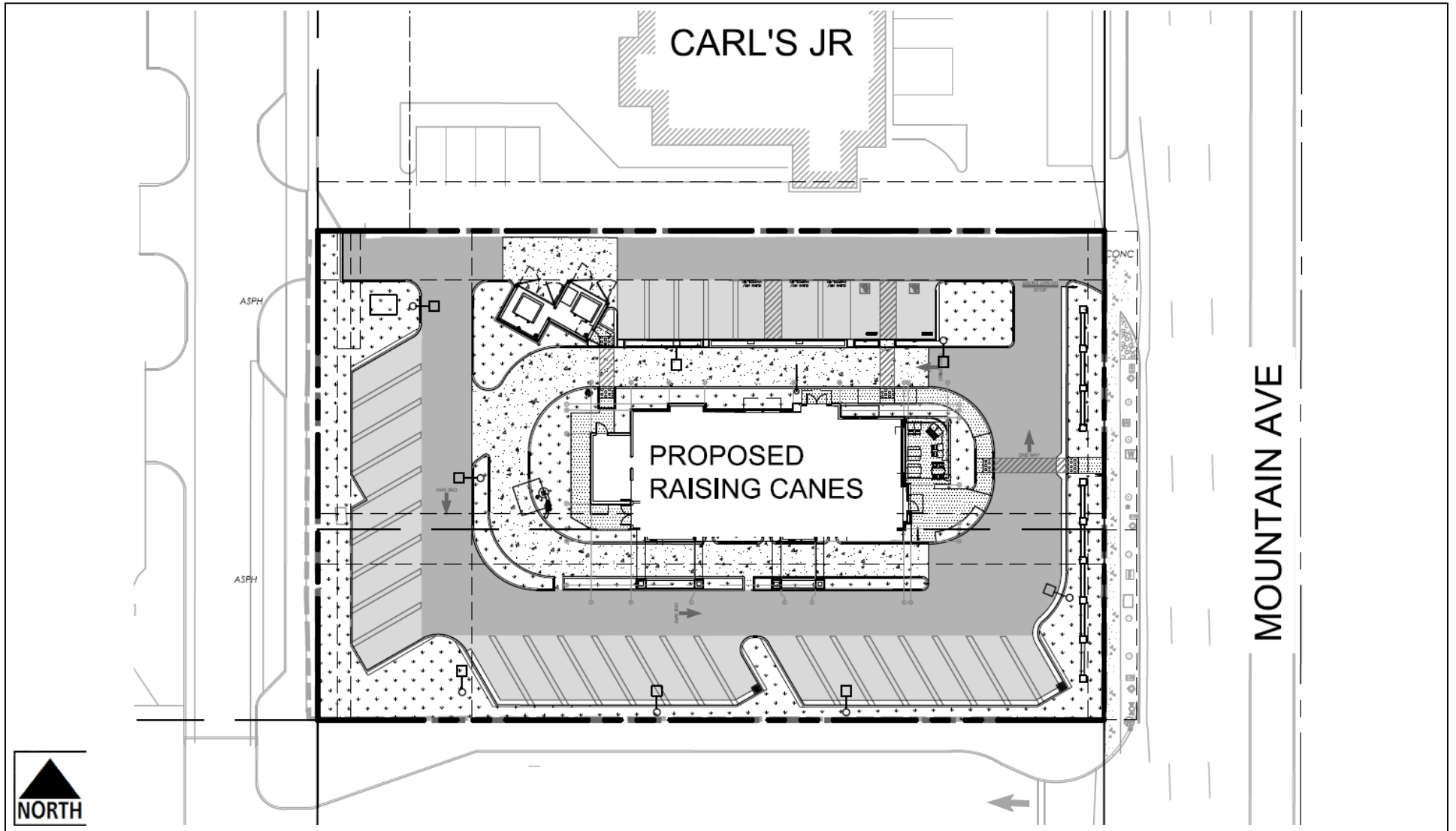


Exhibit D—ELEVATIONS



01 | EAST ELEVATION
1/4" = 1'-0"



02 | SOUTH ELEVATION (DRIVE-THRU)
1/4" = 1'-0"

Exhibit D—ELEVATIONS

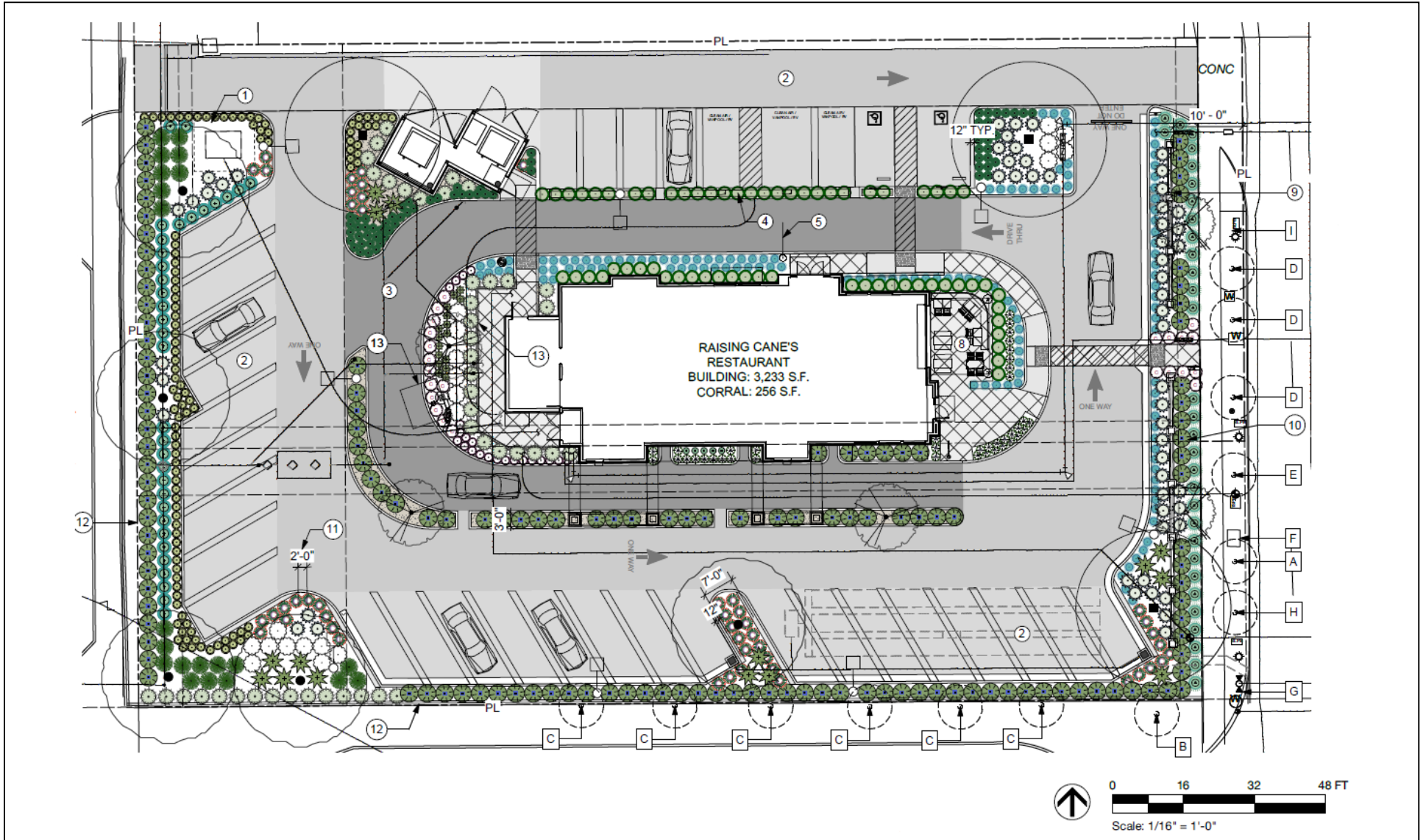


01 | WEST ELEVATION
1/4" = 1'-0"



02 | NORTH ELEVATION
1/4" = 1'-0"

Exhibit E—LANDSCAPE PLAN



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP17-015, A CONDITIONAL USE PERMIT TO ESTABLISH A DRIVE-THRU IN CONJUNCTION WITH A FAST FOOD RESTAURANT 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, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1008-431-21 & 1008-431-22.

WHEREAS, RAISING CANE'S CHICKEN FINGERS ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP17-015, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.81 acres of land generally located 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Main Street District of the Mountain Village Specific Plan, and is developed with Carl's Jr. Restaurant. The property to the east is within the RE4 (Residential Estate) zoning district, and is developed with single family residential dwellings. The property to the south is within the Main Street District of the Mountain Village Specific Plan zoning district, and is developed with a retail shopping center. The property to the west is within the Main Street District of the Mountain Village Specific Plan zoning district, and is developed with medical offices; and

WHEREAS, in accordance with the land use requirements of the Mountain Village Specific Plan, the Applicant is requesting approval of a Conditional Use Permit ("CUP") to establish a drive-thru in conjunction with fast food restaurant (Raising Cane's Chicken Fingers) totaling 3,233 square feet, to be constructed on the project site (refer to File No. PDEV17-033). The restaurant will feature a single lane drive-thru having a stacking length of 234 feet, which will accommodate up to 9 vehicles behind the first drive-thru window (a minimum of 6 stacking spaces are required); and

WHEREAS, the Project has been parked in accordance with the "restaurant" parking standards of the MVSP, which requires that a minimum of one off-street parking space be provided for each 75 square feet of "public service area" within the restaurant (outdoor dining area is exempt from the parking requirement, up to 25 percent of the restaurants built floor area). Based upon 970 square feet of public service area contained within the restaurant, the project must provide a minimum of 13 off-street parking spaces. A total of 43 off-street parking spaces have been provided, exceeding the minimum

parking requirement for the Project. In addition to the MVSP parking standards, the Project provides and meets off-street parking pursuant to the “restaurant” parking standards of the Ontario Development Code; and

WHEREAS, pursuant to the MSVP, new drive-thru restaurants are required to be reviewed under a Conditional Use Permit in conjunction with a Development Plan application. Conditional Use Permit review is performed in order to weigh a proposed use’s compatibility with adjacent uses, and identify and establish measures to mitigate any potential nuisance activities. The MVSP requires a Conditional Use Permit for restaurants with drive-thru facilities, which are located in the Main Street District, due to the proximity of the use to residential land uses. 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. The project site is located within the Main Street District land use designation of the Mountain Village Specific Plan, for which a drive-thru restaurant is a conditionally permitted use. The project will be conditioned to ensure that it will operate and be properly maintained, therefore the project will not be detrimental or injurious to surrounding property and improvements. Staff finds that the proposed drive-thru restaurant, when implemented in conjunction with the conditions of approval, is consistent with the standards and guidelines of the MVSP and the City’s Development Code. Therefore, staff supports the granting of the requested Conditional Use Permit; 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 July 2, 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. DAB18-037, recommending the Planning Commission approve the Application; and

WHEREAS, on July 24, 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 proposed 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.

(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 Main Street District land use district of the Mountain Village Specific Plan, 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 fast food restaurant with drive-thru will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Main Street District land use district of the Mountain Village 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 fast food restaurant with drive-thru will be located within the General Commercial land use district of the Policy Plan Land Use Map, and the Main Street District land use district of the Mountain Village 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.

(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 fast food restaurant with drive-thru is located within the General Commercial land use district, and the Main Street District land use district of the Mountain Village Specific Plan, 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 Mountain Village Specific Plan.

(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 imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Mountain Village 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.

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 24th day of July 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:

Cathy Wahlstrom
Planning 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 July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PCUP17-015
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: July 24, 2018

File No: PCUP17-015

Related Files: PDEV17-033

Project Description: A Conditional Use Permit (File No. PCUP17-015) to 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 (APNs: 1008-431-21 & 1008-431-22); **submitted by Raising Cane's Chicken Fingers.**

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 two 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, 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.

(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 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

2.7 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.

2.8 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.

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

2.10 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations).

2.11 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).

2.12 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.

2.13 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.

2.14 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.

2.15 Additional Requirements.

(a) The approval of File No. PCUP17-015 shall be final and conclusive upon the approval of File No. PDEV17-033 by the City of Ontario Planning Commission.



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: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

SUBJECT: FILE #: PCUP17-015 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, August 10, 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 in conjunction with a Development Plan to 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 Specific Plan (APN: 1008-431-21).

- 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, Jeanie Irene Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 31, 2017
SUBJECT: PCUP17-015



-
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: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

SUBJECT: FILE #: PCUP17-015 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, August 10, 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 in conjunction with a Development Plan to 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 Specific Plan (APN: 1008-431-21).

- 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
Department

Jackie Do
Signature

Supervisor
Title

7/31/17
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: November 02, 2017

SUBJECT: FILE #: PCUP17-015

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, August 10, 2017**.

PROJECT DESCRIPTION: A Conditional Use Permit to establish a 3,233-square foot drive-thru restaurant (Raising Cane's Chicken Fingers) on 0.81 acres of land located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan Specific Plan (APN: 1008-431-21). Related File: PDEV17-033.

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.

Department: Landscape Planning Signature: Carolyn Bell Sr. Title: Landscape Architect Date: 11/29/17

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-033, A DEVELOPMENT PLAN TO CONSTRUCT A FAST FOOD RESTAURANT WITH DRIVE-THRU, 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, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1008-431-21 & 1008-431-22.

WHEREAS, RAISING CANE'S CHICKEN FINGERS ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-033, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.81 acres of land generally located 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Main Street District of the Mountain Village Specific Plan, and is developed with Carl's Jr. restaurant. The property to the east is within the RE4 (Residential Estate) zoning district, and is developed with single family residential dwellings. The property to the south is within the Main Street District of the Mountain Village Specific Plan zoning district, and is developed with retail shopping center. The property to the west is within the Main Street District of the Mountain Village Specific Plan zoning district, and is developed with medical offices; and

WHEREAS, the Applicant is requesting approval of a Development Plan (File No. PDEV17-033) to construct a fast food restaurant (Raising Cane's Chicken Fingers) totaling 3,233 square feet. The restaurant will feature a single lane drive-thru for which Conditional Use Permit (File No. PCUP17-015) approval has been requested in accordance with the land use requirements of the MVSP. Upon completion, the drive-thru will have a stacking length of 234 feet, which will accommodate up to 9 vehicles behind the first drive-thru window (a minimum of 6 stacking spaces are required); and

WHEREAS, the restaurant's primary public entrance faces east, toward Mountain Avenue, while a secondary public entrance will face north, toward the site's primary parking off-street parking area. The restaurant will have a similar layout to the Carl's Jr. restaurant, which abuts the project site on the north side, with parking surrounding the building; and

WHEREAS, primary site access is from Mountain Avenue via a shared driveway with the Carl's Jr. restaurant. A future secondary access point will be constructed by the

City at the rear of the site (identified as Main Street by the Mountain Village Specific Plan), which will connect to Fifth Street to the north and Hawthorne Street to the south; and

WHEREAS, the Project has been parked in accordance with the “restaurant” parking standards of the MVSP, which requires that a minimum of one off-street parking space must be provided for each 75 square feet of “public service area” within the restaurant (outdoor dining area is exempt from the parking requirement, up to 25 percent of the restaurants built floor area). Based upon 970 square feet of public service area contained within the restaurant, the project must provide a minimum of 13 off-street parking spaces. A total of 43 off-street parking spaces have been provided, exceeding the minimum parking requirement for the Project. In addition to the MVSP parking standards, the Project provides and meets off-street parking pursuant to the “restaurant” parking standards of the Ontario Development Code; and

WHEREAS, the proposed project incorporates a contemporary architectural style that is consistent with the requirements of the MVSP, and is complementary with the existing commercial development to the south (Wal-Mart and commercial shopping center) and north (Carl’s Jr. restaurant). The project incorporates design elements consistent with the design guidelines for commercial developments and drive-thru facilities, which are contained in the MVSP. The design guidelines of the MVSP provides that a building should be designed to ensure that it’s massing and proportion, along with its colors and architectural detailing, are consistent on all building walls, giving a four-sided (360-degree architecture) appearance. This is exemplified through the use of:

- Articulation in the building footprint; incorporating recessed and popped-out building wall planes;
- Articulation in the building parapet and roof line by providing varied parapet heights on the front and side building elevations;
- A mix of exterior finishes/materials, such as stucco, stone veneer, metal reveals, and storefront glazing; and
- Incorporation of decorative metal canopies building entries, and a solid overhead trellis above the drive-up windows.

WHEREAS, the project has achieved 23.6 percent landscape coverage and has been required to implement an enhanced landscape treatment plan, as required by the Mountain Village Specific Plan (MVSP). This includes a variety of accent and shade trees in 24-inch and 36-inch box sizes have been selected to enhance the project. Additionally, decorative lighting will be provided at key locations within the project pursuant to the requirements of the Specific Plan; and

WHEREAS, the Village Wall concept identified by the MVSP will also be implemented along the project's Mountain Avenue frontage. The wall will consist of combinations of decorative pilasters and low walls to screen the parking area, and identify

the Project entries. The purpose of the wall is to provide a consistent unifying treatment along Mountain Avenue. Any new signage must be consistent with the MVSP design requirements, which allows for the installation of freestanding signage incorporated into the Village Wall; 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 July 2, 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. DAB18-038. Recommending the Planning Commission approve the Application; and

WHEREAS, on July 24, 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 proposed 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.

(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 Main Street District land use district of the Mountain Village 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.

(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 Main Street District land use district of the Mountain Village Specific Plan, including standards relative to the particular land use proposed (drive-thru restaurant), 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 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 Mountain Village 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 Mountain Village Specific Plan.

(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 Mountain Village 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 commercial land use being proposed. 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 Mountain Village Specific Plan.

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 24th day of July 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:

Cathy Wahlstrom
Planning 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 July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-033
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: July 24, 2018

File No: PDEV17-033

Related Files: PCUP17-015

Project Description: A Development Plan (File No. PDEV17-033) to construct 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 (APNs: 1008-431-21 & 1008-431-22); **submitted by Raising Cane's Chicken Fingers.**

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.

(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 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

2.7 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.

2.8 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.

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

2.10 Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) and the Mountain Village Specific Plan.

2.11 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).

2.12 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.

2.13 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.

2.14 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.

2.15 Additional Requirements.

(a) The approval of File No. PDEV17-033 shall be final and conclusive upon the approval of File No. PCUP17-015 by the City of Ontario Planning Commission.



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: November 02, 2017

SUBJECT: FILE #: PDEV17-033

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, November 16, 2017**.

PROJECT DESCRIPTION: A Development Plan to construct a 3,233-square foot drive-thru restaurant (Raising Cane's Chicken Fingers) on 0.81 acres of land located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan (APN: 1008-431-21). Related: PCUP17-015.

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.

11/29/17

Landscape Planning Carolyn Bell Sr. Landscape Architect
Department Signature Title Date

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

PRELIMINARY PLAN CORRECTIONS	
Sign Off	
	11/28/17
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.: PDEV17-033 Rev 1	Case Planner: Jeanie Irene Aguilo
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Project Name and Location: Raising Canes Restaurant 1425 N Mountain ave

Applicant/Representative: PMDG, Inc. Mo Mokled 38 Executive Parkway #310 Irvine CA 92614

<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 10/30/17) 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 Plans

1. Show backflows and transformers on plan, and dimension a 4' set back from paving. **Not corrected. Move backflows away from front entry walk way to larger planter south 50' near light pole.**
2. Locate light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. **Not corrected, Move electrical conduit at transformer crossing tree planter.**
3. Dimension all planters to have a minimum 5' wide inside dimension. **Not corrected.**
4. Locate backflows and provide a 4' set back from paving for landscape screens. **Not corrected. Move backflows away from front entry walk way to larger planter south 50' near light pole.**
5. Show separate irrigation water meter and backflow device.

Landscape Plans

6. Replace short lived, high maintenance or poor performing plants: Yucca. **Not corrected. Reduce quantity of short lived or poor winter appearance plants: Perennials and grasses.**
7. Change to a better upright shade trees in narrow parking lot planter by drive through; instead of Chitalpa consider Callistemon citrinus, Tristania laurina, or similar.
8. Change plant symbols to be legible at 11x17" size. Complicated symbol design is difficult to read.
9. 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

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



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Aguilo, Assistant Planner
Planning Department

FROM: Paul Ehrman, Fire Marshal
Fire Department

DATE: August 7, 2017

SUBJECT: PDEV17-033 – A Development Plan to construct a 3,233-square foot drive-thru restaurant (Raising Cane's Chicken Fingers) on 0.81 acres of land located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan (APN: 1008-431-21).
Related: PCUP17-015.

-
- 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: V - Sprinklered
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 3233 Sq. Ft.
- D. Number of Stories: One
- E. Total Square Footage: 3233 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): A-2

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.

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 13. 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.
- ☒ 4.6 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.

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.
- ☒ 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.

<END.>



CITY OF ONTARIO

MEMORANDUM

TO: Jeanie Aguilo, Planning Department

FROM: Douglas Sorel, Police Department

DATE: August 14, 2017

SUBJECT: PDEV17-033 – A DEVELOPMENT PLAN TO CONSTRUCT A RAISING CANE’S FAST FOOD RESTAURANT WITH DRIVE-THRU AT 1437 NORTH MOUNTAIN 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 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.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions.

In addition, the Ontario Police Department places the following conditions on the project:

- The Applicant shall install a video surveillance system on the site. Cameras shall cover at a minimum all entry doors, all cash registers, and at least one camera shall capture any vehicle utilizing the drive-thru. Cameras shall be positioned so as to maximize the coverage of patrons and vehicles in these areas. Cameras shall record at least 15 frames per second and at a minimum of 640x480 lines of resolution. Recordings shall be stored for a minimum of 30 days and made available upon request to any member of the Ontario Police Department.
- 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 call Douglas Sorel at (909) 395-2873 regarding any questions or concerns.



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: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

SUBJECT: FILE #: PDEV17-033 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, August 10, 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
- 21-17

PROJECT DESCRIPTION: A Development Plan to construct a drive-thru restaurant for Raising Cane's Chicken Fingers totaling 3,233 square feet on approximately 0.81 acres of land located at 1437 North Mountain Avenue within the Main Street District of the Mountain Village Specific Plan Specific Plan (APN: 1008-431-21).

- 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 Signature: Lorena Mejia Title: Senior Planner Date: 9/7/17

CO:2017-050

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-033
 Address: 1437 N. Mountain Avenue
 APN: 1008-431-21
 Existing Land Use: Vacant Lot
 Proposed Land Use: 3,233 SF fast food restaurant with drive-thru (Raising Cane's Chicken Fingers)
 Site Acreage: 0.81 Proposed Structure Height: 21 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: 9/7/17
 CD No.: 2017-050
 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: _____




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
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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: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

SUBJECT: FILE #: PDEV17-033 Finance Acct#:

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 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
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PROJECT DESCRIPTION: A Development Plan to construct a drive-thru restaurant for Raising Cane's Chicken Fingers totaling 3,233 square feet on approximately 0.81 acres of land located at 1437 North Mountain Avenue within the Main Street District of the Mountain Village Specific Plan Specific Plan (APN: 1008-431-21).

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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.
 - 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, Jeanie Irene Aguilo
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: July 31, 2017
SUBJECT: PDEV17-033



-
- 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, Planning Director (Copy of Memo only)
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
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Steve Wilson, Engineering/NPDES
Bob Gluck, Code Enforcement Director
Jimmy Chang, IT Department
David Simpson, Development/IT (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

SUBJECT: FILE #: PDEV17-033 Finance Acct#:

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 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
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PROJECT DESCRIPTION: A Development Plan to construct a drive-thru restaurant for Raising Cane's Chicken Fingers totaling 3,233 square feet on approximately 0.81 acres of land located at 1437 North Mountain Avenue within the Main Street District of the Mountain Village Specific Plan Specific Plan (APN: 1008-431-21).

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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.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Code *J. D. Brown* *Supervisor* 7/31/17
Department Signature Title Date



**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. PDEV17-033 RELATED FILE NO(S). _____	
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 6/27/18	

CITY PROJECT ENGINEER & PHONE NO: **Dean A. Williams Associate Engineer (909) 395-2135**

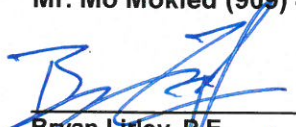
CITY PROJECT PLANNER & PHONE NO: **Jeanie Aguilo, Assistant Planner (909) 395-2418**

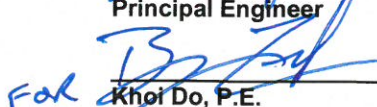
DAB MEETING DATE: **July 2, 2018**

PROJECT NAME / DESCRIPTION: **Raising Cane's Chicken Fingers 3,233 sf drive-thru restaurant on 0.81 acres within the Mountain Village Specific Plan**

LOCATION: **1437 North Mountain Avenue**

APPLICANT: **PMDG, Inc. Mr. Mo Mokled (909) 430-7017**

REVIEWED BY:  6/27/18
 Bryan Lirley, P.E. Date
 Principal Engineer

APPROVED BY:  6/27/18
 For 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. 2017-027) 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 OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, APPLICANT SHALL: Check When Complete

- 1.01 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 _____.
- 1.02 Dedicate to the City of Ontario, the following easement(s): _____

- 1.03 Restrict vehicular access to the site as follows: _____
- 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: _____

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 comprised of two (2) recognized parcels in the City of Ontario per parcel 1 and parcel 2 of P.M. No. 3244, bk. 29, pg. 17 O.R. San Bernardino county. A lot line adjustment is required to consolidate the parcels.**
- 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 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. 10% of the construction cost estimate shall be retained in accordance with City procedure for warranty security.**
- 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 \$17,000.00, 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	Mountain Avenue	Sewer Easement	Future Main Street	Street 4
Curb and Gutter	<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	<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 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
Sidewalk	<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
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 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)	<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 checked="" 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 type="checkbox"/> Lateral	<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
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 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 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 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: _____

- 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 **An 8-inch sewer main is available for connection by this project in the existing sewer easement along the west side of the property. (Ref: Sewer plan bar code: S11753)**
- 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) developer/applicant shall design and construct a sewer connection to the existing 8-inch main within the easement along the west property line.**
2) Developer/applicant (occupant) shall apply for a wastewater Discharge Permit for this establishment and shall comply with all requirements of the permit. Requirements of the permit may include, but not be limited to, installation of wastewater pretreatment equipment (clarifier). For Wastewater Discharge Permit application questions, contact Mr. Michael Birmelin, Environmental Programs Director at (909) 395-2661.

D. WATER

- 2.27 **A 12-inch water main is available for connection by this project in Mountain Avenue. (Ref: Water plan bar code: unknown)**
- 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) Developer/applicant shall provide two (2) separate points of connection to the 12-inch water main in Mountain Avenue for domestic service and irrigation service with a backflow device.**
2) Developer/applicant shall construct a fire service connection to the 12-inch water main in Mountain Avenue with a DCDA in accordance with City standards.
3) Developer/applicant shall up-grade the existing fire hydrant on project to current City standard.

E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____.
(Ref: Recycled Water plan bar code: _____)
- 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.

- 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: _____

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____.
(Ref: Storm Drain plan bar code: _____)
- 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 _____**, 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: _____

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, studie and reports (i.e. hydrology, traffic, WQMP, etc.).



EXHIBIT 'A'

**ENGINEERING DEPARTMENT
First Plan Check Submittal Checklist**

Project Number: PDEV 17-033

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: _____



**PLANNING COMMISSION
STAFF REPORT**
July 24, 2018

SUBJECT: A Variance (**File No. PVAR18-003**) for a reduction in the minimum required front and exterior side (corner) setbacks of the California Commerce Center Specific Plan, from 35 feet to 20 feet for the Francis Street (front) setback, and from 35 feet to 12 feet for the Haven Avenue (exterior side) setback, to facilitate a Development Plan (**File No. PDEV18-019**) to construct a 23,400-square foot industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 East Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan (APN: 0211-281-56); **submitted by RGA Architects for Sares Regis Group.**

PROPERTY OWNER: SRG Archibald, LLC

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PVAR18-003 and PDEV18-019 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 2.05 acres of land generally located at the southeast corner of Haven Avenue and Francis Street, at 3500 East Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is depicted in Figure 1: Project Location, right. Land uses within the area surrounding the project site are characterized by industrial to the north, east and south, and is within the Rail Industrial land use district of the California Commerce Center Specific Plan. Furthermore, a little further to the south is the Milliken Sanitary Landfill, which is a closed Class III landfill owned and maintained by the Solid Waste



Figure 1: Project Location

Case Planner:	Charles Mercier	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	7/16/2018	Approved	Recommend
Submittal Date:	6/6/2018	ZA			
Hearing Deadline:	10/6/2018	PC	7/24/2018		Final
		CC			

Management Division of the San Bernardino County Department of Public Works.

The area to the west of the project site, across Haven Avenue, is characterized by a mix of commercial office and very light industrial land uses, and is within the Business Park land use district of the Acco Airport Center Specific Plan.

PROJECT ANALYSIS:

[1] Background. On June 19, 2018, the City Council approved a General Plan Amendment (File No. PGPA18-001) on the subject site. The Amendment changed the Policy Plan (general plan) land use designation on the project site, as assigned by the official Land Use Plan (Exhibit LU-1) map, from Office Commercial to Industrial. Consistent with the General Plan Amendment, the City Council also approved an Amendment to the California Commerce Center Specific Plan (File No. PSPA18-002), changing the Specific Plan's land use designation on the project site from Commercial/Food/Hotel to Retail Industrial. The approval of these two Amendments cleared the way for the submittal of Development Plan (File No. PDEV18-019) and Variance (File No. PVAR18-003) applications, which are the subject of this Staff Report.

[2] Variance Request. Proposed, is a Variance for the project site that would reduce the minimum required front and exterior side (corner) setbacks required by the California Commerce Center Specific Plan, from 35 feet to 20 feet for the project's Francis Street (front) setback, and from 35 feet to 12 feet for the project's Haven Avenue (exterior side) setback. The City's authority to grant a Variance from established development regulations is authorized by Government Code Section 65906, which provides that in cases where special circumstances applicable to a property exist, and the strict application of the development regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, the City may allow deviation from the strict application of the development regulations. To this end, the Development Code establishes five findings that must be clearly established by the Planning Commission, based on [a] information provided in the submitted application, [b] supporting evidence provided in the Planning Department's written report, and [c] testimony provided during the public hearing.

A lot having an area in excess of two acres would seem to be of sufficient size to accommodate industrial development without the need for setback variances. Upon closer inspection, however, the configuration of the project site provides significant obstacles to development consistent with the standards and guidelines of the California Commerce Center Specific Plan (CCCSP). This is borne out by the fact that the project site is a triangular shaped lot having street frontages of approximately 515 feet on Haven Avenue and 390 feet on Francis Street, and a curving rear lot line that abuts a rail spur line, resulting in lots depths ranging from 30 feet at the south end of the site, 220 feet at the Haven/Francis intersection, and 160 feet at the site's east end. The project site is further constrained by:

- A dedicated right turn lane previously installed for northbound Haven Avenue traffic, further reducing the site's lot depth along the Haven Avenue leg of the triangle;
- An access restriction along the Francis Street frontage;
- Previous grading of the site to accommodate the Haven Avenue railroad underpass;
- Storm drain easements at the Haven/Francis intersection; and
- A CCSP requirement for a project gateway landscape feature at the Haven/Francis intersection.

It is staff's belief that the number and degree of constraints applicable to the project site results limited opportunities for building and parking placement on the property, and warrants support of the requested front and exterior side setback variances. Especially in light of the fact that the Applicant has attempted to mitigate the impacts of the reduced setbacks by placing the building at an angle, such that only small portions of the building extend into the setback. The result is an average building setback of 35 feet on both Haven Avenue and Francis Street.

In considering the proposed Variance, staff has established the following facts and reasons in support of the request, for consideration by the Planning Commission:

[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 this Development Code.*** The subject site has a unique triangular shape. Due to this unusual configuration, the strict interpretation of the setback requirement would deprive the property owner of the ability to construct a viable industrial building on the project site, which is a significant hardship to the development of the property, which can only be mitigated by the application of the requested setback variances from Haven Avenue and Francis Street.

[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.*** The unique triangular shape of the project site creates an extraordinary circumstance in that its shape limits the ability of the property to be constructed with a viable industrial building, while still maintaining the required minimum front and exterior side building setbacks. However, with the application of the requested variances, the project is still able to maintain an average building setback equal to the required minimum 35-foot building setback required from both Haven Avenue and Francis Street.

[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 interpretation of the setback requirement coupled with the unique shape of the property significantly limits the project site's development potential and would deprive the property owner of the ability to establish a viable industrial building of similar size to that which could be constructed on a standardly configured lot within the same (Rail Industrial) CCCSP land use district.

[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.*** Setback requirements help ensure that properties receive adequate light, air, visibility, access, etc. An average setback of more than 35 feet is maintained on both street frontages to accommodate these needs. Furthermore, a thorough review and analysis of the proposed Variance and its potential to adversely impact properties surrounding the subject site was completed by staff. As a result of this review, certain design considerations will be incorporated into the project as conditions of approval, to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of enhanced architectural design elements on building exteriors, intensified landscape elements, and decorative paving.

[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 Project is located with the Industrial land use district of the Policy Plan Land Use Map, and the Rail Industrial land use district of the CCCSP. The development standards and guidelines, 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.

[3] Development Plan Request. The approval of the above-described Variance request is intended to facilitate Development Plan approval for the construction of a 23,400-square foot industrial building with secured outdoor storage area on the project site. The characteristics of the project are discussed below.

[a] Site Design/Building Layout—As previously described in this report, the proposed building is positioned diagonally on project site, facing the Haven Avenue/Francis Street intersection (see Exhibit A—Site Plan, attached). The front corners of the building extend into the required street setback areas for both Haven Avenue and Francis Street, requiring approval of the previously described Variance.

The building's entry and office elements are situated at the northeasterly corner of the building, facing Francis Street. An 8,600-square foot outdoor storage area is accessed from the building's westerly side, adjacent to the project's Haven Avenue street frontage.

The outdoor storage area extends into the required street setback area for Haven Avenue, requiring approval of the previously described Variance.

The applicant has proposed the use of an 8-foot high steel tube fence to secure the outdoor storage area. To ensure full screening of the area from public view, the Planning Department has imposed a condition of approval requiring that view of the area from Haven Avenue shall be a fully screened by a decorative masonry wall (concrete block or tilt-up construction) designed to match the building architecture. The wall must be of sufficient height to screen loading door openings from view from Haven Avenue, as determined by a sight line analysis. The final wall design is subject to Planning Director approval.

A truck well interior to the building, which is accessed from the project's off-street parking area, is proposed at the southeast corner of the building. The Planning Department has imposed a condition of approval requiring that the proposed loading door openings must be fully screened from view from Francis Street by a decorative masonry wall. Like the screen wall required for the outdoor storage area, the wall must be designed to match the building architecture and must be of sufficient height to screen loading door openings from view from Haven Avenue.

[b] Site Access/Circulation—On-site vehicular access will be from an existing drive approach on Francis Street, which will be limited to right-in/right-out movements. Reciprocal access rights with the neighboring industrial property to the east were previously established, granting access to the drive approach further east, on the adjacent property, which allows for full left-turn movements.

[c] Parking—The CCCSP requires that off-street parking and loading spaces be provided pursuant to the requirements of the City's Development Code, and the building has been provided off-street parking in accordance with the Warehouse/Distribution Facility parking standards of the Development Code, shown below:

<u>Type of Use</u>	<u>Building Area</u>	<u>Parking Ratio</u>	<u>Spaces Required</u>	<u>Spaces Provided</u>
Warehouse/Distribution	23,400 SF	One space for each 1,000 SF of floor area for the first 20,000 SF, plus one space each 2,000 SF of floor area thereafter	22	36

The number of off-street parking spaces provide exceeds the minimum number of parking spaces required by the Development Code for Warehouse/Distribution Facilities. The increased number of parking spaces has been provided to afford increased flexibility in the types of industrial uses that may occupy the building, as well as potential increases in office area or the incorporation of manufacturing areas, as may be needed by potential tenants.

[d] Architecture—The proposed building will utilize concrete tilt-up construction. Architecturally, the building incorporates smooth-painted concrete, channel and V-groove reveals, clear anodized aluminum window mullions with blue glazing, and stone cladding and decorative steel trellises at key locations (see Exhibit B—Exterior Elevations, attached). Mechanical equipment will be roof-mounted and obscured from public view by the parapet walls and, if necessary, equipment screens will be provided, 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 and CCCSP. This is exemplified through the use of [i] articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas; [ii] articulation in the building parapet/roof line, which serves to accentuate the building's entries and breaks up large expanses of building wall; [iii] variations in building massing; [iv] a mix of exterior materials, finishes and fixtures; and [v] incorporation of base and top treatments defined by changes in color and materials, and changes in wall plane.

[e] Landscaping—Substantial landscaping is proposed throughout setback areas, off-street parking areas, and stormwater retention areas (see Exhibit C—Preliminary Landscape Plan, attached). Although the project proposes reduced building setbacks along the Haven Avenue and Francis Street frontages, an overall landscape coverage of more than 24 percent has been provided (minimum 15 percent landscaping is required). Furthermore, a variety of accent and shade trees are proposed in 24-inch, 36-inch and 48-inch box sizes, to enhance the project. In addition, decorative paving was previously installed at the project's Francis Street drive approach, and additional decorative pavement is proposed at other key locations throughout the project.

[f] Utilities (drainage, sewer)—Public utilities (water and sewer) are available to serve the project, and laterals and meters were installed to the project site with the previous construction of Francis Street improvements. 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 detention basin at the Haven Avenue/Francis Street intersection, for stormwater infiltration. Any overflow drainage will be conveyed to Francis Street by way of parkway culvert.

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
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner

[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.
 - LU2-6: 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.

➤ CD1-3 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.
- CD2-8 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.
- CD2-13 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: 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, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The proposed Variance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) of the CEQA Guidelines, which consists of minor alterations in land use limitations in areas with a slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to [1] minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel; [2] Issuance of minor encroachment permits; and [3] Reversion to acreage in accordance with the Subdivision Map Act.

Furthermore, the proposed Development Plan is categorically exempt from the requirements of CEQA pursuant to Section 15332 (Class 33, In-Fill Development Projects) of the CEQA Guidelines, as it is consistent with each of 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.

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	Industrial	SP (Specific Plan)	Rail Industrial (CCCSP)
<i>North</i>	Industrial	Industrial	SP	Rail Industrial (CCCSP)
<i>South</i>	Industrial	Industrial	SP	Rail Industrial (CCCSP)
<i>East</i>	Industrial	Industrial	SP	Rail Industrial (CCCSP)
<i>West</i>	Commercial Office & Very Light Industrial	Industrial	SP	Business Park (Acco Airport Center SP)

General Site & Building Statistics

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	2.05 Acres	N/A	Y
<i>Lot/Parcel Size:</i>	2.05 Acres	2.5 Acres	Y**
<i>Building Area:</i>	23,400 SF	N/A	Y
<i>Floor Area Ratio:</i>	0.26	0.55 (Max.)	Y
<i>Building Height:</i>	38 FT	+200 FT (Max.)	Y

** Lot size is legal nonconforming and is granted all development and land use rights of the zoning district (or specific plan land use district) pursuant to Development Code Section 3.01.101 (Nonconforming Lots).

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>Warehouse / Distribution</i>	23,400 SF	One space for each 1,000 SF of floor area for the first 20,000 SF, plus one space each 2,000 SF of floor area thereafter	22	36

EXHIBIT A—Site Plan

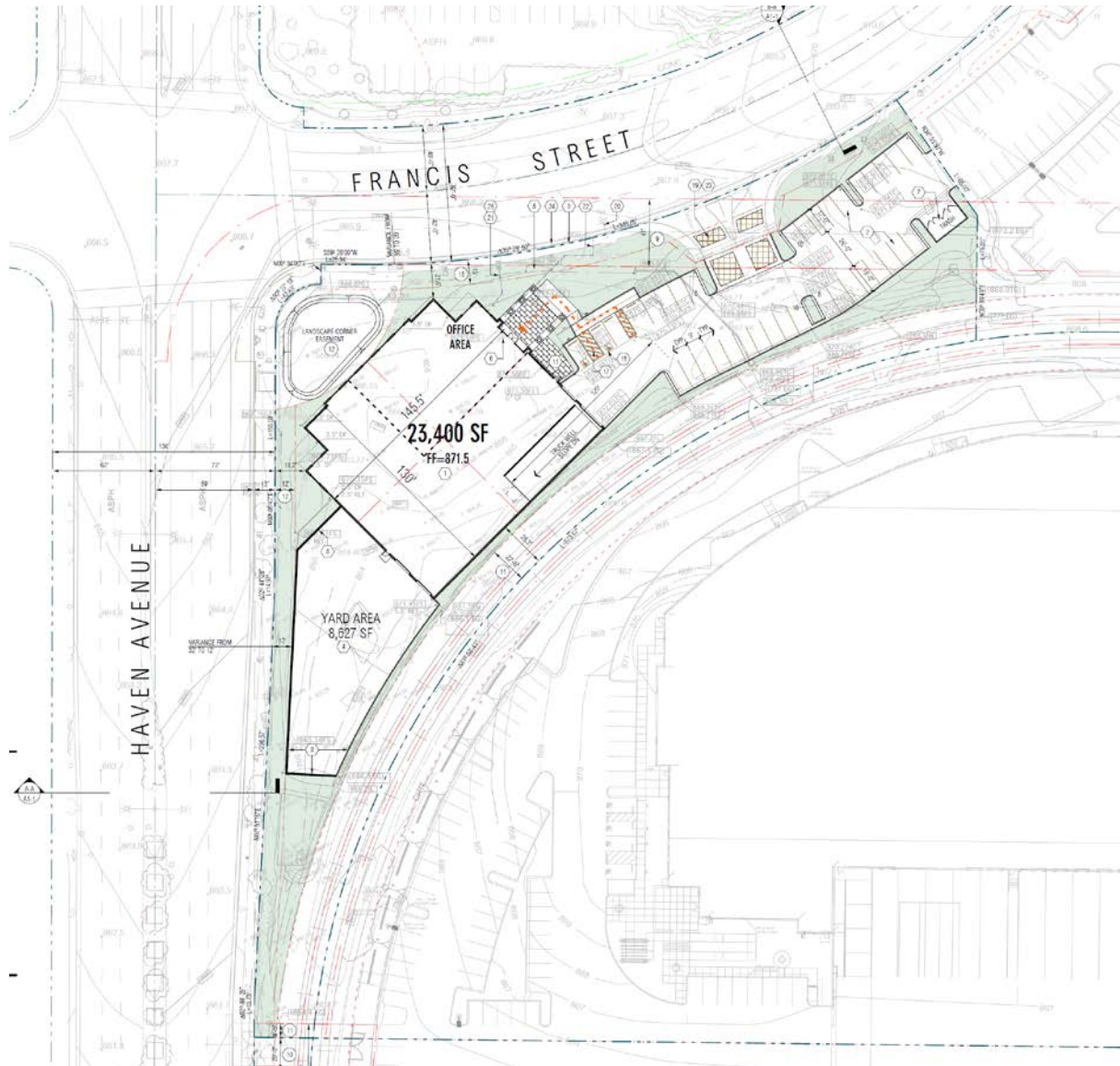


EXHIBIT B—Exterior Elevations



EXHIBIT C—Preliminary Landscape Plan



PLANTING LEGEND					
TREES					
SYMBOL	SYMBOL DESCRIPTION	SIZE	SPACING	QUANTITY	REMARKS
	Redwood (Small)	20" DIA	7'	5	Corner Tree
	Redwood (Medium)	18" DIA	8'	5	Plant
	Redwood (Large)	24" DIA	5'	50	Corner Tree
	Redwood (Very Large)	36" DIA	7'	50	Corner Tree
	Redwood (Small)	24" DIA	8'	5	Plant
	Redwood (Medium)	20" DIA	7'	50	Plant Tree
	Redwood (Large)	36" DIA	5'	50	Plant
	Redwood (Very Large)	48" DIA	5'	50	Plant
SHRUBS					
SYMBOL	SYMBOL DESCRIPTION	SIZE	SPACING	QUANTITY	REMARKS
	Redwood (Small)	8" DIA	5'	5	Plant
	Redwood (Medium)	10" DIA	5'	5	Plant
	Redwood (Large)	12" DIA	5'	5	Plant
	Redwood (Very Large)	14" DIA	5'	50	Plant
	Redwood (Small)	8" DIA	5'	5	Plant
	Redwood (Medium)	10" DIA	5'	5	Plant
	Redwood (Large)	12" DIA	5'	5	Plant
	Redwood (Very Large)	14" DIA	5'	50	Plant
	Redwood (Small)	8" DIA	5'	5	Plant
	Redwood (Medium)	10" DIA	5'	5	Plant
	Redwood (Large)	12" DIA	5'	5	Plant
	Redwood (Very Large)	14" DIA	5'	50	Plant
SHRUBS/CLIMBERS					
SYMBOL	SYMBOL DESCRIPTION	SIZE	SPACING	QUANTITY	REMARKS
	Redwood (Small)	1" DIA	8" DIA	5	Plant
	Redwood (Medium)	1" DIA	8" DIA	5	Plant
	Redwood (Large)	1" DIA	12" DIA	50	Plant
	Redwood (Very Large)	1" DIA	8" DIA	5	Plant
	Redwood (Small)	1" DIA	8" DIA	5	Plant
	Redwood (Medium)	1" DIA	8" DIA	5	Plant
	Redwood (Large)	1" DIA	12" DIA	50	Plant
	Redwood (Very Large)	1" DIA	8" DIA	5	Plant
	Redwood (Small)	1" DIA	8" DIA	5	Plant

GENERAL NOTES:

- All trees within 5' of landscape to have a 12" deep linear root barrier. See Planting Detail sheet.
- Coordinate to install concrete curbs between parking, rock and soil areas. See parking layout sheet.
- Planting areas to have a 2" slope of existing or grade to drain.
- All landscape and other plantings to be installed in the ground and shall be well established in full sun. All equipment to be removed within 7 days of plant material.
- Planting areas are to be protected from traffic by concrete curbs.
- Remember to use a minimum of 8" of mulch for all plantings. 40% of the mulch to be used in areas for commercial purposes. Provide 2" of mulch under tree planting areas for water.
- Soil correction to be no greater than 20% on landscape areas.
- All trees to be installed in 12" diameter holes and shall be well established in full sun.
- Planting areas to be installed in full sun.
- Planting areas to be installed in full sun.
- Planting areas to be installed in full sun.
- Planting areas to be installed in full sun.

AREA CALCULATIONS:

Area = 100' x 100' = 10,000 sq. ft.
 Area = 100' x 100' = 10,000 sq. ft.
 Area = 100' x 100' = 10,000 sq. ft.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PVAR18-003, A VARIANCE FOR A REDUCTION IN THE MINIMUM REQUIRED FRONT AND EXTERIOR SIDE (CORNER) SETBACKS OF THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN, FROM 35 FEET TO 20 FEET FOR THE FRANCIS STREET (FRONT) SETBACK, AND FROM 35 FEET TO 12 FEET FOR THE HAVEN AVENUE (EXTERIOR SIDE) SETBACK, TO FACILITATE THE CONSTRUCTION OF A 23,400-SQUARE FOOT INDUSTRIAL BUILDING ON 2.05 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF FRANCIS STREET AND HAVEN AVENUE, AT 3500 EAST FRANCIS STREET, WITHIN THE RAIL INDUSTRIAL LAND USE DISTRICT OF THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0211-281-56.

WHEREAS, RGA Architects for Sares Regis Group ("Applicant") has filed an Application for the approval of a Variance, File No. PVAR18-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.05 acres of land generally located at the southeast corner of Haven Avenue and Francis Street, at 3500 East Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is developed with an industrial building. The property to the east is within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is developed with an industrial building. The property to the south is within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is developed with an industrial building. The property to the west is within the Business Park land use district of the Acco Airport Center Specific Plan zoning district, and is developed with a mix of commercial office and very light industrial land uses; and

WHEREAS, a Variance is proposed, which would reduce the minimum required front and exterior side (corner) setbacks required by the California Commerce Center Specific Plan, from 35 feet to 20 feet for the project's Francis Street (front) setback, and from 35 feet to 12 feet for the project's Haven Avenue (exterior side) setback. The City's authority to grant a Variance from established development regulations is authorized by Government Code Section 65906, which provides that in cases where special circumstances applicable to a property exist, and the strict application of the development regulations deprives such property of privileges enjoyed by other property in the vicinity

and under identical zoning classification, the City may allow deviation from the strict application of the development regulations. To this end, the Development Code establishes five findings that must be clearly established by the Planning Commission, based on [a] information provided in the submitted application, [b] supporting evidence provided in the Planning Department's written report, and [c] testimony provided during the public hearing; and

WHEREAS, at first blush, a lot having an area in excess of two acres would seem to be of sufficient size to accommodate industrial development without the need for setback variances. Upon closer inspection, however, the configuration of the project site provides significant obstacles to development consistent with the standards and guidelines of the California Commerce Center Specific Plan (CCCSP). This is borne out by the fact that the project site is a triangular shaped lot having street frontages of approximately 515 feet on Haven Avenue and 390 feet on Francis Street, and a curving rear lot line that abuts a rail spur line, resulting in lots depths ranging from 30 feet at the south end of the site, 220 feet at the Haven/Francis intersection, and 160 feet at the site's east end. The project site is further constrained by:

- A dedicated right turn lane previously installed for northbound Haven Avenue traffic, further reducing the site's lot depth along the Haven Avenue leg of the triangle;
- An access restriction along the Francis Street frontage;
- Previous grading of the site to accommodate the Haven Avenue railroad underpass;
- Storm drain easements at the Haven/Francis intersection;
- A CCSP requirement for a project gateway landscape feature at the Haven/Francis intersection; and

WHEREAS, the number and degree of constraints applicable to the project site results limited opportunities for building and parking placement on the property, and warrants support of the requested front and exterior side setback variances. Especially in light of the fact that the Applicant has attempted to mitigate the impacts of the reduced setbacks by placing the building at an angle, such that only small portions of the building extend into the setback. The result is an average building setback of 35 feet on both Haven Avenue and Francis Street; 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 July 16, 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. DAB18-045, recommending the Planning Commission approve the Application; and

WHEREAS, on July 24, 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 15305 (Class 5, Minor Alterations in Land Use Limitations) of the CEQA Guidelines, which consists of minor alterations in land use limitations in areas with a slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to [a] minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel; [b] Issuance of minor encroachment permits; and [c] Reversion to acreage in accordance with the Subdivision Map Act; 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 this Development Code. The subject site has a unique triangular shape. Due to this unusual configuration, the strict interpretation of the setback requirement would deprive the property owner of the ability to construct a viable industrial building on the project site, which is a significant hardship to the development of the property, which can only be mitigated by the application of the requested setback variances from Haven Avenue and Francis Street.

(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 unique triangular shape of the project site creates an extraordinary circumstance in that its shape limits the ability of the property to be constructed with a viable industrial building, while still maintaining the required minimum front and exterior side building setbacks. However, with the application of the requested variances, the project is still able to maintain an average building setback equal to the required minimum 35-foot building setback required from both Haven Avenue and Francis Street.

(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.*** The strict interpretation of the setback requirement coupled with the unique shape of the property significantly limits the project site's development potential and would deprive the property owner of the ability to establish a viable industrial building of similar size to that which could be constructed on a standardly configured lot within the same (Rail Industrial) CCCSP land use district.

(4) ***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.*** Setback requirements help ensure that properties receive adequate light, air, visibility, access, etc. An average setback of more than 35 feet is maintained on both street frontages to accommodate these needs. Furthermore, a thorough review and analysis of the proposed Variance and its potential to adversely impact properties surrounding the subject site was completed by staff. As a result of this review, certain design considerations will be incorporated into the project as conditions of approval, to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of enhanced architectural design elements on building exteriors, intensified landscape elements, and decorative paving.

(5) ***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 Project is located with the Industrial land use district of the Policy Plan Land

Use Map, and the Rail Industrial land use district of the CCCSP. The development standards and guidelines, 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.

SECTION 4: Planning Commission Action. Based upon the findings and conclusions set forth in Sections 1 through 3, 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 24th day of July 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:

Cathy Wahlstrom
Planning Director
Secretary to the Planning Commission

Planning Commission Resolution
File No. PVAR18-003
July 24, 2018
Page 8

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. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PVAR18-003
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: 7/16/2018
File No: PDEV18-019 & PVAR18-003
Related Files: N/A

Project Description: A Variance (File No. PVAR18-003) for a reduction in the minimum required front and exterior side (corner) setbacks of the California Commerce Center Specific Plan, from 35 feet to 20 feet for the Francis Street (front) setback, and from 35 feet to 12 feet for the Haven Avenue (exterior side) setback, to facilitate a Development Plan (File No. PDEV18-019) to construct a 23,400-square foot industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan. (APN: 0211-281-56); **submitted by RGA Architects for Sares Regis Group.**

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, 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 Time Limits.

(a) Development Plan approval (File No. PDEV18-019) 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.

(b) The time limit for Variance approval (File No. PVAR18-003) shall be the same as the related Development Plan approval (File No. PDEV18-019). 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 the California Commerce Center Specific Plan and 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 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be fully screened from public view pursuant to the requirements of the California Commerce Center Specific Plan, as follows

(i) **The view of the proposed yard area from Haven Avenue shall be a fully screened by a decorative masonry wall (concrete block or tilt-up construction), which shall be designed to match the building architecture. The wall shall be of sufficient height to screen loading door openings from view from Haven Avenue, as determined by a sight line analysis provided with the construction drawings. The final wall design shall be subject to Planning Director approval.**

(ii) **The loading door openings proposed on the easterly building elevation shall be fully screened from view from Francis Street, by a decorative masonry wall (concrete block or tilt-up construction) that is designed to match the building architecture. The wall shall be of sufficient height to screen the loading door openings from view from Francis Street, as determined by a sight line analysis provided with the construction drawings. The final wall design shall be subject to Planning Director approval.**

(d) Gates to access outdoor loading and storage areas shall be view-obstructing by one of the following methods:

(i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or

(ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.

(e) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

Screen Wall Height	Minimum Gate Height
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

2.7 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.

2.8 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.

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

2.10 Signs. All Project signage shall comply with the requirements of the **California Commerce Center Specific Plan** and Ontario Development Code Division 8.1 (Sign Regulations).

2.11 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).

2.12 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 33, In-Fill Development Projects) of the CEQA Guidelines, and is in full compliance 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; and

(e) The Project site can be adequately served by all required utilities and public services.

2.13 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) 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) **A Variance (File No. PVAR18-003) has been granted to allow deviation from the minimum required front and exterior side setbacks of the Rail Industrial land use district of the California Commerce Center Specific Plan, on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan, as follows:**

- (i) **A reduction in the minimum front setback for Francis Street, from 35 FT to 20 FT; and**
- (ii) **A reduction in the minimum exterior side setback for Haven Avenue, from 35 FT to 12 FT.**

(b) **A Development Plan (File No. PDEV18-019) has been granted to construct a 23,400-square foot industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan.**

(c) **The aforementioned Variance (File No. PVAR18-003) approval shall heretofore be inseparably tied to the aforementioned Development Plan (File No. PDEV18-019) approval.**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV18-019, A DEVELOPMENT PLAN TO CONSTRUCT A 23,400-SQUARE FOOT INDUSTRIAL BUILDING ON 2.05 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF FRANCIS STREET AND HAVEN AVENUE, AT 3500 EAST FRANCIS STREET, WITHIN THE RAIL INDUSTRIAL LAND USE DISTRICT OF THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0211-281-56.

WHEREAS, RGA Architects for Sares Regis Group ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV18-019, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 2.05 acres of land generally located at the southeast corner of Haven Avenue and Francis Street, at 3500 East Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is presently vacant; and

WHEREAS, the property to the north of the Project site is within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is developed with an industrial building. The property to the east is within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is developed with an industrial building. The property to the south is within the Rail Industrial land use district of the California Commerce Center Specific Plan, and is developed with an industrial building. The property to the west is within the Business Park land use district of the Acco Airport Center Specific Plan zoning district, and is developed with a mix of commercial office and very light industrial land uses; and

WHEREAS, the applicant is requesting Development Plan approval for the construction of a 23,400-square foot industrial building on the 2.05-acre project site; and

WHEREAS, On June 19, 2018, the City Council approved a General Plan Amendment (File No. PGPA18-001) on the subject site. The Amendment changed the Policy Plan (general plan) land use designation on the project site, as assigned by the official Land Use Plan (Exhibit LU-1) map, from Office Commercial to Industrial. Consistent with the General Plan Amendment, the City Council also approved an Amendment to the California Commerce Center Specific Plan (File No. PSPA18-002), changing the Specific Plan's land use designation on the project site from Commercial/Food/Hotel to Retail Industrial. The approval of these two Amendments cleared the way for the submittal of the subject Development Plan application; and

WHEREAS, the proposed building is positioned diagonally on project site, facing the Haven Avenue/Francis Street intersection. The front corners of the building extend into the required street setback areas for both Haven Avenue and Francis Street, requiring approval of a Variance, File No. PVAR18-003, which was submitted for concurrent processing with the subject Development Plan application, which proposes a reduction in the minimum required front and exterior side (corner) setbacks of the California Commerce Center Specific Plan, from 35 feet to 20 feet for the Francis Street (front) setback, and from 35 feet to 12 feet for the Haven Avenue (exterior side) setback; and

WHEREAS, the building's entry and office elements are situated at the northeasterly corner of the building, facing Francis Street. An 8,600-square foot outdoor storage area is accessed from the building's westerly side, adjacent to the project's Haven Avenue street frontage. The outdoor storage area extends into the required street setback area for Haven Avenue, requiring approval of the previously described Variance application; and

WHEREAS, the applicant has proposed the use of an 8-foot high steel tube fence to secure the outdoor storage area. To ensure full screening of the area from public view, the Planning Department has imposed a condition of approval requiring that view of the area from Haven Avenue shall be a fully screened by a decorative masonry wall (concrete block or tilt-up construction) designed to match the building architecture. The wall must be of sufficient height to screen loading door openings from view from Haven Avenue, as determined by a sight line analysis. The final wall design is subject to Planning Director approval; and

WHEREAS, a truck well interior to the building, which is accessed from the project's off-street parking area, is proposed at the southeast corner of the building. The Planning Department has imposed a condition of approval requiring that the proposed loading door openings must be fully screened from view from Francis Street by a decorative masonry wall. Like the screen wall required for the outdoor storage area, the wall must be designed to match the building architecture and must be of sufficient height to screen loading door openings from view from Haven Avenue; and

WHEREAS, the CCCSP requires that off-street parking and loading spaces be provided pursuant to the requirements of the City's Development Code, and the building has been provided off-street parking in accordance with the Warehouse/Distribution Facility parking standards of the Development Code, which requires a minimum of 22 off-street parking spaces, while a total of 36 off-street parking spaces have been provided; and

WHEREAS, the number of off-street parking spaces provide exceeds the minimum number of parking spaces required by the Development Code for Warehouse/Distribution

Facilities. The increased number of parking spaces has been provided to afford increased flexibility in the types of industrial uses that may occupy the building, as well as potential increases in office area or the incorporation of manufacturing areas, as may be needed by potential tenants; and

WHEREAS, the proposed building will utilize concrete tilt-up construction. Architecturally, the building incorporates smooth-painted concrete, channel and V-groove reveals, clear anodized aluminum window mullions with blue glazing, and stone cladding and decorative steel trellises at key locations. Mechanical equipment will be roof-mounted and obscured from public view by the parapet walls and, if necessary, equipment screens will be provided, which will incorporate design features consistent with the building architecture; and

WHEREAS, the proposed project illustrates the type of high-quality architecture promoted by the Development Code and CCCSP. This is exemplified through the use of [i] articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas; [ii] articulation in the building parapet/roof line, which serves to accentuate the building's entries and breaks up large expanses of building wall; [iii] variations in building massing; [iv] a mix of exterior materials, finishes and fixtures; and [v] incorporation of base and top treatments defined by changes in color and materials, and changes in wall plane; and

WHEREAS, substantial landscaping is proposed throughout setback areas, off-street parking areas, and stormwater retention areas. Although the project proposes reduced building setbacks along the Haven Avenue and Francis Street frontages, an overall landscape coverage of more than 24 percent has been provided (minimum 15 percent landscaping is required). Furthermore, a variety of accent and shade trees are proposed in 24-inch, 36-inch and 48-inch box sizes, to enhance the project. In addition, decorative paving was previously installed at the project's Francis Street drive approach, and additional decorative pavement is proposed at other key locations throughout the project; and

WHEREAS, public utilities (water and sewer) are available to serve the project, and laterals and meters were installed to the project site with the previous construction of Francis Street improvements. 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 detention basin at the Haven Avenue/Francis Street

intersection, for stormwater infiltration. Any overflow drainage will be conveyed to Francis Street by way of parkway culvert; 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 July 16, 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. DAB18-046, recommending the Planning Commission approve the Application; and

WHEREAS, on July 24, 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 CEQA pursuant to Section 15332 (Class 33, In-Fill Development Projects) of the CEQA Guidelines, as it is consistent with each of 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; and [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 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 Industrial land use district of the Policy Plan Land Use Map, the SP (Specific Plan) zoning district, and the Light Industrial land use district of the CCCSP. 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.

(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, , the SP (Specific Plan) zoning district, and the Light Industrial land use district of the CCCSP, including standards relative to the particular land use proposed (industrial warehouse/distribution), 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 Development Code and CCCSP 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 CCCSP.

(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 and CCCSP 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 ([insert land use]). 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 CCCSP.

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 24th day of July 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:

Cathy Wahlstrom
Planning Director
Secretary to the 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. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV18-019
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: 7/16/2018
File No: PDEV18-019 & PVAR18-003
Related Files: N/A

Project Description: A Variance (File No. PVAR18-003) for a reduction in the minimum required front and exterior side (corner) setbacks of the California Commerce Center Specific Plan, from 35 feet to 20 feet for the Francis Street (front) setback, and from 35 feet to 12 feet for the Haven Avenue (exterior side) setback, to facilitate a Development Plan (File No. PDEV18-019) to construct a 23,400-square foot industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan. (APN: 0211-281-56); **submitted by RGA Architects for Sares Regis Group.**

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, 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 Time Limits.

(a) Development Plan approval (File No. PDEV18-019) 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.

(b) The time limit for Variance approval (File No. PVAR18-003) shall be the same as the related Development Plan approval (File No. PDEV18-019). 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 the California Commerce Center Specific Plan and 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 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be fully screened from public view pursuant to the requirements of the California Commerce Center Specific Plan, as follows

(i) **The view of the proposed yard area from Haven Avenue shall be a fully screened by a decorative masonry wall (concrete block or tilt-up construction), which shall be designed to match the building architecture. The wall shall be of sufficient height to screen loading door openings from view from Haven Avenue, as determined by a sight line analysis provided with the construction drawings. The final wall design shall be subject to Planning Director approval.**

(ii) **The loading door openings proposed on the easterly building elevation shall be fully screened from view from Francis Street, by a decorative masonry wall (concrete block or tilt-up construction) that is designed to match the building architecture. The wall shall be of sufficient height to screen the loading door openings from view from Francis Street, as determined by a sight line analysis provided with the construction drawings. The final wall design shall be subject to Planning Director approval.**

(d) Gates to access outdoor loading and storage areas shall be view-obstructing by one of the following methods:

(i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or

(ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.

(e) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

Screen Wall Height	Minimum Gate Height
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

2.7 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.

2.8 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.

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

2.10 Signs. All Project signage shall comply with the requirements of the **California Commerce Center Specific Plan** and Ontario Development Code Division 8.1 (Sign Regulations).

2.11 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).

2.12 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 33, In-Fill Development Projects) of the CEQA Guidelines, and is in full compliance 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; and

(e) The Project site can be adequately served by all required utilities and public services.

2.13 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) 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) **A Variance (File No. PVAR18-003) has been granted to allow deviation from the minimum required front and exterior side setbacks of the Rail Industrial land use district of the California Commerce Center Specific Plan, on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan, as follows:**

- (i) **A reduction in the minimum front setback for Francis Street, from 35 FT to 20 FT; and**
- (ii) **A reduction in the minimum exterior side setback for Haven Avenue, from 35 FT to 12 FT.**

(b) **A Development Plan (File No. PDEV18-019) has been granted to construct a 23,400-square foot industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan.**

(c) **The aforementioned Variance (File No. PVAR18-003) approval shall heretofore be inseparably tied to the aforementioned Development Plan (File No. PDEV18-019) approval.**

**CITY OF ONTARIO
LANDSCAPE PLANNING
DIVISION**

303 East "B" Street, Ontario, CA 91764

PRELIMINARY PLAN CORRECTIONS

Sign Off

<i>Carolyn Bell</i>	7/10/18
Carolyn Bell, Sr. Landscape Architect	Date

Reviewer's Name: Carolyn Bell, Sr Landscape Architect	Phone: (909) 395-2237
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D.A.B. File No.: PDEV18-019	Case Planner: Chuck Mercier
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Project Name and Location: Industrial Warehouse Building SEC Francis and Haven Ave, 3500 East Francis St
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Applicant/Representative: RGA Architect/ Jacob Huber 15231 Alton Parkway ste 100 Irvine, CA 92618
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<input checked="" type="checkbox"/>	A Preliminary Landscape Plan (dated 6/6/18) 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.
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<input type="checkbox"/>	A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.
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A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE

Civil/ Site Plans

1. A1- 1P revise call out 8, vines do not climb up a picket fence. Note 15 gallon evergreen shrubs or block wall with vines.
2. Sht 3, move domestic water service line connection in Francis St east. Note 5' setback for backflow devices from paving and move swale to locate on level grade.
3. Sht 3, move fire water service line connection in Francis St east (to original proposed water line location #3 above). Note 5' setback for backflow devices from paving and move swale to locate on level grade.
4. Sht 2 Remove large area of gravel from water quality infiltration trench, 3'x3' area of rip rap at inlets ok.
5. Locate utilities including light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
6. 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.
7. 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.
8. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs and 12" wide curbs, or 12" wide pavers or DG paving with aluminum edging where parking spaces are adjacent to planters.
9. Show ADA access route from the public sidewalk,

Landscape Plans

10. Show backflows, trash enclosures and transformers, with setbacks noted above with

- landscape that is coordinate with the site plant palette (not a hedge encircling the utility).
11. Show all utilities on the landscape plans. Coordinate so utilities are clear of required trees.
 12. Show 5' sidewalk, parkway landscape and street trees evenly spaced 30' apart. Refer to the landscape section of the revised California Commerce Center Specific plan (except for the use of turf grass). Show the 25' landscape easement on Haven, and V-44 street trees masses Canary Island Pine background tree and Quercus suber at sidewalk. Pages V-67- V-93, Secondary Identify statement exhibit 35 C with a 90' landscaped radius at the corner, evergreen columnar trees background (Bracychiton, Tristania) and flowering canopy trees (Magnolia, Chorisia, Jacaranda) foreground, no berm. Show buffer planting along rail road right of way: Pinus halepensis, Tristania Conferta shrubs: Elaeagnus, Heteromeles V-72.
 13. Note that irrigation shall provide separate systems for tree stream bubblers with pc screens.
 14. Parkways shall be planted with lawn replacements such as Kurapia, Yarrow, Fragaria, etc.
 15. Provide an appropriate hydroseed plant mix for water quality basins and swales.
 16. Dimension basins and swales to be no greater than 60% of the on-site landscape width to allow for ornamental landscape. Provide a level grade minimum 4' from pedestrian paving for safety and min 5' along parking lots for hedge row and trees.
 17. Provide agronomical soil tests at 12" depth and include independent lab report on landscape construction plans. Sewage sludge or biosolids are not allowed. Note "Contractor shall install amendments per plan and then take a new soil test and provide report to landscape architect and city inspector to verify amendments installed are satisfactory prior to planting. Landscape architect shall verify report with amendments receipts on certificate of compliance.
 18. Call out all fences and walls, materials proposed and heights.
 19. Show concrete mowstrips to identify property lines along open areas or to separate ownership or between maintenance areas.
 20. 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.
 21. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations.
 22. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
 23. Add Note to Grading and Landscape Plans: Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12'x12'x18" deep area; for storm water infiltration the entire area shall be loosened. Add the following information on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation – Planting Soil Specifications.
 24. 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)	<u>\$278.00</u>
Total.....	\$1,579.00

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

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Charles Mercier
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: June 15, 2018
SUBJECT: PDEV18-019

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

Conditions of Approval

1. The Site address for this project will be 3500 E Francis St

KS:lm



CITY OF ONTARIO

MEMORANDUM

TO: Charles Mercier, Senior Planner
Planning Department

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

DATE: June 12, 2018

SUBJECT: PDEV18-019 - A Development Plan to construct a 23,400 SF industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, within the Rail Industrial land use district of the California Commerce Center Specific Plan (APN: 0211-281-56). Related Files: PVAR18-003, PGPA18-001 & PSPA18-002

-
- 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: Not Listed (Type II)
- B. Type of Roof Materials: Ordinary / Panelized
- C. Ground Floor Area(s): 23,400 Sq Ft
- D. Number of Stories: One
- E. Total Square Footage: 23,400 Sq Ft
- F. 2016 CBC Occupancy Classification(s): Not Listed

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 2250 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 feet (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.
- ☒ 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.
- ☒ 4.7 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.
- ☒ 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.



CITY OF ONTARIO

MEMORANDUM

TO: Charles Mercier, Planning Department

FROM: Douglas Sorel, Police Department

DATE: June 19, 2018

SUBJECT: PDEV18-019 – A DEVELOPMENT PLAN TO CONSTRUCT A
SPECULATIVE INDUSTRIAL WAREHOUSE BUILDING AT FRANCIS
STREET AND HAVEN 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, hallways, stairwells, 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 on the buildings as stated in the Standard Conditions. Each number shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns regarding these conditions.



CITY OF ONTARIO

MEMORANDUM

TO: Scott Murphy, Development Director
Cathy Wahlstrom, Planning Director
Diane Ayala, Advanced Planning Division
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, Airport Planning
Steve Wilson, Engineering/NPDES
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department

FROM: Charles Mercier, Senior Planner

DATE: June 11, 2018

SUBJECT: FILE #: PDEV18-019

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, June 25, 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 23,400 SF speculative industrial warehouse building locate on 2.05 acres on the southeast corner of Francis St & Haven Ave, within the Commercial/Food/Hotel land use designation of the California Commerce Center Specific Plan [Related Files: PGPA18-001 & PSPA18-002].

APN: 0211-281-56

- 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
Department

Joe De Sousa
Signature

Supervisor
Title

6-12-18
Date



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"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP
<input type="checkbox"/> OTHER	<input type="checkbox"/> FOR CONDOMINIUM PURPOSES	
PROJECT FILE NO. PDEV18-019		
RELATED FILE NO(S). _____		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__		

CITY PROJECT ENGINEER & PHONE NO: Dean A. Williams, Associate Engineer (909) 395-2135

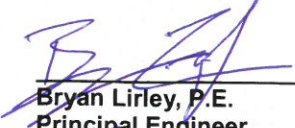
CITY PROJECT PLANNER & PHONE NO: Charles Mercier, Senior Planner (909) 395-2425

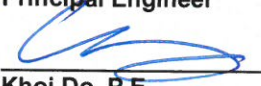
DAB MEETING DATE: July 16, 2018

PROJECT NAME / DESCRIPTION: 23,400 sf Industrial Building on 2.05 acres within the California Commerce Center Specific Plan

LOCATION: Southeast Corner of Francis Street and Haven Avenue

APPLICANT: RGA Architects; Jacob Huber (949) 341-0920

REVIEWED BY: 
Bryan Lirley, P.E.
Principal Engineer

APPROVED BY: 
Khoi Do, P.E.
Assistant City Engineer

Date: 7/12/18

Date: 7/12/18



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 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 OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, APPLICANT SHALL: **Check When Complete**

- 1.01 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 _____.
- 1.02 Dedicate to the City of Ontario, the following easement(s): _____

- 1.03 Restrict vehicular access to the site as follows: _____
- 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: _____

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 Parcel 1 of Parcel Map No. 18334, recorded March 14, 2008 as Instrument No. 2008-0115329 in Book 227 of Parcel Maps, pages 17-22, inclusive, O.R. of San Bernardino County.**
- 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): An easement for sidewalk purposes for the sidewalk path of travel across the existing drive approach on Francis Street frontage.**
- 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 \$46,000.00, 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	Haven Avenue	Francis Street	Street 3	Street 4
Curb and Gutter	<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	<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 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
Sidewalk	<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
ADA Access Ramp	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" 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 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)
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 checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" 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 type="checkbox"/> Lateral	<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
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<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
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input 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 checked="" 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 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 checked="" 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) Developer/applicant shall remove and replace existing access ramps at the SEC of Francis Street and Haven Avenue, as necessary, to meet current City of Ontario and ADA standards.
- 2) The following are Conditions of Approval as set forth by the Ontario Municipal Utilities Company (OMUC):

General Conditions:

1. **Standard Conditions of Approval:** 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:

Water Conditions:

2. **Utilities Systems Map:** The applicant shall submit a complete utilities systems map with the building permit submittal. The systems map shall comply with the Ontario Municipal Utilities Company requirements which include showing and labeling all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, Monitoring Manholes, etc.), points of connection, and sizes.
3. **Fire Water Flow Test:** Submit an application with the Fire Prevention Bureau concurrently with the building permit submittal, requesting a Fire Water Flow Test in order to verify the size and alignment of the proposed water system improvements for this project. The project is responsible for installing all water system improvements which may be necessary in order to meet Fire Flow requirements and to mitigate any potential deficiencies.
4. **Domestic Water Service:** The applicant shall verify if domestic water service lateral exists as shown on the Conceptual Utility Plan. If service lateral exists, the applicant shall install a domestic water meter and back flow prevention device that complies with the City's current standards. If the domestic water service lateral does not exist, the applicant shall install a new domestic water service which includes a meter and back flow prevention device that complies with the City's current standards.
5. **Fire Service:** The applicant shall install a back flow prevention device that complies with the City's current standard onto the existing fire service lateral.

Recycled Water Conditions:

6. **City Ordinance 2689:** This project shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation.
7. **Recycled Water Service:** The applicant shall install an irrigation meter that complies with the City's current standards onto the existing recycled water service lateral.
8. The applicant shall comply with each of the following requirements in order to receive RW service:

Prior to Building Permits Issuance:

- i. Provide two hard copies and the digital files (in PDF and AutoCAD format) for both on-site and off-site utility plans, including landscape and irrigation improvements.
- ii. Submit an **Engineering Report (ER)** to the City detailing recycled water usage for review and approval by the City and the State. The review process for the ER is typically 3 months. City will coordinate the State's approval of the ER.

Prior to Occupancy Release/Finalizing:

- i. Pass start-up and cross-connection test successfully.
- ii. Provide evidence demonstrating the training of on-site supervisor or designee as determined in the ER.

Sanitary Sewer Conditions:

9. **Sewer Service:** The applicant shall install a sewer cleanout immediately behind the Public Right-of-Way within private property per City Standard.
10. **Monitoring Manhole:** The applicant shall install an on-site sewer monitoring manhole onto the on-site private sewer lateral.
11. **Wastewater Discharge:** The Occupant shall apply for a Wastewater Discharge Permit for their Establishment and shall comply will all the requirements of the Wastewater Discharge Permit



<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>).

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:

Michael Birmelin, Environmental Programs Manager
Phone: (909) 395-2687; Email:
omucenvironmental@ontarioca.gov

Solid Waste Conditions:

12. **Solid Waste Handling Plan (SWHP):** Prior to approval of the any building permits, a Solid Waste Handling Plan Sheet shall be submitted to the City/OMUC for review and approval. The SWHP Sheet shall demonstrate compliance with the Services Standards in the City's Solid Waste Planning Manual (<http://www.ontarioca.gov/municipal-utilities-company/solid-waste>) and shall contain, at a minimum, the following elements:

- a. 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.*)
- b. 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.).
- c. An Engineering Site Plan drawn to scale that shows:
 - 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.
 - 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.
 - All parking stalls and parallel parking spaces along all streets, alleys, or aisles.
 - All proposed curbs and areas designated and striped/signed as "No Parking".
 - All proposed trash enclosures and the ADA paths of travel from the buildings.
 - A detail for each enclosure footprint delineating the number and size of the bins in order to demonstrate that the enclosure is adequately sized and oriented.

13. **Organics Separation and Collection:** This site shall comply with the Requirements of State Assembly Bill AM1826, which requires organic waste to be diverted and collected separately from recycling and other refuse wastes.

- 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 10-inch sewer main is available for connection by this project in Francis Street. (Ref: Sewer plan bar code: S10223)**
- 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: See item no. 2.17 (2), above.**

D. WATER

- 2.27 **A 16-inch water main is available for connection by this project in Francis Street. (Ref: Water plan bar code: W10788)**
- 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 approved utility plan shows proposed connection to existing water service on Francis Street. In the event this service does not exist, developer/applicant shall construct a new service per City Standards. 2) See item no. 2.17 (2), above.**

E. RECYCLED WATER

- 2.30 **An 8-inch recycled water main is available for connection by this project in Francis Street. (Ref: Recycled Water plan bar code: P10127)**
- 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.
- 2.34 **Other conditions: See item no. 2.17 (2), above.**

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) Developer/applicant shall convert all existing high pressure sodium type street lights along the project frontage of Francis Street to LED cobra heads in accordance with the City of Ontario Traffic and Transportation Guidelines.**
 - 2) Per Parcel Map No.18334, ingress and egress access is restricted along the project frontage of Haven Avenue. No drive approaches will be allowed on Haven Avenue.
 - 3) All drive approaches within the public right-of-way (or public utility easements) shall be free of any colored concrete and/or decorative paving.
 - 4) Francis Street and Haven Avenue shall be signed "No Parking Anytime".

G. DRAINAGE / HYDROLOGY

- 2.38 **A 24-inch storm drain main is available to accept flows from this project at the south end of the site. The 24-inch main inlet is on-site and connects to a 12'x13' RCB in Haven Avenue. (Ref: Storm Drain plan bar code: D10489)**
- 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.**
- 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: See item no. 2.17 (2), above.**

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 18-019

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: _____



PLANNING COMMISSION STAFF REPORT

July 24, 2018

SUBJECT: A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the Business Park (PA-1) and General Industrial (PA-2) land use districts of the West Ontario Commerce Center Specific Plan. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV.**

PROPERTY OWNERS: Ontario Land Ventures, LLC, Inland Harbor.com, LLC, Farm Fresh Commodities, LLC, G H Dairy and SC Ontario Development Company.

RECOMMENDED ACTION: That the Planning Commission approve File Nos. PMTT17-011 and PDEV17-057, 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 119.31 acres of land. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the Business Park (PA-1) and General Industrial (PA-2) land use districts of the West Ontario Commerce Center Specific Plan, and is depicted in Figure 1: Project Location, below. The project site gently slopes from north to south and is currently developed with agricultural, dairy and single-family residential uses. The majority of the site is currently agricultural use, including two active dairy farms, row crops, and a hay and alfalfa wholesaler. The remainder of

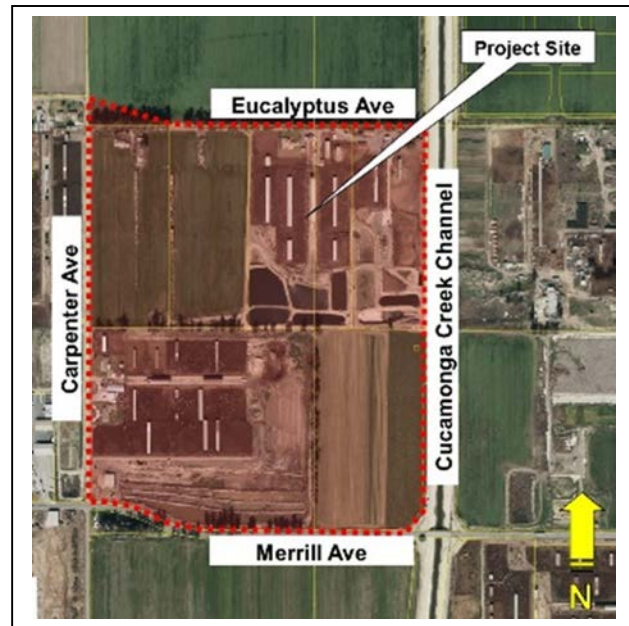


Figure 1: Project Location

Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	7/16/18	Approve	Recommend
Submittal Date:	11/17/17	ZA			
Hearing Deadline:	N/A	PC	7/24/18		Final
		CC			

the site is vacant land that was previously used for agriculture. The site is relatively level with the exception of isolated areas where soil and debris from demolished structures have been mounded and an earthen drainage channel that extends along Merrill Avenue on the southern boundary of the site.

PROJECT ANALYSIS:

Background — On November 17, 2017, REDA, OLV (the “Applicant”) submitted a Tentative Parcel Map (File No. PMTT17-011/TPM19738) and a Development Plan (File No. PDEV17-057) application, which are required to facilitate the development of the proposed project. Below is a description of the applications the applicant is requesting approval of:

- A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels ranging from 1.35 acres to 49.05 acres in size (**Exhibit A: Tentative Parcel Map 19738**); and
- A Development Plan (File No. PDEV17-057) to facilitate the construction of two industrial buildings totaling 2,217,016 square feet ranging from 1,038,383 square feet to 1,178,633 square feet in size (**Exhibit B: Site Plan**).

On July 3, 2018, the City Council approved the West Ontario Commerce Center Specific Plan EIR, and the West Ontario Commerce Center Specific Plan (File No. PSP16-002). The West Ontario Commerce Center Specific Plan established the land use designations, development standards, and design guidelines for 119 acres of land, which includes the potential development of 2,905,510 square feet of industrial development (**Specific Plan Land Use Summary Table, below and Exhibit C: Specific Plan Land Use Map**).

Planning Area	Zoning District	Ontario Plan Land Use Designation	Existing Acreage (Net)	Maximum SF per Existing TOP (The Ontario Plan)	Proposed Acreage	Maximum SF per Proposed
1	AG Specific Plan	Business Park (0.6 FAR)	61	1,600,933	21	555,505
2	AG Specific Plan	Industrial (0.55 FAR)	58	1,391,641	98	2,350,005
TOTAL			119	2,992,634	119	2,905,510

Planning Area 1 of the Specific Plan, has a land use designation of Business Park with a maximum development intensity of 555,505 square feet of business park development at a maximum Floor Area Ration (FAR) of 0.60. At this time the four parcels within Planning Area 1 are not proposed to be developed. The development plans for the business park development will be submitted at a future time.

The project proposes the construction of two industrial buildings totaling 2,217,016 square feet, within Planning 2 of the Specific Plan. Planning Area 2 of the Specific Plan has a

maximum development intensity of 2,350,005 square feet at a maximum FAR of 0.55. Planning Area 2 will be bisected with the construction of Hellman Avenue, which is proposed to run north and south between Eucalyptus Avenue and Merrill Avenue.

On July 16, 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.

[1] Site Design/Building Layout — Building 1 consists of a 1,178,633 square-foot warehouse/distribution building, located east of Hellman Avenue and west of the Cucamonga Creek Flood Control Channel, just south of Eucalyptus Avenue and north of Merrill Avenue. Building 1 will be orientated north to south with cross-dock loading areas facing east and west. The building has been designed with three potential office areas located at the northeast, southeast and southwest corners of the building.

The building will provide setbacks of 149-feet along Merrill Avenue, 185-feet along the eastern property line (Cucamonga Creek Flood Control Channel), 49-feet along Hellman Avenue, and 180-feet along the north interior line. To ensure adequate screening for the buildings western loading areas along the Hellman Avenue frontage, a 14-foot tall concrete tilt-up screen wall will be constructed along Hellman Avenue. The finished grade of the truck loading area along Hellman Avenue, will be approximately 6-feet below the street finished grade along Hellman Avenue. Therefore, only an 8-foot portion of the 14-foot wall will be exposed to public view. The screen wall will be designed to complement the architecture of the building. The eastern loading areas that front onto the Cucamonga Creek Flood Control Channel, will be secured by an 8-foot high wrought iron fence. The wrought iron fence will provide visibility from the channel for safety and security purpose.

Building 2 consist of a 1,038,383 square-foot warehouse/distribution building, located north of Merrill Avenue, east of Carpenter Avenue and west of Hellman Avenue. Similar to the layout of Building 1, Building 2 will be orientated north to south with cross-dock loading areas facing east and west. The building has been designed with four potential office areas located at each corner of the building.

A minimum building setback of 149-feet will be provided along Merrill Avenue, a minimum building setback of 145-feet will be provided along Carpenter Avenue, a minimum building setback of 150-feet will be provided along Hellman Avenue and a minimum building setback of 118-feet will be provided along the northern interior property line. To ensure adequate screening for the loading areas along Carpenter Avenue and Hellman Avenue frontages, a 14-foot tall concrete tilt-up screen wall will be constructed along both frontages. The finished grade within the eastern and western truck loading areas, will be approximately 6-feet below the street finished grade along Carpenter Avenue and Hellman Avenue. Therefore, only an 8-foot portion of the 14-foot wall will be exposed to public view. The screen wall will be designed to complement the architecture of the building.

[2] Site Access/Circulation — Access to Building 1 will be provided with two drive approaches along Merrill Avenue, and two drive approaches along Hellman Avenue within the northwestern and southwestern portions of the project site.

Access to Building 2 will be provided with two drive approaches along Carpenter Avenue within the northwestern and southwestern portions of the project site, one drive approach along Merrill Avenue and two drive approaches along Hellman Avenue within the northeastern and southeastern portions of the project site. Due to the expansive widths and lengths of Buildings 1 and 2, a 26-foot wide fire emergency access lane will be provided around both buildings.

[3] Parking — The Specific Plan requires Building 1 to provide 590 vehicular parking spaces and 48 trailer parking spaces and Building 2 to provide 520 vehicular parking spaces and 47 trailer parking spaces for Building 2 (**See Parking Summary Table below**).

Building 2 provides 578 vehicular parking spaces (+58 vehicular parking spaces) and 229 trailer parking spaces (+182 trailer parking spaces), therefore Building 2 is consistent with the parking requirements. As demonstrated in the parking summary table below, Building 1 proposes a total of 343 vehicular parking spaces, which is 247 parking spaces less than the requirement. However, the project proposes a parking layout alternative for Building 1 to provide flexibility for a future tenant. In the event that a future tenant of Building 1 requires 590 parking spaces, Parking Alternative 1 could be implemented to add 247 additional parking spaces within the east and west trailer parking areas of the building. The additional 247 standard parking spaces within the trailer park areas and the 343 standard parking spaces, provided within the northern and southern parking lots of the site plan, would total 590 parking spaces which would comply with the Specific Plan parking requirement (**see Exhibit D: Building 1 - Alternative Parking Site Plan**).

The Development Code (Division 6.03, Section 6.03.020) allows for a reduction in parking if an alternate off-street parking plan demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land use changes or intensifications in land use. The alternative parking plan approach has been successfully implemented on other existing industrial projects throughout the City. Staff is in support of the proposed Building 1 - Alternative 1 Parking site plan, with the condition that the future tenant shall provide a copy of the Alternative Parking site plan with the submittal of their Business License to verify that the proposed use meets the required number of parking spaces per the West Ontario Commerce Center Specific Plan.

PARKING TABLE SUMMARY						
Type of Use	Building Area	Dock Doors	Parking Ratio	Spaces Required	Spaces Provided	TOTAL
Proposed Parking						
	Building 1					
Warehouse/ Distribution	1,178,633		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	590	343	- 247
Trailer Truck Parking		191	1 space for every 4 dock high door	48	220	+ 172
	Building 2					
Warehouse/ Distribution	1,038,383		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	520	578	+ 58
Trailer Truck Parking		189	1 space for every 4 dock high door	47	229	+ 182
Proposed Parking - Alternative 1						
	Building 1					
Warehouse/ Distribution	1,178,633		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	590	590	+0
Trailer Truck Parking		189	1 space for every 4 dock high door	48	123	+ 75

[4] Architecture — The project is proposing a concrete tilt-up building with a contemporary modern architectural style. The project is consistent with the West Ontario Commerce Center Specific Plan design guidelines and the Development Code - Industrial Design Guidelines (Reference F). Both buildings have a length of over 1,500 feet and therefore special articulation was provided to the office areas, as well as, the overall scale and massing of the buildings (*see Exhibit E and F: Building Elevations and Floor Plans*). Special attention has been given to the use of colors, massing, building forms, materials and architectural details. This is exemplified through the use of:

- Articulated office areas at key corners of each building with extensive use of glazing (Blue reflective glazing) and clear anodized mullions on the storefronts, vertical key panels with Coronado Stone Barn Woodstone Veneer, and unique metal canopies that function as a key architecture element;
- Articulation in building foot print, building roof lines and elevations that feature tower elements with spandrel windows at key areas along the truck court elevations that front onto a public street;

- Incorporation of vertical and horizontal reveal patterns, spandrel window glazing and varying color pallet scheme on all elevations;
- Decorative concrete tilt-up screen walls and pilasters with vertical and horizontal reveals patterns and color scheme that complement the architectural designs of the buildings.

[5] Landscaping — The West Ontario Commerce Center Specific Plan requires the project to provide a 10% landscape coverage. Building 1 (215,855 sq. ft.) and Building 2 (216,433 sq. ft.) are consistent with the landscape coverage requirement and will provide a total of 10.1% (432,288 sq. ft.) landscape coverage. Landscaping will be provided in the form of a 10-foot landscape setback along Carpenter Avenue, 23-foot landscape setback along Merrill Avenue (including an 8-foot multipurpose trail), an 18-foot landscape setback along Hellman Avenue and a minimum 5-foot landscape setback along the northern interior property line and the eastern property line (Cucamonga Creek Flood Control Channel). A 9-foot wide parkway (4-foot landscaped area and 5-foot sidewalk) will be provided along Carpenter Avenue. A 12-foot wide parkway (7-foot landscaped area and 5-foot sidewalk) will be provided along Merrill Avenue and Hellman Avenue. In addition to the landscape areas on the project sites, portions of the east and west truck court areas of each building will be utilized as infiltration areas (underground detention systems) to comply with the National Pollutant Discharge Elimination System (NPDES) requirement (**see Exhibit G: Landscape Plan**).

Landscaping in the form of ground cover, shrubs and trees will also be provided along the interior parking lot areas of both buildings, to further enhance the project. The office entry areas will feature large landscape areas. Additionally, a condition of approval has been placed on the project to provide enhanced paving within the office entry plaza areas. In addition, three employee break areas will be incorporated adjacent to the office areas. The outdoor break area will feature accent planting, accent shade trees and decorative weather resistant outdoor furniture.

[6] Tentative Parcel Map 19738 — The applicant is requesting approval to subdivide approximately 119.31 acres of land into 9 parcels to facilitate the construction of two industrial buildings totaling 2,217,016 square feet. The proposed Tentative Parcel Map (File No. PMTT17-011/TPM 19738) proposes to subdivide 119.31 acres of land into 9 parcels range in size from 1.35 acres to 49.05 acres (**see Tentative Parcel Map 19738 Summary Table Below**).

Parcels 3 through 9 are within the Business Park (Planning 1) land use of the West Ontario Commerce Center Specific Plan, along the south frontage of Eucalyptus Avenue. These parcels range in size from 1.35 acres to 4.13 acres, which exceed the minimum lot area of 0.23 acres (10,000 square feet).

Parcels 1 and 2 are located on the north side Merrill Avenue, between Carpenter Avenue on the west and Cucamonga Creek Flood Control Channel on the east within the General Industrial (Planning 2) land use district of the West Ontario Commerce Center Specific

Plan. Parcel 1 is proposed at 49.05 acres and Parcel 2 at 48.96 acres exceeding the minimum lot area requirement of 0.45 acres (20,000 square feet).

<i>Tentative Parcel Map 19738 Summary Table</i>		
<i>Parcel</i>	<i>Acres</i>	<i>Square Feet</i>
1	49.05	2,136,666
2	48.96	2,132,591
3	4.13	180,097
4	3.41	148,661
5	2.76	120,048
6	3.47	151,329
7	3.12	135,891
8	3.05	132,846
9	1.35	58,851

[7] Utilities (Drainage/Sewer) – To serve the proposed industrial development, the project will be required to construct infrastructure improvements per the Development Agreement (File No. PDA17-003) and requirements of the West Ontario Commerce Center Specific Plan. These improvements include following infrastructure improvements:

- Installation of sewer lines in Eucalyptus Avenue, Hellman Avenue and Merrill Avenue;
- Installation of water lines in Eucalyptus Avenue, Hellman Avenue and Merrill Avenue;
- Installation of recycled water lines in Eucalyptus Avenue, Hellman Avenue and Merrill Avenue;
- Installation of traffic signals at the Merrill Avenue/Carpenter Avenue, Merrill Avenue/Eucalyptus Avenue, Merrill Avenue/Hellman Avenue and Eucalyptus Avenue/Hellman Avenue intersections; and
- Submit a Water Quality Management Plan (WQMP) to address NPDES 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
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- 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.

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.

▪ 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.

➤ CD2-13 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: 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: The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that was certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR 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 and Single Family Homes	Business Park/Industrial	West Ontario Commerce Center Specific Plan	Business Park/General Industrial
<i>North</i>	Agriculture	Medium Density Residential	Parkside Specific Plan	Medium Density Residential
<i>South</i>	Agriculture	Industrial	Colony Commerce Center West Specific Plan	Industrial
<i>East</i>	Cucamonga Creek Channel	Open Space –Non Recreation	Utility Corridor (UC)	n/a
<i>West</i>	Agriculture/Dairy	Business Park/Industrial	Specific Plan/ Agriculture (SP(AG))	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>	119.31 AC	N/A	
<i>Lot/Parcel Size:</i>	1.35 AC – 49.05 AC	Business Park (PA-1) – 10,000 SF (Min.) General Industrial (PA-2) – 20,000 SF (Min.)	Y
<i>Floor Area Ratio:</i>	General Industrial (PA-2) – 0.52 FAR	General Industrial (PA-2) – 0.55 FAR (Max.)	Y
<i>Building Height:</i>	General Industrial (PA-2) – 41'-6"	General Industrial (PA-2) – 55' (Max.)	Y

Exhibit A: Tentative Parcel Map 19738

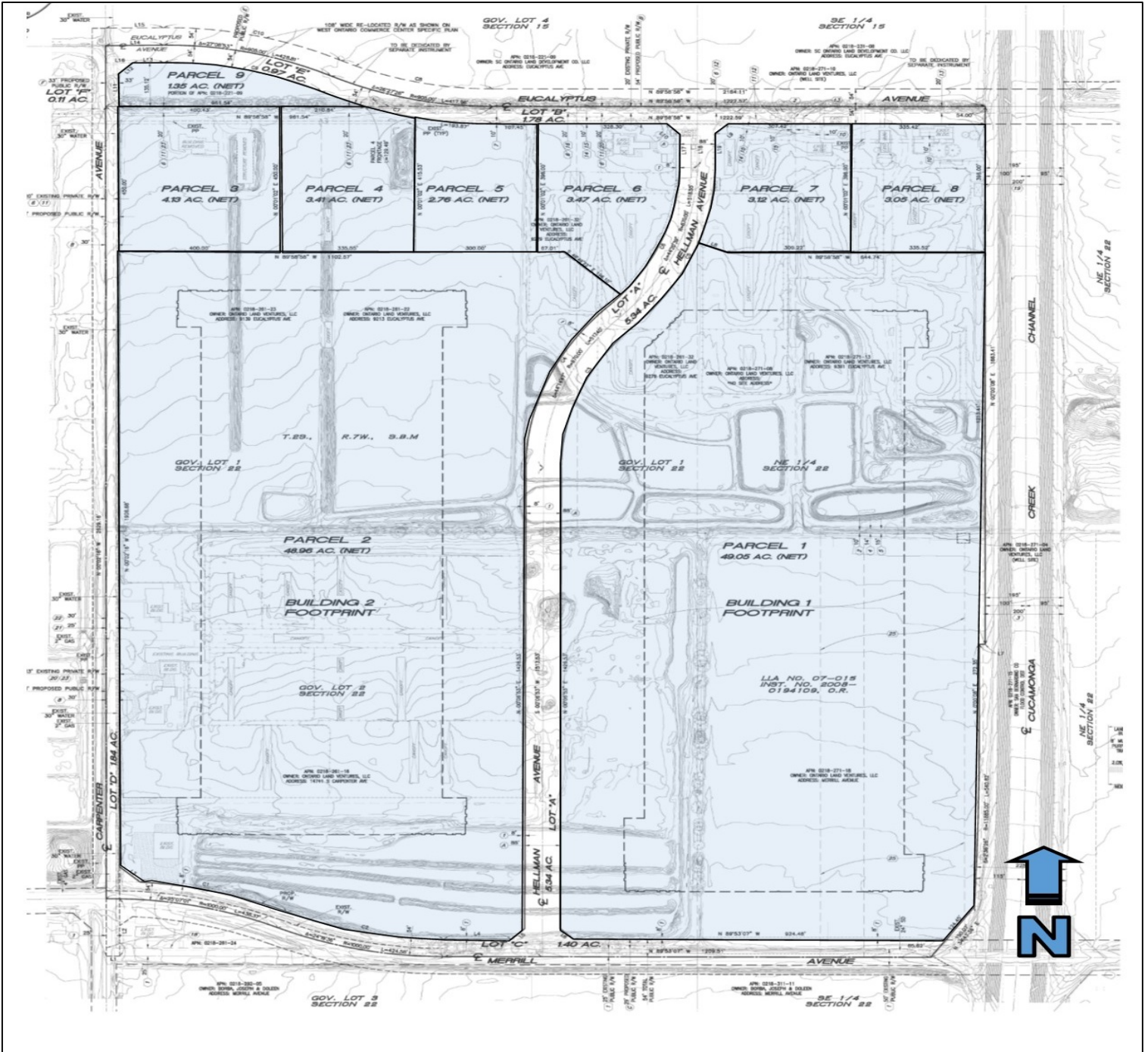


Exhibit B: Site Plan

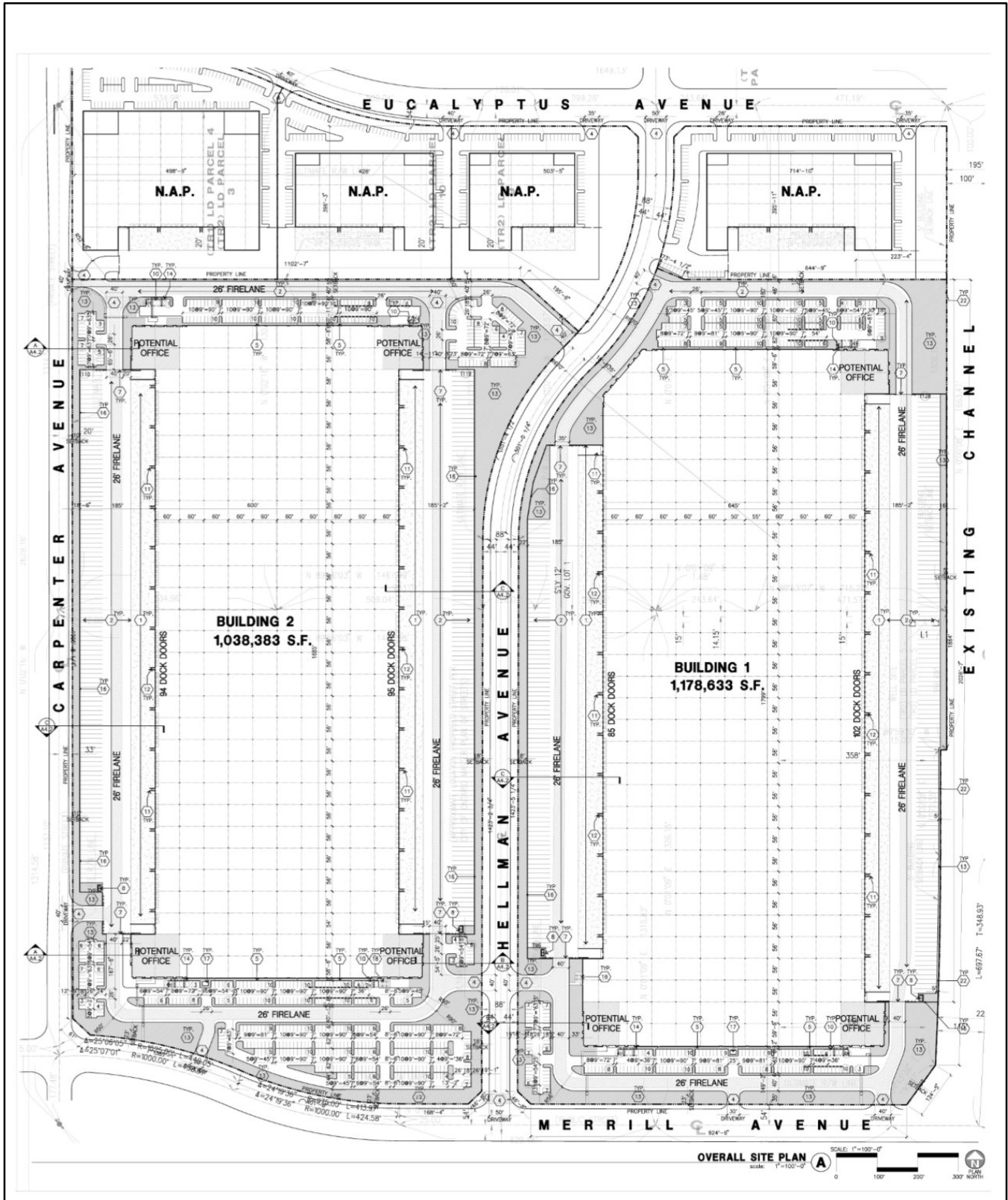


Exhibit C: West Ontario Commerce Center Specific Plan Land Use Map

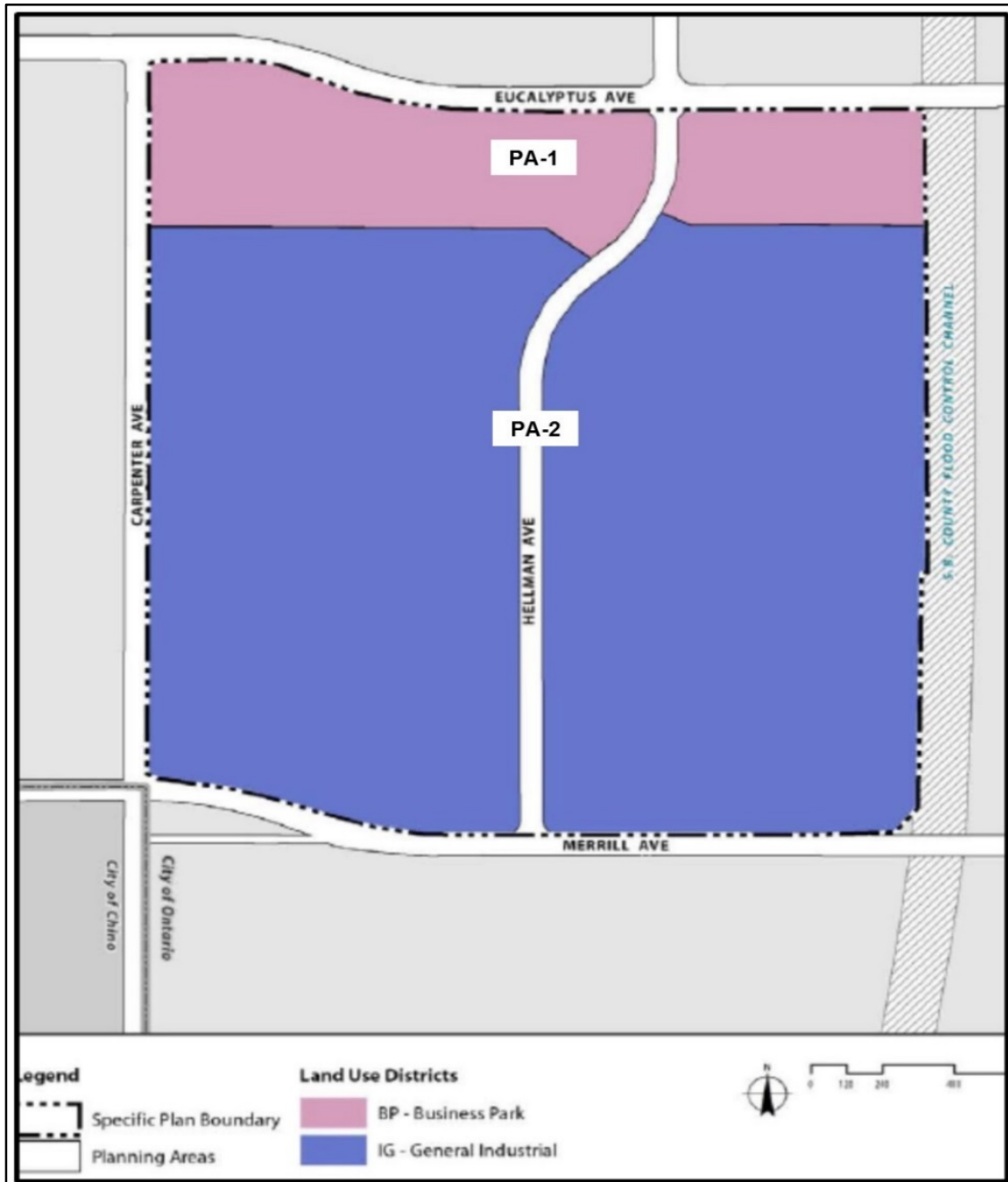


Exhibit D: Building 1 - Alternative Parking Site Plan

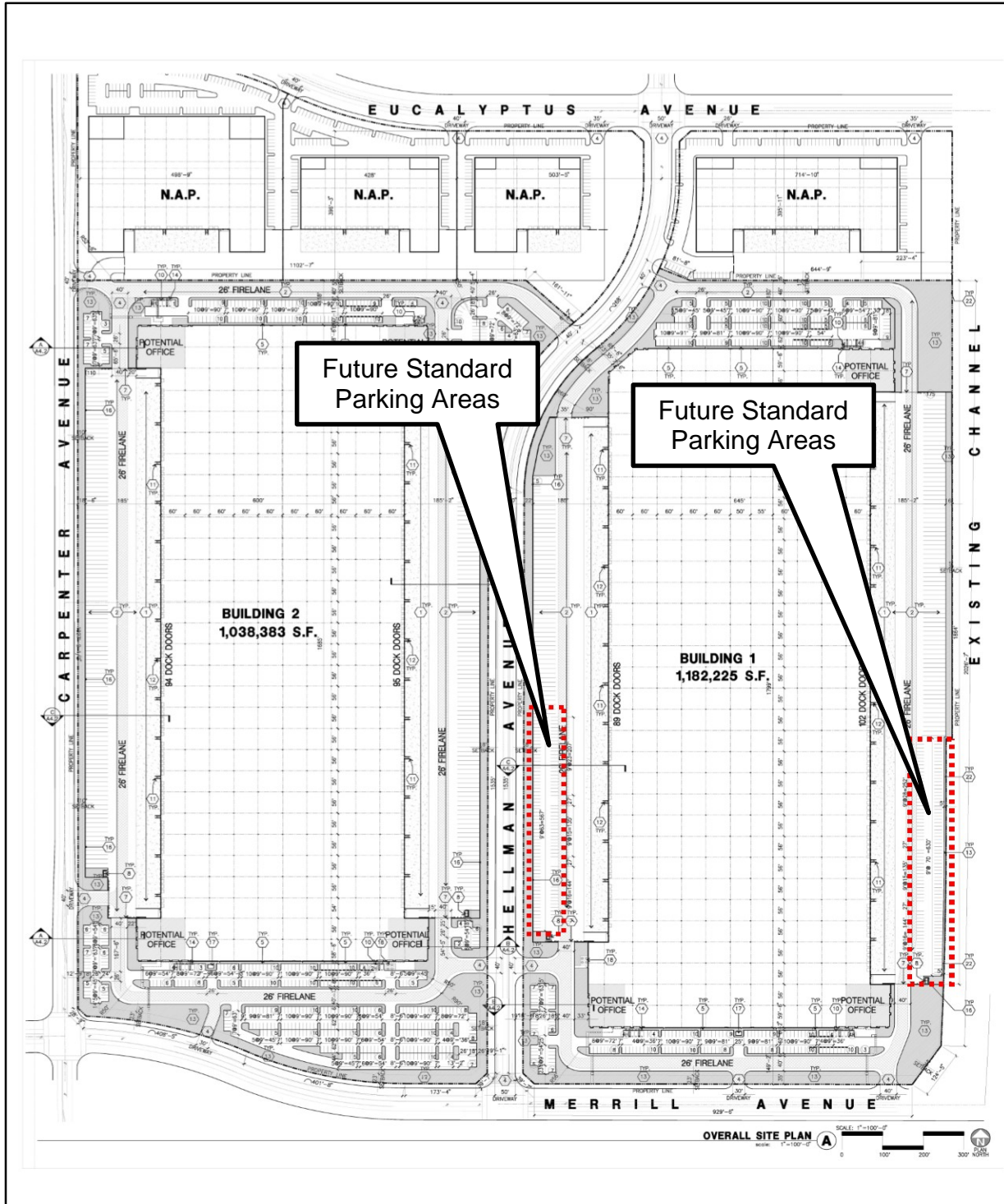


Exhibit E: Building 1 Elevation

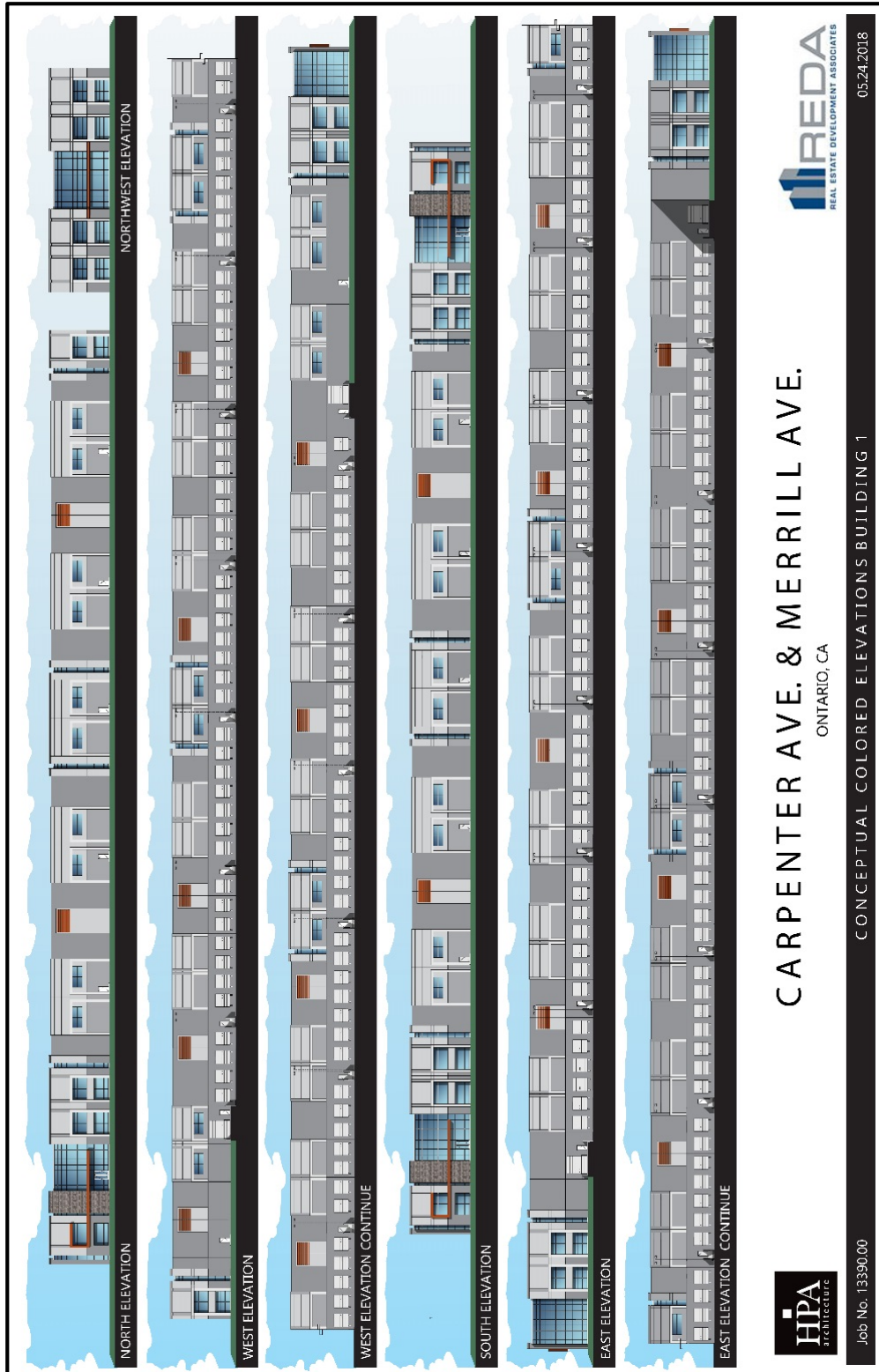


Exhibit E: Building 1 Elevation w/ Screen Wall

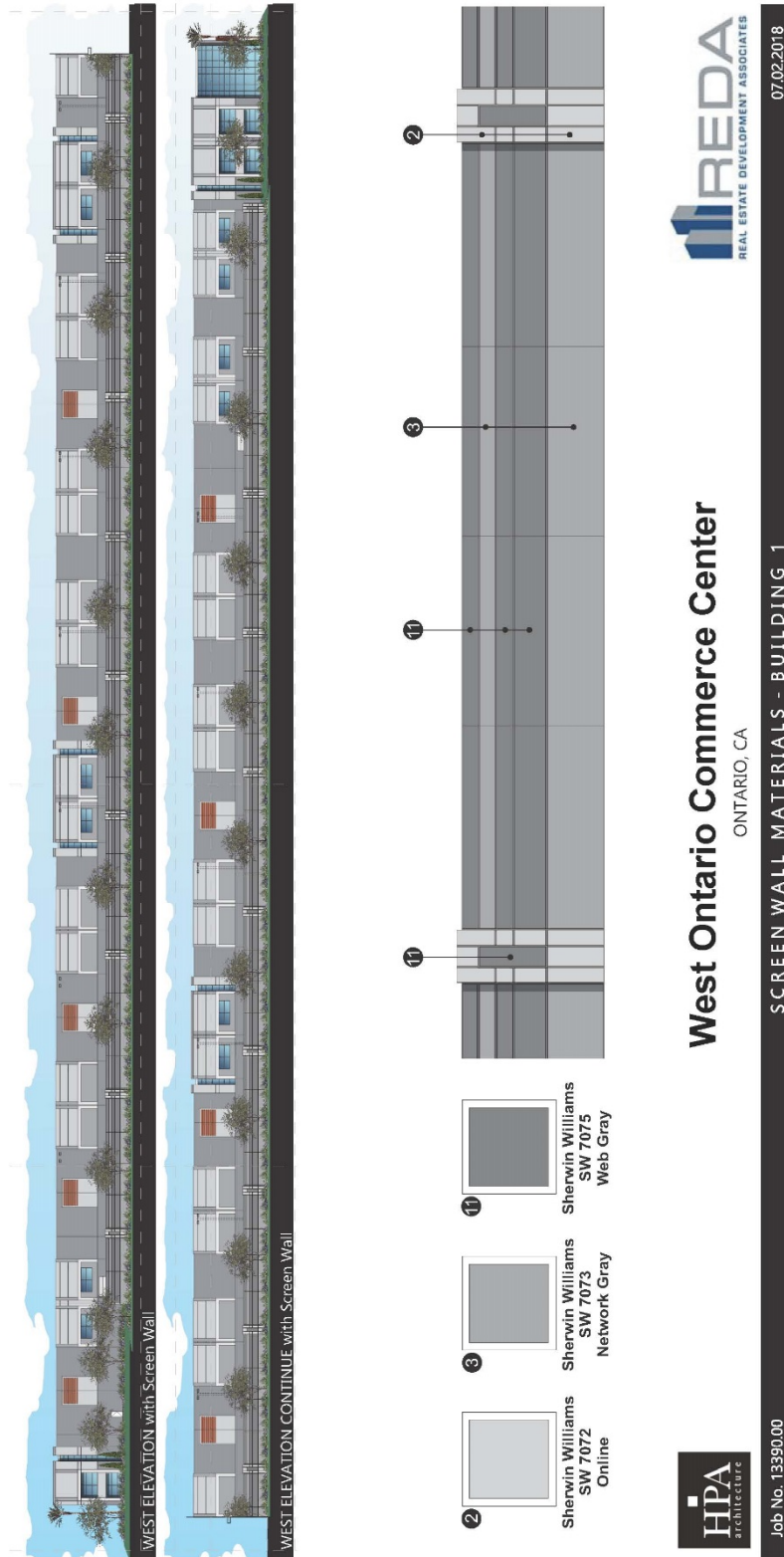


Exhibit E: Building 1 Floor Plan

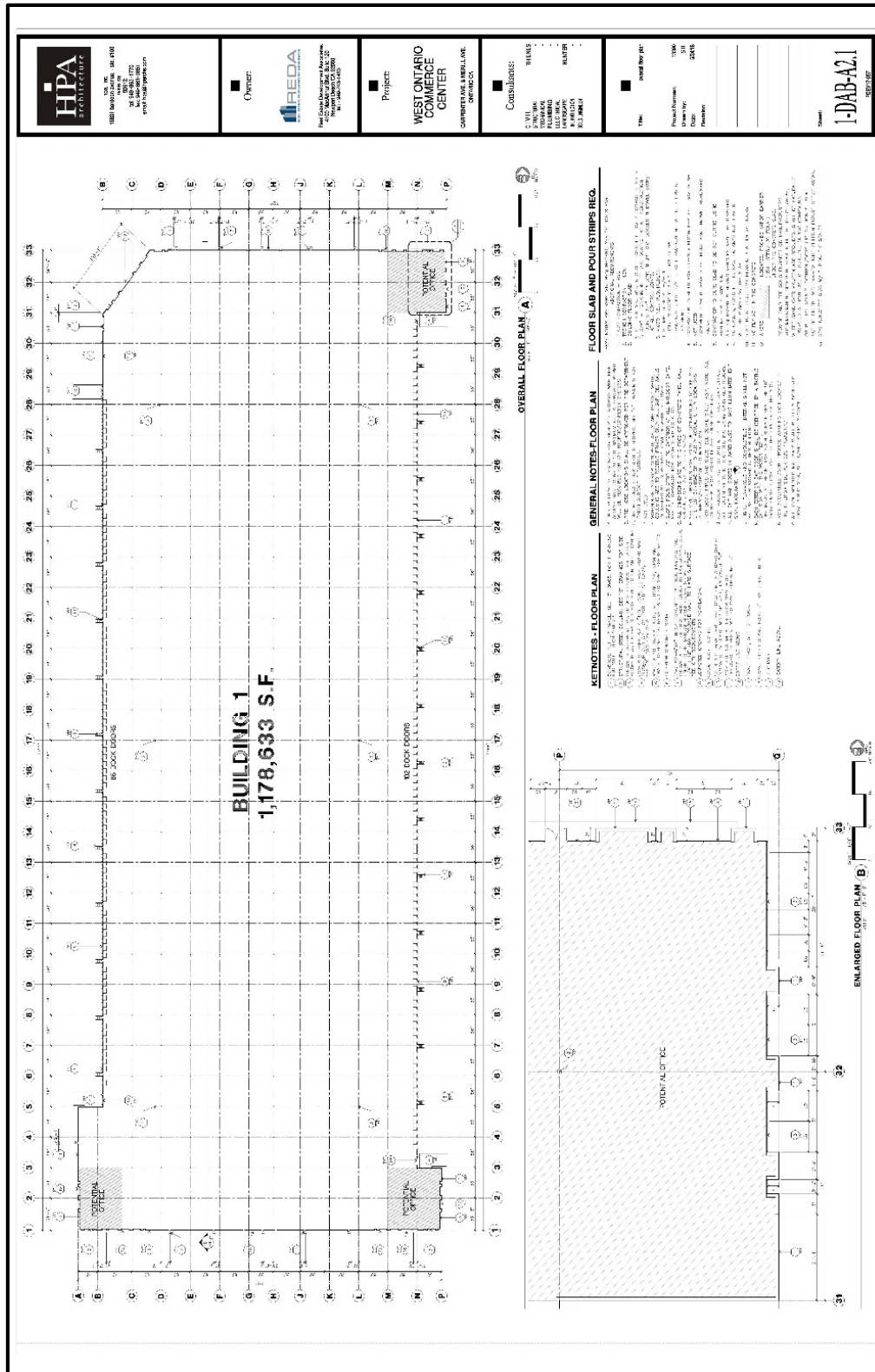
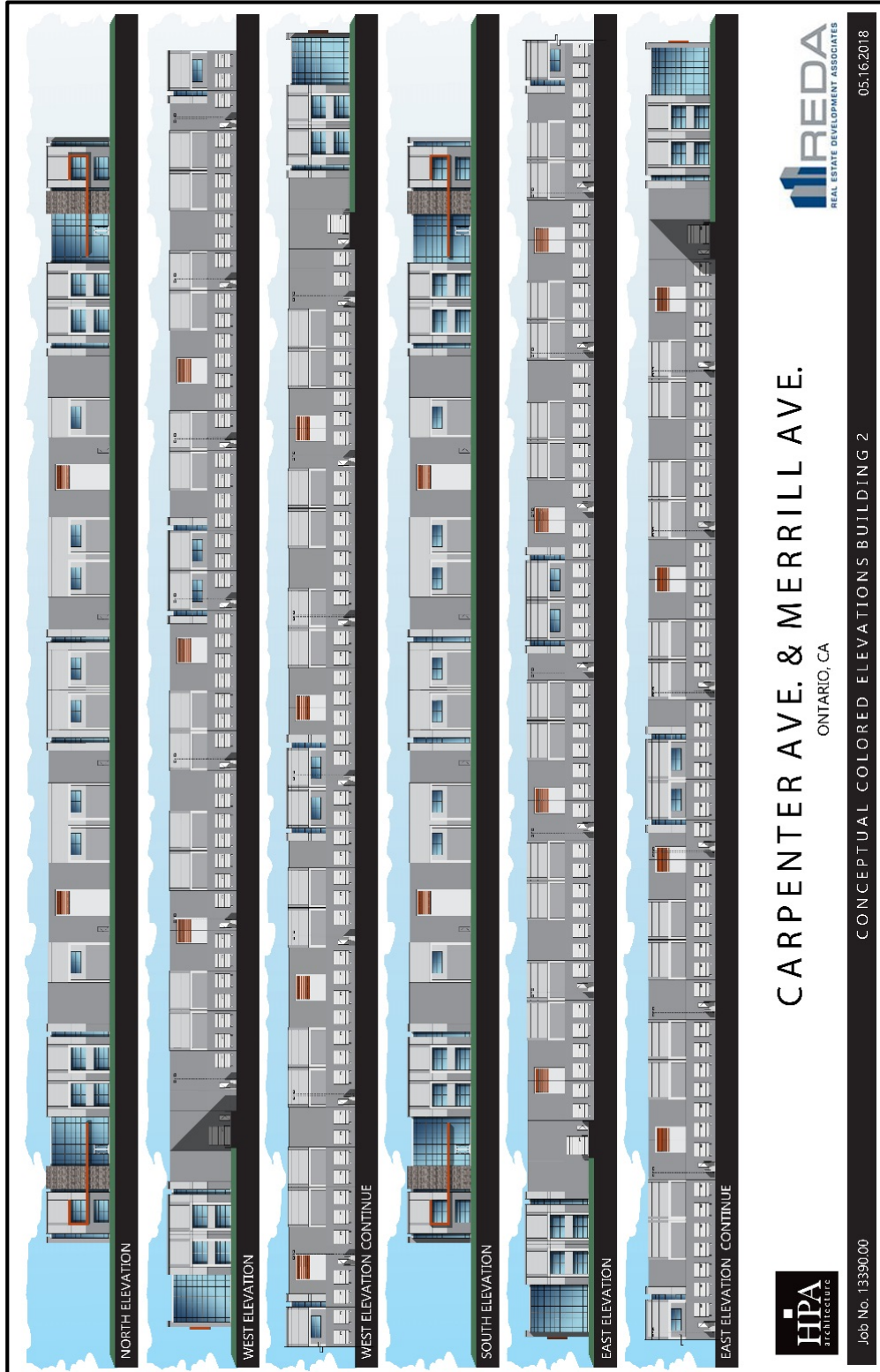


Exhibit F: Building 2 Elevation



CARPENTER AVE. & MERRILL AVE.
ONTARIO, CA



05.16.2018
CONCEPTUAL COLORED ELEVATIONS BUILDING 2
Job No.: 13390.00

Exhibit F: Building 2 Illustrative



Exhibit G: Landscape Plans



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-011/TPM 19738, A TENTATIVE PARCEL MAP TO SUBDIVIDE 119.31 ACRES OF LAND INTO 9 PARCELS. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, LOCATED WITHIN THE BUSINESS PARK AND GENERAL INDUSTRIAL LAND USE DISTRICT OF THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18.

WHEREAS, REDA, OLV ("Applicant") has filed an Application for the approval of a Tentative Parcel Map, File No. PMTT17-011, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 119.31 acres of land, the project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the Business Park and General Industrial land use district of the West Ontario Commerce Center Specific Plan; and

WHEREAS, the property to the north of the Project site is within the Parkside Specific Plan and is designated Medium Density Residential land use district, and is developed with agricultural uses. The property to the east is within the Utility Corridor zoning district, and is developed with the Cucamonga Creek Flood Control Channel. The property to the south is within the Colony Commerce Center West Specific Plan and is designated Industrial land use district, and is developed with agricultural uses. The property to the west is within the Specific Plan/Agricultural (SP/AG) zoning district, and is developed with agricultural and dairy uses; and

WHEREAS, a Development Agreement application (File No. PDA17-003) to establish the terms and conditions for the development of Tentative Parcel Map 19738 (File No. PMTT17-011), has been submitted in conjunction with the Tentative Parcel Map Application and the approval of the Tentative Parcel Map 19738 is contingent upon City Council approval of the Development Agreement; and

WHEREAS, a Development Plan application (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet within Planning Area 2 of the West Ontario Commerce Center Specific Plan has been submitted in conjunction with the Tentative Parcel Map 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 environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that was adoption and certified by the City Council on July 3, 2018. This application is consistent with the EIR and 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 July 16, 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. DAB18-042, recommending the Planning Commission approve the Application; and

WHEREAS, on July 24, 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 Certified EIR and supporting documentation. Based upon 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 the West Ontario Commerce Center Specific Plan Environmental Impact Report, certified by the City of Ontario City Council on July 3, 2018, in conjunction with File No. PSP16-002.

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

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

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

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

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the 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: *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 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 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 Parcel Map is located within the Business Park and Industrial land use district of the Policy Plan Land Use Map, and within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use districts of the West Ontario Commerce Center 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 (TOP), under the following goals and policies:

- a. Policy LU1-5, which goal is to coordinate land uses, infrastructure, and transportation planning to achieve a jobs-housing balance; and
- b. Policy LU1-6, which states that we incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community.

Furthermore, 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).

(3) ***The design or improvement of the proposed Tentative 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 Parcel Map is located within the Business Park and Industrial land use district of the Policy Plan Land Use Map, and within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use districts of the West Ontario Commerce Center 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 provide “[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 “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” (Policy CD2-7 *Sustainability*).

(4) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the West Ontario Commerce Center Specific Plan, and is physically suitable for the type of industrial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

The proposed Tentative Parcel Map is in compliance with the development standards of the West Ontario Commerce Center Specific Plan that requires a minimum parcel size of 10,000 square feet for Business Park (BP) and 20,000 square foot for the General Industrial (GI) land use designations. The parcels range in size from 1.35 acres (58,851 sq. ft.) to 49.05 acres (2,136,666 sq. ft.) and meet the minimum lot width dimension of 100 feet and lot depth dimension of 100 feet.

(5) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for industrial development at a floor area ratio of 0.52 FAR. The project site meets the minimum lot area and dimensions of 10,000 square feet for Business Park (BP) and 20,000 square foot for the General Industrial (GI) land use designations within the West Ontario Commerce Center Specific Plan, and is physically suitable for this proposed density / intensity of development.

(6) ***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 environmental impacts for this project were reviewed under the West Ontario Commerce Center Specific Plan (File No. PSP16-002) Environmental Impact Report (SCH#2017041074). This application is

consistent with the previously adopted EIR and introduces no new significant environmental impact.

(7) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The environmental impacts for this project were reviewed under the West Ontario Commerce Center Specific Plan (File No. PSP16-002) Environmental Impact Report (SCH#2017041074). This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts; and this application is consistent with the previously adopted EIR and introduces no new significant environmental impacts.

(8) ***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 Engineering and Building Department reviewed the proposed project for any conflicts with existing and or proposed easements, and it was determined that the project will not have any conflicts with any existing and or proposed easements. As a result, both the Engineering and Building Departments are in support of the subdivision, subject to the attached conditions of approval.

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 24th day of July 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:

Cathy Wahlstrom
Planning 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 July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PMTT17-011/TPM 19738
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: July 16, 2018

File No: PMTT17-011 and PDEV17-057

Related Files:

Project Description: A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial and Business Park land use districts of the West Ontario Commerce Center Specific Plan. APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18, **submitted by REDA, OLV.**

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 Parcel Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel 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.

(b) 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 Subdivision Map.

(a) The Final Parcel Map shall be in conformance with the approved Tentative Parcel Map on file with the City. Variations from the approved Tentative Parcel Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Parcel Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Parcel Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

(c) 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) The Development Code (Section 6.03.020.B – Low Demand Parking Reduction) allows for a reduction in parking if an alternate off-street parking plan demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land use changes or intensifications in land use. Building 1 – Parking Alternative 1 Site Plan proposed the following parking spaces:

PARKING TABLE SUMMARY						
Type of Use	Building Area	Dock Doors	Parking Ratio	Spaces Required	Spaces Provided	TOTAL
Proposed Parking						
	Building 1					
Warehouse/ Distribution	1,178,633		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	590	343	- 247
Trailer Truck Parking		191	1 space for every 4 dock high door	48	220	+ 172
	Building 2					
Warehouse/ Distribution	1,038,383		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	520	578	+ 58
Trailer Truck Parking		189	1 space for every 4 dock high door	47	229	+ 182
Proposed Parking - Alternative 1						
	Building 1					
Warehouse/ Distribution	1,178,633		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	590	590	+0
Trailer Truck Parking		189	1 space for every 4 dock high door	48	123	+ 75

(c) 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. The colors, materials and design of the enhanced pavement shall be reviewed and approved by the Planning Department prior to issuance of precise grading permits.

(d) 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.

(e) 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.

(f) 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).

(g) 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).

2.7 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to the West Ontario Commerce Center Specific Plan and the Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of the West Ontario Commerce Center Specific Plan and the Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

(d) Outdoor loading and storage areas shall be provided with gates that are view-obstructing by one of the following methods:

(i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or

(ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.

(e) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

Screen Wall Height	Minimum Gate Height
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet

2.8 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to the West Ontario Commerce Center Specific Plan and Ontario Municipal Code 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.

2.9 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.

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

2.11 Signs. All Project signage shall comply with the requirements of the West Ontario Commerce Center Specific Plan and the Ontario Development Code Division 8.1 (Sign Regulations).

2.12 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).

2.13 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded concurrently with the final map.

(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&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.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(g) 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.

2.14 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP16-002, the West Ontario Commerce Center Specific Plan for which an Environmental Impact Report (SCH#: 2017041074) was previously adopted by the City Council on July 3, 2018. 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.

2.15 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.

2.16 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.

2.17 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA17-003) shall apply to this development plan and parcel map.

(b) All applicable conditions of approval of the West Ontario Commerce Center Specific Plan shall apply to this development plan and parcel map.

(c) The outdoor break area landscaping and amenities shall be reviewed and approved by the Planning Department prior to issuance of building permits.

(d) All office entry paving shall be provided with an enhanced pavement treatment. The colors, materials and design of the enhanced pavement shall be reviewed and approved by the Planning Department prior to issuance of precise grading permits.

(e) The future tenant shall provide a copy of the Alternative Parking site plan with the submittal of their Business License to verify that the proposed use meets the required number of parking spaces per the West Ontario Commerce Center Specific Plan.



**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 checked="" type="checkbox"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. PM-19738 RELATED FILE NO(S). PMTT17-011 / PDEV17-057		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: ___/___/___		

CITY PROJECT ENGINEER & PHONE NO: Bryan Lirley, P.E. (909) 395-2137 ^{6/2}

CITY PROJECT PLANNER & PHONE NO: Henry Noh, (909) 395-2429

DAB MEETING DATE: June 18, 2018

PROJECT NAME / DESCRIPTION: PM-19738, A Tentative Parcel Map (TPM 19738) to subdivide 129.6 acres of land into 9 parcels within the West Ontario Commerce Center Specific Plan (APNs 0218-261-16, 22, 23 & 32 and 0218-271-04, 08, 10, 13 & 18.

LOCATION: Northeast corner of Merrill Avenue and Carpenter Avenue

APPLICANT: Real Estate Development Associates (REDA)

REVIEWED BY: *[Signature]* 6/25/18
Miguel Sofomayor Date
Associate Engineer

APPROVED BY: *[Signature]* 6/26/18
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. 2017-027) 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 OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO PARCEL 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. North side of Merrill Avenue to achieve the ultimate half street width of 54 feet (full ultimate ROW width is 108 ft) along the project frontage.
 2. South side of Eucalyptus Avenue to achieve the ultimate half street width of 54 feet (full ultimate ROW width is 108 ft) along the project frontage.
 3. East side of Carpenter Avenue to achieve the ultimate half street width of 33 feet along the project frontage.
 4. Hellman Avenue to achieve the ultimate width of 88 feet along the project frontage.
 5. Additional 23' on the north and south sides of Merrill and Eucalyptus Avenues respectively for neighborhood edge.
 6. Additional 18' on the each side of Hellman Avenue for neighborhood edges.
 7. Property line corner cut-back at all street intersections within the project boundaries.
- 1.02 Dedicate to the City of Ontario, the following easement(s): _____
- 1.03 Restrict vehicular access to the site as follows: _____
- 1.04 Vacate the following street(s) and/or easement(s):
 1. 20' wide easement as shown on Tentative Parcel Map 19738 (No. 6) for the road purposes and ingress/egress adjacent to APN 0218-221-09.
 2. 10' wide public utility easement as shown on Tentative Parcel Map 19738 (No. 10) in favor of Southern California Edison and General Telephone Company.
 3. 10', 14' and 15' wide public utility easements as shown on Tentative Parcel Map 19738 (No. 2, 4 & 5) for pipeline, ingress, egress and repair purposes.
 4. 358' easement as shown on Tentative Parcel Map 19738 (No. 25) for the purpose of using, maintaining, repairing and replacing of waterlines.
 5. Existing southern 25' of Eucalyptus Access Road located between the project site and APN 0218-221-09 ("Not A Part"). Any existing overhead utilities within Eucalyptus Access Road shall be undergrounded per the City of Ontario's Ordinance.
 6. All interfering on-site easements shall be vacated and/or obtain non-interference letter from affected owner/utility company.
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement across parcels 3-9. 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. Applicant/developer shall provide private easement for cross lot drainage (as needed for Parcels 3-9), blanket emergency access and reciprocal access across all parcels in favor of all parcels.
 2. The Parcel Map shall comply with the approved West Ontario Commerce Center Specific Plan, the Development Agreement and the Conditions of Approval for this Tentative Parcel Map.
 3. Applicant/developer shall obtain all off-site right of way/easements necessary to construct the required public improvements identified within Section 2 of these Conditions of Approval.

2. PRIOR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:

A. GENERAL

(Permits includes Grading, Building, Demolition and Encroachment)

- 2.01 Record Parcel Map No. 19738 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) - for any improvements affecting the Cucamonga Creek Channel or adjacent storm drains owned by said jurisdiction.**
- Federal Emergency Management Agency (FEMA)
- Cucamonga Valley Water District (CVWD) for sewer/water service
- United States Army Corps of Engineers (USACE) - for any improvements affecting the Cucamonga Creek Channel or adjacent storm drains owned by said jurisdiction.**
- California Department of Fish & Game
- Inland Empire Utilities Agency (IEUA) - Recycled Water connection/relocation**
- Other: City of Chino – for any improvements encroaching into the City of Chino**

- Applicant/Developer shall obtain Non-Interference Letters from all affected owner/utility companies having rights of way interests within the project boundary.

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 \$3,881,780 shall be paid to the Building Department. Final fee shall be determined based on the approved site plan. This amount represents the storm drain DIF for only Buildings 1 & 2, additional storm drain DIF will be required for parcels 3-9.
- 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	Merrill Avenue	Eucalyptus Avenue	Hellman Avenue	Carpenter Avenue
Curb and Gutter	<input checked="" type="checkbox"/> New; 42 ft. N/O C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 42 ft. S/O C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 32 ft. from C/L (Both Sides) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 24 ft. East of C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement (see Sec. 2.F)	<input checked="" type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; along project frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; along project frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; 60 ft. along project frontage, including pavm't transitions	<input checked="" type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; 22 ft. east of C/L along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<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 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 checked="" type="checkbox"/> New <input type="checkbox"/> Remove and 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	<input checked="" 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 checked="" 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 checked="" type="checkbox"/> Trees <input checked="" 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 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 checked="" type="checkbox"/> New <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" 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 checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (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 checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<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 checked="" type="checkbox"/> New <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input 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
Storm Drain (see Sec. 2G)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" 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
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements (see Sec. 2.F)	Widen the north half of the existing Merrill Avenue Bridge	Construct the Eucalyptus Avenue Bridge	_____	_____



Specific notes for improvements listed in item no. 2.17, above:

1. The applicant/developer shall install all master planned utilities to be placed under new roadway designed to the ultimate condition.
- 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 _____ inch sewer main is available for connection by this project in _____ (Ref: Sewer plan bar code: _____)
- 2.24 **Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately 4,400 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. **Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations:** Per Sewer Master Plan Section 4-8, a Sewer Sub-Area Master Plan with Sewer Sizing and Design Calculations (SSAMP) shall be prepared for each Master Plan Sewer Trunk Tributary Area and for each Sub-Area (each Subdivision Map or Development Area). The SSAMP shall demonstrate that the trunk sewer shall be designed in such a way that it is hydraulically and physically capable of sewerage the entire tributary area; and shall demonstrate that the public sewer serving each Sub-Area shall be designed in such a way that it is hydraulically and physically capable of sewerage the entire designated Sub-Area. Design and construction for all sewer mains shall follow the corresponding SSAMP and any changes to the design assumption shall require the SSAMP to be revised and submitted for City approval, which may result in sewer design changes and sewer size changes.
 - a. A SSAMP was prepared for the Carpenter Trunk Sewer Tributary Area, which include sizing and design calculations for the Carpenter Trunk Sewer. Design and construction of the Carpenter Trunk Sewer shall follow the City approved SSAMP; and any changes to the design assumption shall require the SSAMP to be revised and submitted for City approval.
 - b. A SSAMP was prepared for the PM19738 which included a sewer main in Eucalyptus Avenue serving the west half of the Parkside Specific Plan Sub-Area. Design and construction of the all Sub-Area public sewer shall follow the City approved SSAMP; and any changes to the design assumption shall require the SSAMP to be revised and submitted for City approval.



2. **Sewer Improvements:** Prior to the issuance of any permits, the following sewer improvements shall be designed and constructed per City standards and design requirements (sizes may be updated based on revised SSAMP calculations):
 - a. **Carpenter Trunk Sewer:** Install the Sewer Master Plan Carpenter Trunk Sewer from just north of Eucalyptus Avenue and southerly to connect to the Eastern Trunk Sewer at Moon Place. Carpenter Trunk Sewer at minimum consists of: Installing a 21-inch main in Carpenter Avenue from just north of Eucalyptus Avenue to Merrill Avenue; and, installing a 24-inch main in Carpenter Avenue from Merrill Avenue to Remington Avenue; and, installing a 24-inch sewer main in Remington Avenue from Carpenter to Moon Place; and, installing a 24-inch sewer main in Moon Place from Remington Avenue to connect with IEUA's Eastern Trunk Sewer along the County Line.
 - b. Install a 10-inch sewer main in Merrill Avenue from Hellman Avenue west to connect to the Carpenter Trunk Sewer in Carpenter Avenue.
 - c. Install a 10-inch sewer Main in Hellman Avenue from just south of Eucalyptus Avenue to connect to the sewer in Merrill Avenue.
 - d. Install a 15-inch sewer in Eucalyptus Avenue from just west of Hellman Avenue west to connect to the Carpenter Trunk Sewer in Carpenter Avenue.
3. **Private Sewer Servicing Multiple Parcels:** the proposed sewer mains serving Parcels 3 to 6 and Parcels 7 & 8 shall be private and privately operated and maintained.
4. **Onsite Sewer System and Plumbing:** The Onsite Sewer System shall be privately maintained by the property owner and shall meet the following requirements:
 - a. The Onsite sewer system and building plumbing shall be designed in such a way that the sanitary wastewater flows leave the building separately from non-sanitary wastewater flows (industrial, process, or kitchen, etc.) and the line for non-sanitary wastewater flows can be upgraded in the future to have pretreatment equipment and devices on it, as required by a Wastewater Discharge Permit.
 - b. Each connection from the Onsite Sewer System to the Public Sewer System shall have a monitoring manhole prior to the point of connection with the public sewer system.
5. **Wastewater Discharge:** Each Occupant of the building, or units, shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not limited to including: possibly installing a monitoring manhole, clarifier, or other sewer pretreatment equipment.

D. WATER

- | | |
|---|---|
| <p><input type="checkbox"/> 2.27 A _____ inch water main is available for connection by this project in _____
 (Ref: Water plan bar code: _____)</p> <p><input checked="" type="checkbox"/> 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately 2,600 feet away.</p> <p><input checked="" type="checkbox"/> 2.29 Other conditions:</p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
|---|---|
1. **Potable Water Improvements:** Prior to the issuance of any permits, the following potable water improvements shall be designed and constructed per City standards and design requirements:
 - a. Install a 24-inch 925PZ Potable Water main in Eucalyptus Avenue connecting from existing 24-inch 925PZ Potable Water main in Archibald Avenue and extending to Carpenter Avenue.
 - b. Install a 12-inch 925PZ Potable Water main in Merrill Avenue connecting from existing 12-inch 925PZ Potable Water main in Archibald Avenue and extending to



- Carpenter Avenue.
- c. Install a 12-inch 925PZ Potable Water main in Carpenter Avenue connecting from Eucalyptus Avenue and extending to Merrill Avenue.
 - d. Install a 12-inch 925PZ Potable Water main in Hellman Avenue connecting from Eucalyptus Avenue and extending to Merrill Avenue.

E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 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.

- 2.34 Other conditions:
 - 1. **Recycled Water Improvements:** Prior to the issuance of any permits, the following recycled water improvements shall be designed and constructed per City standards and design requirements:
 - a. Install a 16-inch 930PZ Recycled Water main in Eucalyptus Avenue connecting from existing 16-inch 930PZ Recycled Water main in Archibald Avenue and extending to connect to the 30-inch IEUA 930PZ main in Carpenter Avenue.
 - b. Install a 12-inch 930PZ Potable Water main in Merrill Avenue connecting from existing 12-inch 930PZ Recycled Water main in Archibald Avenue and extending past the Carpenter Avenue intersection.
 - c. Install a 12-inch 930PZ Recycled Water main in Hellman Avenue connecting from Eucalyptus Avenue and connecting to Merrill Avenue.
 - d. Relocate existing IEUA Recycled Water Pressure Reducing Station in Carpenter Avenue and south of Eucalyptus to a location along the Carpenter Avenue, per IEUA and City requirements.
 - e. Relocate existing IEUA 30-inch 930PZ & 800PZ Recycled Water Main in Carpenter Avenue from just south of Merrill Avenue, along Carpenter Project frontage, to just north of Eucalyptus Avenue, unless otherwise approved by the City.

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. Design and construct all driveway approaches in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway Approach. No decorative concrete shall be allowed in the public street right-of-way.



2. The applicant/developer shall be responsible to pay their appropriate fair share for traffic impacts identified in Table 1-1 of the approved Traffic Impact Analysis.
3. The applicant/developer shall be responsible to design and construct the ultimate half street improvements along the project frontage as follows:
 - Eucalyptus Avenue (108' R/W, 84' C/C) constructed to ultimate south half plus striped median, westbound circulation lane and 5' paved shoulder.
 - Carpenter Avenue (66' R/W, 48' C/C), constructed to ultimate east half plus the southbound circulation lane and 5' paved shoulder.
 - Merrill Avenue (108' R/W, 84' C/C) constructed to ultimate north half plus striped median, eastbound lane and 5' paved shoulder.

Improvements shall include appropriate pavement transitions and signing and striping as deemed necessary by the City Engineer.
4. The applicant/developer shall design and construct Hellman Avenue to its ultimate configuration. The street section for Hellman Avenue is 88' R/W, 64' C/C.
5. The applicant/developer shall be responsible to design and construct the following traffic signals:
 - Carpenter Avenue at Merrill Avenue (non-DIF)
 - Carpenter Avenue at Eucalyptus Avenue (non-DIF)
 - Hellman Avenue at Eucalyptus Avenue (1/2 Mile DIF)
 - Hellman Avenue at Merrill Avenue (1/2 Mile DIF)

The new traffic signals shall include, video detection, CCTV, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.
6. The applicant/developer shall be responsible to design and construct the following bridges:
 - Eucalyptus Avenue Bridge over Cucamonga Creek (DIF). Ultimate south half plus westbound circulation lane.
 - Widen the north half of the existing Merrill Avenue Bridge over Cucamonga Creek (DIF).
7. The applicant/developer shall be responsible to design and construct bus shelter facilities, including furniture and pads in accordance with Omnitrans Transit Design Guidelines. At a minimum, each stop shall include: Shelter, LED lighting, Benches, Map Case and Rear Metal Wall and Trash Receptacles. Locations include:
 - EB Eucalyptus Avenue at Hellman Avenue (DIF)
8. The applicant/developer shall be responsible to design and construct traffic signal interconnect, LED-type street-lighting, and signing & 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.
9. Carpenter Avenue, Eucalyptus Avenue, Hellman Avenue and Merrill Avenue shall be posted "No Stopping and/or Parking Anytime".
10. During the development and construction of the Tract, at least two points of access shall be maintained at all times.
11. The applicant/developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing/striping and/or street lighting design.



12. The applicant/developer shall obtain all rights-of-way necessary to construct all required improvements.

13. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____. (Ref: Storm Drain plan bar code: _____)
- 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:**
 - 1. **The applicant/developer shall construct all master planned storm drain lines surrounding the project site and connection to the Cucamonga Creek Channel.**

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 located at Eucalyptus/Archibald and Merrill/Archibald. Generally located along the Merrill, Eucalyptus, Hellman and Carpenter Avenue project frontage.
- 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. **Solid Waste Handling Plan (SWHP):** For each Parcel or Site Plan, A SWHP and Report shall 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 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, organics, etc.).
 - iii. An Engineering Site Plan drawn to scale that shows :
 - 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.
 - 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.
 - All parking stalls and parallel parking spaces along all streets, alleys, or aisles.



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: PMTT17-011 / PDEV17-057 , and/or Parcel Map/Tract Map No. PM-19738

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 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
 Joe De Sousa, Code Enforcement (Copy of memo only)
 Jimmy Chang, IT Department
 David Simpson, IT Department (Copy of memo only)

FROM: Henry Noh, Senior Planner

DATE: May 18, 2018

SUBJECT: FILE #: PDEV17-057

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 **Monday, April 16, 2018**.

PROJECT DESCRIPTION: A Development Plan to construct two industrial buildings totaling 2,220,608 SF on 129.64 acres of land generally located on the north side of Merrill Avenue, south of Eucalyptus Avenue and East of Carpenter Avenue, within the West Ontario Commerce Specific Plan area (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-08, 0218-271-13, and 0218-271-18). Related File: PSP16-002.

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.

5/29/18
 Landscape Planning *Carolyn Bell* *Sch* Landscape Architect
 Department Signature Title Date

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

5/29/18
 Date

Reviewer's Name:

Carolyn Bell, Sr. Landscape Planner

Phone:

(909) 395-2237

D.A.B. File No.:

(PSP16-002)

PDEV17-057 Rev 2

Case Planner:

Henry Noh

Project Name and Location:

West Ontario Commerce Center
 N of Merrill, S of Eucalyptus, E of Carpenter

Applicant/Representative:

MIG, Pamela Steele
 1500 Iowa Ave #110
 Riverside, CA 92507



A Preliminary Landscape Plan (dated 5/16/18) 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.



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 storm water infiltration areas and show basins and swales to be no greater than 50% of the width of the selected basin landscape area to allow for ornamental landscape. Provide a level grade minimum 6' from paving for landscape. **Show any basins or swales proposed.**
2. Dimension a 4' setback for backflows and transformers on plan from paving. **Show backflow devices on private property not in the ROW.**
3. Locate utilities including light standards, fire hydrants, and 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. **Revise 2:1 slopes to 3:1**
5. Show outdoor employee break area with table or bench and shade trees on the south and west sides.
6. Correct on plans to match specific plan, sections ok:
 - a. Hellman: Show a 7' parkway, 5' sidewalk and 18' neighborhood edge, landscape buffer, CFD maintained. Show a concrete mowstrip to separate CFD from private maintenance areas.
 - b. Merrill: Show a 7' parkway, 5' sidewalk and 23' neighborhood edge to include an 8' DG multipurpose trail. Move parking lots shown within the 23' neighborhood edge, landscape buffer, and show a concrete mowstrip at 23' setback.
 - c. Carpenter: Show a 7' parkway and 5' sidewalk.
7. Remove Modular Wetlands Units to an approved storm water system per engineering dept.

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 with 3' high strappy leaf landscape screening. Show transformers with 4' high evergreen shrub screening. **Show fire DCDA and screening**
10. Show all utilities on the landscape plans and coordinate to be clear of required tree locations.
11. Show landscaping in the perimeter planters. Show native trees and mulch along east PI. **Not corrected include** trees in the SE corner and building corners by the offices.
12. Show parking lot island tree planters 1 for every 10 parking spaces and at each row end. **Missing at HC spaces.**
13. Verify recycled water is available and modify MAWA if not. Civil plans show potable water for irrigation.
14. Show accent plant area symbol different from shrubs and groundcover symbol. Tall shrubs noted for screening but not in legend.
15. Show proposed sign locations and accent landscape appropriate for types of signs.
16. Street trees for this project are: on Merrill: Quercus agrifolia and Cercis Forest Pansy; Eucalyptus: Pistache and Magnolia majestic beauty; Hellman: Celtis sinensis and Pinus eldarica and Cercis occidentalis. See the Ontario Ranch Streetscape Master Plan for street tree layout, typically 30' oc with double rows.
17. Show concrete mowstrips, **Remove note for mow- curb to be placed at street PL. See item #6 above for mow curb locations.**
18. **Show walls and call out height and material. Coordinate with civil plan and mow curb locations.**
19. 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. Use large box size for larger trees. Note additional tree bubblers for large box trees.
20. Show 25% of trees as California native (Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations. **Not corrected.**
21. Provide several varieties of shade trees (30' dia) in parking lots such as larger tree types in the larger planters to a monoculture.
22. Plans shall meet all the requirements of the Landscape Development Guidelines.
23. 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
Inspection—Construction (up to 3 inspections per phase)	\$278.00
Total	\$2,604.00

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

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-057

Address: Southeast corner Eucalyptus Avenue & Carpenter Avenue

APN: 0218-261-16, 22, 23 & 32 and 0218-271-04, 08, 10, 13 & 18

Existing Land Use: Vacant

Proposed Land Use: A Development Plan to construct two industrial buildings totaling 2,220,608 SF

Site Acreage: 129.64 Proposed Structure Height: 40 ft

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Henry Noh

Date: 6/11/18

CD No.: 2017-086 Rev. 3

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 type="radio"/> 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: 110-130 ft

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 proposed project is located within the Airport Influence Area of Chino Airport and found to be consistent with the California Airport Land Use Planning Handbook provided the following conditions are met:

See Attached.

Airport Planner Signature:

AIRPORT LAND USE COMPATIBILITY PLANNING

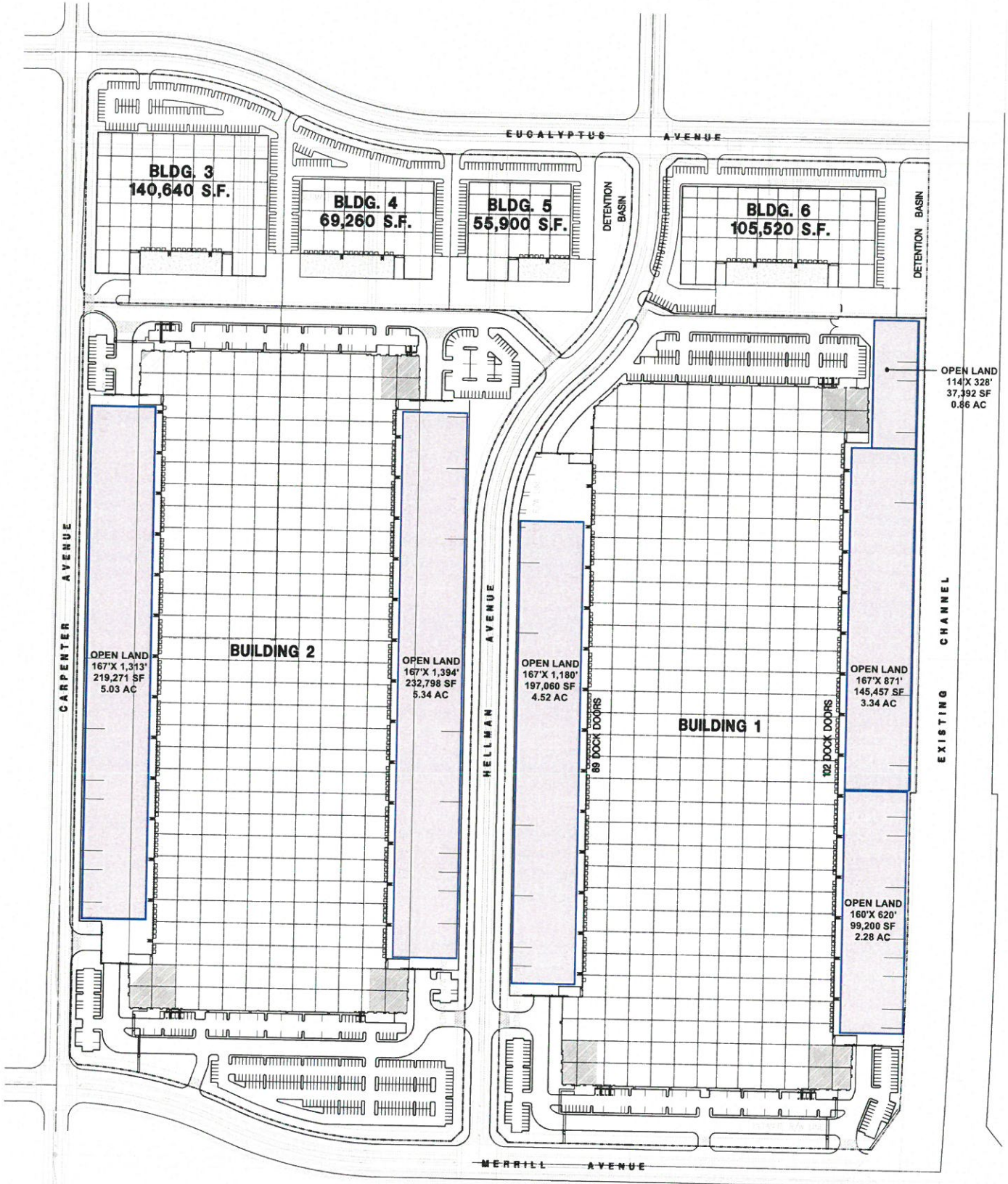
CONSISTENCY DETERMINATION REPORT

CD No.: 2017-086

PALU No.: _____

PROJECT CONDITIONS

1. The project will need to provide a minimum of 10% open land for the project net area of 129.6 acres, 12.9 acres of open land is required and 21.3 acres has been provided.
2. The attached open land exhibit identifies the interior truck yard as an acceptable location for meeting the open land requirements. The area within the truck yard designated for open land shall be remain free of permanent structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
3. Project is located within Safety Zone 6 and above ground storage of hazardous materials greater than 6,000 gallons is not allowed.



OPEN LAND AREA DATA TABLE

	BLDG (SF)	PARCEL (SF)	PARCEL (AC)	OPEN LAND (SF)	OPEN LAND (AC)	% OPEN LAND
TOTAL	2,220,608	4,273,513	98.1	931,178	21.3	21.8%



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: PDEV17-057 - A Development Plan to construct two industrial buildings totaling 2,220,608 SF on 129.64 acres of land generally located on the north side of Merrill Avenue, south of Eucalyptus Avenue and East of Carpenter Avenue, within the West Ontario Commerce Specific Plan area (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-08, 0218-271-13, and 0218-271-18). Related File: PSP16-002.

-
- 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: III
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): Building #1 – 1.18 MSF
Building #2 – 1.04 MSF
- D. Number of Stories: 1
- E. Total Square Footage: 2.22 MSF
- F. 2016 CBC Occupancy Classification(s): S

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 4000 gallons per minute (g.p.m.) for 4 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 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 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.
- 4.5 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.
- ☒ 4.9 Hose valves with one and one half inch (1 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.

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.
- ☒ 5.6 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.



CITY OF ONTARIO MEMORANDUM

TO: Henry Noh, Planning Department

FROM: Douglas Sorel, Police Department

DATE: December 19, 2017

SUBJECT: PDEV17-057 – A DEVELOPMENT PLAN TO AN ADDITION TO AN EXISTING TWO INDUSTRIAL BUILDING AT EUCALYPTUS AND MERRILL

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, hallways, stairwells, 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 on the buildings. Due to the size of the proposed buildings, each number shall be at a minimum 6’ tall by 2’ wide. All other requirements stated in the Standard Conditions shall apply.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns regarding these conditions.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 16, 2018
SUBJECT: PDEV17-057

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

Conditions of Approval

1. Building 2 Address: 4810 S Hellman Avenue
2. Building 1 Address: 4815 S Hellman Avenue

KS:lm

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV17-057, A DEVELOPMENT PLAN TO CONSTRUCT TWO INDUSTRIAL BUILDINGS TOTALING 2,217,016 SQUARE FEET. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, LOCATED WITHIN THE GENERAL INDUSTRIAL LAND USE DISTRICT OF THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18.

WHEREAS, REDA, OLV ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV17-057, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 119.31 acres of land, the project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan; and

WHEREAS, the property to the north of the Project site is within the Parkside Specific Plan and is designated Medium Density Residential land use district, and is developed with agricultural uses. The property to the east is within the Utility Corridor zoning district, and is developed with the Cucamonga Creek Flood Control Channel. The property to the south is within the Colony Commerce Center West Specific Plan and is designated Industrial land use district, and is developed with agricultural uses. The property to the west is within the Specific Plan/Agricultural (SP/AG) zoning district, and is developed with agricultural and dairy uses; and

WHEREAS, a Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels within Planning Areas 1 and 2 of the West Ontario Commerce Center Specific Plan has been submitted in conjunction with the Development Plan Application (File No. PDEV17-057); 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 analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074),

that was adoption and certified by the City Council on July 3, 2018. This application is consistent with the EIR and 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 July 16, 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. DAB18-043, recommending the Planning Commission approve the Application; and

WHEREAS, on July 24, 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 Certified EIR and supporting documentation. Based upon 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 the West Ontario Commerce Center Specific Plan Environmental Impact Report, certified by the City of Ontario City Council on July 3, 2018, in conjunction with File No. PSP16-002.

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

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

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

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

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the 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: *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 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 Development Plan is located within the Industrial land use district of the Policy Plan Land Use Map, and within the General Industrial (Planning Area 2) of the West Ontario Commerce Center 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.

(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 Planning Area 2 of the West Ontario Commerce Center Specific Plan, including standards relative to the particular land use proposed (Industrial), 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 proposed development has been designed to maximize the subject property, in addition, the proposed development will comply with all the setbacks, parking and landscape requirements for the zone. The proposed project is not requesting any Variances, therefore, it complies with all the Specific Plan development requirements. The development and design of the project will enhance the surrounding neighborhood and add value to current site and adjacent developments. In addition, all the City departments such as traffic, police, engineering,

utilities, planning and building and safety have reviewed the proposed development and they are in support of the project subject to the attached conditions of approval.

(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 Development Code and the West Ontario Commerce Center 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. The proposed location of the Project, and the proposed conditions under which it will be constructed and maintained, is consistent with the Policy Plan component of The Ontario Plan and the City's Development Code. In addition, an Environmental Impact Report (EIR) was prepared for the project under File No. PSP16-002, and all the mitigation measures for any impacts were identified and adopted by City Council. No new impacts are anticipate as a result of the proposed development.

(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 development standards contained in the City of Ontario Development Code and the West Ontario Commerce Center Specific Plan, which are applicable to the Project, including those related to the industrial land use being proposed, as well as 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. With approval of the Building 1 – Alternative 1 Parking Site Plan, staff has found the project, when implemented in conjunction with the conditions of approval, to be consistent with the applicable Development Code and the West Ontario Commerce Center Specific Plan requirements.

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 24th day of July 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:

Cathy Wahlstrom
Planning 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 July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A:

**File No. PDEV17-057
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: July 16, 2018

File No: PMTT17-011 and PDEV17-057

Related Files:

Project Description: A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial and Business Park land use districts of the West Ontario Commerce Center Specific Plan. APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18; **submitted by REDA, OLV.**

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 Parcel Map approval shall become null and void 2 years following the effective date of application approval, unless the final parcel 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.

(b) 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 Subdivision Map.

(a) The Final Parcel Map shall be in conformance with the approved Tentative Parcel Map on file with the City. Variations from the approved Tentative Parcel Map may be reviewed and approved by the Planning Department. A substantial variation from the approved Tentative Parcel Map may require review and approval by the Planning Commission, as determined by the Planning Director.

(b) Tentative Parcel Map approval shall be subject to all conditions, requirements and recommendations from all other departments/agencies provided on the attached reports/memorandums.

(c) 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) The Development Code (Section 6.03.020.B – Low Demand Parking Reduction) allows for a reduction in parking if an alternate off-street parking plan demonstrates that additional parking spaces can be provided on-site, as necessary, to accommodate future land use changes or intensifications in land use. Building 1 – Parking Alternative 1 Site Plan proposed the following parking spaces:

PARKING TABLE SUMMARY						
Type of Use	Building Area	Dock Doors	Parking Ratio	Spaces Required	Spaces Provided	TOTAL
Proposed Parking						
	Building 1					
Warehouse/ Distribution	1,178,633		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	590	343	- 247
Trailer Truck Parking		191	1 space for every 4 dock high door	48	220	+ 172
	Building 2					
Warehouse/ Distribution	1,038,383		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	520	578	+ 58
Trailer Truck Parking		189	1 space for every 4 dock high door	47	229	+ 182
Proposed Parking - Alternative 1						
	Building 1					
Warehouse/ Distribution	1,178,633		One space per 1,000 SF (0.001/SF) for portion of GFA <20,000 SF, plus 0.5 space per 1,000 SF (0.0005/SF) for GFA > 20,000 SF;	590	590	+0
Trailer Truck Parking		189	1 space for every 4 dock high door	48	123	+ 75

(c) 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. The colors, materials and design of the enhanced pavement shall be reviewed and approved by the Planning Department prior to issuance of precise grading permits.

(d) 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.

(e) 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.

(f) 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).

(g) 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).

2.7 Outdoor Loading and Storage Areas.

(a) Loading facilities shall be designed and constructed pursuant to the West Ontario Commerce Center Specific Plan and the Development Code Division 6.03 (Off-Street Parking and Loading).

(b) Areas designated for off-street parking, loading, and vehicular circulation and maneuvering, shall not be used for the outdoor storage of materials or equipment.

(c) Outdoor loading and storage areas, and loading doors, shall be screened from public view pursuant to the requirements of the West Ontario Commerce Center Specific Plan and the Development Code Paragraph 6.02.025.A.2 (Screening of Outdoor Loading and Storage Areas, and Loading Doors) Et Seq.

(d) Outdoor loading and storage areas shall be provided with gates that are view-obstructing by one of the following methods:

(i) Construct gates with a perforated metal sheet affixed to the inside of the gate surface (50 percent screen); or

(ii) Construct gates with minimum one-inch square tube steel pickets spaced at maximum 2-inches apart.

(e) The minimum gate height for screen wall openings shall be established based upon the corresponding wall height, as follows:

Screen Wall Height	Minimum Gate Height
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet

2.8 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to the West Ontario Commerce Center Specific Plan and Ontario Municipal Code 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.

2.9 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.

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

2.11 Signs. All Project signage shall comply with the requirements of the West Ontario Commerce Center Specific Plan and the Ontario Development Code Division 8.1 (Sign Regulations).

2.12 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).

2.13 Covenants, Conditions and Restrictions (CC&Rs)/Mutual Access and Maintenance Agreements.

(a) CC&Rs shall be prepared for the Project and shall be recorded concurrently with the final map.

(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&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.

(f) The CC&Rs shall grant the City of Ontario the right of enforcement of the CC&R provisions.

(g) 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.

2.14 Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP16-002, the West Ontario Commerce Center Specific Plan for which an Environmental Impact Report (SCH#: 2017041074) was previously adopted by the City Council on July 3, 2018. 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.

2.15 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.

2.16 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.

2.17 Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA17-003) shall apply to this development plan and parcel map.

(b) All applicable conditions of approval of the West Ontario Commerce Center Specific Plan shall apply to this development plan and parcel map.

(c) The outdoor break area landscaping and amenities shall be reviewed and approved by the Planning Department prior to issuance of building permits.

(d) All office entry paving shall be provided with an enhanced pavement treatment. The colors, materials and design of the enhanced pavement shall be reviewed and approved by the Planning Department prior to issuance of precise grading permits.

(e) The future tenant shall provide a copy of the Alternative Parking site plan with the submittal of their Business License to verify that the proposed use meets the required number of parking spaces per the West Ontario Commerce Center Specific Plan.



**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 checked="" type="checkbox"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
PROJECT FILE NO. PM-19738 RELATED FILE NO(S). PMTT17-011 / PDEV17-057		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: ___/___/___		

CITY PROJECT ENGINEER & PHONE NO: Bryan Lirley, P.E. (909) 395-2137 ^{6/2}

CITY PROJECT PLANNER & PHONE NO: Henry Noh, (909) 395-2429

DAB MEETING DATE: June 18, 2018

PROJECT NAME / DESCRIPTION: PM-19738, A Tentative Parcel Map (TPM 19738) to subdivide 129.6 acres of land into 9 parcels within the West Ontario Commerce Center Specific Plan (APNs 0218-261-16, 22, 23 & 32 and 0218-271-04, 08, 10, 13 & 18.

LOCATION: Northeast corner of Merrill Avenue and Carpenter Avenue

APPLICANT: Real Estate Development Associates (REDA)

REVIEWED BY: Miguel Sofomayor 6/25/18
Associate Engineer Date

APPROVED BY: Khoi Do 6/26/18
Assistant City Engineer Date



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 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 OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

1. PRIOR TO PARCEL 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. North side of Merrill Avenue to achieve the ultimate half street width of 54 feet (full ultimate ROW width is 108 ft) along the project frontage.
 2. South side of Eucalyptus Avenue to achieve the ultimate half street width of 54 feet (full ultimate ROW width is 108 ft) along the project frontage.
 3. East side of Carpenter Avenue to achieve the ultimate half street width of 33 feet along the project frontage.
 4. Hellman Avenue to achieve the ultimate width of 88 feet along the project frontage.
 5. Additional 23' on the north and south sides of Merrill and Eucalyptus Avenues respectively for neighborhood edge.
 6. Additional 18' on the each side of Hellman Avenue for neighborhood edges.
 7. Property line corner cut-back at all street intersections within the project boundaries.
- 1.02 Dedicate to the City of Ontario, the following easement(s): _____
- 1.03 Restrict vehicular access to the site as follows: _____
- 1.04 Vacate the following street(s) and/or easement(s):
 1. 20' wide easement as shown on Tentative Parcel Map 19738 (No. 6) for the road purposes and ingress/egress adjacent to APN 0218-221-09.
 2. 10' wide public utility easement as shown on Tentative Parcel Map 19738 (No. 10) in favor of Southern California Edison and General Telephone Company.
 3. 10', 14' and 15' wide public utility easements as shown on Tentative Parcel Map 19738 (No. 2, 4 & 5) for pipeline, ingress, egress and repair purposes.
 4. 358' easement as shown on Tentative Parcel Map 19738 (No. 25) for the purpose of using, maintaining, repairing and replacing of waterlines.
 5. Existing southern 25' of Eucalyptus Access Road located between the project site and APN 0218-221-09 ("Not A Part"). Any existing overhead utilities within Eucalyptus Access Road shall be undergrounded per the City of Ontario's Ordinance.
 6. All interfering on-site easements shall be vacated and/or obtain non-interference letter from affected owner/utility company.
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement across parcels 3-9. 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. Applicant/developer shall provide private easement for cross lot drainage (as needed for Parcels 3-9), blanket emergency access and reciprocal access across all parcels in favor of all parcels.
 2. The Parcel Map shall comply with the approved West Ontario Commerce Center Specific Plan, the Development Agreement and the Conditions of Approval for this Tentative Parcel Map.
 3. Applicant/developer shall obtain all off-site right of way/easements necessary to construct the required public improvements identified within Section 2 of these Conditions of Approval.

2. PRIOR TO ISSUANCE OF ANY PERMITS, APPLICANT SHALL:

A. GENERAL

(Permits includes Grading, Building, Demolition and Encroachment)

- 2.01 Record Parcel Map No. 19738 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) - for any improvements affecting the Cucamonga Creek Channel or adjacent storm drains owned by said jurisdiction.**
- Federal Emergency Management Agency (FEMA)
- Cucamonga Valley Water District (CVWD) for sewer/water service
- United States Army Corps of Engineers (USACE) - for any improvements affecting the Cucamonga Creek Channel or adjacent storm drains owned by said jurisdiction.**
- California Department of Fish & Game
- Inland Empire Utilities Agency (IEUA) - Recycled Water connection/relocation**
- Other: City of Chino – for any improvements encroaching into the City of Chino**

- **Applicant/Developer shall obtain Non-Interference Letters from all affected owner/utility companies having rights of way interests within the project boundary.**

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 \$3,881,780 shall be paid to the Building Department. Final fee shall be determined based on the approved site plan. This amount represents the storm drain DIF for only Buildings 1 & 2, additional storm drain DIF will be required for parcels 3-9.
- 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	Merrill Avenue	Eucalyptus Avenue	Hellman Avenue	Carpenter Avenue
Curb and Gutter	<input checked="" type="checkbox"/> New; 42 ft. N/O C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 42 ft. S/O C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 32 ft. from C/L (Both Sides) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 24 ft. East of C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement (see Sec. 2.F)	<input checked="" type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; along project frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; along project frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; 60 ft. along project frontage, including pavm't transitions	<input checked="" type="checkbox"/> Replacement <input checked="" type="checkbox"/> New; 22 ft. east of C/L along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<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 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 checked="" type="checkbox"/> New <input type="checkbox"/> Remove and 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	<input checked="" 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 checked="" 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 checked="" type="checkbox"/> Trees <input checked="" 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 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 checked="" type="checkbox"/> New <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" 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 checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (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 checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<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 checked="" type="checkbox"/> New <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input 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
Storm Drain (see Sec. 2G)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" 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
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements (see Sec. 2.F)	Widen the north half of the existing Merrill Avenue Bridge	Construct the Eucalyptus Avenue Bridge	_____	_____



Specific notes for improvements listed in item no. 2.17, above:

1. The applicant/developer shall install all master planned utilities to be placed under new roadway designed to the ultimate condition.
- 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 _____ inch sewer main is available for connection by this project in _____ (Ref: Sewer plan bar code: _____)
- 2.24 **Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately 4,400 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. **Sewer Sub-Area Master Plans (SSAMPs) with Sewer Sizing Design Calculations:** Per Sewer Master Plan Section 4-8, a Sewer Sub-Area Master Plan with Sewer Sizing and Design Calculations (SSAMP) shall be prepared for each Master Plan Sewer Trunk Tributary Area and for each Sub-Area (each Subdivision Map or Development Area). The SSAMP shall demonstrate that the trunk sewer shall be designed in such a way that it is hydraulically and physically capable of sewerage the entire tributary area; and shall demonstrate that the public sewer serving each Sub-Area shall be designed in such a way that it is hydraulically and physically capable of sewerage the entire designated Sub-Area. Design and construction for all sewer mains shall follow the corresponding SSAMP and any changes to the design assumption shall require the SSAMP to be revised and submitted for City approval, which may result in sewer design changes and sewer size changes.
 - a. A SSAMP was prepared for the Carpenter Trunk Sewer Tributary Area, which include sizing and design calculations for the Carpenter Trunk Sewer. Design and construction of the Carpenter Trunk Sewer shall follow the City approved SSAMP; and any changes to the design assumption shall require the SSAMP to be revised and submitted for City approval.
 - b. A SSAMP was prepared for the PM19738 which included a sewer main in Eucalyptus Avenue serving the west half of the Parkside Specific Plan Sub-Area. Design and construction of the all Sub-Area public sewer shall follow the City approved SSAMP; and any changes to the design assumption shall require the SSAMP to be revised and submitted for City approval.



2. **Sewer Improvements:** Prior to the issuance of any permits, the following sewer improvements shall be designed and constructed per City standards and design requirements (sizes may be updated based on revised SSAMP calculations):
 - a. **Carpenter Trunk Sewer:** Install the Sewer Master Plan Carpenter Trunk Sewer from just north of Eucalyptus Avenue and southerly to connect to the Eastern Trunk Sewer at Moon Place. Carpenter Trunk Sewer at minimum consists of: Installing a 21-inch main in Carpenter Avenue from just north of Eucalyptus Avenue to Merrill Avenue; and, installing a 24-inch main in Carpenter Avenue from Merrill Avenue to Remington Avenue; and, installing a 24-inch sewer main in Remington Avenue from Carpenter to Moon Place; and, installing a 24-inch sewer main in Moon Place from Remington Avenue to connect with IEUA's Eastern Trunk Sewer along the County Line.
 - b. Install a 10-inch sewer main in Merrill Avenue from Hellman Avenue west to connect to the Carpenter Trunk Sewer in Carpenter Avenue.
 - c. Install a 10-inch sewer Main in Hellman Avenue from just south of Eucalyptus Avenue to connect to the sewer in Merrill Avenue.
 - d. Install a 15-inch sewer in Eucalyptus Avenue from just west of Hellman Avenue west to connect to the Carpenter Trunk Sewer in Carpenter Avenue.
3. **Private Sewer Servicing Multiple Parcels:** the proposed sewer mains serving Parcels 3 to 6 and Parcels 7 & 8 shall be private and privately operated and maintained.
4. **Onsite Sewer System and Plumbing:** The Onsite Sewer System shall be privately maintained by the property owner and shall meet the following requirements:
 - a. The Onsite sewer system and building plumbing shall be designed in such a way that the sanitary wastewater flows leave the building separately from non-sanitary wastewater flows (industrial, process, or kitchen, etc.) and the line for non-sanitary wastewater flows can be upgraded in the future to have pretreatment equipment and devices on it, as required by a Wastewater Discharge Permit.
 - b. Each connection from the Onsite Sewer System to the Public Sewer System shall have a monitoring manhole prior to the point of connection with the public sewer system.
5. **Wastewater Discharge:** Each Occupant of the building, or units, shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not limited to including: possibly installing a monitoring manhole, clarifier, or other sewer pretreatment equipment.

D. WATER

- | | |
|---|---|
| <p><input type="checkbox"/> 2.27 A _____ inch water main is available for connection by this project in _____
 (Ref: Water plan bar code: _____)</p> <p><input checked="" type="checkbox"/> 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately 2,600 feet away.</p> <p><input checked="" type="checkbox"/> 2.29 Other conditions:</p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |
|---|---|
1. **Potable Water Improvements:** Prior to the issuance of any permits, the following potable water improvements shall be designed and constructed per City standards and design requirements:
 - a. Install a 24-inch 925PZ Potable Water main in Eucalyptus Avenue connecting from existing 24-inch 925PZ Potable Water main in Archibald Avenue and extending to Carpenter Avenue.
 - b. Install a 12-inch 925PZ Potable Water main in Merrill Avenue connecting from existing 12-inch 925PZ Potable Water main in Archibald Avenue and extending to



- Carpenter Avenue.
- c. Install a 12-inch 925PZ Potable Water main in Carpenter Avenue connecting from Eucalyptus Avenue and extending to Merrill Avenue.
 - d. Install a 12-inch 925PZ Potable Water main in Hellman Avenue connecting from Eucalyptus Avenue and extending to Merrill Avenue.

E. RECYCLED WATER

- 2.30 A _____ inch recycled water main is available for connection by this project in _____. (Ref: Recycled Water plan bar code: _____)
- 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.

- 2.34 Other conditions:
 - 1. **Recycled Water Improvements:** Prior to the issuance of any permits, the following recycled water improvements shall be designed and constructed per City standards and design requirements:
 - a. Install a 16-inch 930PZ Recycled Water main in Eucalyptus Avenue connecting from existing 16-inch 930PZ Recycled Water main in Archibald Avenue and extending to connect to the 30-inch IEUA 930PZ main in Carpenter Avenue.
 - b. Install a 12-inch 930PZ Potable Water main in Merrill Avenue connecting from existing 12-inch 930PZ Recycled Water main in Archibald Avenue and extending past the Carpenter Avenue intersection.
 - c. Install a 12-inch 930PZ Recycled Water main in Hellman Avenue connecting from Eucalyptus Avenue and connecting to Merrill Avenue.
 - d. Relocate existing IEUA Recycled Water Pressure Reducing Station in Carpenter Avenue and south of Eucalyptus to a location along the Carpenter Avenue, per IEUA and City requirements.
 - e. Relocate existing IEUA 30-inch 930PZ & 800PZ Recycled Water Main in Carpenter Avenue from just south of Merrill Avenue, along Carpenter Project frontage, to just north of Eucalyptus Avenue, unless otherwise approved by the City.

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. Design and construct all driveway approaches in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway Approach. No decorative concrete shall be allowed in the public street right-of-way.



2. The applicant/developer shall be responsible to pay their appropriate fair share for traffic impacts identified in Table 1-1 of the approved Traffic Impact Analysis.
3. The applicant/developer shall be responsible to design and construct the ultimate half street improvements along the project frontage as follows:
 - Eucalyptus Avenue (108' R/W, 84' C/C) constructed to ultimate south half plus striped median, westbound circulation lane and 5' paved shoulder.
 - Carpenter Avenue (66' R/W, 48' C/C), constructed to ultimate east half plus the southbound circulation lane and 5' paved shoulder.
 - Merrill Avenue (108' R/W, 84' C/C) constructed to ultimate north half plus striped median, eastbound lane and 5' paved shoulder.

Improvements shall include appropriate pavement transitions and signing and striping as deemed necessary by the City Engineer.
4. The applicant/developer shall design and construct Hellman Avenue to its ultimate configuration. The street section for Hellman Avenue is 88' R/W, 64' C/C.
5. The applicant/developer shall be responsible to design and construct the following traffic signals:
 - Carpenter Avenue at Merrill Avenue (non-DIF)
 - Carpenter Avenue at Eucalyptus Avenue (non-DIF)
 - Hellman Avenue at Eucalyptus Avenue (1/2 Mile DIF)
 - Hellman Avenue at Merrill Avenue (1/2 Mile DIF)

The new traffic signals shall include, video detection, CCTV, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.
6. The applicant/developer shall be responsible to design and construct the following bridges:
 - Eucalyptus Avenue Bridge over Cucamonga Creek (DIF). Ultimate south half plus westbound circulation lane.
 - Widen the north half of the existing Merrill Avenue Bridge over Cucamonga Creek (DIF).
7. The applicant/developer shall be responsible to design and construct bus shelter facilities, including furniture and pads in accordance with Omnitrans Transit Design Guidelines. At a minimum, each stop shall include: Shelter, LED lighting, Benches, Map Case and Rear Metal Wall and Trash Receptacles. Locations include:
 - EB Eucalyptus Avenue at Hellman Avenue (DIF)
8. The applicant/developer shall be responsible to design and construct traffic signal interconnect, LED-type street-lighting, and signing & 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.
9. Carpenter Avenue, Eucalyptus Avenue, Hellman Avenue and Merrill Avenue shall be posted "No Stopping and/or Parking Anytime".
10. During the development and construction of the Tract, at least two points of access shall be maintained at all times.
11. The applicant/developer's engineer-of-record shall meet with City Engineering staff prior to starting traffic signal, signing/striping and/or street lighting design.



12. The applicant/developer shall obtain all rights-of-way necessary to construct all required improvements.

13. All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.

G. DRAINAGE / HYDROLOGY

- 2.38 A _____ inch storm drain main is available to accept flows from this project in _____. (Ref: Storm Drain plan bar code: _____)
- 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:**
 - 1. **The applicant/developer shall construct all master planned storm drain lines surrounding the project site and connection to the Cucamonga Creek Channel.**

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 located at Eucalyptus/Archibald and Merrill/Archibald. Generally located along the Merrill, Eucalyptus, Hellman and Carpenter Avenue project frontage.
- 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. **Solid Waste Handling Plan (SWHP):** For each Parcel or Site Plan, A SWHP and Report shall 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 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, organics, etc.).
 - iii. An Engineering Site Plan drawn to scale that shows :
 - 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.
 - 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.
 - All parking stalls and parallel parking spaces along all streets, alleys, or aisles.



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: PMTT17-011 / PDEV17-057 , and/or Parcel Map/Tract Map No. PM-19738

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 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
Joe De Sousa, Code Enforcement (Copy of memo only)
Jimmy Chang, IT Department
David Simpson, IT Department (Copy of memo only)

FROM: Henry Noh, Senior Planner

DATE: May 18, 2018

SUBJECT: FILE #: PDEV17-057

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 **Monday, April 16, 2018**.

PROJECT DESCRIPTION: A Development Plan to construct two industrial buildings totaling 2,220,608 SF on 129.64 acres of land generally located on the north side of Merrill Avenue, south of Eucalyptus Avenue and East of Carpenter Avenue, within the West Ontario Commerce Specific Plan area (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-08, 0218-271-13, and 0218-271-18). Related File: PSP16-002.

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.

5/29/18
Landscape Planning Carolyn Bell Schandcape Architect
Department Signature Title Date

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

5/29/18
 Date

Reviewer's Name:

Carolyn Bell, Sr. Landscape Planner

Phone:

(909) 395-2237

D.A.B. File No.:

(PSP16-002)

PDEV17-057 Rev 2

Case Planner:

Henry Noh

Project Name and Location:

West Ontario Commerce Center
 N of Merrill, S of Eucalyptus, E of Carpenter

Applicant/Representative:

MIG, Pamela Steele
 1500 Iowa Ave #110
 Riverside, CA 92507



A Preliminary Landscape Plan (dated 5/16/18) 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.



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 storm water infiltration areas and show basins and swales to be no greater than 50% of the width of the selected basin landscape area to allow for ornamental landscape. Provide a level grade minimum 6' from paving for landscape. **Show any basins or swales proposed.**
2. Dimension a 4' setback for backflows and transformers on plan from paving. **Show backflow devices on private property not in the ROW.**
3. Locate utilities including light standards, fire hydrants, and 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. **Revise 2:1 slopes to 3:1**
5. Show outdoor employee break area with table or bench and shade trees on the south and west sides.
6. Correct on plans to match specific plan, sections ok:
 - a. Hellman: Show a 7' parkway, 5' sidewalk and 18' neighborhood edge, landscape buffer, CFD maintained. Show a concrete mowstrip to separate CFD from private maintenance areas.
 - b. Merrill: Show a 7' parkway, 5' sidewalk and 23' neighborhood edge to include an 8' DG multipurpose trail. Move parking lots shown within the 23' neighborhood edge, landscape buffer, and show a concrete mowstrip at 23' setback.
 - c. Carpenter: Show a 7' parkway and 5' sidewalk.
7. Remove Modular Wetlands Units to an approved storm water system per engineering dept.

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 with 3' high strappy leaf landscape screening. Show transformers with 4' high evergreen shrub screening. **Show fire DCDA and screening**
10. Show all utilities on the landscape plans and coordinate to be clear of required tree locations.
11. Show landscaping in the perimeter planters. Show native trees and mulch along east PI. **Not corrected include** trees in the SE corner and building corners by the offices.
12. Show parking lot island tree planters 1 for every 10 parking spaces and at each row end. **Missing at HC spaces.**
13. Verify recycled water is available and modify MAWA if not. Civil plans show potable water for irrigation.
14. Show accent plant area symbol different from shrubs and groundcover symbol. Tall shrubs noted for screening but not in legend.
15. Show proposed sign locations and accent landscape appropriate for types of signs.
16. Street trees for this project are: on Merrill: Quercus agrifolia and Cercis Forest Pansy; Eucalyptus: Pistache and Magnolia majestic beauty; Hellman: Celtis sinensis and Pinus eldarica and Cercis occidentalis. See the Ontario Ranch Streetscape Master Plan for street tree layout, typically 30' oc with double rows.
17. Show concrete mowstrips, **Remove note for mow- curb to be placed at street PL. See item #6 above for mow curb locations.**
18. **Show walls and call out height and material. Coordinate with civil plan and mow curb locations.**
19. 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. Use large box size for larger trees. Note additional tree bubblers for large box trees.
20. Show 25% of trees as California native (Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations. **Not corrected.**
21. Provide several varieties of shade trees (30' dia) in parking lots such as larger tree types in the larger planters to a monoculture.
22. Plans shall meet all the requirements of the Landscape Development Guidelines.
23. 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
Inspection—Construction (up to 3 inspections per phase)	\$278.00
Total	\$2,604.00

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

AIRPORT LAND USE COMPATIBILITY PLANNING

CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-057

Address: Southeast corner Eucalyptus Avenue & Carpenter Avenue

APN: 0218-261-16, 22, 23 & 32 and 0218-271-04, 08, 10, 13 & 18

Existing Land Use: Vacant

Proposed Land Use: A Development Plan to construct two industrial buildings totaling 2,220,608 SF

Site Acreage: 129.64 Proposed Structure Height: 40 ft

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Henry Noh

Date: 6/11/18

CD No.: 2017-086 Rev. 3

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 type="radio"/> 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: 110-130 ft

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 proposed project is located within the Airport Influence Area of Chino Airport and found to be consistent with the California Airport Land Use Planning Handbook provided the following conditions are met:

See Attached.

Airport Planner Signature:

AIRPORT LAND USE COMPATIBILITY PLANNING

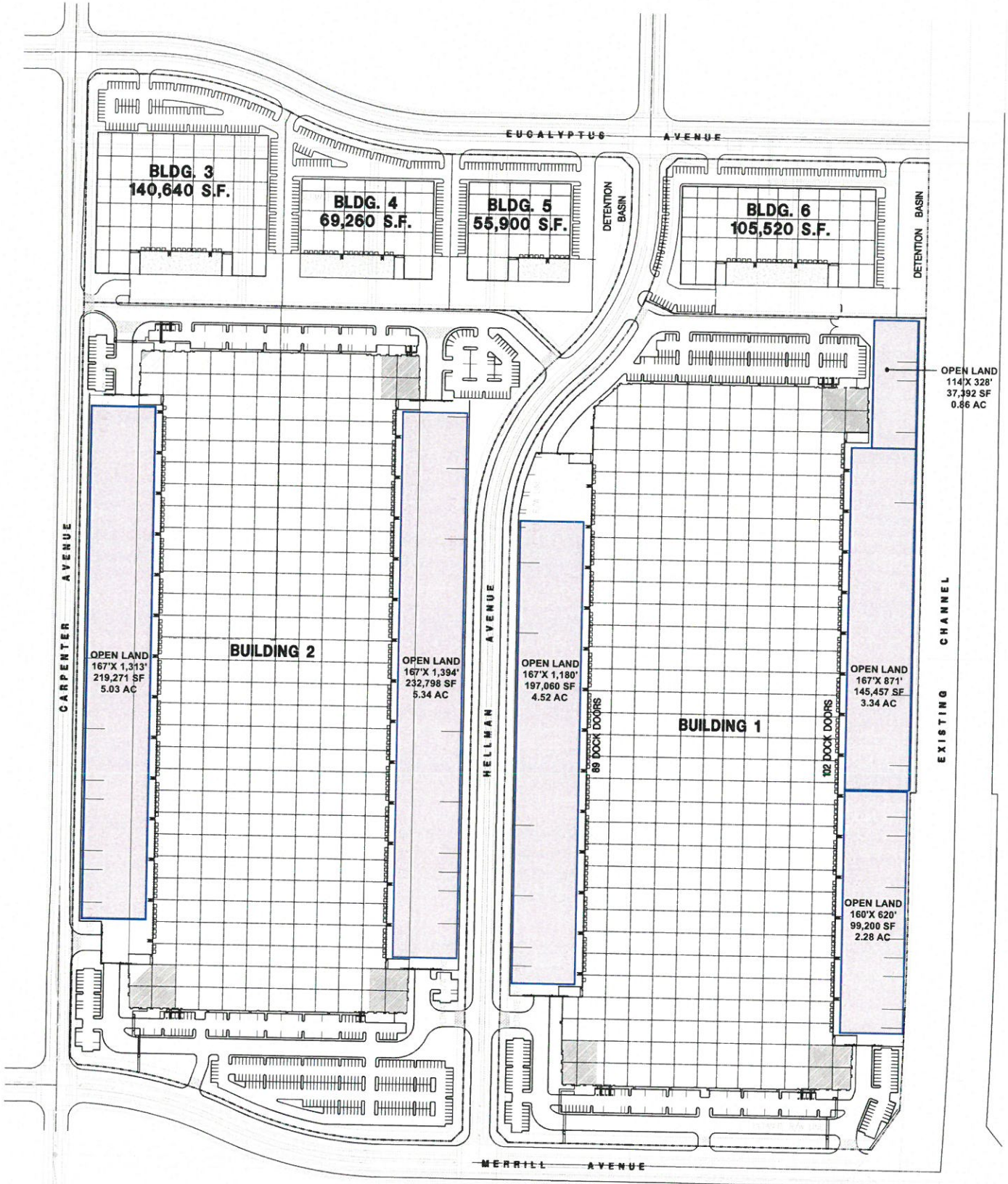
CONSISTENCY DETERMINATION REPORT

CD No.: 2017-086

PALU No.: _____

PROJECT CONDITIONS

1. The project will need to provide a minimum of 10% open land for the project net area of 129.6 acres, 12.9 acres of open land is required and 21.3 acres has been provided.
2. The attached open land exhibit identifies the interior truck yard as an acceptable location for meeting the open land requirements. The area within the truck yard designated for open land shall be remain free of permanent structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
3. Project is located within Safety Zone 6 and above ground storage of hazardous materials greater than 6,000 gallons is not allowed.



OPEN LAND AREA DATA TABLE

	BLDG (SF)	PARCEL (SF)	PARCEL (AC)	OPEN LAND (SF)	OPEN LAND (AC)	% OPEN LAND
TOTAL	2,220,608	4,273,513	98.1	931,178	21.3	21.8%



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: PDEV17-057 - A Development Plan to construct two industrial buildings totaling 2,220,608 SF on 129.64 acres of land generally located on the north side of Merrill Avenue, south of Eucalyptus Avenue and East of Carpenter Avenue, within the West Ontario Commerce Specific Plan area (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-08, 0218-271-13, and 0218-271-18). Related File: PSP16-002.

-
- 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: III
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): Building #1 – 1.18 MSF
Building #2 – 1.04 MSF
- D. Number of Stories: 1
- E. Total Square Footage: 2.22 MSF
- F. 2016 CBC Occupancy Classification(s): S

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 4000 gallons per minute (g.p.m.) for 4 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 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 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.
- 4.5 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.
- ☒ 4.9 Hose valves with one and one half inch (1 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.

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.
- ☒ 5.6 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.



CITY OF ONTARIO

MEMORANDUM

TO: Henry Noh, Planning Department

FROM: Douglas Sorel, Police Department

DATE: December 19, 2017

SUBJECT: PDEV17-057 – A DEVELOPMENT PLAN TO AN ADDITION TO AN EXISTING TWO INDUSTRIAL BUILDING AT EUCALYPTUS AND MERRILL

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, hallways, stairwells, 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 on the buildings. Due to the size of the proposed buildings, each number shall be at a minimum 6’ tall by 2’ wide. All other requirements stated in the Standard Conditions shall apply.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

The Applicant is invited to contact Douglas Sorel at (909) 395-2873 with any questions or concerns regarding these conditions.

CITY OF ONTARIO

MEMORANDUM

TO: PLANNING DEPARTMENT, Henry Noh
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: January 16, 2018
SUBJECT: PDEV17-057

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

Conditions of Approval

1. Building 2 Address: 4810 S Hellman Avenue
2. Building 1 Address: 4815 S Hellman Avenue

KS:lm



PLANNING COMMISSION STAFF REPORT

July 24, 2018

SUBJECT: A Development Agreement (File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19738 (File No. PMTT17-011). The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the Business Park (PA-1) and General Industrial (PA-2) land use districts of the West Ontario Commerce Center Specific Plan. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18); **REDA, OLV. City Council Action Required.**

PROPERTY OWNERS: Ontario Land Ventures, LLC, Inland Harbor.com, LLC, Farm Fresh Commodities, LLC, G H Dairy and SC Ontario Development Company.

RECOMMENDED ACTION: That the Planning Commission recommend to the City Council approval of File No. PDA17-003, a Development Agreement between the City of Ontario and Ontario Land Ventures, LLC, pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project site is comprised of 119.31 acres of land generally located on the south side of Eucalyptus Avenue, north side of Merrill Avenue, east side of Carpenter Avenue and west side of the Cucamonga Creek Channel, within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use district of the West Ontario Commerce Center Specific Plan, and is depicted in **Figure 1: Project Location**. The project site gently slopes from north to south and is currently developed with agricultural, dairy and single-family residential uses. The majority of the site is currently agricultural use, including two active dairy farms, row

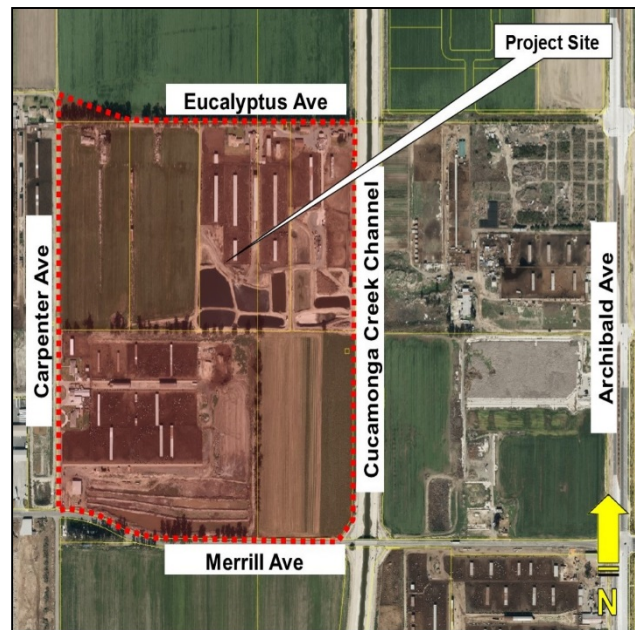


Figure 1: Project Location

Case Planner:	Rudy Zeledon, Asst. Planning Director	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	N/A	N/A	
Submittal Date:	07/16/2017	ZA			
Hearing Deadline:	N/A	PC	07/24/2018		Recommend
		CC			Final

crops, and a hay and alfalfa wholesaler. The remainder of the site is vacant land that was previously used for agriculture.

PROJECT ANALYSIS:

[1] Background On July 3, 2018, the City Council approved the West Ontario Commerce Center Specific Plan (File No. PSP16-002) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 119.31 acres of land, which includes the potential development of 2,905,510 square feet of industrial development and 55,505 square foot of business park development. The applicant, REDA, OLV., has submitted a Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide the 119.31 acre site into 9 parcels for Planning Areas 1 and 2 of the Specific Plan and a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet within Planning 2 of the Specific Plan.

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Ontario Land Venture, LLC, has requested that the City enter into negotiations to create a Development Agreement (“Agreement”).

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 to 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 119.31 acres of land within Planning Areas 1 and 2 of West Ontario Commerce Center Specific Plan as shown attached **Exhibit “A”**. The Development Agreement will provide for the potential development of up to 555,555 square feet of business park industrial development for Planning Area 1 and up to 2,350,005 square feet of industrial development for Planning Area 2 per the West Ontario Commerce Center Specific Plan. The Agreement grants REDA OLV., a vested right to develop Planning Areas 1 and 2 of the Specific Plan, as long as REDA OLV, complies with the terms and conditions of the West Ontario Commerce Center 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, and fire, 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.

Staff finds that the Development Agreement is consistent with State law, The Ontario Plan, and the City’s Development Agreement policies. As a result, staff is recommending approval of the application to the Planning Commission. If the Commission finds the Development Agreement is acceptable, a recommendation of approval to the City Council would be appropriate.

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
- 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:

- Infrastructure

➤ Infrastructure systems that are properly sized to support approved land uses and their occupancy and are maintained in a timely fashion through funding by user groups.

[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 – Balance

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

➤ 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.

Land Use Element — Phased Growth

▪ 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.

➤ LU4-3 Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

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.

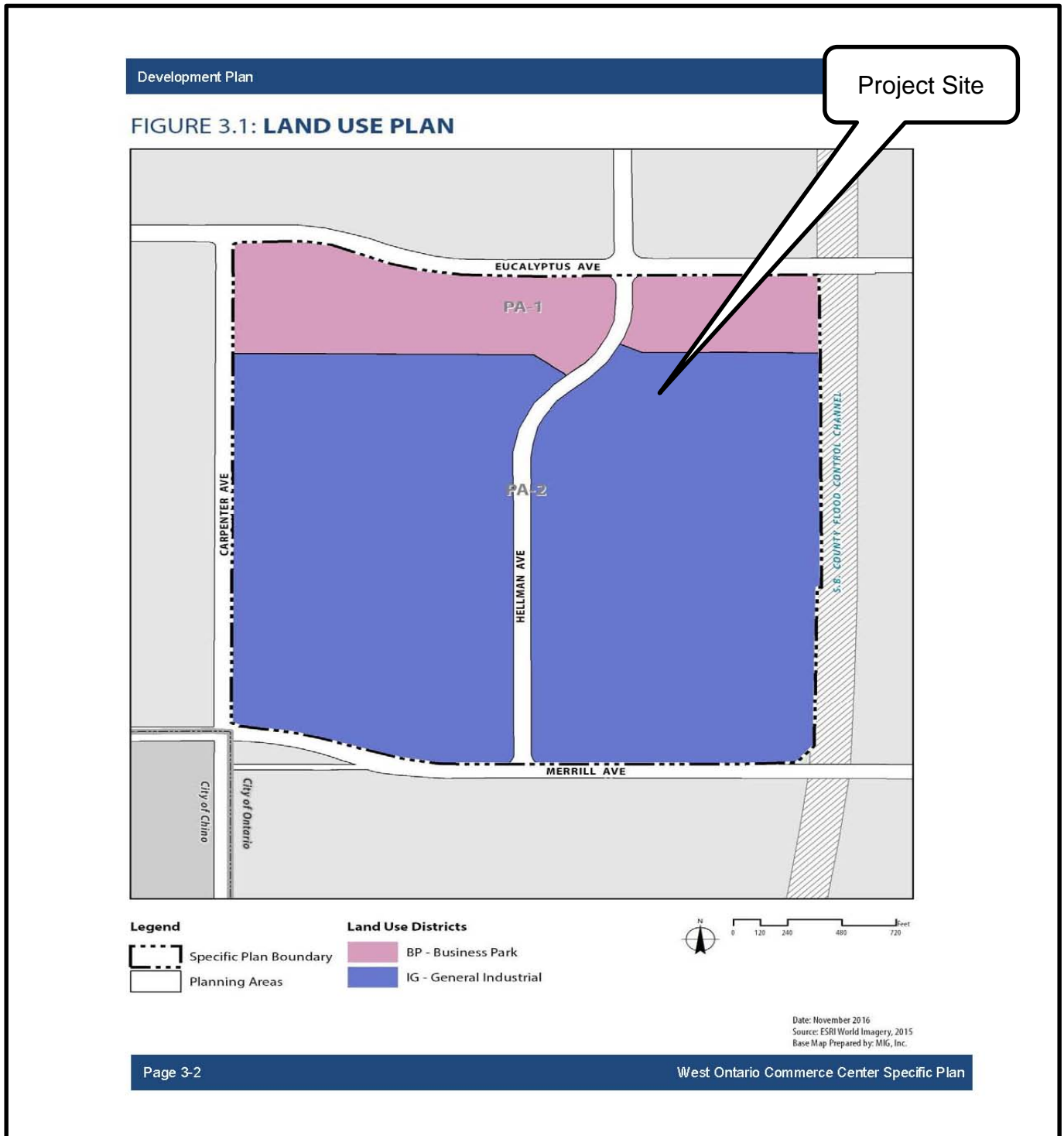
- CD5-2 Improvements to property and Infrastructure. We provide programs to improve property and Infrastructure

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 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: The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that was adopted and certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

Exhibit "A"
West Ontario Commerce Center Specific Plan



RESOLUTION NO. PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT (FILE NO. PDA17-003) BETWEEN THE CITY OF ONTARIO AND ONTARIO LAND VENTURES, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 19738 (FILE NO. PMTT17-011). THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, LOCATED WITHIN THE BUSINESS PARK WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN., AND MAKING FINDINGS IN SUPPORT THEREOF (APNS:0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18).

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 Ontario Land Ventures, LLC, and the City of Ontario, File No. PDA17-003, concerning 119.31 acres of land generally located on the south side of Eucalyptus Avenue, north side of Merrill Avenue, east side of Carpenter Avenue and west side of the Cucamonga Creek Channel, within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use district of the West Ontario Commerce Center 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 April 24, 2018, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC18-043 recommending City Council certification of the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) and Issued Resolution PC18-045 recommending to City Council approval of the West Ontario Commerce Center Specific Plan (File No. PSP16-002); and

WHEREAS, on July 3, 2018, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Resolution 2018-092 for the certification of the West Ontario Commerce Center Specific Plan (SCH#2017041074) and issued Ordinance 3108 approving the Commerce Center Specific Plan (File No. PSP16-002); and

WHEREAS, the environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that was adopted and certified by the City Council on July 3, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, on July 24, 2018 the Planning Commission of the City of Ontario

conducted a hearing to consider the Agreement, 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 previously adopted West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) and supporting documentation. Based upon the facts and information contained in the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) and supporting documentation, the Planning Commission finds as follows:

a. The previous West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous West Ontario Commerce Center Specific Plan EIR (SCH#2017041074) reflects the independent judgment of the Planning Commission; and

d. All previously adopted mitigation measures, which are applicable to the Project, shall be a condition of Project approval and are incorporated herein by 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 EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the EIR that will require major revisions to the 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 EIR was prepared, that will require major revisions to the 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 EIR was reviewed, that shows any of the following:

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

(b) Significant effects examined will be substantially more severe than shown in the 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 EIR 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 upon the facts and information contained in the Application and supporting documentation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

SECTION 4: Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance. The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the 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).). The project site is also located within the Airport Influence 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. 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 substantial evidence presented to the Planning Commission during the above-referenced hearing on July 24, 2018, including written and oral staff reports, together with public testimony, the Planning Commission hereby specifically finds as follows:

a. The Development Agreement applies to of 119.31 acres of land generally located on the south side of Eucalyptus Avenue, north side of Merrill Avenue, east side of Carpenter Avenue and west side of the Cucamonga Creek Channel, within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use district of the West Ontario Commerce Center Specific Plan. The project site gently slopes from north to south and is currently developed with agricultural, dairy and single-family residential uses. The majority of the site is currently in agricultural use, including two active dairy farms, row crops, and a hay and alfalfa wholesaler. The remainder of the site is vacant land that was previously used for agriculture; and

b. The property to the north of the Project site is within the Parkside Specific Plan and is designated Medium Density Residential land use district, and is developed with agricultural uses. The property to the east is within the Utility Corridor zoning district, and is developed with the Cucamonga Creek Flood Control Channel. The property to the south is within the Colony Commerce Center West Specific Plan and is designated Industrial land use district, and is developed with agricultural uses. The property to the west is within the Specific Plan/Agricultural (SP/AG) zoning district, and is developed with agricultural and dairy uses; and

c. The Development Agreement establishes parameters for the development Planning Areas 1 and 2 of the West Ontario Commerce Center Specific Plan for industrial development. The Development Agreement also grants Ontario Land Ventures, 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 West Ontario Commerce Center Specific Plan.

d. The Development Agreement focuses 119.31 acres of land generally located on the south side of Eucalyptus Avenue, north side of Merrill Avenue, east side of Carpenter Avenue and west side of the Cucamonga Creek Channel, within the Business Park (Planning Area 1) and General Industrial (Planning Area 2) land use district of the West Ontario Commerce Center Specific Plan; and

e. The Development Agreement will provide for the potential development of up to 555,555 square feet of business park industrial development for Planning Area 1 and up to 2,350,005 square feet of industrial development for Planning Area 2 per the West Ontario Commerce Center 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 were analyzed in the EIR (SCH#2017041074) prepared for the West Ontario Commerce Center Specific Plan (File No. PSP16-002) and certified by the City Council on July 3, 2018. 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, 4 and 5 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 West Ontario Commerce Center 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 24th day of July 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:

Cathy Wahlstrom
Planning Director
Secretary of Planning Commission

Planning Commission Resolution
File No. PDA17-003
July 24, 2018
Page 8

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. PC18-063 was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gwen Berendsen
Secretary Pro Tempore

Exhibit "A"
Development Agreement
Between
The City of Ontario and Ontario Land Ventures, LLC,
File No. PDA17-003
(Document follows 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 Land Ventures, LLC

a Delaware limited liability company

_____, **2018**

San Bernardino County, California

DEVELOPMENT AGREEMENT NO. PDA17-003

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 Land Ventures, 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 Section 4.01.015 of the Ontario Development 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 CITY-approved development Project ("Project") and this Agreement in that West Ontario Commerce Center Specific Plan Environmental Impact Report (State Clearinghouse No. 2017041074) (the "FEIR") has been adopted. The City Council has 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 West Ontario Commerce Center 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 Project site ("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 order to assure development of the Property in accordance with this Agreement; 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, 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's Property is within the modified boundaries defined in Exhibit A of the Construction Agreement between the CITY and NMC Builders, LLC ("NMC Builders") and the Property covered by this Agreement is what is known 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 as shown on Exhibit "I-1"; and

WHEREAS, the OWNER is made aware of the South Archibald Trichloroethylene ("TCE") Plume "Disclosure Letter" (Exhibit "J"). 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 certain "Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony," entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all future amendments thereto and including the 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, and 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 entered into between the CITY and NMC Builders as of the 19th day of September, 2017. Also included by reference is the amendment to the Construction Agreement modifying the boundaries of the property in Exhibit A of such Construction Agreement to include the Property covered by this Agreement and to provide for the additional funds required for CITY's future construction of the "Phase 2 Water Improvements" described in a modification to Exhibit C-3 of the Construction Agreement.

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.

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 on or 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 date of the first reading of the ordinance adopting and approving this Agreement. 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 such date.

1.1.12 "General Plan" means the The Ontario Plan adopted on January 26, 2010.

1.1.13 "Improvement" or "Improvements" means those public improvements required to support the development of the Project as described in the Parcel Map conditions for Parcel Map No. 19738 ("Parcel Map") as further described in Exhibit "F" (the "Infrastructure Improvements Exhibits").

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 "Net MDD" means net maximum daily water demand.

1.1.17 "NMC Builders" means the consortium of investors and developers responsible for the construction of infrastructure within the New Model Colony incorporated as NMC Builders, LLC.

1.1.18 "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.

1.1.19 "Owner Affiliate" shall have the meaning set forth in Section 2.4.1(d).

1.1.20 "Phase 2 Water EDUs" means the number of equivalent dwelling units or non-residential square footage assigned to OWNER 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.

1.1.21 "Phase 2 Water Improvements" means the future water infrastructure Improvements required for the issuance by CITY of the "Water Availability Equivalents" ("WAE") for the Project.

1.1.22 "Phase 2 Water Participation Fee" means the fee paid to CITY upon CITY approval of the first of the Development Approvals for the Project, to fund the Property'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.

1.1.23 "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, "West Ontario Commerce Center Specific Plan."

1.1.27 "Subsequent Development Approvals" means all discretionary Development Approvals required subsequent to the Effective Date in connection with development of the Property.

1.1.28 "Subsequent Land Use Regulations" means any discretionary 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 Tract or Subdivision Map 19738 shall be based upon water demand factors and assumptions listed in the Construction Agreement and shown in Exhibit "I-2".

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" — (Not Used)

Exhibit "F" — Infrastructure Improvements Exhibits

Exhibit F-1 – Water Utility Improvements
Exhibit F-2 – Recycled Water Utility Improvements
Exhibit F-3 – Sewer Improvements
Exhibit F-4 – Storm Drain Improvements
Exhibit F-5a – Street and Bridge Improvements
Exhibit F-5b – Street and Bridge Improvements
Exhibit F-5c – Merrill Avenue Bridge Widening Improvements
Exhibit F-5d – Eucalyptus Avenue Bridge Improvements
Exhibit F-6 – Fiber Optic Communications

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-1" – Ontario Ranch Water Supply Phasing Plan

Exhibit "I-2" – Water Demand Equivalents by Land Use

Exhibit "J" - 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) 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 with respect to the portion of the Property sold and be made in strict compliance with the following:

(a) Except as expressly provided for herein, 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 TCE Plume (Exhibit "J"). OWNER may wish to provide the attached Disclosure Letter (Exhibit "J") 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.

(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.

(d) Notwithstanding the foregoing, OWNER shall have the right to assign this Agreement to an Owner Affiliate subject to the notice requirements to CITY as described in Paragraph (b) of this Section 2.4.1, above. The term "Owner Affiliate" shall mean, (i) any general or limited partnership in which OWNER is the managing general partner, or (ii) any limited liability company in which OWNER is the managing member.

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 an agreement as 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 (if any) to secure performance of its obligations hereunder which are to be performed upon portion of the Property sold, transferred or assigned.

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 [1] year) of any parcel 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 of the parcel. 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 [1] 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 parcel, and the fees set forth under Section 4 of this Agreement have been paid.

2.4.6 Partial Assignment and Assumption. CITY and OWNER agree OWNER may partially assign its obligations and rights under this Agreement, and all amendments hereto, to a purchaser, transferee or assignee of a lot, which has been subdivided subject

to provisions of a partial assignment and assumption agreement in a form approved by CITY. Any such complete and executed partial assignment and assumption of this Agreement shall be submitted to CITY for approval pursuant to Section 2.4.1 of this Agreement. Within thirty (30) days following such submittal, CITY shall review, and if the above conditions are satisfied, shall approve the partial assignment and release and notify the purchase, transferee or assignee in writing thereof. No such release approved pursuant to this Subsection 2.4.6 shall cause, or otherwise affect, a release of OWNER from the duties and obligations under this Agreement that are retained by OWNER and excluded from the transfer or assignment.

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.

2.6 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.

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. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within ten (10) business days.

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 LAND VENTURES
c/o Real Estate Development Associates, LLC
4100 MacArthur Blvd., Suite 120
Newport Beach, California 92660
Attn: Jason Krotts
Email: jkrotts@redallc.com
Phone: 949-216-7300

With a copy to:

Sheppard Mullin Richter & Hampton LLP
333 S. Hope Street, 43rd Floor
Los Angeles, California 90071
Attn: Alfred Fraijo Jr., Esq.
Email: afraijo@sheppardmullin.com
Phone: 213-617-5567

(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 in Section 3.4, 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 in Section 3.4, 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.

3.3.1 Infrastructure Improvement Exhibits. Attached hereto as Exhibit "F-1" through Exhibit "F-6" are a description of the Infrastructure Improvements needed for the development of the Property (the "Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

3.4.1 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 and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants 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 and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict with this Agreement but to which the OWNER consents.

3.4.2 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 and/or the Existing Development Approvals, 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 and/or the Existing Development Approvals.

3.4.3 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 3.4.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.4.4 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.

3.5 Public Works; Utilities. If OWNER is required by this Agreement or a condition of Project approval to construct DIF Credit eligible public works facilities which will 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 Project approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of Project approval, OWNER shall to the extent possible 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.

3.5.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property to the connection with the Cucamonga Creek Channel as described in Exhibit "F-4". OWNER shall be responsible for the construction of the necessary extension of storm drain facilities, as described in Exhibit "F-4". OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request, and CITY shall not issue, a final occupancy permit for any building prior to completion of the storm drain Improvements described in Exhibit "F-4". OWNER and CITY agree that OWNER shall perform the following prior to requesting that CITY issue a temporary occupancy permit for any structures on the Property:

- a. Complete the design plans for the storm drain Improvements in Merrill Avenue as described in Exhibit "F-4";

- b. Complete the construction of the storm drain Improvements in Merrill Avenue and an interim connection of the new storm drain Improvements in Merrill Avenue to the existing storm drainage connection to the Cucamonga Creek Channel;
- c. Submit completed applications to the County of San Bernardino and the Army Corps of Engineers (“ACOE”) for all permits required for the connection of the storm drain Improvements to Cucamonga Creek Channel;
- d. Make all commercially reasonable efforts to receive approval from the ACOE for construction plans for the connection of the Merrill Avenue storm drain Improvements to the Cucamonga Creek Channel;
- e. Provide to CITY written evidence, on a bi-monthly basis, of such reasonable efforts demonstrating progress towards the issuance of the required permits from the ACOE. A summary of communications (email and telephone) requesting status updates on ACOE permit and plan check shall be deemed to demonstrate progress as described above.

Upon satisfaction of the above conditions by OWNER, CITY shall consider OWNER’s request for the issuance of a temporary occupancy permit. CITY agrees that such temporary occupancy permit may remain valid until such time that OWNER completes the construction of the final connection of the storm drain Improvements Merrill Avenue to the Cucamonga Creek Channel.

OWNER agrees that, upon issuance of the required permits for the construction of the connection of the storm drain Improvements in Merrill Avenue by the County of San Bernardino and the ACOE, OWNER shall construct and complete the final connection of the storm drain Improvements in Merrill Avenue to the Cucamonga Creek Channel. OWNER agrees that OWNER shall complete the construction of the final connection of the storm drain Improvements to the Cucamonga Creek Channel prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

OWNER and City agree that OWNER may apply for and CITY may grant extensions to the duration of any temporary certificate of occupancy in accordance with CITY regulations and procedures.

OWNER and CITY agree that a portion of the storm drain Improvements described in Exhibit “F-4” may be constructed by others or may be constructed pursuant to a cooperative agreement with others. If such storm water Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER’s request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those storm drain Improvements constructed and completed by others and accepted by CITY.

3.5.2 OWNER agrees that development of the Project shall require the construction of street Improvements as described in Exhibit “F-5a” and Exhibit “F-5b”.

OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property prior to Substantial Completion of the street Improvements as described in Exhibit "F-5a", including the construction of street Improvements on Eucalyptus Avenue from Carpenter Avenue to the transition area to the future bridge at the Cucamonga Creek Channel. . For purposes of the foregoing, street Improvements shall be deemed "Substantially Complete" even if the final lift of pavement has not been completed (i.e., OWNER may install the final lift after completion of all other construction). CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to Substantial Completion of the street Improvements. OWNER agrees that the street Improvements shall be completed and subject to final acceptance by CITY prior to the release of any security for the construction of the street Improvements. OWNER and CITY agree that a portion of the street Improvements described in Exhibit "F-5a" and Exhibit "F-5b" may be constructed by others, or pursuant to a cooperative agreement with others. If such street Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those street Improvements constructed and completed by others and accepted by CITY.

3.5.3 OWNER agrees that development of the Project shall require the construction of a portion of the Merrill Avenue Bridge over the Cucamonga Creek Channel as described in Exhibit "F-5c". OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the bridge expansion Improvements described in Exhibit "F-5c". OWNER and CITY agree that OWNER shall have completed the following, prior to requesting that CITY issue a temporary occupancy permit for any structure on the Property:

- a. Complete the design plans for the Merrill Avenue Bridge Improvements as described in Exhibit "F-5c";
- b. Submit completed applications to the County of San Bernardino and the ACOE for all permits required for the construction of the Merrill Avenue Bridge Improvements in Cucamonga Creek Channel;
- c. Make all commercially reasonable efforts to receive approval from the ACOE for construction plans for the Merrill Avenue Bridge Improvements;
- d. Provide to CITY written evidence, on a bi-monthly basis, of such reasonable efforts demonstrating progress towards the issuance of the required permits from the ACOE. A summary of communications (email and telephone) requesting status

updates on ACOE permit and plan check shall be deemed to demonstrate progress as described above.

Upon satisfaction of the above conditions by OWNER, then CITY shall consider OWNER's request for a temporary occupancy permit. CITY agrees that such temporary occupancy permit may remain valid until such time that OWNER completes the construction of the Merrill Avenue Bridge Improvements over the Cucamonga Creek Channel.

OWNER agrees that, upon issuance of the required permits for the construction of the Merrill Avenue Bridge Improvements by the County of San Bernardino and the ACOE, OWNER shall construct and complete the Merrill Avenue Bridge Improvements. OWNER agrees that OWNER shall complete the construction of the Merrill Avenue Bridge Improvements prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

OWNER and City agree that OWNER may apply for and CITY may grant extensions to the duration of any temporary certificate of occupancy in accordance with CITY regulations and procedures.

OWNER and CITY agree that the Merrill Avenue Bridge Improvements described in Exhibit "F-5c" may be constructed by others, or pursuant to a cooperative agreement with others. If such Merrill Avenue Bridge Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those Merrill Avenue Bridge Improvements constructed and completed by others and accepted by CITY.

3.5.4 OWNER agrees that development of the Project shall require the construction of a portion of the Eucalyptus Avenue Bridge Improvements over the Cucamonga Creek Channel as described in Exhibit "F-5d". OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY prior to completion of the Eucalyptus Avenue Bridge Improvements over the Cucamonga Creek Channel. In the event OWNER is prepared to commence construction on any remaining structure(s) on the Property prior to completion of the Eucalyptus Avenue Bridge Improvements, OWNER and CITY agree that CITY may issue grading, and/or building permits and other required permits for OWNER to initiate construction of the remaining structure(s) on the Property according to plans approved by CITY prior to completion of the Eucalyptus Avenue Bridge Improvements over the Cucamonga Creek Channel provided that OWNER establishes and funds an escrow account in an amount required to complete the construction of Eucalyptus Avenue Bridge Improvements. Such funding amount for the remaining Eucalyptus Avenue Bridge Improvements shall be determined by CITY. The Escrow instructions shall be in a form approved by the City Attorney. OWNER and CITY agree that OWNER may utilize and expend the funds from

the escrow account to complete construction on the Eucalyptus Avenue Bridge Improvements.

3.5.5 OWNER and CITY agree that OWNER shall have completed the following, prior to requesting that CITY issue a temporary occupancy permit for any structures on the Property:

- a. Complete the design plans for the Eucalyptus Avenue Bridge Improvements as described in Exhibit "F-5d";
- b. Submit completed applications to the County of San Bernardino and the ACOE for all permits required for the construction of the Eucalyptus Avenue Bridge Improvements over the Cucamonga Creek Channel.

Upon satisfaction of the above conditions by OWNER, then CITY shall consider OWNER's request for a temporary occupancy permit. CITY agrees that such temporary occupancy permit may remain valid until such time that OWNER completes the construction of the Eucalyptus Avenue Bridge Improvements over the Cucamonga Creek Channel. OWNER agrees that, upon issuance of the required permits for the construction of the Eucalyptus Avenue Bridge Improvements by the County of San Bernardino and the ACOE, OWNER shall construct and complete the Eucalyptus Avenue Bridge Improvements. OWNER agrees that OWNER shall complete the construction of the Eucalyptus Avenue Bridge Improvements prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

OWNER and City agree that OWNER may apply for and CITY may grant extensions to the duration of any temporary certificate of occupancy in accordance with CITY regulations and procedures.

OWNER and CITY agree that the Eucalyptus Avenue Bridge Improvements described in Exhibit "F-5d" may be constructed by others, or pursuant to a cooperative agreement with others. If such Eucalyptus Avenue Bridge Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those Eucalyptus Avenue Bridge Improvements constructed and completed by others and accepted by CITY.

3.5.6 OWNER agrees that development of the Property shall require the extension of permanent master planned potable water utility Improvements as described in Exhibit "F-1" and recycled water utility Improvements as described in Exhibit "F-2", consisting generally of the construction of the extension of permanent master planned potable and recycled water utility Improvements from two (2) points of connection to serve the Property. OWNER agrees that such recycled water utility Improvements may include the relocation of the existing recycled water line owned and operated by the Inland Empire Utilities Agency ("I.E.U.A.") generally located in Carpenter Avenue (or another alternative acceptable to CITY) and extension of the recycled water line in Merrill Avenue to a

connection point with the existing recycled water line in Archibald Avenue. OWNER and CITY agree that CITY may issue grading, building and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection. OWNER and CITY agree that OWNER may, in-lieu of utilizing recycled water during grading and construction, utilize water from existing agricultural wells on the Property subject to the terms of a separate Well Use Agreement between the CITY and OWNER. OWNER agrees that OWNER shall not request and CITY shall not issue a Temporary occupancy permit for any buildings on the Property until the completion of the water and recycled water improvements described in Exhibit "F-1" and Exhibit "F-2". City agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to completion of the water and recycled water improvements if there is available permanent water and recycled water service from a minimum of one (1) point of connection and sufficient water is available for fire protection purposes for any buildings while under construction. OWNER and CITY agree that a portion of the water and recycled water Improvements described in Exhibit "F-1" and Exhibit "F-2" may be constructed by others, or pursuant to a cooperative agreement with others. If such water and/or recycled Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those water and/or recycled water Improvements constructed and completed by others and accepted by CITY.

3.5.7 OWNER agrees that development of the Property shall require the construction of permanent master planned sewer Improvements as described in Exhibit "F-3". OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the sewer improvements described in Exhibit "F-3." CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to the completion of the sewer improvements described in Exhibit "F-3". OWNER and CITY agree that a portion of the sewer Improvements described in Exhibit "F-3" may be constructed by others, or pursuant to a cooperative agreement with others. If such sewer Improvements are constructed by others, or in cooperation with others, and are completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those sewer Improvements constructed and completed by others and accepted by CITY.

3.6 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 3.6 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.

3.6.1 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 3.6.1 and 3.6.2 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 3.6.1. The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 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.

3.6.2 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.

3.7 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.

3.8 Tentative Parcel Maps; Extension. With respect to applications by OWNER for tentative parcel 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 DIF 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 CITY to impose new DIF or amend the amounts of existing DIF. 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, DIF established or imposed by such other public agencies, even though such DIF may be collected by CITY.

4.2.2 Time of Payment. The DIF required pursuant to Subsection 4.2.1, shall be paid to CITY prior to the issuance of building permit for each applicable building (subject to the application/use of available fee credits), 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.

4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the Ontario Ranch area shall 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-1" through Exhibit "F-5d" and any and all tentative parcel map conditions. Unless otherwise specified in the Parcel Map conditions, and subject to the provisions of Section 3.5 and 3.6, all other required Improvements for each parcel map, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a final occupancy permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for the Parcel Map.

4.3.2 Construction of Public Infrastructure by Third Parties. CITY and OWNER acknowledge that a portion of the Improvements described in Exhibit "F-1" through Exhibit "F-5c" are necessary for the development of surrounding properties within the Ontario Ranch and the other property owners are also obligated to construct the Improvements or portions thereof. As such, CITY agrees that OWNER's obligation to construct the Improvements may be satisfied by third party owners pursuant to separate written agreements between OWNER and said third party undertaking the construction of the Improvements. Nothing in this Agreement shall be construed to prohibit the coordination of the construction of the Improvements between private parties, including the allocation of costs for the construction of the Improvements. Notwithstanding anything to the contrary herein, any applicable DIF Credits may be transferred and assigned from one (1) party to another with respect to the construction of the Improvements and such transfer or assignment shall not require the conveyance of any real property.

4.3.3 Availability and Use of Recycled Water. OWNER 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. OWNER and CITY agree that OWNER may, in-lieu of utilizing recycled water during grading and construction, utilize water from existing agricultural wells on the Property subject to the terms of a separate Well Use Agreement between the CITY and OWNER.

4.3.4 Construction of DIF Program Infrastructure. To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's DIF Program CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations 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. OWNER may also be eligible to receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER's construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be

subject to a Fee Credit Agreement between CITY and OWNER. 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 Public Services Funding Fee.

4.4.1 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 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.

4.4.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Fifty-Nine Cents (\$0.59) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis 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.

4.5 Net MDD/Water Availability Equivalents.

4.5.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders 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 and/or OWNER. OWNER acknowledges that the provisions of the Construction Agreement, as amended, requires 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, except to the bearer of a Certificate of Net MDD Water Availability.

4.5.2 Requirement for NMC Builders Membership as a Phase 2 Water Member. OWNER and CITY agree that OWNER's payment to CITY required by Section 4.5.3 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. OWNER shall complete the process required to become a member of NMC Builders within one-hundred twenty (120) of the Effective Date of this Agreement.

4.5.3 CITY issuance of Water Availability Equivalents. Within thirty (30) days after the effectiveness of this Development Agreement OWNER shall pay to CITY the

applicable Phase 2 Water Participation Fee. The Phase 2 Water Participation Fee shall be calculated based on the amount of the Regional Water DIF for the applicable land use category, the maximum square footage of the structures within Planning Areas 1 and 2 of the Specific Plan of 555,505 square feet of Business Park uses and 2,350,005 square feet of Industrial uses. The calculated amount of the Phase 2 Water Participation Fee shall be paid to City within thirty (30) days after the effectiveness of this 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 thirty (30) days after the Effective Date of this 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 parcel 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 this Section, CITY shall issue a certificate of DIF Credit against OWNER's remaining 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 after any and all reductions in the Fee provided to OWNER under Sections 4.5.3.1 and 4.5.3.2 below. The form of the Certificate of DIF Credit shall be as described in Exhibit "H", attached hereto and incorporated herein.

4.5.3.1 CITY agrees that OWNER shall be entitled to a reduction in the calculated Phase 2 Water Participation Fee in recognition of OWNER's design and construction of a portion of the Phase 2 Water Improvements. Such reduction may be taken, at OWNER's option, from OWNER's first installment of the OWNER's Phase 2 Water Participation Fee and/or from OWNER's second installment of the Phase 2 Water Participation Fee. OWNER's reduction in the Phase 2 Water Participation Fee shall be based upon the estimated amount in the CITY's DIF Program for the design and construction of the Phase 2 Water Improvements to be constructed by OWNER in Eucalyptus Avenue from Carpenter Avenue to a connection with existing water facilities in Archibald Avenue as shown on Exhibit "F-1".

4.5.3.2 CITY and OWNER agree that OWNER's Phase 2 Water Participation Fee shall initially be reduced by the DIF Program estimate for the design and construction of the Phase 2 Water facilities to be constructed by OWNER. Upon completion of the construction of Phase 2 Water facilities, if OWNER's actual eligible costs for the Phase 2 Water Improvements are less than the DIF Program Estimate, OWNER shall pay to CITY the amount such actual eligible costs are less than the DIF Program Estimate. Such

payment to CITY, if any, shall be due to CITY within thirty (30) days of the determination that such actual eligible costs are less than the DIF Program Estimate. If OWNER's actual eligible costs for the Phase 2 Water Improvements are more than the DIF Program Estimate, CITY shall issue DIF Credits in the amount such actual eligible costs are more than the DIF Program Estimate. Such issuance to OWNER, if any, shall be issued to OWNER within thirty (30) days of the determination that such actual eligible costs are more than the DIF Program Estimate.

4.6 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 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.

4.7 Compliance with Public Benefits Requirements.

4.7.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.6, 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. Nothing herein shall constitute a waiver of OWNER right to assert a default (or failure to perform) by the CITY has excused OWNER's performance under this Agreement.

5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). OWNER agrees that, prior to the recordation of any Development Plan, the Property subject to such Development Plan shall be included in a community facilities district ("CFD") to finance CITY services through annual special taxes that will initially be Thirty Cents (\$0.30) per square foot for non-residential buildings for the CITY's fiscal year 2018-19. These amounts shall be subject to an automatic increase at a rate not to exceed four percent (4%) per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. 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. . 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.

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:

- (a) Recommendation of the Planning staff;
- (b) Affirmative vote of at least four (4) members of the Planning Commission; or
- (c) 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 this Agreement 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. [OMITTED]

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, 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 nondamage 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 6.3 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 sixty (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 sixty (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 and 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 Section 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, to the extent 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 active negligence or 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, to the extent 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 during OWNER'S period of ownership of the Property, including, but not limited to, soil and groundwater conditions caused by OWNER, but not including any CITY liability related to South Archibald TCE Plume 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.

10.1 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.

(e) In the event of a default by OWNER, any Mortgagee shall have the right to remedy, or cause to be remedied, such default within sixty (60) days following the later to occur of: (i) the date of Mortgagee's receipt of the notice referred to in Section 10.1(b) above; or (ii) the expiration of the period provided herein for OWNER to remedy or cure such default, and CITY shall accept such performance by or at the insistence of the Mortgagee as if the same had been timely made by OWNER; provided, however, that (i) if such default is not capable of being cured within the timeframes set forth in this Section and Mortgagee commences to cure the default within such timeframes, then Mortgagee shall have such additional time as is required to cure the default so long as Mortgagee diligently

prosecutes the cure to completion, and (ii) if possession of the Property (or portion thereof) is required to effectuate such cure or remedy, the Mortgagee shall be deemed to have timely cured or remedied if it commences the proceedings necessary to obtain possession thereof within sixty (60) days after receipt of the copy of the notice, diligently pursues such proceedings to completion, and, after obtaining possession, diligently completes such cure or remedy.

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 (1) 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 venture 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.

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 requested by Owner 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 LAND VENTURES, LLC
a Delaware limited liability company

By: _____

Name:

Its: _____

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

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

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO)

On _____, before me, _____, a Notary Public, personally appeared _____, who 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.

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

WITNESS my hand and official seal.

Notary Public

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT

Legal Description of Property

Real property in the City of Ontario, County of San Bernardino, State of California described as follows:

APN: 0218-261-16

ASSESSOR'S MAP 0218, PAGE 26

GOVERNMENT LOT 2 AND THE SOUTHERNLY 12 FEET OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 7 WEST, EXEMPTING THE COUNTY ROAD.

42.25 ACRES MORE OR LESS

APN: 0218-261-22

ASSESSOR'S MAP 0218, PAGE 26

EASTERLY 509.04 FEET, WESTERLY 1044.02 FEET OF GOVERNMENT LOT
1 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, EXEMPTING
SOUTH 12 FEET.

15.28 ACRES MORE OR LESS

APN: 0218-261-23

ASSESSOR'S MAP 0218, PAGE 26

WESTERLY 534.98 FEET OF GOVERNMENT LOT 1 OF SECTION 22 ,
TOWNSHIP 2 SOUTH, RANGE 7 WEST, EXEMPTING SOUTH 12 FEET.

16.06 ACRES MORE OR LESS

APN: 0218-261-32

ASSESSOR'S MAP 0128, PAGE 26

GOVERNMENT LOT 1 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7
WEST, EXEMPTING SOUTH 12 FEET AND EXEMPTING WEST 1044.02 FEET

12.54 ACRES MORE OR LESS

APN: 0218-271-04

ASSESSOR'S MAP, BOOK 0218, PAGE 27

WELL NEAR THE NORTHERLY LINE, SOUTHERN 1312 FEET, EAST 2334.05 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST,

APN: 0218-271-08

ASSESSOR'S MAP, BOOK 0218, PAGE 27

WEST 243.64 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, EXEMPTING SOUTH 1326.15 FEET AND EXEMPTING WELLSITE.

7.40 ACRES MORE OR LESS

APN: 0218-271-10

ASSESSOR'S MAP, BOOK 0218, PAGE 27

WELL LOCATED NEAR THE NORTH LINE OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, ABOUT 2430 FEET WEST OF NORTHEAST CORRECTION OF SAID SECTION AND ABOUT 210 FEET EAST OF EAST LINE OF GOVERNMENT LOT 1 OF SAID SECTION.

APN: 0218-271-13

ASSESSOR'S MAP, BOOK 0218, PAGE 27

A PORTION OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, EXEMPTING A PORTION LYING WITHIN STRIP OF LAND 195 FEET WIDE BEGINNING 95 FEET EASTERLY FROM AND 100 FEET WESTERLY FROM THE FOLLOWING DESCRIBED LINE: BEGINNING AT POINT IN MERRILL AVENUE THAT IS 1844.82 FEET FROM SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE

NORTHERLY 697.68 FEET ALONG NON-TANGENT CURVE, CONCAVE WESTERLY HAVING RADIUS OF 12,000 FEET AND CENTRAL ANGLE OF 03° 19'52" BEGINNING AT TANGENT THEREOF BEARING NORTH 04° 18'26" EAST; THENCE NORTH 00° 58'34" EAST TO NORTH LINE OF SAID SECTION 22, EXEMPTING EAST 1830 FEET AND EXEMPTING SOUTH 1326.15 FEET OF SAID NORTHEAST QUARTER OF SECTION 22.

APN: 0218-271-18

ASSESSOR'S MAP, BOOK 0218, PAGE 27

PORTION OF THE SOUTHERLY 1326.15 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 22, ALSO BEING A POINT ON THE CENTERLINE OF MERRILL AVENUE, 50.00 FEET WIDE THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER NORTH 00° 11'00" EAST, 1326.15 FEET TO THE NORTHERLY LINE OF SAID SOUTHERLY 1326.15 FEET OF THE NORTHEAST QUARTER OF SECTION 22; THENCE ALONG SAID NORTHERLY LINE SOUTH 89° 43'20" EAST, 715.04 FEET TO THE EASTERLY LINE OF SAID PARCEL; THENCE ALONG SAID EASTERLY LINE SOUTH 00° 09'56" WEST, 356.68 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE NORTH 89° 50'04" WEST, 15.00 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 00° 09'56" WEST, 272.35 FEET TO AN 11,885.00 FOOT RADIUS, TANGENT CURVE, CONCAVE WESTERLY; THENCE CONTINUING ALONG SAID EASTERLY LINE, SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02° 36'26" AN ARC DISTANCE OF 540.82 FEET, TO A POINT FROM WHICH A RADIAL LINE BEARS NORTH 87° 13'38" WEST; THENCE CONTINUING ALONG SAID EASTERLY LINE, NON-TANGENT TO SAID CURVE SOUTH 34° 51'14" WEST, 189.98 FEET TO THE CENTERLINE OF SAID MERRILL AVENUE; THENCE ALONG SAID CENTERLINE NORTH 89° 43'20" WEST, 580.03 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM A WELL SITE MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH 1312.00 FEET OF SAID NORTHEAST QUARTER OF SECTION 22; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTH 1312.00 FEET NORTH 89° 43'20" WEST, 1964.05 FEET TO THE TRUE POINT OF BEGINNING THENCE SOUTH 00° 11'00" WEST, 30.00 FEET; THENCE NORTH 89° 43'20" WEST, 30.00 FEET; THENCE NORTH 00° 11'00" EAST, 30.00 FEET; THENCE SOUTH 89° 43'20" EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING.

APN: 0218-221-09

ASSESSOR'S MAP, BOOK 0218, PAGE 27

GOVERNMENT LOT 4 OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 7
WEST.

EXHIBIT "B" TO DEVELOPMENT AGREEMENT

Map showing Property and its location



EXHIBIT "C"
TO DEVELOPMENT AGREEMENT

On April 24, 2018, the Planning Commission:

- a) Issued Resolution No. issued Resolution PC18-043 recommending City Council certification of the West Ontario Commerce Center Specific Plan EIR (SCH#2017041074).
- b) Issued Resolution PC18-045 recommending City Council approval of the Rich-Haven Specific Plan (File No. PSP05-004).

On July 3, 2018, the City Council:

- a) Issued Resolution 2018-092 to certifying West Ontario Commerce Center Specific Plan Environmental Impact Report (SCH#2017041074).
- b) Adopted Ordinance No. 3108 approving the West Ontario Commerce Center Specific Plan (PSP16-002).

On July 24, 2018, the Planning Commission:

- a) Issued Resolution No. 2018-XXX for the approval of Tentative Tract Map 19738 (File No. PMTT17-011).
- b) Issued Resolution No. 2018-XXX for the approval of Development Plan (File No. PDEV17-003).

**EXHIBIT “D”
TO DEVELOPMENT AGREEMENT
Existing Land Use Regulations**

These documents are listed for reference only:

1. The West Ontario Commerce Center Specific Plan (File No. PSP16-002) Environmental Impact Report (SCH#2017041074), Resolution No. 2018-092.
2. The West Ontario Commerce Center Specific Plan (File No. PSP16-002, Ordinance No. 3108.
3. 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-1" REQUIRED UTILITY IMPROVEMENTS

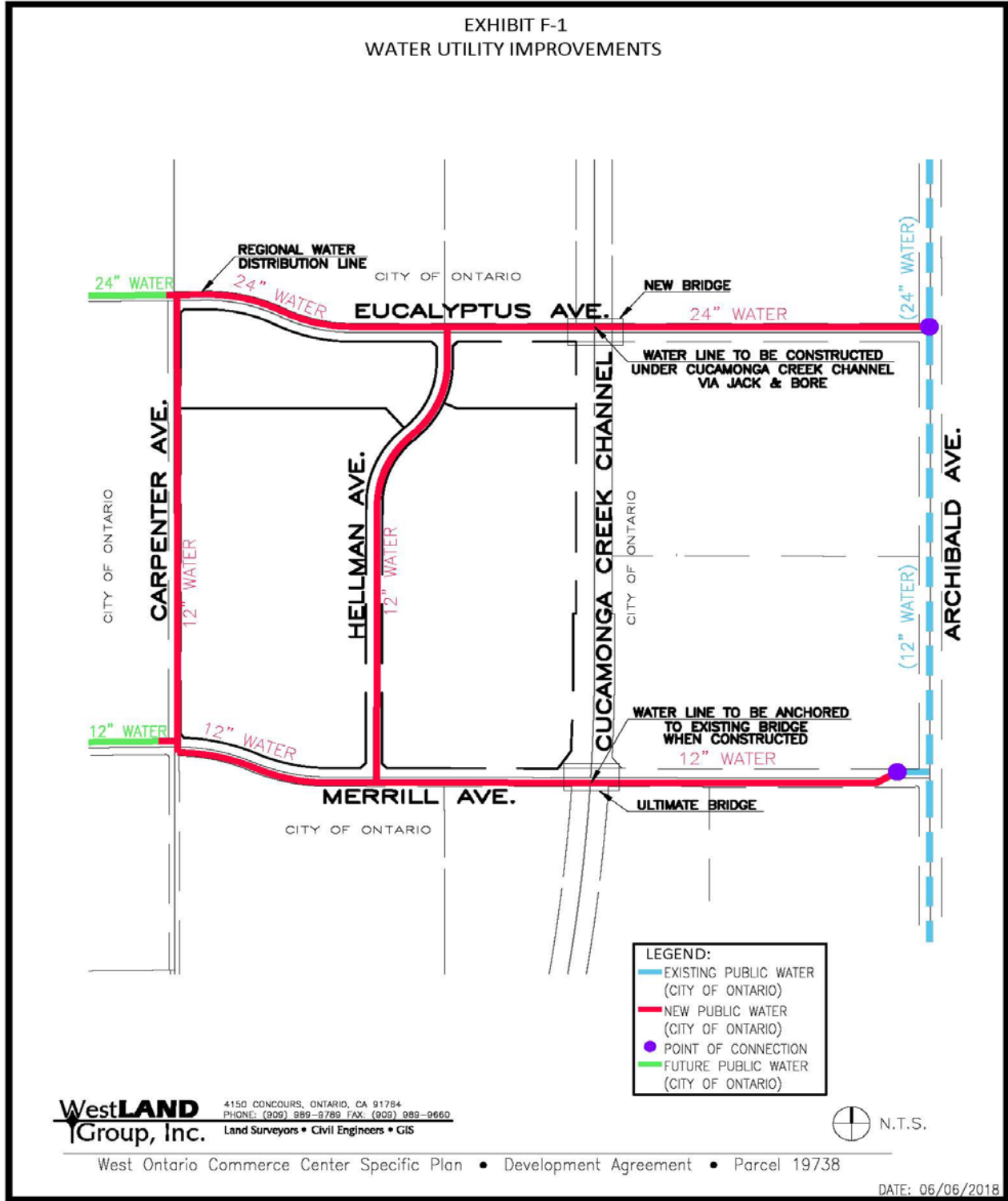
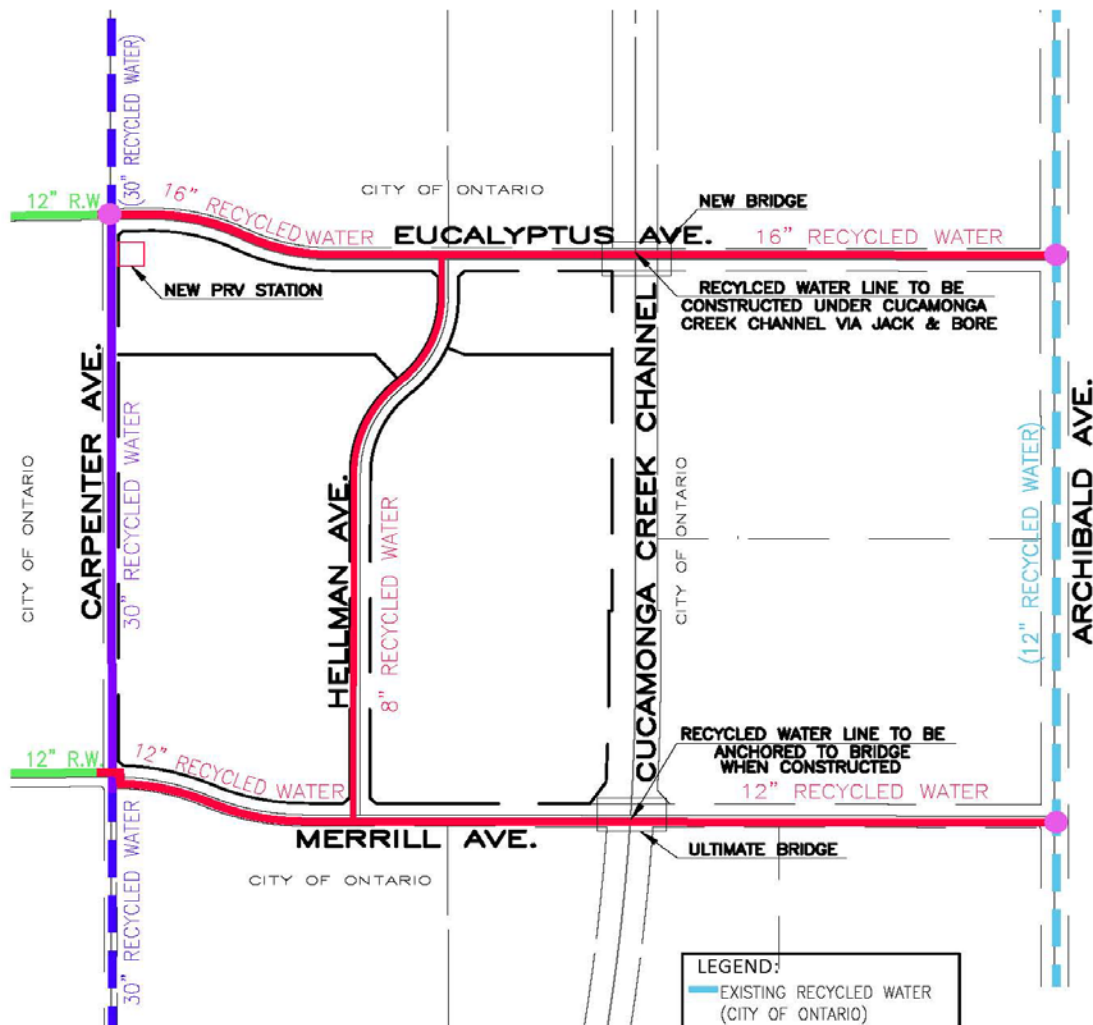


EXHIBIT "F-2" RECYCLED WATER UTILITY IMPROVEMENTS

EXHIBIT F-2
RECYCLED WATER UTILITY IMPROVEMENTS



LEGEND:

- EXISTING RECYCLED WATER (CITY OF ONTARIO)
- EXISTING RECYCLED WATER (IEUA)
- NEW RECYCLED WATER (CITY OF ONTARIO)
- FUTURE RECYCLED WATER (CITY OF ONTARIO)
- RELOCATED RECYCLED WATER (IEUA)
- POINT OF CONNECTION

WestLAND Group, Inc.
 4150 CONCOURS, ONTARIO, CA 91764
 PHONE: (909) 989-3789 FAX: (909) 989-9660
 Land Surveyors • Civil Engineers • GIS

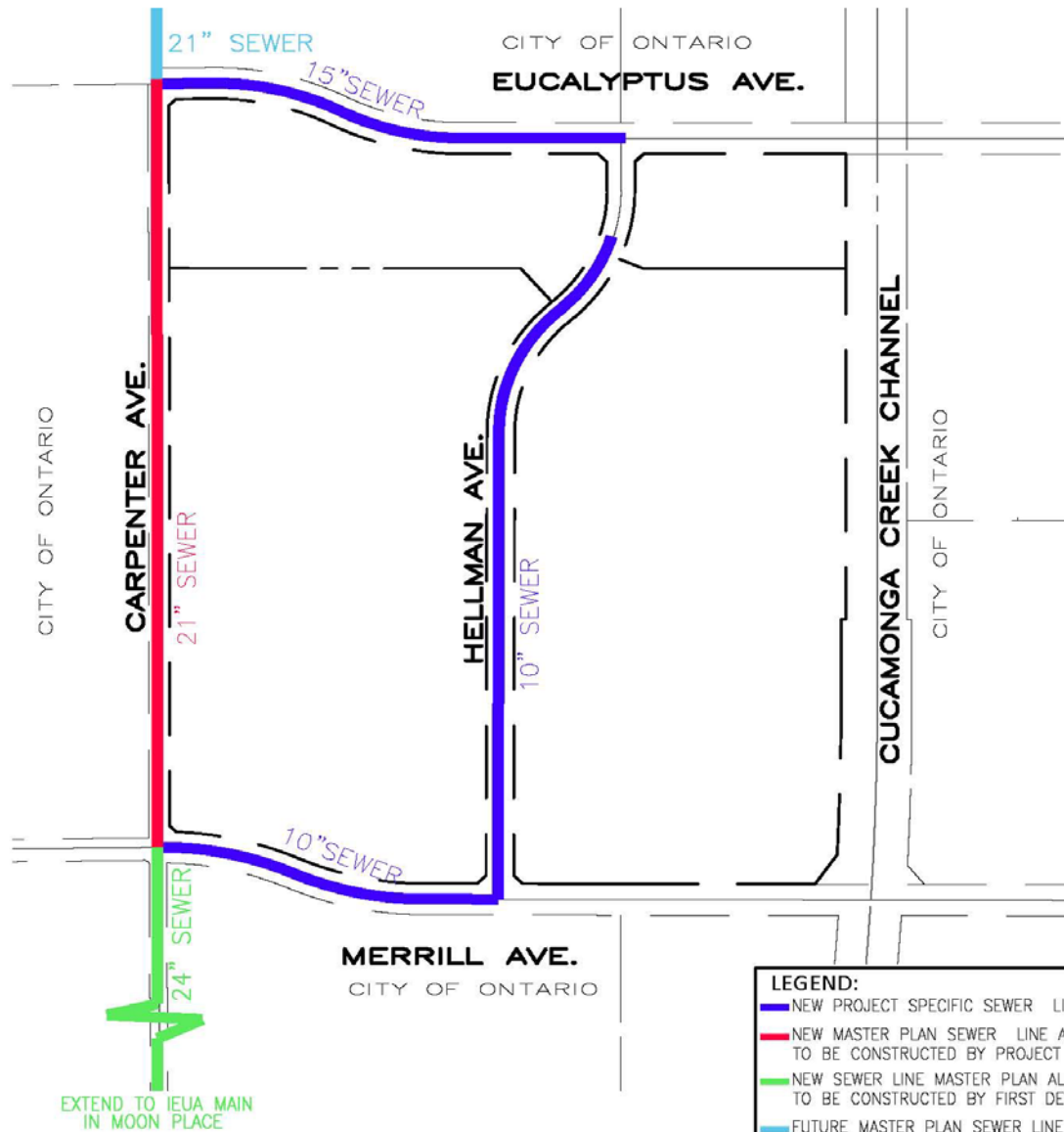


West Ontario Commerce Center Specific Plan • Development Agreement • Parcel 19738

DATE: 06/06/2018

EXHIBIT "F-3" SEWER IMPROVEMENTS

EXHIBIT F-3
SEWER IMPROVEMENTS



LEGEND:	
—	NEW PROJECT SPECIFIC SEWER LINE
—	NEW MASTER PLAN SEWER LINE ALIGNMENT TO BE CONSTRUCTED BY PROJECT
—	NEW SEWER LINE MASTER PLAN ALIGNMENT TO BE CONSTRUCTED BY FIRST DEVELOPER
—	FUTURE MASTER PLAN SEWER LINE (CITY OF ONTARIO)

WestLAND Group, Inc.
 4150 ODNOURS, ONTARIO, CA 91784
 PHONE: (909) 989-9789 FAX: (909) 989-9660
 Land Surveyors • Civil Engineers • GIS

N.T.S.

West Ontario Commerce Center Specific Plan • Development Agreement • Parcel 19738

DATE: 06/06/2018

EXHIBIT "F-4" STORM DRAIN IMPROVEMENTS

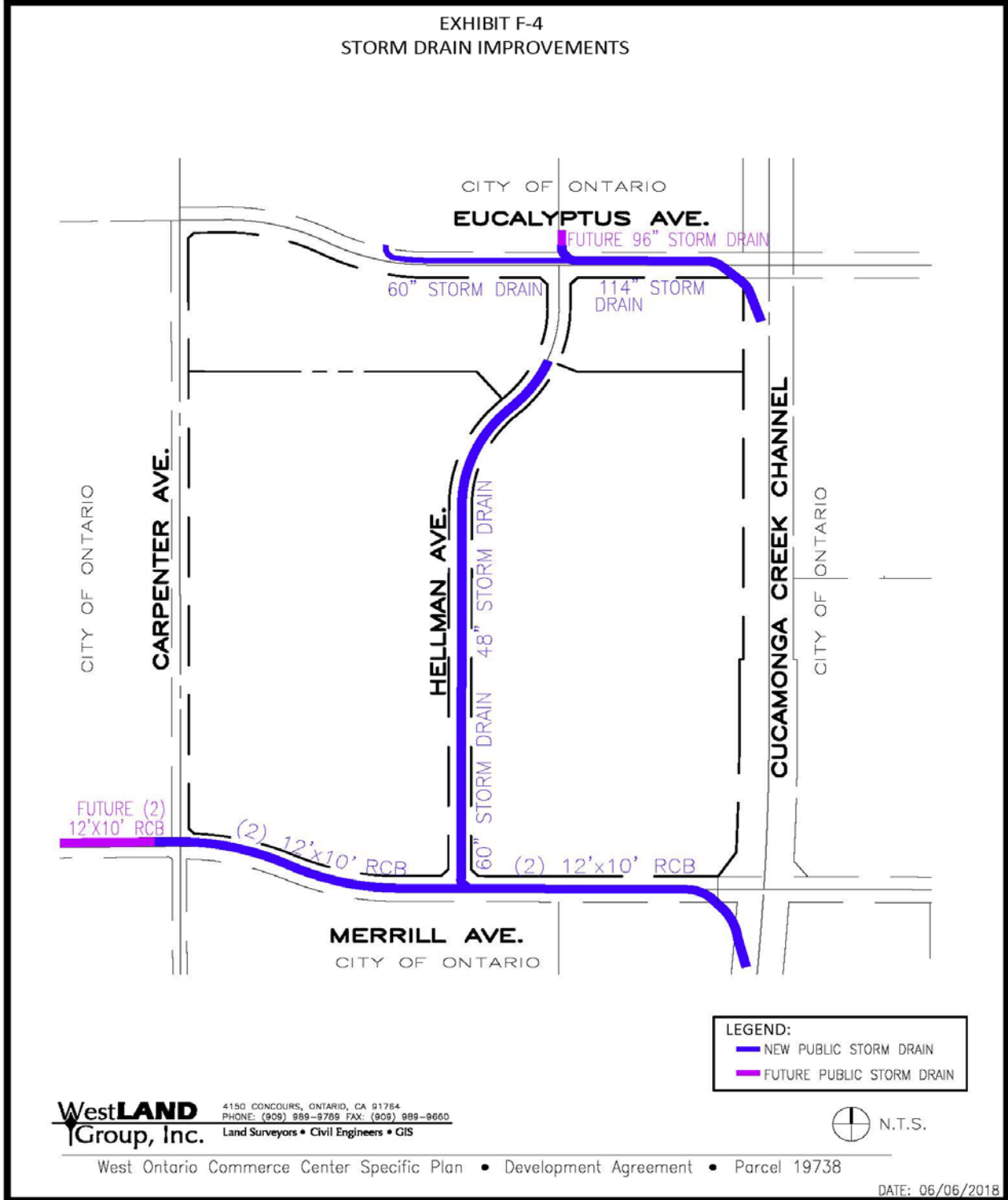


EXHIBIT "F-5A" STREET AND BRIDGE IMPROVEMENTS

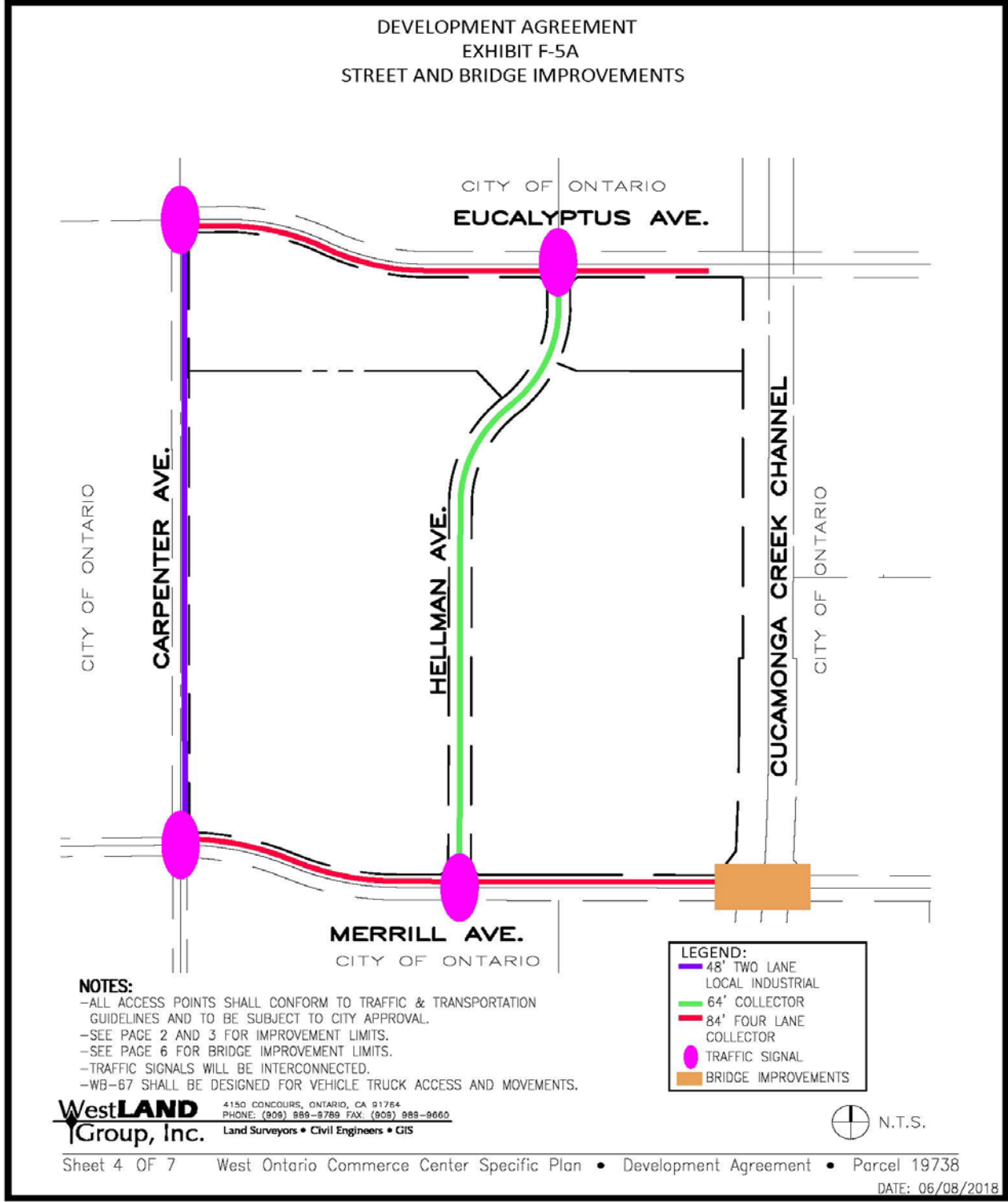
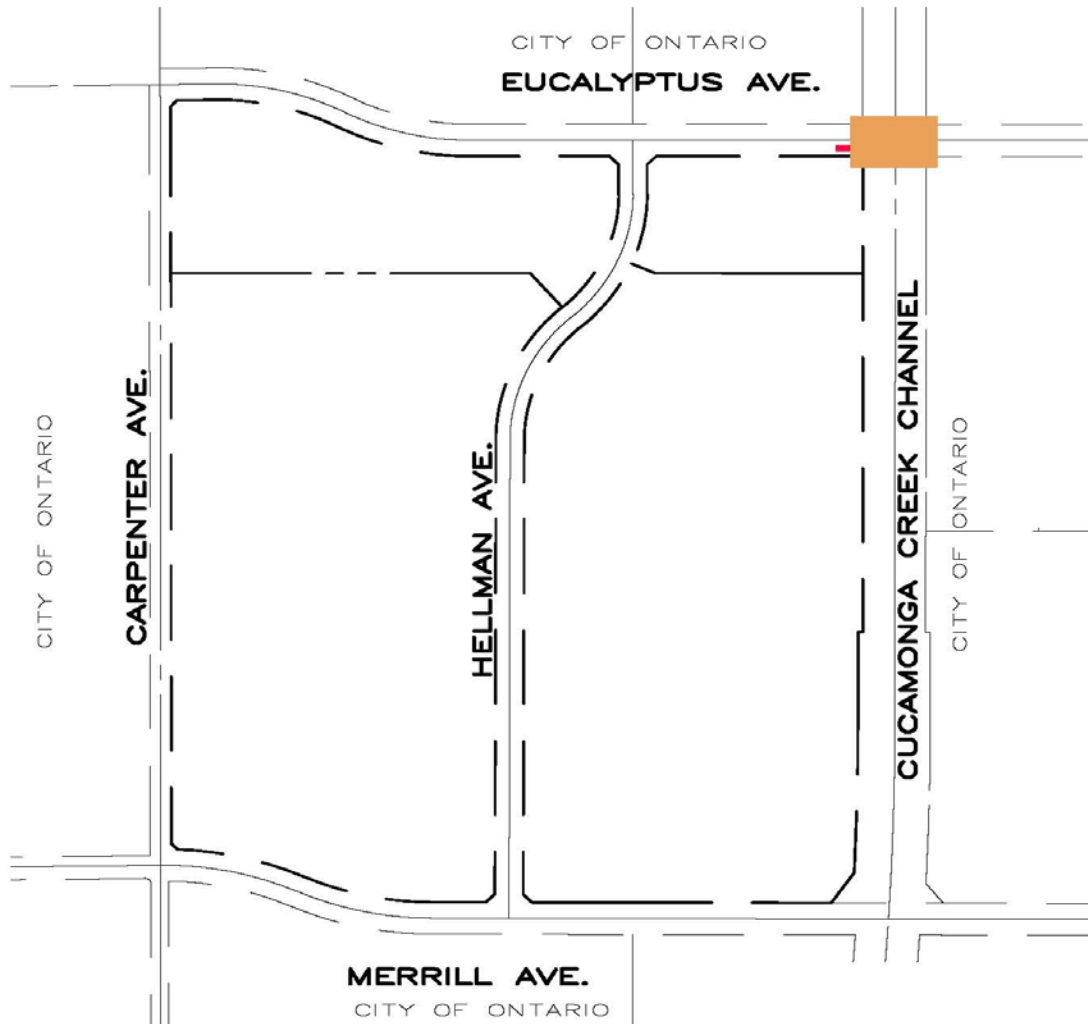


EXHIBIT "F-5B STREET AND BRIDGE IMPROVEMENTS

EXHIBIT F-5B
STREET AND BRIDGE IMPROVEMENTS



NOTES:

- ALL ACCESS POINTS SHALL CONFORM TO TRAFFIC & TRANSPORTATION GUIDELINES AND TO BE SUBJECT TO CITY APPROVAL.
- SEE PAGE 7 FOR BRIDGE IMPROVEMENT LIMITS.
- SEE PAGE 2 AND 3 FOR IMPROVEMENT LIMITS.
- TRAFFIC SIGNALS WILL BE INTERCONNECTED.
- WB-67 SHALL BE DESIGNED FOR VEHICLE TRUCK ACCESS AND MOVEMENTS.

LEGEND:	
—	84' FOUR LANE COLLECTOR
	BRIDGE IMPROVEMENTS

WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
 PHONE: (909) 989-9789 FAX: (909) 988-8060
 Land Surveyors • Civil Engineers • GIS

⊕ N.T.S.

EXHIBIT "F-5C"

MERRILL AVENUE BRIDGE WIDENING IMPROVEMENTS

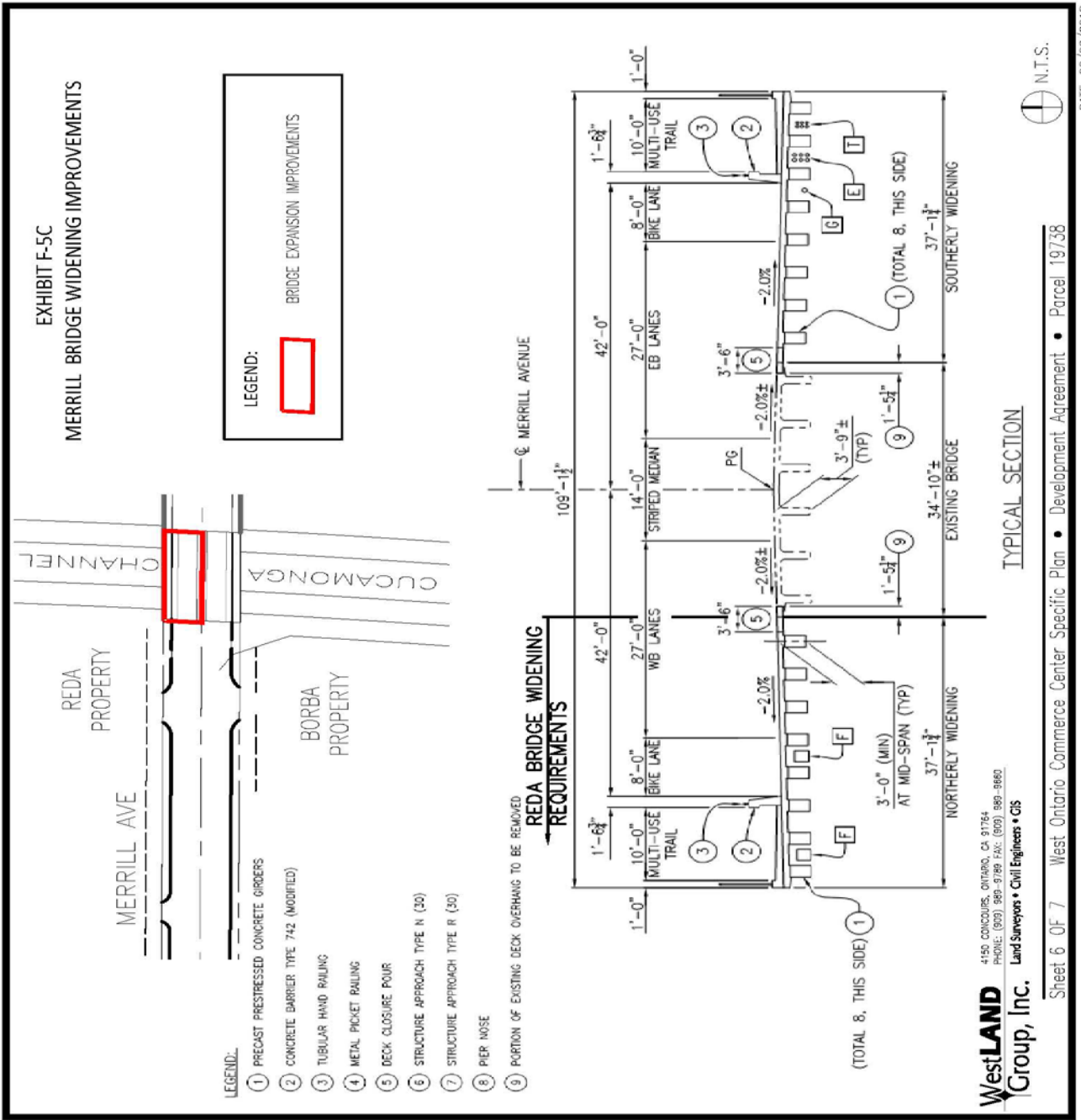
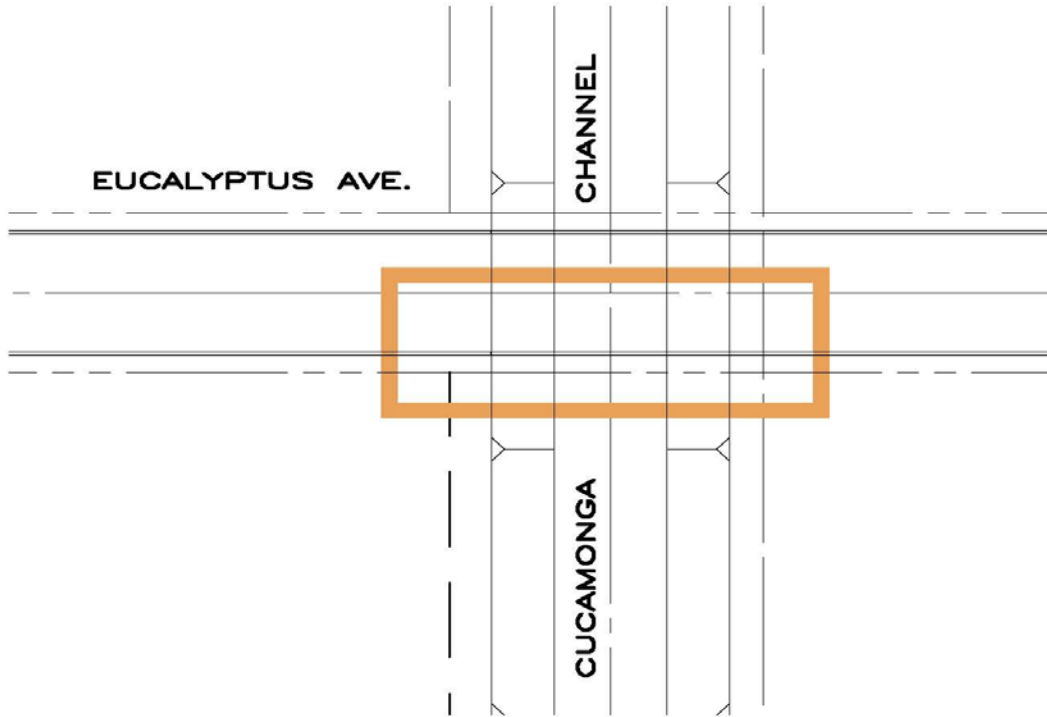



EXHIBIT "F-5D"
Eucalyptus Avenue Bridge Improvements

EXHIBIT F-5D
EUCALYPTUS BRIDGE IMPROVEMENTS



LEGEND:
 NEW BRIDGE IMPROVEMENTS

WestLAND
Group, Inc.

4150 CONCOLURS, ONTARIO, CA 91764
PHONE: (909) 889-9789 FAX: (909) 889-9060
Land Surveyors • Civil Engineers • GIS

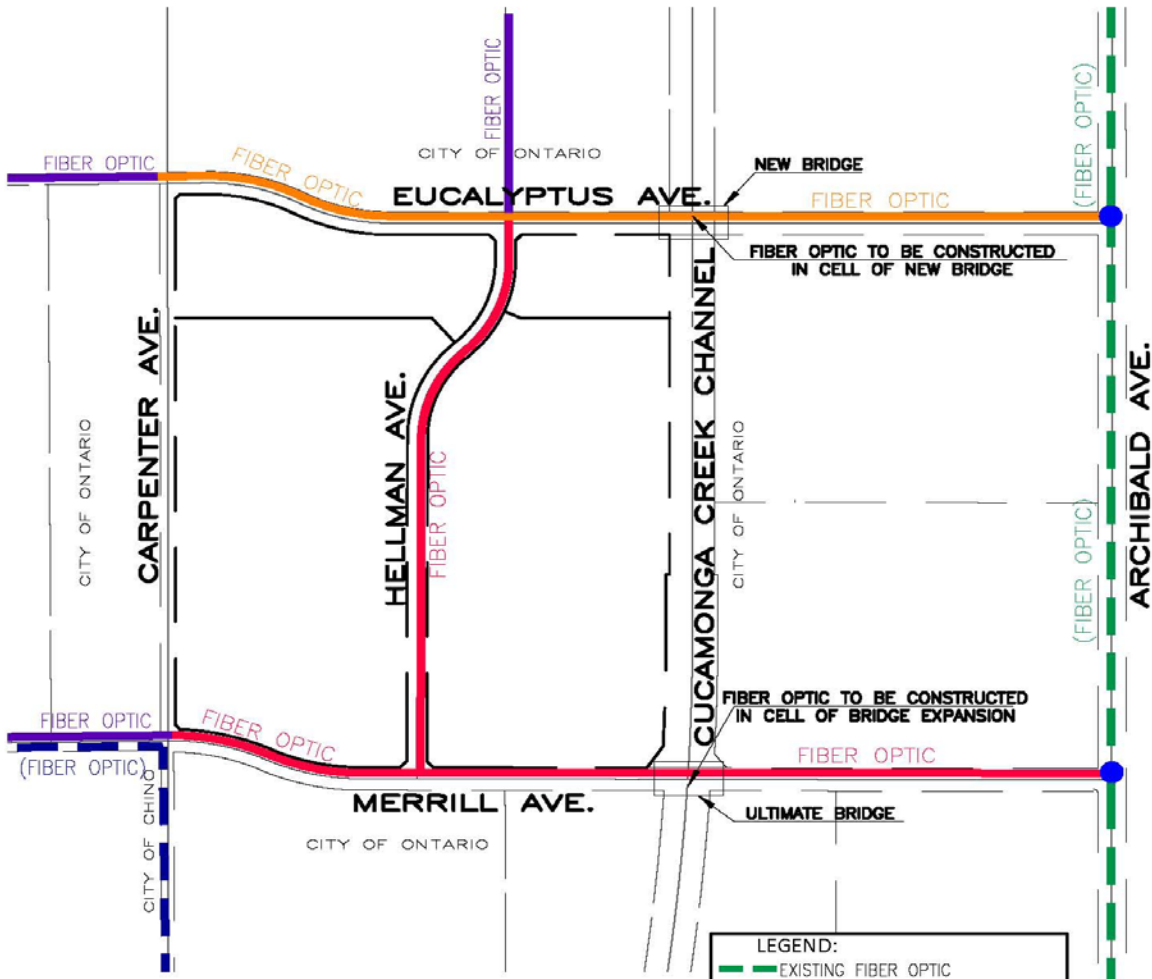
 N.T.S.

Sheet 7 OF 7 West Ontario Commerce Center Specific Plan • Development Agreement • Parcel 19738

DATE: 06/06/2018

EXHIBIT "F-6"
Fiber Optic Communications

EXHIBIT F-6
FIBER OPTIC IMPROVEMENTS



LEGEND:

- EXISTING FIBER OPTIC (CITY OF ONTARIO)
- NEW PRIMARY RING FIBER OPTIC (CITY OF ONTARIO)
- NEW LATERAL FIBER OPTIC (CITY OF ONTARIO)
- POINT OF CONNECTION
- FUTURE FIBER OPTIC (CITY OF ONTARIO)
- EXISTING FIBER OPTIC (CITY OF CHINO)

WestLAND Group, Inc.
4150 CONCOURS, ONTARIO, CA 91764
PHONE: (909) 989-9789 FAX: (909) 989-9660
Land Surveyors • Civil Engineers • GIS

N.T.S.

West Ontario Commerce Center Specific Plan • Development Agreement • Parcel 19738

DATE: 06/06/2018

EXHIBIT "G"
TO DEVELOPMENT AGREEMENT

FORM OF CERTIFICATE OF NET MDD AVAILABILITY

Pursuant to Section ____ of this Agreement between the City of Ontario, a California municipal corporation, and _____, a _____ company, hereinafter called "OWNER", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Agreement", the City of Ontario hereby certifies based on CITY receipt of payment of OWNER's share of the funding for the Phase 2 Water Improvements, that OWNER is entitled to the following Net MDD Water Availability.

Amount of Net MDD _____ gpm

Scott Ochoa, City Manager

Dated: _____

Exhibit "H"

FORM OF CERTIFICATE OF REGIONAL DIF CREDIT

Pursuant to Section 4.5.2 of this Agreement by and between the City of Ontario and _____, dated _____, 2018, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement", the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: \$ _____

Scott Ochoa, City Manager

Dated: _____

Exhibit "I-1"

ONTARIO RANCH WATER SUPPLY PHASING PLAN

<u>Phase 2</u>	<u>Water Availability Equivalency</u>	<u>Estimated Net MDD Available¹</u>
<u>Phase 2 A</u>		
<u>Supply & Storage</u>		
1. 1 - Additional Ground Water Well and Collection lines - Design and Construction	8,250 gpm ²	7,750 gpm²
<u>Pipelines (Transmission & Distribution)²</u>		
2. 925 Zone Transmission lines – Design and Construction		
3. Temporary Pressure Reducing Station ³ – Design and Construction		
<u>Phase 2B</u>		
<u>Supply & Storage</u>		
4. 1 – Additional Ground Water Well and Collection lines – Design and Construction	10,500 gpm ²	9,860 gpm²
5. 1 – 6 million gallon Reservoir – 925 Zone – Design and Construction		

(1) Upon Completion of the construction of all of the improvements described for each Phase a Certificate of Net MDD Availability shall be issued to Developer for the corresponding amount of Net MDD. Net MDD means the maximum daily demand on the potable water supply, net of the water requirements for public schools and parks. The Water Availability Equivalency includes the estimated requirements for public schools and parks. The amount of Net MDD specified is the cumulative amount for which building permits may be issued upon funding of the corresponding and all preceding Phases of improvements.

(2) The ability of a particular development to utilize Net MDD assigned to it by the Developer will require the completion of design and construction of Master-planned potable and recycled water transmission and distribution pipelines for the respective pressure zone. Other factors may include its location, the particular land use and Water Availability Equivalents assigned to it as specified in Exhibit C-2.

(3) Pressure reducing stations are a component of the pipeline transmission and distribution system.

EXHIBIT "I-2"

Available Water Supply - See Exhibit C-1R for Net MDD Available

Table A - Water Demand Equivalents By Land Use

The Ontario Plan Land Use	Potable Water			Recycled Water	
	Water Demand Factor (ADD)		Water Demand Equivalents (WDE) ²	Recycled Water Demand Factor ¹ (ADD)	Recycled Water Demand Of Total Water Demand
	(gpd/du)	(gpd/ac)	(gpm/unit)	(gpd/ac)	(%)
Detached Dwellings (less than 5 units per acre)	544		0.57	900	28%
Detached or Attached Dwellings (between 5 and 11 units per acre)	464		0.48	1,000	21%
Attached Dwellings (between 11 and 25 units per acre)	323		0.34	1,500	18%
High Density Dwellings (25+ units per acre)	152		0.16	1,500	27%
Commercial Lodging	150		0.16	1,700	50%
Retail/Services Uses		2,200	2.29	2,300	51%
Office Uses		3,400	3.54	2,300	40%
Business Park Uses		2,200	2.29	2,200	50%
Industrial Uses		2,000	2.08	2,200	52%
Institutional Use		2,200	2.29	1,600	42%
Parks		1,000	1.04	1,400	58%
Schools		3,500	3.65	1,600	31%

¹ Recycled Water Demands include irrigation for right-of-way (medians and parkways), neighborhood edge, pocket parks, and common areas.

² The WDE is based on the Maximum Day Demand (MDD) with a peaking factor of 1.5 in the NMC for all land use categories.

Table B - Example Water Supply Calculation

Land Use	Acres ¹ (gross)	Residential Units	WDE Factor (gpm)	Potable MDD (gpm)	Recycled Water ADD (gpm)
Development					
Detached Dwellings (less than 5 units per acre)	1,284	5,061	0.57	2,868	803
Detached or Attached Dwellings (between 5 and 11 units per acre)	369	2,530	0.48	1,223	256
Attached Dwellings (between 11 and 25 units per acre)	194	3,410	0.34	1,147	202
Retail/Services Uses (per acre) ²	104		2.29	239	166
TOTAL	1,950	11,001		5,477	1,428

Three (3) Wells Are required to Support this example, assuming each well produces 2,000 gpm and connection to the Recycled Water System maximizing Recycled Water Use.

¹ Residential Acres are estimated based on the weighted average derived from the average number of units per land use category.

² Commercial acreage is calculated from a total square footage of 1,361,000 SF with an average Floor to Area Ratio (FAR) of 0.30 for commercial services in The Ontario Plan.

Exhibit "J"

FORM OF PLUME DISCLOSURE LETTER

C I T Y O F



O N T A R I O

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

July 24, 2018

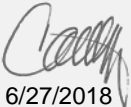
SUBJECT: An amendment to the California Commerce Center Specific Plan (**File No. PSPA18-005**) to: [1] change the land use designation on 38.09 acres of land generally located at the southeast corner of Airport Drive and Haven Avenue, from Commercial/Flood/Hotel to Light Industrial; [2] change the land use designation on 6.83 acres of land generally located at the northeast corner of Haven Avenue and Jurupa Street, from Commercial/Flood/Hotel to Light Industrial; and [3] Change the land use designation on 36.49 acres of land generally located at the northeast corner of Commerce Parkway and Jurupa Street, from Office to Light Industrial. The Specific Amendment will bring the subject parcels into conformance with the underlying Policy Plan (General Plan) land use designation of Industrial (0.55 FAR) (APNs: 0211-222-55, 0211-232-45, 0211-232-46, 0211-232-16, 0211-232-17, 0211-232-18, 0211-232-19, and 0211-232-20); **submitted by Ontario International Airport Authority.**

PROPERTY OWNER: Ontario International Airport Authority

RECOMMENDED ACTION: That the Planning Commission recommend the City Council approve File No. PSPA18-005 pursuant to the facts and reasons contained in the staff report and attached resolution.

PROJECT SETTING: The project is comprised of three areas of vacant land within the California Commerce Center Specific Plan (CCCSP), totaling 81.41 acres, including [Area 1] 38.09 acres of land generally located at the southeast corner of Airport Drive and Haven Avenue; [Area 2] 6.83 acres of land generally located at the northeast corner of Haven Avenue and Jurupa Street, and [Area 3] 36.4 acres of land generally located at the northeast corner of Commerce Parkway and Jurupa Street. The affected properties are depicted in Figure 1: Project Location Map, below.

Properties surrounding Area 1 are characterized by industrial development to the north, and are within the Commercial/Flood/Hotel and Rail Industrial land use districts of the CCCSP. The property to the east is vacant, and is within the Light Industrial land use district of the CCCSP. The property to the south is vacant, and is within the Light Industrial land use district of the CCCSP. The property to the west is developed with airport-related commercial uses (automobile rental services and airport parking facilities), and is within the ONT (Ontario International Airport) zoning district.

Case Planner:	Charles Mercier	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	6/27/2018	PC	7/24/2018		Recommend
Hearing Deadline:	N/A	CC	8/21/2018		Final

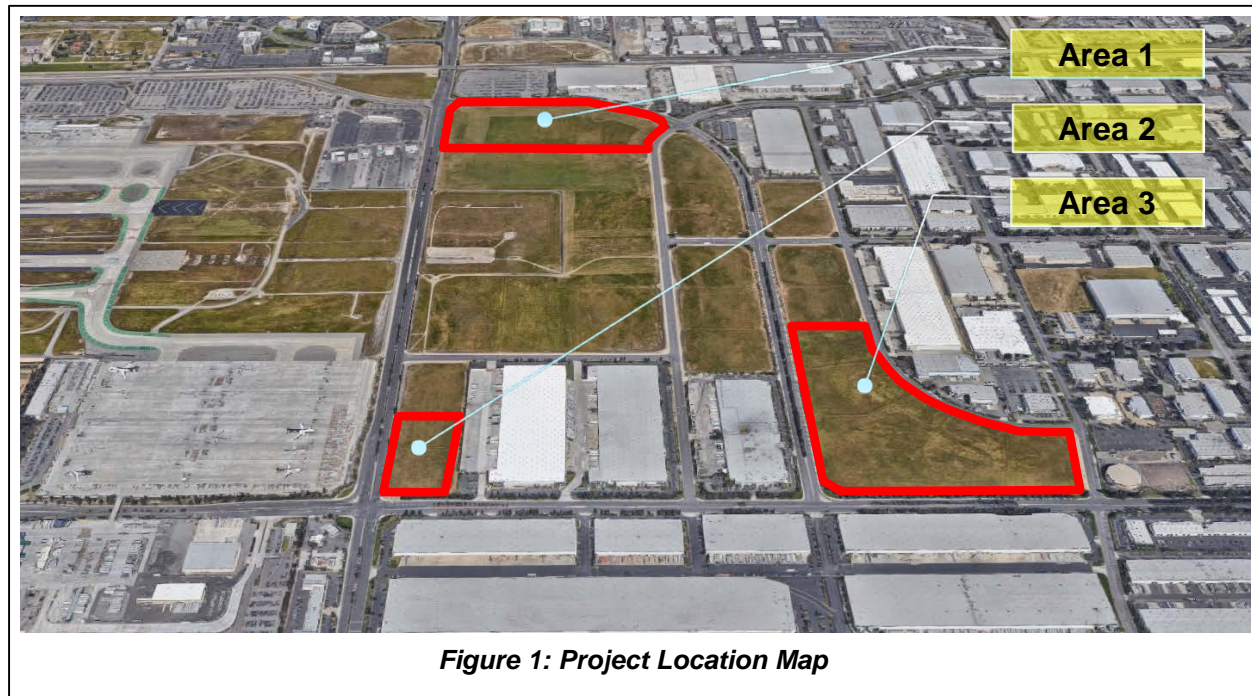


Figure 1: Project Location Map

Properties surrounding Area 2 are characterized by vacant property to the north, which lies in the Light Industrial land use district of the CCCSP. The property to the east is characterized by industrial development (warehouse/distribution), and is within the Light Industrial land use district of the CCCSP. The property to the south is developed with industrial land uses, and is within the Rail Industrial land use district of the CCCSP. The property to the west is developed with air shipping services (United Parcel Service), and is within the Airport Related land use district of the United Parcel Service Specific Plan.

Properties surrounding Area 3 are characterized by vacant property to the north, which lies in the Light Industrial land use district of the CCCSP. The property to the east is characterized by industrial development, and is within the Light Industrial and Rail Industrial land use districts of the CCCSP. The property to the south is developed with industrial land uses, and is within the Rail Industrial land use district of the CCCSP. The property to the west is developed with industrial land uses, and is within the Light Industrial land use district of the CCCSP.

PROJECT ANALYSIS: In January 2010, the City Council approved The Ontario Plan (TOP), establishing long term goals and policies intended to guide the City 20 or more years into the future. TOP consists of a six part component framework: 1) Vision, 2) Governance Manual, 3) Policy Plan (general plan), 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback. The Policy Plan component of TOP serves as the City's General Plan, which in part establishes the land use pattern for the City to achieve its Vision. Following adoption of TOP, staff embarked on an effort to ensure that the zoning and Policy Plan land use designations are consistent for all

properties throughout the City. This application continues the City's on-going TOP Consistency effort.

The Applicant, Ontario International Airport Authority (OIAA), is requesting approval of an Amendment to the California Commerce Center Specific Plan (CCCSP), which will amend the CCCSP Land Use Plan, changing the land use designation on a number of OIAA-owned properties located generally east of the Ontario International Airport proper, across Haven Avenue, within an area affected by Airport Safety Zones 2 and 3, and within the 70 to 75 dB CNEL Airport Noise Contour (as established by the Ontario International Airport Land Use Compatibility Plan). The proposed land use changes are as follows:

- Area 1: From Commercial/Flood/Hotel to Light Industrial;
- Area 2: From Commercial/Flood/Hotel to Light Industrial; and
- Area 3: From Office to Light Industrial (see Exhibit A: California Commerce Center Specific Plan Land Use Plan Revision, attached).

The proposed Amendment will further The Ontario Plan's Vision by bring the CCCSP land use designation on the affected properties, into consistency with the Policy Plan Land Use Map.

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 – Compatibility

- Goal LU2: Compatibility between a wide range of uses.
 - LU1-5: Regulation of Uses. We regulate the location, concentration and operations of uses that have impacts on surrounding land uses.

Compliance: Undertaking the Specific Plan Amendment to provide consistency between the CCCSP Land Use Map and the Policy Plan Land Use Map will further The Ontario Plan Vision.

Safety – Noise Hazards

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.
 - S4-6: Airport Noise Compatibility. We utilize information from Airport Land Use Compatibility Plans to prevent the construction of new noise sensitive land uses within airport noise impact zones.

Compliance: The proposed CCSP land use designation changes are consistent with the adopted Airport Land Use Compatibility Plan for both Ontario Airport and Chino Airport and limit new units in noise sensitive locations near the airports.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE: The project site is located within the Airport Influence Area of the Ontario International Airport, and has been found to be consistent with the policies and criteria set forth within the Ontario International Airport Land Use Compatibility Plan.

ENVIRONMENTAL REVIEW: The application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The environmental impacts of this project were previously analyzed in conjunction with The Ontario Plan (File No. PGPA06-001), for which The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was prepared and certified by the City Council on January 27, 2010. This Application introduces no new significant environmental impacts, as the proposed changes to the California Commerce Center Specific Plan Land Use Map will implement the Land Use Element of the Policy Plan component of The Ontario Plan.

TECHNICAL APPENDIX:

Area 1 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	Industrial	SP (Specific Plan)	Commercial/Food/Hotel (California Commerce Center Specific Plan (CCCSP))
<i>North</i>	Industrial	Industrial	SP	Commercial/Food/Hotel & Rail Industrial (CCCSP)
<i>South</i>	Vacant	Industrial	SP	Light Industrial (CCCSP)
<i>East</i>	Vacant	Industrial	SP	Light Industrial (CCCSP)
<i>West</i>	Commercial	Airport	ONT (Ontario International Airport)	N/A

Area 2 Surrounding Zoning and Land Use

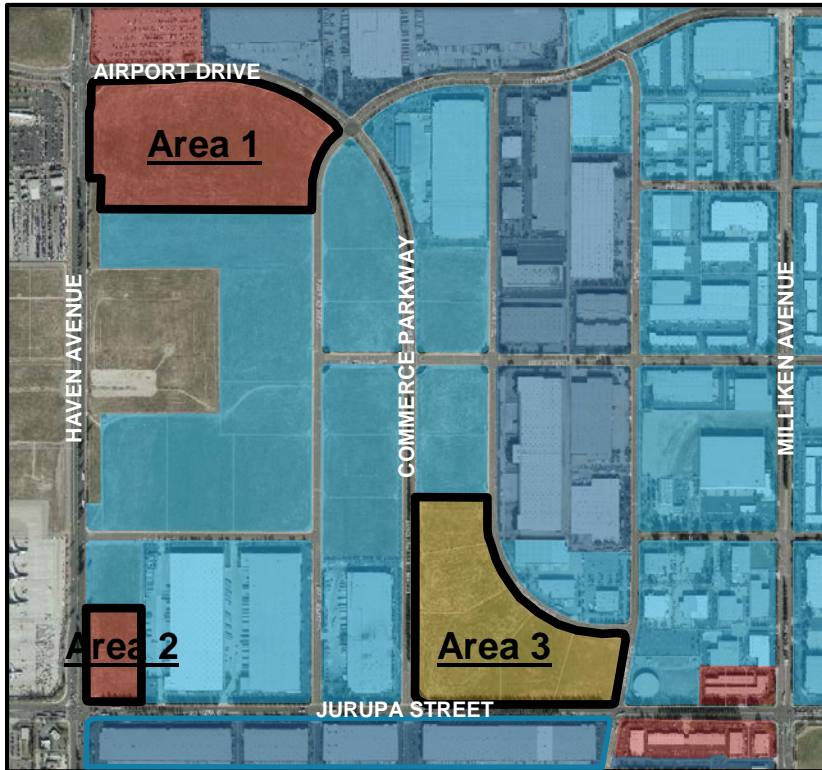
	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Industrial	SP (Specific Plan)	Commercial/Food/Hotel (California Commerce Center Specific Plan (CCCSP))
<i>North</i>	Vacant	Industrial	SP	Light Industrial (CCCSP)
<i>South</i>	Industrial	Industrial	SP	Rail Industrial (CCCSP)
<i>East</i>	Industrial	Industrial	SP	Light Industrial (CCCSP)
<i>West</i>	Shipping Services (United Parcel Service)	Industrial	SP	Airport Related (United Parcel Service Specific Plan)

Area 3 Surrounding Zoning and Land Use:

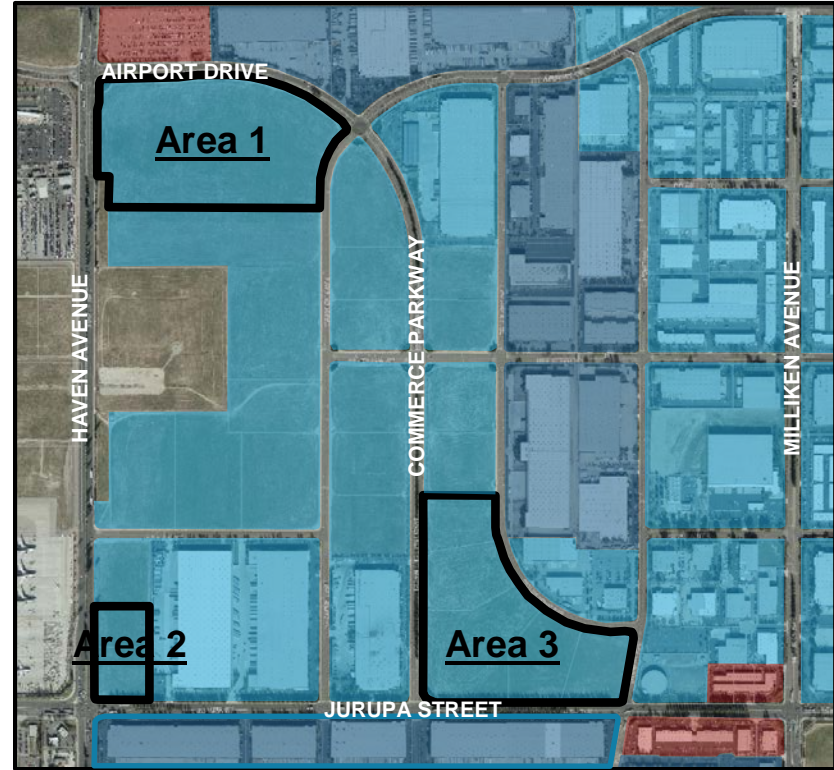
	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Industrial	SP (Specific Plan)	Office (CCCSP)
<i>North</i>	Vacant	Industrial	SP	Light Industrial (CCCSP)
<i>South</i>	Industrial	Industrial	SP	Rail Industrial (CCCSP)
<i>East</i>	Industrial	Industrial	SP	Light Industrial & Rail Industrial (CCCSP)
<i>West</i>	Industrial	Industrial	SP	Airport Related (United Parcel Service Specific Plan)

EXHIBIT A—California Commerce Center Specific Plan Land Use Plan Revision

Existing Land Uses




Proposed Land Uses



Assessor Parcel Nos. Involved:

0211-222-55, 0211-232-45, 0211-232-46, 0211-232-16, 0211-232-17, 0211-232-18, 0211-232-19, and 0211-232-20

Legend:

	Commercial/Food/Hotel		Office
	Light Industrial		Rail Industrial

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PSPA18-005, AN AMENDMENT TO THE CALIFORNIA COMMERCE CENTER SPECIFIC PLAN TO: [1] CHANGE THE LAND USE DESIGNATION ON 38.09 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF AIRPORT DRIVE AND HAVEN AVENUE, FROM COMMERCIAL/FLOOD/HOTEL TO LIGHT INDUSTRIAL; [2] CHANGE THE LAND USE DESIGNATION ON 6.83 ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF HAVEN AVENUE AND JURUPA STREET, FROM COMMERCIAL/FLOOD/HOTEL TO LIGHT INDUSTRIAL; AND [3] CHANGE THE LAND USE DESIGNATION ON 36.49 ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF COMMERCE PARKWAY AND JURUPA STREET, FROM OFFICE TO LIGHT INDUSTRIAL, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0211-222-55, 0211-232-45, 0211-232-46, 0211-232-16, 0211-232-17, 0211-232-18, 0211-232-19, AND 0211-232-20.

WHEREAS, Ontario International Airport Authority ("Applicant") has filed an Application for the approval of a Specific Plan Amendment, File No. PSPA18-005, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Project is comprised of three areas of vacant land within the California Commerce Center Specific Plan (CCCSP), totaling 81.41 acres, including (Area 1) 38.09 acres of land generally located at the southeast corner of Airport Drive and Haven Avenue; (Area 2) 6.83 acres of land generally located at the northeast corner of Haven Avenue and Jurupa Street, and (Area 3) 36.4 acres of land generally located at the northeast corner of Commerce Parkway and Jurupa Street. Each affected property is presently unimproved; and

WHEREAS, properties surrounding Area 1 are characterized by industrial development to the north, and are within the Commercial/Flood/Hotel and Rail Industrial land use districts of the CCCSP. The property to the east is vacant, and is within the Light Industrial land use district of the CCCSP. The property to the south is vacant, and is within the Light Industrial land use district of the CCCSP. The property to the west is developed with airport-related commercial uses (automobile rental services and airport parking facilities), and is within the ONT (Ontario International Airport) zoning district; and

WHEREAS, properties surrounding Area 2 are characterized by vacant property to the north, which lies in the Light Industrial land use district of the CCCSP. The property to the east is characterized by industrial development, and is within the Light Industrial

land use district of the CCCSP. The property to the south is developed with industrial land uses, and is within the Rail Industrial land use district of the CCCSP. The property to the west is developed with air shipping services (United Parcel Service), and is within the Airport Related land use district of the United Parcel Service Specific Plan; and

WHEREAS, properties surrounding Area 3 are characterized by vacant property to the north, which lies in the Light Industrial land use district of the CCCSP. The property to the east is characterized by industrial development, and is within the Light Industrial and Rail Industrial land use districts of the CCCSP. The property to the south is developed with industrial land uses, and is within the Rail Industrial land use district of the CCCSP. The property to the west is developed with industrial land uses, and is within the Light Industrial land use district of the CCCSP; and

WHEREAS, in January 2010, the City Council approved The Ontario Plan (TOP), establishing long term goals and policies intended to guide the City 20 or more years into the future. TOP consists of a six part component framework: 1) Vision, 2) Governance Manual, 3) Policy Plan (general plan), 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback. The Policy Plan component of TOP serves as the City's General Plan, which in part establishes the land use pattern for the City to achieve its Vision. Following adoption of TOP, staff embarked on an effort to ensure that the zoning and Policy Plan land use designations are consistent for all properties throughout the City. This application continues the City's on-going TOP Consistency effort; and

WHEREAS, The Applicant, Ontario International Airport Authority (OIAA), is requesting approval of an Amendment to the California Commerce Center Specific Plan (CCCSP), which will amend the CCCSP Land Use Plan, changing the land use designation on a number of OIAA-owned properties located generally east of the Ontario International Airport proper, across Haven Avenue, within an area affected by Airport Safety Zones 2 and 3, and is within the 70 to 75 dB CNEL Airport Noise Contour (as established by the Ontario International Airport Land Use Compatibility Plan). The proposed land use changes are as follows:

- Area 1: From Commercial/Flood/Hotel to Light Industrial;
- Area 2: From Commercial/Flood/Hotel to Light Industrial;
- Area 3: From Office to Light Industrial; and

WHEREAS, the proposed Amendment will further The Ontario Plan's Vision by bring the CCCSP land use designation on the affected properties, into consistency with the Policy Plan Land Use Map; 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 File No. PGPA06-001, a General Plan Amendment for which The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) ("Certified EIR") was adopted by the City Council on January 27, 2010, 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 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 July 24, 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 Certified EIR and supporting

documentation. Based upon 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 previously reviewed in conjunction with The Ontario Plan Environmental Impact Report, certified by the City Council on January 27, 2018, in conjunction with File No. PGPA06-01.

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

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

(4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and

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

SECTION 2: *Subsequent or Supplemental Environmental Review Not Required.* Based on the information presented to the 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 that will require 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 Specific Plan, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Specific Plan Amendment is consistent with the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, in that the Specific Plan Amendment contributes toward the legislative framework for the implementation of The Ontario Plan’s allowed land uses, guiding growth and development within the Light Industrial and Rail

Industrial and use districts, and achieving optimum results from the City's physical, economic, environmental, and human resources.

(2) ***The proposed Specific Plan, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed land uses and corresponding land use standards established by the Specific Plan have been created with the intent to safeguard and further the public interest, health, safety, convenience, and general welfare, and to ensure that the purposes of The Ontario Plan are maintained.

(3) ***The proposed Specific Plan Amendment will not adversely affect the harmonious relationship with adjacent properties and land uses.*** The locations of the proposed Specific Plan Amendment, and the conditions under which it will be implemented and maintained, is consistent with the Policy Plan component of The Ontario Plan and the City's Development Plan, and, therefore, will not adversely affect the harmonious relationship with adjacent properties and land uses.

(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 proposed Specific Plan Amendment has been thoroughly evaluated by City agencies and departments, which have established that the affected properties are physically suitable for the proposed land use changes in terms of parcel size, shape, access, and availability of utilities.

SECTION 5: 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 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 24th day of July 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:

Cathy Wahlstrom
Planning Director
Secretary of the Planning Commission

Planning Commission Resolution
File No. PSPA18-005
July 24, 2018
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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. ____ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on July 24, 2018, by the following roll call vote, to wit:

AYES:

NOES:

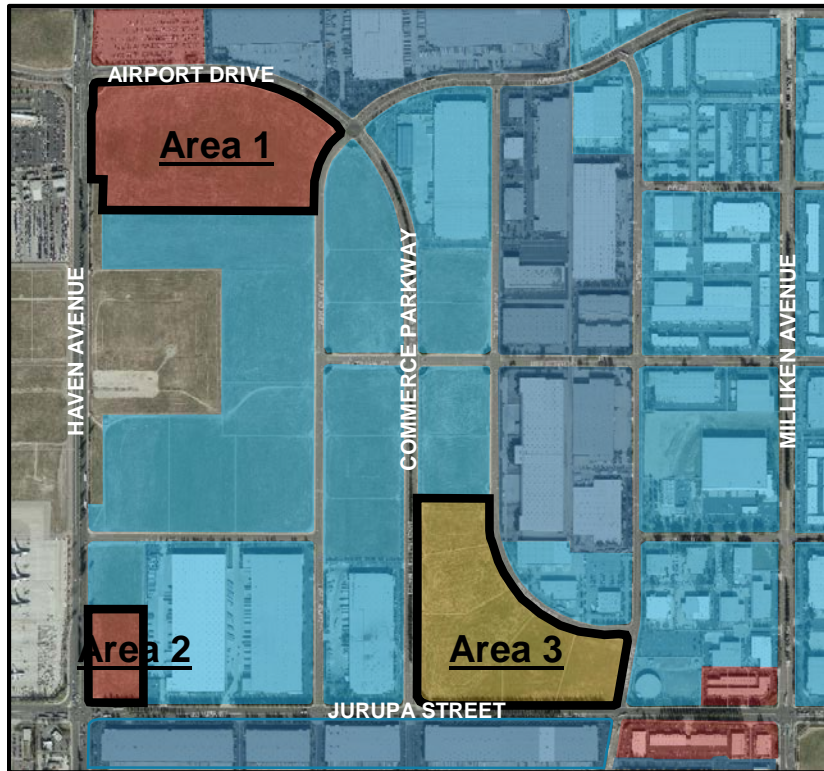
ABSENT:

ABSTAIN:

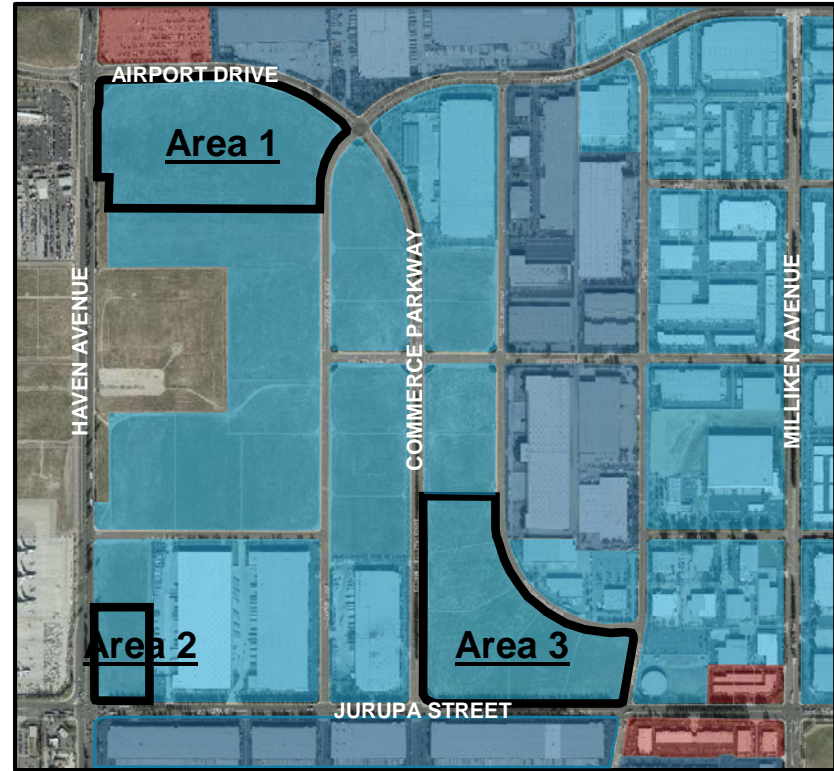
Gwen Berendsen
Secretary Pro Tempore

ATTACHMENT A: California Commerce Center Specific Plan Land Use Plan Revision

Existing Land Uses



Proposed Land Uses



Assessor Parcel Nos. Involved:

0211-222-55, 0211-232-45, 0211-232-46, 0211-232-16, 0211-232-17, 0211-232-18, 0211-232-19, and 0211-232-20

Legend:

	Commercial/Food/Hotel		Office
	Light Industrial		Rail Industrial



CITY OF ONTARIO

MEMORANDUM

TO: Chairman and Members of the Planning Commission

FROM: Cathy Wahlstrom, Planning Director *CW*

DATE: July 24, 2018

SUBJECT: MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF JUNE 2018

Attached, you will find the Planning Department Monthly Activity Report for the month of June 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 at www.ci.ontario.ca.us/index.cfm/22418.

City of Ontario Planning Department
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Month of June 2018

DEVELOPMENT ADVISORY BOARD MEETING

June 4, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-050:

A Development Plan to construct a 36,469 square foot addition to an existing 27,402 square foot industrial building on 5 acres of land located at 1175 South Dupont Avenue, within the Light Industrial land use district of the California Commerce Center Specific Plan. 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); (APN: 0211-232-60) **submitted by Shlemmer + Algaze & Associates**

Action: The Development Advisory Board approved the project subject to conditions.

ZONING ADMINISTRATOR MEETING

June 4, 2018

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-010: A Conditional Use Permit request to establish alcohol beverage sales for a Type 70 ABC license (On-Sale General Restrictive Service), in conjunction with a 126-room Marriott Springhill Suites hotel on 3.5 acres, under construction at 3595 E. Guasti Road, within the Entertainment zoning district of the Ontario Gateway Specific Plan. 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: 210-212-58) **submitted by S. S. Heritage Inn of Ontario, LLC.**

Action: The Zoning Administrator approved the Conditional Use Permit subject to conditions.

CITY COUNCIL/HOUSING AUTHORITY MEETING

June 5, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA07-001:

A Development Agreement Amendment (Second Amendment) between the City of Ontario and Western Pacific Housing, Inc., File No. PDA07-001, to extend the term of the agreement to serve Tract Map No. 18419. The project is 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. The environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December

City of Ontario Planning Department
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9, 2006. This application 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 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. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 5 to 0.**

Action: The City Council introduced and waived further reading of the approving ordinance.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-003: A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC Investments 6 L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-003, to extend the term of the agreement to serve Tract Map No's. 17931, 17932 and 17933. The project is located on the northeast and southeast corners of Mill Creek Avenue and Eucalyptus Avenue, within Planning Areas 8, 9, and 10 of the Esperanza Specific Plan. The environmental impacts of this project were previously analyzed in an Addendum to the Esperanza Specific Plan Environmental Impact Report (SCH# 2002061047) certified by City Council on September 2, 2014. This application 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 the 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. (APN: 0218-332-12 and 16); **submitted by GDC Investments 6, L.P. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 4 to 0.**

Action: The City Council introduced and waived further reading of the approving ordinance.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-004: A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC-RCCD, L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-004, to extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876 and 18878. The project is located on the northwest and southwest corners of Hamner Avenue and Eucalyptus Avenue, within Planning Areas 4, 5, 6, and 7 of the Esperanza Specific Plan. The environmental impacts of this project were previously analyzed in an Addendum to the Esperanza Specific Plan Environmental Impact Report (SCH# 2002061047) certified by City Council on September 2, 2014. This application 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 the 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. (APN:

City of Ontario Planning Department
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0218-332-11 and 0218-252-17); **submitted by GDC-RCCD, L.P. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 4 to 0.**

Action: The City Council introduced and waived further reading of the approving ordinance.

DEVELOPMENT ADVISORY BOARD MEETING

June 18, 2018

ENVIRONMENTAL ASSESSMENT AND REVIEW FOR TENTATIVE PARCEL MAP FILE NO. PMTT17-

011 AND DEVELOPMENT PLAN FILE NO. PDEV17-057: A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference. 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; (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV.**

Action: Continued to the 7/16/2018 meeting.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-034:

A Development Plan to construct a non-stealth wireless telecommunications facility (monopole) totaling 204 square feet on 25.8 acres of land, generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the UC (Utilities Corridor) 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. 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: 0238-241-10) **submitted by Verizon Wireless. Planning Commission action is required.**

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

City of Ontario Planning Department
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ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-021:

A Development Plan to attach a non-stealth wireless telecommunications facility to an existing Southern California Edison (SCE) tower, including the construction of a 400 square foot equipment enclosure, on property located at 3252 East Riverside Drive, within the UC (Utilities Corridor) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) and 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 (ONT) and was evaluated and found to be consistent with the policies and criteria of the ONT Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-151-45); **submitted by T-Mobile. Planning Commission action is required.**

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-052:

A Development Plan (File No. PDEV17-052) to construct a 1,255,382 square foot industrial building on 57.68 acres of land, for property generally located along the southeast corner of Merrill Avenue and Carpenter Avenue, within Planning Area 1 (PA-1) of the Colony Commerce Center West Specific Plan. The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) that was certified by the City Council on October 3, 2017. All adopted mitigation measures of the related EIR 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 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. (APNs: 0218-292-05 and 0218-311-11); **submitted by Colony Commerce Center, LLC. Planning Commission action is required.**

Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-058:

A Development Plan to add 5,601 square feet to an existing 108-room hotel (Candlewood Suites) and a request to remodel the exterior facades for the property located on 1.92 acres of land, at 1818 East Holt Boulevard, within the CCS (Convention Center Support Commercial) 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); (APN: 0110-101-03) **submitted by Steeno Design Studio, Inc.**

Action: The Development Advisory Board approved the project subject to conditions.

ZONING ADMINISTRATOR MEETING

June 18, 2018

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-006: A Conditional Use Permit request to establish alcoholic beverage sales, for a Type 41 ABC license (On-Sale Beer & Wine) in conjunction with a 2,040 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. 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 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); (APN: 0283-121-71); **submitted by Rigo Espinoza.**

Action: The Zoning Administrator approved the Conditional Use Permit subject to conditions.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-011: A Conditional Use Permit request to expand an existing religious assembly use (New Creation Christian Fellowship) by 2,184 square feet, on property located on 1.8 acres of land, at 1235 East Francis Street, Unit K, within the Business Park land use designation of the Grove Avenue Specific Plan. 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 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); (APN: 0113-361-33) **submitted by Predella McGuire.**

Action: The Zoning Administrator approved the Conditional Use Permit subject to conditions.

ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.

PCUP18-014: A Conditional Use Permit request to establish a religious assembly use within an existing 2,000 square foot tenant space of a 5,300 square foot multi-tenant commercial/office building located at 517 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: 1048-355-08) **submitted by Antonio J. Lopez.**

Action: The Zoning Administrator approved the Conditional Use Permit subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA07-001: A Development Agreement Amendment (Second Amendment) between the City of Ontario and Western Pacific Housing, Inc., File No. PDA07-001, to extend the term of the agreement to serve Tract Map No. 18419. The project is 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. The environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December 9, 2006. This application 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 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. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 5 to 0.**

Action: The City Council approved and waived further reading of the enacting ordinance.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-003: A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC Investments 6 L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-003, to extend the term of the agreement to serve Tract Map No's. 17931, 17932 and 17933. The project is located on the northeast and southeast corners of Mill Creek Avenue and Eucalyptus Avenue, within Planning Areas 8, 9, and 10 of the Esperanza Specific Plan. The environmental impacts of this project were previously analyzed in an Addendum to the Esperanza Specific Plan Environmental Impact Report (SCH# 2002061047) certified by City Council on September 2, 2014. This application 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 the 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. (APN: 0218-332-12 and 16); **submitted by GDC Investments 6, L.P. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 4 to 0.**

Action: The City Council approved and waived further reading of the enacting ordinance.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FILE NO. PDA14-004: A Development Agreement Amendment (Second Amendment) between the City of Ontario, GDC-RCCD, L.P., and Lennar Homes of California to amend Development Agreement, File No. PDA14-

City of Ontario Planning Department
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004, to extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876 and 18878. The project is located on the northwest and southwest corners of Hamner Avenue and Eucalyptus Avenue, within Planning Areas 4, 5, 6, and 7 of the Esperanza Specific Plan. The environmental impacts of this project were previously analyzed in an Addendum to the Esperanza Specific Plan Environmental Impact Report (SCH# 2002061047) certified by City Council on September 2, 2014. This application 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 the 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. (APN: 0218-332-11 and 0218-252-17); **submitted by GDC-RCCD, L.P. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 4 to 0.**

Action: The City Council approved and waived further reading of the enacting ordinance.

ENVIRONMENTAL ASSESSMENT AND REVIEW FOR GENERAL PLAN AMENDMENT FILE NO. PGPA16-002, SPECIFIC PLAN FILE NO. PSP16-002 AND WILLIAMSON ACT CANCELLATION FOR FILE NOS. PWIL17-009 (#73-406) AND PWIL18-004 (#70-219): A public hearing to consider certification of the Environmental Impact Report (SCH#2017041074), including the adoption of a Mitigation Monitoring and Reporting Plan and a Statement of Overriding Considerations, for the following: 1) A General Plan Amendment (File No. PGPA16-002) to modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes; 2) A Specific Plan (File No. PSP16-002 - West Ontario Commerce Center) request to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 119 acres of land, which includes the potential development of up to 2,905,510 square feet of industrial and business park development; and 3) Tentative Cancellation of Williamson Act Contracts 73-406 and 70-219. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west. 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; (APNs: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 5 to 0.**

Action: The City Council: [1] approved a resolution certifying the EIR, including the adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; [2] approved a resolution approving the General Plan Amendment (File No. PGPA 16-002); [3]

City of Ontario Planning Department
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Introduced and waived further reading of an ordinance approving the West Ontario Commerce Center Specific Plan; and [4] approved resolutions approving a Tentative Cancellation of Williamson Act Contracts 73-406 (File No. PWIL17-009) and 70-219 (File No. PWIL18-004).

ENVIRONMENTAL ASSESSMENT AND GENERAL PLAN AMENDMENT REVIEW FOR FILE NO. PGPA18-001 AND A SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA18-002: A General Plan Amendment (File No. PGPA18-001) request to: 1) modify the Land Use Element of The Ontario Plan (General Plan) to change the land use designation shown on the Land Use Plan Map (Exhibit LU-1) for one 2.05 acre parcel located at the southeast corner of Haven Avenue and Francis Street from Office Commercial to Industrial; and 2) modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation change; and a Specific Plan Amendment (File No. PSPA18-002) request to change the California Commerce Center Specific Plan land use designation of the property from Commercial/Food/Hotel to Rail Industrial. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) certified by City Council on January 27, 2010 in conjunction with File No. PGPA06-001. 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: 0211-281-56); **submitted by SRG Archibald, LLC. The Planning Commission recommended approval of this item on April 24, 2018 with a vote of 4 to 1.**

Action: The City Council: approved a resolution approving the General Plan Amendment (File No. PGPA18-001); and [2] approved a resolution approving the Specific Plan Amendment (File No. PSPA18-002).

ENVIRONMENTAL ASSESSMENT AND PLANNED UNIT DEVELOPMENT REVIEW FOR FILE NO. PUD17-004: A Planned Unit Development (File No. PUD17-004) establishing land use designations, and development standards and guidelines to facilitate the development of an 8-unit apartment project on 0.29 acres of land, located at 214 North Vine and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district. 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. 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: 1048-572-13 and 1048-572-11) **submitted by AB Holdings, LLC. Planning Commission recommended approval of this project on May 22, 2018 with a 6 to 0 vote.**

Action: The City Council introduced and waived further reading of the approving ordinance.

City of Ontario Planning Department
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PLANNING/HISTORIC PRESERVATION COMMISSION MEETING

June 26, 2018

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-052:

A Development Plan to construct a 1,255,382 square foot industrial building on 57.68 acres of land, for property generally located along the southeast corner of Merrill Avenue and Carpenter Avenue, within Planning Area 1 (PA-1) of the Colony Commerce Center West Specific Plan. The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) that was certified by the City Council on October 3, 2017. All adopted mitigation measures of the related EIR 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 Chino Airport, and was evaluated and found to be consistent with the policies and criteria of both the Ontario International Airport Land Use Compatibility Plan and the Chino Airport Land Use Compatibility Plan; (APNs: 0218-292-05 and 0218-311-11) **submitted by Colony Commerce Center LLC.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND VARIANCE REVIEW FOR FILE NO. PVAR18-001:

A Variance to deviate from the minimum Development Code standards for parking setbacks along an arterial street, from 20 feet to 13 feet, for an existing senior living facility (Inland Christian Home, Inc.), on 8.74 acres of land located at 1950 South Mountain Avenue, within the Medium Density Residential (MDR-18) 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: 1014-461-12) **submitted by Inland Christian Home, Inc.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV15-034:

A Development Plan to construct a non-stealth wireless telecommunications facility (monopole) totaling 204 square feet on 25.8 acres of land, generally located southwest of Airport Drive and Wineville Avenue in an SCE easement, within the UC (Utilities Corridor) 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. 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: 0238-241-10) **submitted by Verizon Wireless.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-021:

A Development Plan to attach a non-stealth wireless telecommunications facility to an existing Southern California Edison (SCE) tower, including the construction of a 400 square foot equipment enclosure, on property located at 3252 East Riverside Drive, within the UC (Utilities Corridor) zoning district. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) and 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: 0218-151-45); **submitted by T-Mobile.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT17-

003: A Tentative Tract Map (File No. PMTT17-003/TTM 20081) to subdivide 44.98 into 76 numbered lots and 62 lettered lots for residential and commercial uses, public/private streets, landscape neighborhood edges and common open space purposes for a property located on northeast corner of Ontario Ranch Road and Haven Avenue, within the Mixed Use District Planning Area 6A (Regional Commercial and Stand Alone Residential Overlay) of the Rich Haven Specific Plan. The environmental impacts of this project were previously analyzed in an addendum to The Rich Haven Specific Plan EIR (SCH# 2006051081) in conjunction with File No. PSP05-004 that was adopted by the City Council on December 4, 2007 and an Addendum to The Ontario Plan Environmental Impact Report (SCH# 2008101140) prepared in conjunction with File No. PGPA06-001 and adopted by City Council on January 27, 2010. 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: 218-211-02 and 218-211-05) **submitted by Brookcal Ontario, LLC.**

Action: The Planning Commission continued this item to the July 24, 2018 meeting.

ENVIRONMENTAL ASSESSMENT AND AIRPORT LAND USE COMPATIBILITY REVIEW FOR FILE NO.

PALU18-004: An amendment to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) to: 1) Update airport ownership references from Los Angeles World Airports (LAWA) to Ontario International Airport Authority (OIAA); 2) Eliminate LAWA's proposal to reconfigure the ONT runway system by shifting both runways south and east of their present position (Exhibit 1-6: Simplified Airport Diagram) and rely on the existing runway system (current Airport Layout Plan) for the ONT ALUCP; and 3) Update Policy Maps 2-1: Airport Influence Area, 2-2: Safety Zones, 2-3: Noise Impact Zones, 2-4: Airspace Protection Zones and 2-5: Overflight

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Notification Zones to reflect impacts from the existing runway configuration and eliminate the composite approach that protects existing and LAWA's proposed runway reconfigurations. The geographic scope of the ONT ALUCP is the Airport Influence Area (AIA), which includes portions of the Cities of Ontario, Fontana, Upland, Montclair, Rancho Cucamonga, Chino, Pomona, Claremont and unincorporated portions of San Bernardino, Riverside and Los Angeles Counties. The environmental impacts of this project were previously reviewed in conjunction with File No. PADV07-008, for which a Negative Declaration (SCH# 2011011081) was adopted by the Ontario City Council on April 19, 2011. This project introduces no new significant environmental impacts. **Submitted by: City of Ontario, Planning Department. City Council action is required.**

Action: The Planning Commission recommended the City Council approve the project.

ENVIRONMENTAL ASSESSMENT AND REVIEW FOR TENTATIVE PARCEL MAP FILE NO. PMTT17-011 AND DEVELOPMENT PLAN FILE NO. PDEV17-057: A Tentative Parcel Map (File No. PMTT17-011/TPM 19738) to subdivide 119.31 acres of land into 9 parcels in conjunction with a Development Plan (File No. PDEV17-057) to construct two industrial buildings totaling 2,217,016 square feet. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074), that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR 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). 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. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV.**

Action: The Planning Commission approved the project subject to conditions.

ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO. PDA17-003: A Development Agreement (File No. PDA17-003) between the City of Ontario and Ontario Land Ventures, LLC, to establish the terms and conditions for the development of Tentative Parcel Map 19738 (File No. PMTT17-011). The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, located within the General Industrial land use district of the West Ontario Commerce Center Specific Plan. The environmental impacts of this project were analyzed in the West Ontario Commerce Center Specific Plan (File No. PSP16-002) EIR (SCH#2017041074),

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that is scheduled for adoption by the City Council on June 19, 2018. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures of the related EIR 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). 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. (APNs: 0218-221-09, 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 and 0218-271-18) **submitted by REDA, OLV. City Council action is required.**

Action: The Planning Commission recommended the City Council approve the project.

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PADV18-004: **Submitted by City of Ontario**

Construction of 5 miles of one-way buffered bike lanes (Class IV) and 3 miles of sidewalks on Mission Boulevard, from Benson to Bon View Avenues, including curb and gutter, parkway, street lights, and bike detection of signalized intersections.

PCUP18-018: **Submitted by Milliken Avenue Holdings, LLC**

A Conditional Use Permit to establish an outdoor trailer storage yard on 16.17 acres of land located at 2202 and 2702 South Milliken Avenue, within the IG (General Industrial) zoning district (APNs: 1063-352-02 and 0211-321-10).

PCUP18-019: **Submitted by Blink Fitness**

A Conditional Use Permit to establish a 14,500-square foot gym on 1.784 acres of land located at 130 West G Street, within the MU-1 (Downtown Mixed Use) and EA (Euclid Avenue Overlay) zoning districts. (APN: 1048-271-19).

PCUP18-020: **Submitted by Sierra Vista Nursery**

A Conditional Use Permit to establish agricultural support services, consisting of a commercial nursery with ancillary grinding of green waste to create mulch and the composting of green waste and organics (food waste, excluding fats and oils) to create soil material, on 9.04 acres of land located at the northeast corner of Schaefer and Bon View Avenues, within the SP(AG) -- Specific Plan and Agricultural Overlay -- zoning districts (APN: 1052-501-05).

PCUP18-021: **Submitted by Four Sisters Enterprises, LLC**

A Conditional Use Permit to establish a towing facility with outdoor storage of vehicles in conjunction with the construction of a 6,660-square foot two-story industrial building on 3.01 acres of land located at the southwest corner of Belmont Street and Monterey Avenue, at 554 East Belmont Street, within the IL (Light Industrial) zoning district (APNs: 1049-491-01, 1049-491-02 and 1049-491-03). Related File: PDEV18-022.

PCUP18-022: **Submitted by San Joaquin Valley College**

A Conditional Use Permit to establish an 18,000-square foot satellite campus for San Joaquin Valley College on 0.17 acres of land located at 4688 East Ontario Mills Parkway, within the Commercial Office land use district of the Ontario Mills (California Commerce Center North) Specific Plan (APN: 0238-271-28). (Related File: PDEV12-012).

PCUP18-023: **Submitted by AMF Pharma, LLC**

A Conditional Use Permit to establish a pharmaceutical preparation manufacturing facility for the manufacture of vitamin preparations on 1.28 acres of land located at 1909 South Campus Avenue, within the IL (Light Industrial) zoning district (APN: 1050-441-63).

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PCUP18-024:

Submitted by Diamond Spa

A Conditional Use Permit to establish a 1,500-square foot massage establishment on a 0.31-acre parcel of land located at 326 East Holt Boulevard, Unit B, within the MU-1 (Downtown Mixed Use) zoning district (APN: 1049-065-11).

PCUP18-025:

Submitted by DeVry University

A Conditional Use Permit to establish a 12,906-square foot Private School (DeVry University) on 14.516 acres of land located at 2970 East Inland Empire Boulevard, within the Garden Commercial land use district of the Transpark Specific Plan (APN: 0210-191-15).

PDA-18-004:

Submitted by Merrill Commerce Center East, LLC

A Development Agreement by and between the City of Ontario and Merrill Commerce Center East, LLC, to establish terms for the development of 307.7 acres of land consisting of up to 7 million square feet of industrial development within the proposed Merrill Commerce Center Specific Plan.

PDEV18-018:

Submitted by Pulte Homes

A Development Plan to construct 47 single-family dwellings on 8.9 acres of land located near the southwest corner of Celebration Avenue and Eucalyptus Avenue, within PA 21 of the Subarea 29 Specific Plan (APN:0218-014-02). Related File: PMTT06-012 (TM18066).

PDEV18-019

Submitted by Sares Regis Group

A Development Plan to construct a 23,400-square foot industrial building on 2.05 acres of land located at the southeast corner of Francis Street and Haven Avenue, within the Rail Industrial land use district of the California Commerce Center Specific Plan (APN: 0211-281-56). Related Files: PVAR18-003, PGPA18-001 & PSPA18-002.

PDEV18-020:

Submitted by Brookfield Homes Southern California

A Development Plan to construct 265 dwelling units (48 single-family and 217 multiple-family) on 19.8 acres of land located at the southeast corner of Archibald Avenue and La Avenida, within the Low Density land use designation of The Avenue Specific Plan (APN: 0218-201-18). Related File: Tract 18937.

PDEV18-021:

Submitted by New Indy Containerboard

A development plan to construct a new combined heat and power plant in conjunction with an existing paper mill on 51.05 acres of land located at 5100 East Jurupa Street, within the IH (Heavy Industrial) and UC (Utility Corridor) zoning districts.

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PDEV18-022: Submitted by **Four Sisters Enterprises, LLC**

A Development Plan to construct a 6,660-square foot industrial building on 3.01 acres of land located at the southwest corner of Belmont Street and Monterey Avenue, at 554 East Belmont Street, within the IL (Light Industrial) zoning district (APNs: 1049-491-01, 1049-491-02 and 1049-491-03). Related File: PCUP18-021.

PDEV18-023: Submitted by **Safety Investment Company**

A Development Plan to construct a 52,700-square foot industrial building on 2.65 acres of land located at 1241, 1249, and 1255 East Airport Drive, within the General Industrial (IG) zoning district (APNs: 0113-211-05, 0113-211-06 and 0113-211-07).

PDEV18-024: Submitted by **Ferriera Construction**

A Development Plan to construct a 23,952-square foot industrial building on 2.4 acres of land located at 901 South Sultana Avenue, within the IL (Light Industrial) zoning district (APN: 1049-353-14). Related File: PCUP18-003.

PDEV18-025: Submitted by **Christopher Development Group, Inc**

A Development Plan to construct 100 single-family dwellings on 16 acres of land located at the northeast corner of Eucalyptus Avenue and Cleveland Avenue, within Esperanza Specific Plan (APN: 0218-252-16). Related File: Tract 17931.

PGPA18-003: Submitted by **Merrill Commerce Center East, LLC**

A General Plan Amendment to: [1] change the land use designation from General Commercial to Business Park on approximately 40 acres of land located south of Eucalyptus Avenue, between Vineyard Avenue on the east and Grove Avenue on the west; and [2] change the land use designation from Business Park and Commercial Office on 242.7 acres of land located north of Merrill Avenue, between Vineyard Avenue on the east and Grove on the West. Related File: PSP18-001.

PHP-18-021: Submitted by **Peter Chang**

A request to remove property located at the southeast corner of Grove Avenue and 7th Street, 1660 North Grove (1316 East 7th Street), from the Historical Eligibility List.

PSGN18-068: Submitted by **AKC Permit Co.**

A Sign Plan to replace signage for Sam's Club, including wall signs, descriptor signs, and pump canopy signs, located at 951 North Milliken Avenue, within the Ontario Center Specific Plan.

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PSGN18-069: **Submitted by Felipe Murillo**

A Sign Plan for the installation of a wall sign for HERMANDAD (westerly elevation), located at 516 North Euclid Avenue, within the MU-1 (Downtown Mixed Use) zoning district.

PSGN18-070: **Submitted by Elite Sign Services Inc.**

A Sign Plan for the installation of a wall sign (east elevation) for ALLSTATE, located at 2250 South Euclid Avenue, Suite B, within the CC (Community Commercial) zoning district.

PSGN18-071: **Submitted by Carlson Signs**

A Sign Plan for the installation of two wall signs (south and east elevations) and two monument signs for TIRES LES SCHWAB, located at 1044 North Milliken Avenue, within the Ontario Mills (California Commerce Center North) Specific Plan.

PSGN18-072: **Submitted by FX Signs**

A Sign Plan for the installation of two wall signs (south and east elevations) for ONTARIO KIDS N BRACES (Dr. Rajiv Bhagat), located at 3333 East Concours Street, Building 6, within the Ontario Center Specific Plan.

PSGN18-073: **Submitted by Emser Tile**

A Sign Plan for the installation of a temporary banner for EMSER TILE (north elevation), located at 5300 East Shea Center Drive, within the Shea Business Center Specific Plan. From 6/15/2018 to 7/15/2018.

PSGN18-074: **Submitted by Continental Signs, Inc.**

A Sign Plan for the reface of a panel within an existing freeway pylon sign for TARBELL REALTORS, located at 2409 South Vineyard Avenue, Suite A, within the CC (Community Commercial) zoning district.

PSGN18-075: **Submitted by Promotional Plus Sign Co., Inc.**

A Sign Plan for the replacement of signage for an existing 76 gasoline service station located at 1305 North Mountain Avenue, within the Mountain Village Specific Plan, including 3 canopy sign logos and changes to canopy decals; two monument signs; and logo decal at pumps.

PSGN18-076: **Submitted by Spirit Halloween**

A Sign Plan for the installation of a temporary banner for SPIRIT HALLOWEEN, located at 4420 East Ontario Mills Parkway, within the Ontario Mills (California Commerce Center North) Specific Plan. From 8/1/2018 to 11/1/2018.

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PSGN18-077: Submitted by Artisan Designs Inc, DBA Refined Signs & Mailboxes

A Sign Plan for 380 East Bluebird Privado for the purpose of revising the monument sign for Town Homes to be included within existing sign program (related PSGP18-001 and PSGP08-006).

PSGP18-002: Submitted by JB3D

An update to the Milliken Airport Business Center Sign Program, located at 285 South Dupont Avenue, 290 South Milliken Avenue, and 4230 East Airport Drive, within the California Commerce Center Specific Plan.

PSGP18-003: Submitted by Power Sign

An update to the Vineyard Airport Center Sign Program, located at 405 North Vineyard Avenue, within the CCS (Convention Center Support Commercial) zoning district.

PSP-18-001: Submitted by Merrill Commerce Center East, LLC

A Specific Plan (Merrill Commerce Center) to establish land use districts, development standards, and design guidelines for approximately 307 acres of land bordered by Eucalyptus Avenue to north, Merrill Avenue to the south, Vineyard Avenue to the east and Grove Avenue to the west, within Ontario Ranch. The Specific Plan will facilitate the potential of up to 7 million square feet of industrial development.

PSPA18-004: Submitted by Real Development Solutions, LLC

An Amendment to the Meredith International Centre Specific Plan, revising the sign standards standards/guidelines within the Urban Commercial land use district (APNs: 0110-321-79, 0110-321-72, 0110-321-75, and 0110-321-76).

PSPA18-005: Submitted by Ontario International Airport

An amendment to the California Commerce Center Specific Plan to: [1] change the land use designation on 30 acres of land generally located at the southeast corner of Airport Drive and Haven Avenue, from Commercial/Flood/Hotel to Light Industrial; [2] change the land use designation on 6.76 acres of land generally located at the northeast corner of Haven Avenue and Jurupa Street, from Commercial/Flood/Hotel to Light Industrial; and [3] Change the land use designation on 36.4 acres of land generally located at the northeast corner of Commerce Parkway and Jurupa Street, from Office to Light Industrial. The Specific Amendment will bring the subject parcels into conformance with the underlying Policy Plan land use designation of Industrial (0.55 FAR). (APNs: 0211-222-55, 0211-232-45, 0211-232-46, 0211-232-16, 0211-232-17, 0211-232-18, 0211-232-19, and 0211-232-20).

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PTUP18-039: **Submitted by American Legion Post 112**

A Temporary Use Permit hosted by American Legion Post 112, for the Fourth of July Legion celebration located at 310 West Emporia Street, within the MU-1 (Downtown Mixed Use) zoning district.

PTUP18-040: **Submitted by Rigoberto Tovilla**

A Temporary Use Permit for a car safety awareness event at K1 Speed, located at 5350 East Ontario Mills Parkway. Event to be held Friday, 6/22/2018.

PTUP18-041: **Submitted by Scandia**

A Temporary Use Permit for Haunted Mazes at Scandia Amusement Park. Set-Up Date: 9/10/2018. Take-Down Date: 11/01/2018. Start Date: 9/28/2018. Final Day: 10/31/2018.

PTUP18-042: **Submitted by 909 Vapor**

A Temporary Use Permit for an anniversary event at 4451 East Ontario Mills Parkway. Event will be held on 6/30/2018, 12:00PM to 8:00PM.

PTUP18-043: **Submitted by Our Lady of Guadalupe**

A Temporary Use Permit for a fundraising event for Our Lady of Guadalupe Church, located at 710 South Sultana Avenue. Event will be held on 9/23/2018.

PTUP18-044: **Submitted by The Office Bar**

A Temporary Use Permit for an outdoor event at 2425 South Grove Avenue, hosted by The Office Bar. Event will be held 7/13/2018, from 6:00PM to 1:00AM.

PVAR18-003: **Submitted by RGA Architects**

A Variance for a reduction in the minimum required front and exterior side (corner) setbacks of the California Commerce Center Specific Plan for Francis Street, from 35 feet to 21.5 feet, and for Haven Avenue, from 35 feet to 12 feet, to facilitate the construction of a 23,400-square foot industrial building on a 2.05-acre parcel of land located at the southeast corner of Francis Street and Haven Avenue, at 3500 East Francis Street, within the Rail Industrial land use district of the California Commerce Center Specific Plan (APN: 0211-281-56). Related Files: PDEV18-019, PGPA18-001 & PSPA18-002.

PVAR18-004: **Submitted by McDonald's USA, LLC**

A Variance to deviate from the minimum Development Code requirement for parking setback along an arterial street, from 20 feet to 5 feet, and drive aisle setbacks along an arterial street, from 20 feet to 12 feet, as well as a reduction in required parking spaces, from 54 spaces to 40 spaces, in conjunction with the reconstruction of a McDonald's fast food restaurant and drive-

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thru on a 0.82-acre parcel of land located at 1107 East Fourth Street, within the CN (Neighborhood Commercial) zoning district (APN: 1047-461-20). Related File: PDEV18-001.

PVER18-028: **Submitted by First American CDS**

A Zoning Verification for 450 and 500 North Sequoia Avenue (APN: 0210-212-27).

PVER18-029: **Submitted by Planning and Zoning Resources**

A Zoning Verification for 4120, 4150, and 4190 East 4th Street (APN: 0210-204-24).

PVER18-030: **Submitted by Planning and Zoning Resources**

A Zoning Verification for 1275 South Dupont Avenue (APN: 0211-232-33).

PVER18-031: **Submitted by Partner Engineering and Science, Inc.**

A Zoning Verification for 3602 East Inland Empire Boulevard (APN: 0210-211-13).