

# CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

August 28, 2018

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

6:30 PM

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**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.*

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## **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 July 24, 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.*

**PLANNING COMMISSION PRESERVATION ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT17-010/TPM 19978:** A Tentative Parcel Map (File No. PMTT17-010/TPM 19978) to subdivide 10.06 acres of land into 9 numbered lots, for property located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail land use district of Planning Area 10B of The Avenue Specific Plan. The environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) certified by the City Council on December 19, 2006. This project introduces no new significant environmental impacts. The proposed

project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 0218-412-02) **submitted by Frontier Real Estate Investments.**

**1. CEQA Determination**

No action necessary – use of previous EIR

**2. File No. PMTT17-010 (Tentative Parcel Map)**

Motion to Approve/Deny

**C. ENVIRONMENTAL ASSESSMENT AND REVIEW FOR TENTATIVE TRACT MAP REVIEW FILE NO. PMTT13-016/TT 18929 AND TENTATIVE WILLIAMSON ACT CANCELLATION FOR FILE NO. PWIL 18-002 (#77-515):**

A Tentative Tract Map (File No. PMTT13-016/TT 18929) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots for public streets, pocket park and landscape neighborhood edges, and a petition to cancel Williamson Act Contract 77-515 (File No. PWIL18-002), for property located at the southwest corner of Archibald Avenue and Eucalyptus Avenue, within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. 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: 0218-271-11) **submitted by Richland Communities. City Council Action is only required for the Williamson Act Contract Cancellation.**

**1. CEQA Determination**

No action necessary – use of previous EIR

**2. File No. PMTT13-016 (Tentative Tract Map)**

Motion to Approve/Deny

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

Motion to recommend Approval/Denial

**D. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT13-017/TT 18930:** A Tentative Tract Map (File No. PMTT13-

017/TT 18930) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots for public streets, pocket parks and landscape neighborhood edges, for property located at the northwest corner of Archibald Avenue and Merrill Avenue, within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. 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. (APN: 0218-271-19) **submitted by Richland Communities.**

**1. CEQA Determination**

No action necessary – use of previous EIR

**2. File No. PMTT13-017 (Tentative Tract Map)**

Motion to Approve/Deny

- E. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT FOR FILE NO. PDA18-001:** A Development Agreement (File No. PDA18-001) between the City of Ontario and Richland Developers Inc., to establish the terms for the development of Tentative Tract Map 18929 (File No. PMTT13-016) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots and Tentative Tract Map 18930 (File No. PMTT13-017) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots. The properties are bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. 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: 0218-271-11 and 0218-271-19) **submitted by Richland Communities. City Council action is required.**

**1. CEQA Determination**

No action necessary – use of previous EIR

2. **File No. PDA18-001** (Development Agreement)

Motion to recommend Approval/Denial

F. **ENVIRONMENTAL ASSESSMENT, CONDITIONAL USE PERMIT, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP18-008 & PDEV18-008:**

A Conditional Use Permit and Development Plan to establish and construct a 6-story, 208-room hotel and 8,000-square foot restaurant pad on 4.95 acres of land, generally located on the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district. 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. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 0210-191-29, 0210-191-30, 0210-191-31 and 0210-191-32); **submitted by Heartland Alliance, LLC. City Council action is required.**

1. **CEQA Determination**

No action necessary – use of previous EIR

2. **File No. PCUP18-008** (Conditional Use Permit)

Motion to recommend Approval/Denial

3. **File No. PDEV18-008** (Development Plan)

Motion to recommend Approval/Denial

G. **ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN AMENDMENT REVIEW FOR FILE NO. PSPA18-004:**

An Amendment to the Meredith International Centre Specific Plan, revising the sign standards/guidelines for freeway identification signs and for uses over 200,000 square feet in area, within the Urban Commercial land use district. Staff is recommending the adoption of an Addendum to the Meredith International Centre EIR (SCH# 2014051020), certified by the City Council on April 7, 2015. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APNs: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78, 0110-321-79); **submitted by Real Development Solutions, LLC. City Council action is required.**

**1. CEQA Determination**

Motion to recommend Approval/Denial of an Addendum to a previous EIR

**2. File No. PSPA18-004 (Specific Plan Amendment)**

Motion to recommend Approval/Denial

**MATTERS FROM THE PLANNING/HISTORIC PRESERVATION COMMISSION**

- 1) Old Business
  - Reports From Subcommittees
    - Historic Preservation (Standing): Met on August 9, 2018
- 2) New Business
- 3) Nominations for Special Recognition

**DIRECTOR'S REPORT**

- 1) Monthly Activity Report

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

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



I, Gwen Berendsen, Administrative Assistant, of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on **August 24, 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**

**July 24, 2018**

<b>CONTENTS</b>	<b>PAGE</b>
PLEDGE OF ALLEGIANCE.....	2
ANNOUNCEMENTS.....	2
PUBLIC COMMENTS.....	2
CONSENT CALENDAR	
A-01. Minutes of June 26, 2018 .....	2
PUBLIC HEARINGS	
B. File No. PMTT17-003 .....	3
C. File No. PDA17-002 .....	3
D. File Nos. PCUP17-015 & PDEV17-033 .....	5
E. File Nos. PVAR18-003 & PDEV18-019 .....	7
F. File Nos. PMTT17-011 & PDEV17-057 .....	10
G. File No. PDA17-003 .....	11
H. File No. PSPA18-005 .....	12
MATTERS FROM THE PLANNING COMMISSION.....	13
SUBCOMMITTEE APPOINTMENTS .....	13
DIRECTOR’S REPORT.....	13
ADJOURNMENT .....	14

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

**MINUTES**

**July 24, 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,  
Downs, Gage, Gregorek, and Reyes

**Absent:** None

**OTHERS PRESENT:** Planning Director Wahlstrom, City Attorney Rice, Assistant  
Planning Director Zeledon, Principal Planner Mercier, Senior  
Planner Mejia, Senior Planner Noh, Associate Planner Aguilo,  
Principal Engineer Lirley, Assistant Building Official Rico and  
Planning Secretary Berendsen

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by Chairman Delman.

**ANNOUNCEMENTS**

No one responded from the audience.

**PUBLIC COMMENTS**

No one responded from the audience.

**CONSENT CALENDAR ITEMS**

**A-01. MINUTES APPROVAL**

Planning/Historic Preservation Commission Minutes of June 26, 2018, approved as written.

*It was moved by Gregorek, seconded by Willoughby, to approve the Planning  
Commission Minutes of June 26, 2018, as written. The motion was carried 5 to  
0. Downs and Gage abstained.*

**PUBLIC HEARING ITEMS**



**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.**

**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.**

Senior Planner Mejia, presented the staff report. She described the location, history and uses of the property. She described how the tract map would be divided and the type of products that would be included. She described the park, pocket parks, and landscape proposed. She explained the parking plan that was used to calculate the parking to satisfy the development standards. She explained the key points and terms of the development agreement. She stated that staff is recommending the Planning Commission approve File No. PMTT17-003, and recommend approval for File No. PDA17-002, pursuant to the facts and reasons contained in the staff report

and attached resolution, and subject to the conditions of approval.

Mr. Reyes wanted site plan clarification on the parks and amenities that would be provided and if the development agreement included this clarification. He also wanted to know the number of actual dwelling units.

Ms. Mejia stated 485 dwelling units are being proposed.

Mr. Reyes wanted to know with this amount of units proposed if there is a club house or swimming pool proposed. He wanted clarification as to where the residents would go to be able to enjoy these type of amenities.

Ms. Mejia stated the larger central park would accommodate these amenities, which would be coming to them at a future date when the development plan is proposed. She stated that the Rich Haven Specific Plan does have provisions within it for these items.

Mr. Downs wanted clarification if recycled water was being used for irrigation.

Ms. Mejia stated that is correct.

Mr. Gage wanted clarification on the amount of street parking being proposed.

Ms. Mejia stated that of the 1,166 required parking spaces, 940 are enclosed, and the 401 excess spaces include some driveway parking and 100 on-street parking. She stated that they will be looking at the parking more clearly when the development plan comes in.

Mr. Reyes wanted clarification on the project location in regards to the Great Park and if the commercial piece is part of the proposed project or if it's separate.

Ms. Mejia explained the Great Park location. She stated the commercial piece is part of the map.

Mr. Reyes wanted clarification regarding connectivity from the residential into the commercial center from the east side.

Ms. Mejia described the access would be from Haven Avenue, Ontario Ranch Road, and from the north end of the residential. She stated they were keeping the vehicle connection to the north and there would be some sort of pedestrian access.

### **PUBLIC TESTIMONY**

Mr. Tim Roberts of Brookfield Residential, representing Brookcal, appeared and spoke. He thanked the staff and stated he is excited about this project. He addressed the questions from Mr. Reyes regarding the parks and the amenities, explaining that they would not just have passive areas but have the quality of amenities that Brookfield has been providing. He addressed Mr. Gage's questions regarding the street parking, stating there are 71 on-street spots for guest parking, in addition to the 100 on-street parking spots previously mentioned. Mr. Roberts stated the commercial sight is an important part of the project and that it would integrate the community residents into the commercial portion.

Mr. Willoughby wanted to know if any of the products provide driveways, other than the cluster product.

Mr. Roberts stated yes some of the row towns could accommodate driveways.

Mr. Willoughby wanted to know if this product is comparable to the other products that they have going in to the south.

Mr. Roberts stated that they have used the same parking study and footprints from other products and that these are similar.

Mr. Reyes wanted clarification of what the amenities may be for the parks.

Mr. Roberts stated it was still in design but from the feedback they have received from residents, it will be more sports and active recreation, geared to late single-digit kids and teens.

Mr. Willoughby wanted clarification if these residents could crossover to New Haven and use those amenities.

Mr. Roberts stated they are envisioning that they would be annexed into the Brookfield Ontario Ranch HOA and they would all share the amenities and most likely be annexed as part of the master association, but this will be a business decision as they move forward.

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 adopt a resolution to approve the Tentative Tract Map, File No., PMTT17-003, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

*It was moved by Gregorek, seconded by Downs, to recommend adoption of a resolution to approve the Development Agreement, File No., PDA17-002, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

- 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.**

Associate Planner Aguilo, presented the staff report. She described the location and the surrounding area. She described the parking and stacking isle, the architecture, design elements, and landscaping. She stated that staff is recommending the Planning Commission approve File Nos. PCUP17-015 and PDEV17-033, 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 of the size of the Ontario Mills restaurant compared to the one proposed.

Ms. Aguilo stated the one at Ontario Mills is a little larger.

Mr. Willoughby wanted clarification on the drive isles for parking and drive-thru and that they are separate. He also inquired about the entrance from Mountain Avenue and wanted clarification regarding circulation and exits.

Ms. Wahlstrom stated that yes the drive isles are separated by a landscape buffer and the entrance and exit are from Mountain Avenue.

Mr. Downs wanted clarification for north bound traffic access that they would have to make a u-turn at 6<sup>th</sup> Street to enter.

Ms. Wahlstrom stated that is correct.

### **PUBLIC TESTIMONY**

Mr. Ruben Gonzales, the architect representing Raising Canes, appeared and stated he was available to answer any questions.

Mr. Gage wanted to know if the proposed 43 parking spaces is enough.

Mr. Gonzales stated yes, that typically it has worked for them at other sites.

Mr. Reyes wanted clarification on how much seating was provided inside.

Mr. Gonzales stated approximately 45 – 50 seats on the inside and about 15 – 20 seats on the patio outside.

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

Mr. Willoughby wanted clarification regarding the maximum stacking in the drive thru lane.

Ms. Aguilo stated 9 spaces is provided and the minimum required is 6.

Mr. Willoughby clarified that from the pickup window to where the drive thru lane begins would

hold 9 vehicles.

Ms. Aguilo stated that is correct.

Mr. Reyes commented that he was glad for the percentage of landscaping, and he hopes the trash enclosures are covered well enough, facing the drive isles.

Mr. Gregorek wanted clarification regarding the trash enclosure materials.

Ms. Aguilo stated it was consistent with the design of the restaurant, but that the applicant may be able to explain further.

Chairman Delman opened the public hearing.

Mr. Gonzales described the trash enclosure, stating the three sides would have the same architecture as the building, with metal gates painted black at the entrance and a corrugated metal roof.

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

#### **PLANNING COMMISSION ACTION**

*It was moved by Downs, seconded by Reyes, to adopt a resolution to approve the Conditional Use Permit, File No., PCUP17-015, and the Development Plan, File No., PDEV17-033, subject to conditions of approval. Roll call vote: AYES, DeDietmar, Delman, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

- 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.**

Principal Planner Mercier presented the staff report. He described the history of the change in uses on the property. He explained the purpose of the need for the variances. He stated the conditions regarding the screening of the storage and docking area, with masonry walls. He described the architecture and landscaping. He stated that staff is recommending the Planning

Commission approve File Nos. PVAR18-003 and PDEV18-019, 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 setbacks on Haven Avenue from 35 to 12 foot.

Mr. Mercier stated the corners of the building encroach into the required setbacks area but they don't come down to the 12 foot setback line that is proposed.

Mr. Reyes wanted clarification on the reduction on Francis from 35 to 20, and what was causing that need.

Mr. Mercier stated there is an element at the entrance area and the screening wall that was being required to screen the loading doors, would go into that area.

Mr. Willoughby wanted clarification that the storage lot area was requiring a screening masonry wall and the height of the wall will be depending on the height of the doors and that it would be a tilt up product similar to the building.

Mr. Mercier stated that was correct and he estimates the wall would be around 10 – 12 feet.

Mr. Reyes wanted clarification that the yard area will only have access through the building.

Mr. Mercier stated that is correct.

### **PUBLIC TESTIMONY**

Mr. Patrick Russell from Sares Regis Group appeared and thanked Mr. Mercier for his work on this extremely difficult site with the shape and only one point of access, and stated how the architecture would complement the award winning site they built next door.

Mr. Reyes wanted clarification that the 12 foot setback is for the wall to the yard and not the building, which is about 18 feet away. He wanted to know if the 6 feet in the yard area is really necessary, being that it is taking away 6 feet of landscape buffer.

Mr. Russell clarified that this is a sloped area and the yard area is elevated and the yard has a steep taper, so they are trying to maximize the yard space provided.

Mr. Reyes wanted to clarify that the yard will sit higher than Haven Avenue.

Mr. Russell stated that was correct.

Mr. Willoughby commended staff and Sares Regis for the project they are proposing.

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

Mr. Reyes stated he wasn't in favor of changing the zoning when that was brought forward before, because we need to be careful about the main corners that lead up to the airport. He stated he has an issue with the setback needed for more yard area, when this is a storage yard. He wants

to see more trees to buffer to minimize the setback or he won't be able to support this setback.

Mr. Downs wanted clarification on the width of the storage yard and what are they looking at being stored there.

Chairman Delman opened the public hearing

Mr. Russell stated the probability would be to store service vehicles and materials, and they wouldn't be stacked or docked any higher than the screen wall.

Mr. Downs wanted clarification on the drive isle going through the building.

Mr. Russell stated the tenant would have that opportunity.

Mr. Willoughby wanted to know the dimensions of the south area of the building and wanted clarification that the tenant would decide what the back area is used for.

Mr. Russell stated it was about 25 feet.

Mr. Reyes asked if the applicant could help with more landscape on the setback.

Mr. Russell stated they could plant hedges or vines to soften that edge.

Mr. Mercier stated that along with the 12 foot setback, there is also the 7 foot parkway and then the 5 foot sidewalk, so there is really 24 feet from curb.

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

Mr. Reyes stated that he can see the need for the setback for the building, but the setback for 6 feet more in a storage yard, he just can't see the necessity. He commented that the Haven Avenue landscape could be enhanced with large boxed trees to really camouflage the wall.

Mr. Willoughby wanted clarification regarding other properties in the area around Haven Avenue and how much landscape is between the street and the parking lots.

Mr. Mercier stated that for a typical commercial/industrial development there would be 10 feet of landscaping and 7 feet of parkway and a 5 foot walkway, for a total of 12 feet in the right-of-way.

Mr. Willoughby commented that there is not a huge amount of landscape on other properties in the area around, this project. He wanted clarification that staff will review landscaping when it comes in for plan check, to make sure to buffer the wall.

Mr. Mercier stated that staff could propose metal trellises to cover the wall and install stone cladding to create pilasters with decorative caps to break up the wall.

Mr. Gregorek stated the wall should be consistent with the rest of the building so it is not just a blank screen wall.

Ms. Wahlstrom stated that staff will work with the applicant so there is adequate landscaping that is dense enough to cover the screen wall, and that they can require the enhancements of the pilasters with decorative caps as well as the trellises.

Mr. Reyes wanted clarification on the height of the wall.

Mr. Mercier stated approximately 10 to 12 feet in height, depending on the height of the door.

Mr. Delman commented that this building and screen wall will be a welcome change from seeing the train tracks and the eye sore of graffiti box cars that he sees from his chiropractor's office, which is across the street.

Mr. Reyes stated this would be around a 100 foot section of wall and 600 square feet of storage area to reduce the variance to 18 feet instead of 12 feet, so that more creative landscaping can be placed within that additional 6 feet. He stated he would like to propose that the commission condition the project to go down to an 18 foot variance.

Mr. Willoughby stated that not knowing the tenant and what radius they need to turn around or more storage, and with the 24 feet of buffer, he is for the project the way it is proposed with the additional conditions of the wall enhancements that staff had discussed.

#### **PLANNING COMMISSION ACTION**

*It was moved by Gregorek, seconded by Downs, to adopt a resolution to approve the Variance, File No. PVAR18-003, and the Development Plan, File No. PDEV18-019, subject to conditions of approval to include the additional conditions for the enhancement of the wall. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, and Willoughby; NOES, Reyes; RECUSE, none; ABSENT, none. The motion was carried 6 to 1.*

- 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.**

- 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.**

Senior Planner Noh presented the staff report. He described the current uses and the location and surrounding areas. He explained the subdivision of the parcel map and the development plan for the commercial buildings. He described the egress and ingress, parking, architectural design and landscape. He explained the development agreement and the key terms of this agreement. He stated that staff is recommending the Planning Commission approve File Nos. PMTT17-011 and PDEV17-057, and recommend approval for File No. PDA17-003, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

### **PUBLIC TESTIMONY**

Mr. Bill Golterman appeared and thanked staff for all the work that went into this project and that he agreed to the conditions and the development agreement.

Mr. Willoughby wanted to know if there are any tenants lined up for these buildings.

Mr. Golterman stated there are no potential tenants at this time, but there is a lot of interest in these types of buildings in the marketplace. He stated that the business plan is to build building 1 first and once it's leased, then build building 2. He stated that a similar project catty-corner in the city of Chino, was leased before it had been completed.

Mr. Willoughby stated he knew how successful that project was and wanted to know if they expect similar results.

Mr. Golterman stated that there is a lot of infrastructure they are working on currently. He stated this is the first development west of the channel and the first industrial buildings in Ontario Ranch, which they are very excited about.

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

Mr. Reyes stated he likes the architecture and landscape of this project.

Mr. Willoughby commended the staff on a job well done.

Mr. Delman stated these are great looking buildings.

### **PLANNING COMMISSION ACTION**

*It was moved by Willoughby, seconded by Downs, to adopt a resolution to approve the Tentative Parcel Map, File No., PMTT17-011, and the Development Plan, File No., PDEV17-057, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

*It was moved by Downs, seconded by Gregorek, to recommend adoption of a resolution to approve the Development Agreement, File No., PDA17-003, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

### **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/Food/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/Food/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.**

Principal Planner Mercier, presented the staff report. He described the areas and the locations

and the reasons for the land use changes. He stated that staff is recommending the Planning Commission recommend approval of File No. PSPA18-005, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

### **PUBLIC TESTIMONY**

No one responded.

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

Mr. Reyes commented that a map of what OIAA owns would be nice to have.

Mr. Mercier stated that all the vacant properties shown on the location map are OIAA owned.

Mr. Willoughby wanted clarification if the three industrial buildings on the map are owned by OIAA

Mr. Mercier stated no, just the vacant spots.

### **PLANNING COMMISSION ACTION**

*It was moved by Willoughby, seconded by DeDiemar, to recommend adoption of a resolution to approve the Specific Plan Amendment, File No., PSPA18-005, subject to conditions of approval. Roll call vote: AYES, DeDiemar, Delman, Downs, Gage, Gregorek, Reyes, and Willoughby; NOES, none; RECUSE, none; ABSENT, none. The motion was carried 7 to 0.*

### **MATTERS FROM THE PLANNING COMMISSION**

#### **Old Business Reports From Subcommittees**

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

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

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

#### **New Business**

- **Subcommittee Appointments:**

### **NOMINATIONS FOR SPECIAL RECOGNITION**

None at this time.

### **DIRECTOR'S REPORT**

Ms. Wahlstrom stated the Director's Monthly report with an updated actions report is in front of

them.

**ADJOURNMENT**

DeDiemar motioned to adjourn, seconded by Gage. The meeting was adjourned at 8:11 PM.

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Secretary Pro Tempore

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Chairman, Planning Commission



# PLANNING COMMISSION STAFF REPORT

August 28, 2018

**SUBJECT:** A Tentative Parcel Map (File No. PMTT17-010/TPM 19978) to subdivide 10.06 acres of land into 9 numbered lots, for property located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail land use district of Planning Area 10B of The Avenue Specific Plan. (APN: 0218-412-02) **submitted by Frontier Real Estate Investments.**

**PROPERTY OWNER:** Brookcal Ontario, LLC

**RECOMMENDED ACTION:** That the Planning Commission approve File No. PMTT17-010, 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 10.06 acres of land located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail land use district of Planning Area 10B of The Avenue Specific Plan, and is depicted in Figure 1: Project Location, below. The project site gently slopes from north to south and is currently mass graded. The property to the north of the project site is within the Medium Density Residential District of Planning Area 10A of The Avenue Specific Plan and is currently developed with multi-family residential units. The property to the east is within the Commercial and Residential district of Planning Area 9A of the Rich Haven Specific Plan and is vacant. The property to the south is within the Low Density Residential district of Planning Area 11 of The Avenue Specific Plan and is currently developed with a single-family residential use. The property to the west is within the Low Medium Density Residential district of Planning Area 11 of The Avenue Specific Plan and is developed with multi-family residential uses.



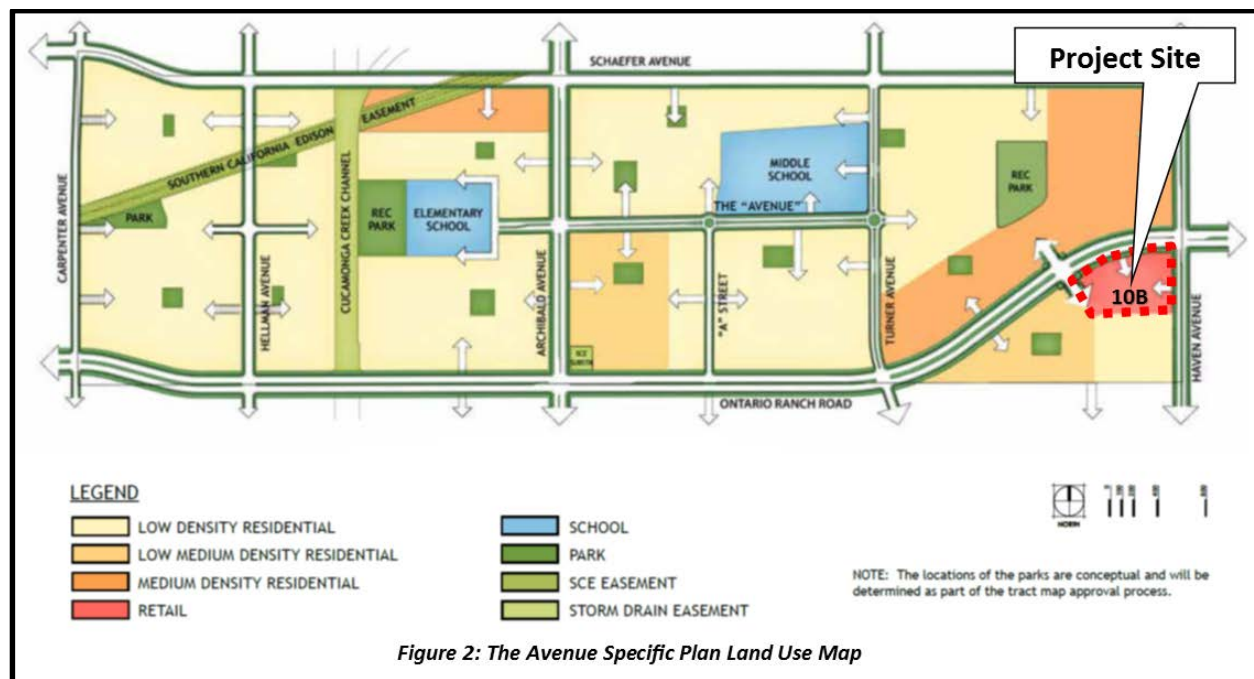
**Figure 1: Project Location**

Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	8/20/18	Approve	Recommend
Submittal Date:	6/15/18	ZA			
Hearing Deadline:	N/A	PC	8/28/18		Final
		CC			

## PROJECT ANALYSIS:

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

On April 8, 2014, the Planning Commission approved Tentative Tract Map 18922 (referred to as an “A” Map) for Planning Area 10A of The Avenue Specific Plan, which facilitated the backbone infrastructure improvements and the creation of park/recreational facilities and residential neighborhoods within the eastern portion of The Avenue Specific Plan (**Figure 2: The Avenue Specific Plan Land Use Map**).



On May 22, 2018, the Planning Commission approved a Development Plan (File No. PDEV17-051) to facilitate the construction of a 94,782 square-foot commercial shopping center that will include a grocery store, drug store, a restaurant pad and multi-tenant buildings along the perimeter of the project site. At this time, the Applicant, Frontier Real Estate Investments, has submitted a Tentative Parcel Map (File No. PMTT17-010/TPM 19978) to subdivide 10.06 acres of land into 9 parcels. The tentative parcel map will allow for the sale of individual parcels to future tenants. On August 20, 2018, the Development Advisory Board recommended approval of the application to the Planning Commission.

[2] Parcel Map Subdivision — The proposed Tentative Parcel Map (File No. PMTT17-010/TPM 19978) will subdivide 10.06 acres of land into 9 numbered lots, located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail land use

district of Planning Area 10B of The Avenue Specific Plan, as illustrated in (**See Exhibit A: Tentative Parcel Map 19978**). The lots range in size from 29,639 square feet (0.68 acres) to 133,411 square feet (3.06 acres), in addition the overall site area of 10.06 acres exceeds The Avenue Specific Plan's minimum site area requirement of 4 acres (Planning Area 10B: Retail) that is allowed as part of an integrated commercial center.

[3] Site Access/Circulation — The project site will have direct access along the northern frontage from Ontario Ranch Road that will be limited to right-in/right out movement. Along the western frontage the project will have full access from New Haven Drive. Two points of access will also be provided along the western Haven Avenue frontage. The northeastern driveway on Haven Avenue will be limited to a right-in/right out only and southeastern driveway will have a full traffic signal light access.

Vehicular circulation throughout the site is provided with a series of two-way drive aisles, which provides circulation to all proposed buildings and throughout the parking fields. A 30-foot wide drive aisle that runs east and west along the southern portion of the project site will provide delivery truck access to the two major tenant buildings.

[4] CC&R's — CC&R's will be required to be prepared and recorded with the final parcel map. The CC&R's will outline the shared parking agreement, the maintenance and upkeep responsibilities of the entire site that will include the private landscape areas, drive aisles, and utilities to ensure the on-going maintenance of the common areas and facilities.

**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
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

[2] Vision.

**Distinctive Development:**

- Commercial and Residential Development

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

[3] Governance.

**Decision Making:**

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

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

[4] Policy Plan (General Plan)

**Land Use Element:**

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

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

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

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

**Community Economics Element:**

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

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

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

➤ CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique,



functional and sustainable places that will compete well with their competition within the region.

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

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

### **Community Design Element:**

▪ Goal 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.

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

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, 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 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 19, 2006. This Application introduces no new significant

environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

**CONDITIONS OF APPROVAL:** See attached department reports.

**TECHNICAL APPENDIX:**

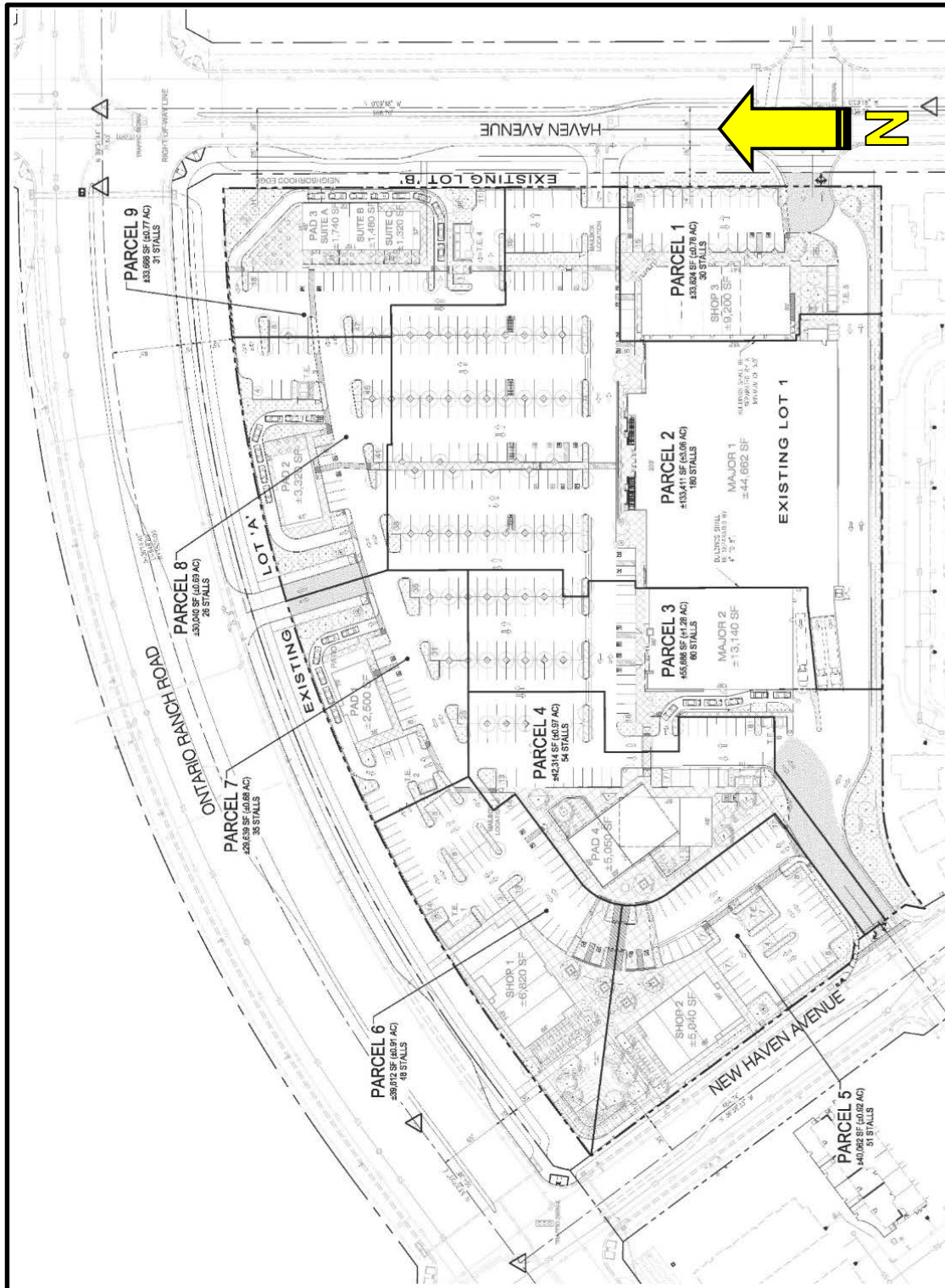
**Surrounding Zoning and Land Use:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Neighborhood Commercial	The Avenue Specific Plan	Planning Area 10B - Retail
<i>North</i>	Multi-Family Residential	Medium Density Residential	The Avenue Specific Plan	Planning Area 10A – LDR/MDR
<i>South</i>	Single-Family Residential	Low Density Residential	The Avenue Specific Plan	Planning Area 11 – LDR
<i>East</i>	Vacant	Mixed Use – NMC East	Rich Haven Specific Plan	Planning Area 9A – Commercial and Residential
<i>West</i>	Multi-Family Residential	Medium Density Residential	The Avenue Specific Plan	Planning Area 11 – LMDR

**General Site & Building Statistics**

<i>Item</i>	<i>Proposed</i>	<i>Min./Max. Standard</i>	<i>Meets Y/N</i>
<i>Project Area:</i>	10.06 Ac	4 Ac	Y

**Exhibit A — TENTATIVE PARCEL MAP 19978**



**Exhibit B — CONCEPTUAL SITE PLAN**



## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT17-010/, A TENTATIVE PARCEL MAP (FILE NO. PMTT17-010/TPM 19978) TO SUBDIVIDE 10.06 ACRES OF LAND INTO 9 NUMBERED LOTS, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE, WITHIN THE RETAIL LAND USE DISTRICT OF PLANNING AREA 10B OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-412-02.

WHEREAS, Frontier Real Estate Investments ("Applicant") has filed an Application for the approval of a Tentative Parcel Map, File No. PMTT17-010/TPM 19978, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 10.06 acres of land located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail land use district of Planning Area 10B of The Avenue Specific Plan, and is presently mass graded; and

WHEREAS, the property to the north of the project site is within the Medium Density Residential District of Planning Area 10A of The Avenue Specific Plan and is currently developed with multi-family residential units. The property to the east is within the Commercial and Residential district of Planning Area 9A of the Rich Haven Specific Plan and is vacant. The property to the south is within the Low Density Residential district of Planning Area 11 of The Avenue Specific Plan and is currently developed with a single-family residential use. The property to the west is within the Low Medium Density Residential district of Planning Area 11 of The Avenue Specific Plan and is developed with multi-family residential uses; and

WHEREAS, the Tentative Parcel Map proposed is in compliance with the requirements of The Avenue Specific Plan and is sufficient in size to facilitate and implement the traditional planning concepts for the "Neighborhood Commercial" use within the Specific Plan; and

WHEREAS, the proposed Tentative Parcel Map will subdivide 10.06 acres of land into 9 numbered lots, located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail land use district of Planning Area 10B of The Avenue Specific Plan. The lots range in size from 29,639 square feet (0.68 acres) to 133,411 square feet (3.06 acres), in addition the overall site area of 10.06 acres exceeds The Avenue Specific Plan's minimum site area requirement of 4 acres (Planning Area 10B: Retail) that is allowed as part of an integrated commercial center; and

WHEREAS, on May 22, 2018 the Planning Commission approved a related Development Plan (File No. PDEV17-051) to facilitate the construction of a 94,782 square-foot commercial shopping center that will include a grocery store, drug store, a restaurant pad and multi-tenant buildings along the perimeter of the project site; and

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

WHEREAS, the environmental impacts of this project were previously analyzed in The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December 19, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

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

WHEREAS, 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 August 20, 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. DAB18-050, recommending the Planning Commission approve the Application; and

WHEREAS, on August 28, 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 Avenue Specific Plan EIR (SCH# 2005071109) Environmental Impact Report, certified by the City of Ontario City Council on December 19, 2006; and

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

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

(4) The previous Certified EIR reflects the independent judgment of the 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:

Tentative Parcel or Tract Maps

(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 Neighborhood Commercial land use district of the Policy Plan Land Use Map, and within Planning Area 10B (Retail) land use district of The Avenue Specific Plan. The proposed subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to the establishment of “[a] dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses” (Goal CD1). Furthermore, the project will promote the City’s policy to “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” (Policy CD1-1 *City Identity*).

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed

Tentative Tract/Parcel Map is located within the Neighborhood Commercial land use district of the Policy Plan Land Use Map, and within Planning Area 10B (Retail) land use district of The Avenue Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will 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*).

(3) ***The site is physically suitable for the type of development proposed.***

The project site meets the minimum lot area and dimensions of Planning Area 10B (Retail) land use district of The Avenue Specific Plan, and is physically suitable for the type of commercial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for commercial development at a floor area ratio of 0.22 FAR. The project site meets the minimum lot area and dimensions of the Planning Area 10B (Retail) land use district of The Avenue 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 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 28<sup>th</sup> day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Jim Willoughby  
Planning Commission Vice-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 August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PMTT17-010/ TPM 19978  
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:** August 20, 2018

**File Nos:** PMTT17-010/TPM19978

**Related Files:**

**Project Description:** A Tentative Parcel Map (File No. PMTT17-010/TPM 19978) to subdivide 10.06 acres of land into 9 numbered lots, for property located at the southwest corner of Ontario Ranch Road and Haven Avenue, within the Retail land use district of Planning Area 10B of The Avenue Specific Plan. (APN: 0218-412-02) **submitted by Frontier Real Estate Investments.**

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

**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 in the construction plan set for project, which shall be maintained on site during project construction.

**2.3** 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 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 owner and/or occupant in question for all costs incurred.

(h) The Shared Parking Analysis (Linscott, Law and Greenspan, March 30, 2018) approved in conjunction with the related Development Plan (File No. PDEV17-051) allowed for a reduction in the required parking from 569 parking spaces to 522 parking spaces. The Shared Parking Analysis "Parking Management Plan" and "Summary of Findings and Conclusions" shall be incorporated within the CC&Rs (See **Attachment A: Shared Parking Analysis**).

**2.4** Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-003, The Avenue Specific Plan EIR (SCH# 2005071109) that was certified by the City Council on December 19, 2006. 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.

**2.5** 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 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.

**2.6** 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.

**2.7** Additional Requirements.

(a) 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 enhanced pavement shall be constructed within the Neighborhood Edge Lettered Lots, coordinate with the Engineering Department regarding the required encroachment agreement or similar document needed to maintain the enhanced pavers. The enhanced pavement treatment can include decorative stamped concrete, interlocking pavers or other enhanced treatment, including scored and/or colored concrete. Color, pattern, material, and final design and configuration shall be approved by Planning Department.

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

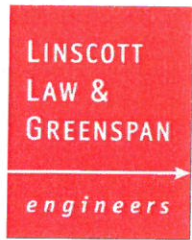
(c) All applicable conditions of approval of the Development Plan (File No. PMTT17-051) and Conditional Use Permit (File No. PCUP18-015) shall apply to this project.

(d) All applicable conditions of approval of the "A" Map TT 18922 (File No. PMTT13-010) shall apply to this project.

(e) Additionally, a minimum of 6,745 square feet of retail uses shall be provided within the multi-tenant buildings.

## **Attachment A—Shared Parking Analysis**

*(Shared Parking Analysis to follow this page)*



March 30, 2018

Mr. Gavin Reid  
Frontier Real Estate Investments  
610 Newport Center Drive, Suite 410  
Newport Beach, CA 92660

LLG Reference: 2.17.3820.1

**Subject: Shared Parking Demand Analysis for New Haven Marketplace**  
Ontario, California

Dear Mr. Reid:

As requested, Linscott, Law & Greenspan, Engineers (LLG) is pleased to submit this Shared Parking Demand Analysis for the New Haven Marketplace project (hereinafter referred to as Project). The proposed Project is a 94,782 square-foot (SF) neighborhood shopping center with a proposed parking supply of 522 parking spaces, located on the southwest corner of Ontario Ranch Road and Haven Avenue in the City of Ontario, California. *Figure 1*, located at the rear of this letter report, presents a Vicinity Map, which illustrates the general location of the Project site and depicts the surrounding street system.

Based on our understanding, a parking study has been required by the City of Ontario to evaluate the parking requirements of the proposed neighborhood shopping center to validate the adequacy of the Project's proposed parking supply to accommodate the anticipated mix of tenants. This report evaluates those needs based on application of City of Ontario Development Code, and further application of the methodology outlined in Urban Land Institute's (ULI) *Shared Parking, 2<sup>nd</sup> Edition*, which is consistent with *Division 6.03-Off-Street Parking and Loading, Section 6.03.020 A - Reduction in the Required Number of Spaces, Shared Parking of the City's Development Code*.

Our method of analysis, findings, and recommendations are detailed in the following sections of this letter report.

**Engineers & Planners**  
Traffic  
Transportation  
Parking

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Paul W. Wilkinson, PE  
John P. Keating, PE  
David S. Shender, PE  
John A. Boarman, PE  
Clare M. Look-Jaeger, PE  
Richard E. Barretto, PE  
Keil D. Maberry, PE

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## PROJECT DESCRIPTION

The Project site is a 10.06± acre parcel of land located south of Ontario Ranch Road, between Haven Avenue and New Haven Avenue in the City of Ontario, California. The proposed Project consists of development of 94,782 SF of floor area within nine (9) buildings. The proposed tenant mix will include a 44,662 SF supermarket, a 13,140 SF drug store/pharmacy with drive-through, 6,745 SF of retail uses and up to 30,235 SF of a variety of restaurant/food uses, inclusive of three (3) fast-food restaurants with drive-through lanes. The proposed on-site parking supply for the Project totals 522 spaces.

*Table 1*, located at the end of this letter report, summarizes the Project development totals and land uses for the proposed Project. *Figure 2* presents the proposed Project site plan.

## PARKING SUPPLY-DEMAND ANALYSIS

The parking analysis for the proposed Project involves determining the expected parking needs, based on the size and type of proposed development components versus the parking supply. In general, there are several methods that can be used to estimate the site's peak parking needs. The methods used in this analysis include:

1. Application of City code requirements (which typically treats each tenancy type as a "stand alone" use at maximum demand).
2. Application of shared parking usage patterns by time-of-day (which recognizes that the parking demand for each tenancy type varies by time of day and day of week). The shared parking analysis starts with a code calculation for each tenancy type.

The shared parking methodology is concluded to be applicable to the proposed Project development because the individual land use types (i.e. retail and restaurant) experience peak demands at different times of the day, day of the week and month of the year.

## CITY CODE PARKING REQUIREMENT

The code parking calculation for the Project was calculated using parking code requirements per the *City of Ontario Development Code (Rev. 20170606), Division 6.03*

- *Off-Street Parking and Loading, 6.03.015 - Number of Off-Street Parking Spaces*. The following parking ratios were used to determine the required parking:

- **General and Convenience Retail** = 4 Parking Spaces per 1,000 SF of GFA
- **Grocery** = 4 Parking Spaces per 1,000 SF
- **Full Service Restaurants** = 10 Parking Spaces per 1,000 SF of GFA (includes Seating Area up to 25 Percent of GFA)
- **Fast Food Restaurants** = 13.3 Parking Spaces per 1,000 SF of GFA (includes Seating Area up to 25 Percent of GFA). Restaurants with Drive-Thru maybe credited with 1 Space For Each 24 Linear Feet of Drive-Thru Lane behind the Pickup Window.

**Table 2** summarizes the parking requirements for the proposed Project based on the *City of Ontario Development Code*. As shown, application of the above-referenced parking code ratios to the development totals results in a code-parking requirement of 569 spaces, consisting of 259 spaces required for proposed retail uses and 310 spaces required to support proposed restaurant/food uses. With an on-site parking supply of 522 spaces, a theoretical parking deficiency of 47 spaces is forecast.

However, the specific tenancy mix of the Project provides an opportunity to share parking spaces based on the utilization profile of each included land use component. The following section calculates the parking requirements for the Project based on the shared parking methodology approach.

## SHARED PARKING ANALYSIS

According to the Urban Land Institute's (ULI's) *Shared Parking 2<sup>nd</sup> Edition* publication, shared parking is defined as parking space that can be used to serve two or more individual land uses without conflict or encroachment. The ULI *Shared Parking* publication provides hourly parking accumulation rates for retail and restaurant uses, as well as other uses to include office, medical office, health club, cinema, hotel, etc. expressed as a percentage of the peak demand for the day.

### Shared Parking Methodology

Accumulated experience in parking demand characteristics indicates that a mixing of land uses results in an overall parking need that is less than the sum of the individual peak requirements for each land use. Due to the proposed mixed-use characteristics of the Project, opportunities to share parking can be expected. The objective of this

shared parking analysis is to forecast the peak parking requirements for the Project based on the combined demand patterns of different tenancy types at the site.

Shared parking calculations recognize that different uses often experience individual peak parking demands at different times of day, or days of the week. When uses share common parking footprints, the total number of spaces needed to support the collective whole is determined by adding parking profiles (by time of day for weekdays versus weekend days), rather than individual peak ratios as represented in the City's Zoning Code. In that way, the shared parking approach starts from the City's own code ratios and results in the "design level" parking supply needs of a site.

It should be noted that the "demand" results of the shared parking calculation are intended to be used directly for comparison to site supply. No further adjustments or contingency additions are needed because such contingencies are already built into the peak parking ratios and time of day profiles used in the calculation.

There is an important common element between the traditional "code" and the shared parking calculation methodologies; the peak parking ratios or "highpoint" for each land use's parking profile typically equals the "code" parking ratio for that use. The analytical procedures for shared parking analyses are well documented in the *Shared Parking, 2<sup>nd</sup> Edition* publication by the Urban Land Institute (ULI).

Shared parking calculations for the analysis utilize hourly parking accumulations developed from field studies of single developments in free-standing settings, where travel by private auto is maximized. These characteristics permit the means for calculating peak parking needs when land use types are combined. Further, the shared parking approach will result, at other than peak parking demand times, in an excess amount of spaces that will service the overall needs of the project.

Key inputs in the shared parking analysis for each land use include:

- Peak parking demand by land use for visitors and employees.
- Adjustments for alternative modes of transportation, if applicable.
- Adjustment for internal capture (captive versus non-captive parking demand), if applicable.
- Hourly variations of parking demand.
- Weekday versus weekend adjustment factors
- Monthly adjustment factors to account for variations of parking demand over the year.

- Applicable parking ratios published in City's Development Code

Please note that for this analysis, no monthly adjustment factors to account for variations of parking demand over the year were applied to provide a conservative parking demand forecast.

### Shared Parking Ratios and Profiles

The hourly parking demand profiles (expressed in percent of peak demand) utilized in this analysis and applied to the Project are based on profiles developed by the Urban Land Institute (ULI) and published in *Shared Parking, 2<sup>nd</sup> Edition*. The ULI publication presents hourly parking demand profiles for several general land use categories, inclusive of the following three (3) Retail, Family Restaurant, and Fast-Food Restaurant. These profiles of parking demand have been used directly, by land use type, in the analysis of this site.

One of the components of the Project is retail space; the ULI retail use profiles are applied directly. In doing so, there is an intermediate step in expressing ULI profiles as a percentage of the week-long peak, thus arriving at a weekday profile and weekend profile each expressed as a percentage of the baseline parking ratio (ULI actually starts with separate ratios for weekday and weekend day, and develops profiles for each accordingly; we've found it more convenient to translate both profiles to a percent of expected maximum demand, which, for retail, turns out to be on a Saturday). The resulting profiles represent the most likely hourly parking demand profile, and are applied to the City's retail parking ratio of 4 spaces per 1,000 SF of GFA. Peak demand for retail uses occurs between 1:00 PM–2:00 PM on weekdays, and 2:00 PM–4:00 PM on weekends. From *Table 1*, up to 64,547 SF of retail floor area is anticipated.

- Major 1: 44,662 SF market/grocery store
- Major 2: 13,140 SF drug store/pharmacy with drive-through
- Shop 3: 6,745 SF of retail/services uses

The ULI *Shared Parking* publication includes several categories for restaurants. For this analysis, the parking profile for family restaurant and fast-food restaurant were utilized as each of the categories match the restaurant tenant mix of the Project as identified by the Project Applicant.



Per ULI, family restaurants are typically lower priced, do not accept reservations, and lack bars or lounges, although some may serve bottled beer or wine with meals. Many serve breakfast as well as lunch and dinner, and many offer both carryout and dine-in options. Examples include cafeteria-style restaurants, pancake houses and moderately-priced ethnic restaurants.

Further, for fast-food restaurants, food is ordered at a counter and then either carried out of the store or to a table. They typically do not serve alcoholic beverages. In addition to carryout and fast-fast-food restaurants, this category would include sandwich shops, coffee shops (such as Starbucks), ice cream shops, and so on.

Like the retail profiles, the restaurant profiles are derived exactly from the ULI baseline and are applied to the City's restaurant parking code. According to the *Shared Parking* publication, family restaurant uses are shown to experience peak demand between 12:00 PM and 1:00 PM on weekdays and weekends, whereas a fast-food restaurant use peak demand occurs between 12:00 PM and 2:00 PM on weekdays and weekends.

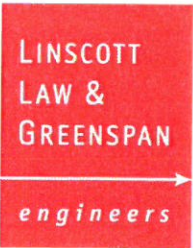
For this analysis, the mix of restaurants at the Project, totaling, 30,235 SF, is assumed to fall into the following categories:

- ❑ Shop 1: 6,820 SF Family Restaurant
- ❑ Shop 2: 5,040 SF Family Restaurant
- ❑ Shop 3: 2,455 SF Family Restaurant
- ❑ Pad 1: 3,000 SF Fast-Food Restaurant
- ❑ Pad 2: 3,320 SF Fast-Food Restaurant
- ❑ Pad 3: 1,800 SF Fast-Food Restaurant
- ❑ Pad 3: 2,750 SF Family Restaurant
- ❑ Pad 4: 5,050 SF Family Restaurant

As noted earlier, no monthly adjustment factors were applied to account for variations of parking demand over the year to provide a conservative parking demand forecast.

#### **Application of Shared Parking Methodology**

*Tables 3* and *4* present the weekday and weekend parking analysis results, respectively for the Project site, based on the shared parking methodology and



assuming full occupancy of the neighborhood retail center with the anticipated mix of uses as proposed by the Project Applicant.

Columns (1) through (3) of these tables present the parking accumulation characteristics and parking demand of the Project for the hours of 6:00 AM to midnight. Column (4) presents the expected joint-use parking demand for the proposed neighborhood retail center on an hourly basis, while Column (5) summarizes the hourly parking surplus/deficiency for the proposed project compared to an available shared parking supply of 522 spaces. Note that the sizing (floor area) of each land use / tenant, and recommended parking rates are included in the tabular headings of each type.

Based on our experience, the shared parking approach summarized in *Tables 3* through *4* are believed to be the most appropriate in evaluating the parking supply-demand relationships for the proposed Project. The results in these tables are the focus of this parking investigation and recommendations.

#### **Shared Parking Analysis Results**

As shown in *Table 3*, the peak parking requirement for the site during a typical weekday totals *468 parking spaces* and occurs at 12:00 PM. In addition, as shown in *Table 4*, the peak parking requirement for the site during a weekend day totals *522 parking spaces* and occurs at 12:00 PM.

As a result, based on a review of *Tables 3* and *4*, the peak shared parking demand for the Project is *522 parking spaces* and occurs at 12:00 PM on a weekend. With an on-site parking supply of 522 parking spaces, *no deficiency of parking spaces* is forecast for the Project. It should be noted that the Project will experience a minimum parking surplus of 54 spaces on a weekday.

Therefore, we conclude that there is adequate parking on site to accommodate the Project's tenant mix.

*Appendix A* contains the weekday and weekend day shared parking analysis calculation worksheets.

#### **PARKING MANAGEMENT PLAN**

This preliminary Parking Management Plan (PMP) outlines the proposed allocation of parking supply on-site and key parking management strategies to maximize the availability of parking for customers and employees of the Project.

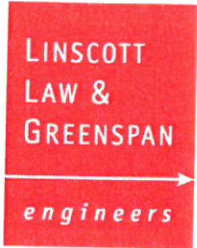
As noted above, the results of the shared parking analysis for the New Haven Marketplace indicates that the proposed parking supply of 522 spaces provided will be sufficient to accommodate the peak parking demand of a 94,782 SF retail center with the following mix of uses/tenants:

- ❑ Major 1: 44,662 SF Market/Grocery Store
- ❑ Major 2: 13,140 SF Drug Store/Pharmacy with Drive-Through
- ❑ Shop 3: 6,745 SF Retail/Services Uses
- ❑ Shop 1: 6,820 SF Family Restaurant
- ❑ Shop 2: 5,040 SF Family Restaurant
- ❑ Shop 3: 2,455 SF Family Restaurant
- ❑ Pad 1: 3,000 SF Fast-Food Restaurant
- ❑ Pad 2: 3,320 SF Fast-Food Restaurant
- ❑ Pad 3: 1,800 SF Fast-Food Restaurant
- ❑ Pad 3: 2,750 SF Family Restaurant
- ❑ Pad 4: 5,050 SF Family Restaurant

### **PMP measures**

Specific PMP measures relative to the employee parking operation and short-term parking for customers are described below, and were developed based on the following objectives:

- The PMP should identify where the employees park within the site. Up to 100 spaces during weekday and weekend peak hour will be required to accommodate the parking demand of employees of the retail center.
- The PMP should identify where location of short-term parking spaces for service retail uses and/or “quick serve”/“take-out” food uses, if necessary.
- The Owner will work with tenants of the retail center to implement an employee parking program, with the goal of providing convenient and accessible shopping experience for the customers of the retail center and to leave the most desirable parking spaces near each storefront for use by customers. The location of designated employee parking spaces will be developed in collaboration between the Owner and the tenants. The employee parking spaces will be identified with a white or yellow circle. It is noted that these spaces will be open for customer use.



- The Owner will work with tenants of the retail center to identify the need for “short term/time restricted spaces” on an as need basis, dependent on the needs of the proposed retail and/or food uses. The short-term spaces may be used for “curbside/take out” and/or for service retail-type users (i.e. dry cleaners/laundry, etc.). The number and location of spaces will be determined by the Owner and the potential tenants.

The Owner will work closely with the tenants to insure that both employees and property management work together to provide the best shopping and dining experience for the customers, as well as allowing the most desirable parking spaces to be accessed by the customers rather than the employees.

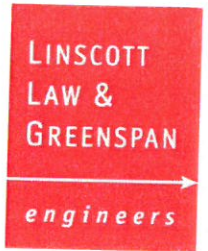
### SUMMARY OF FINDINGS AND CONCLUSIONS

1. The proposed Project consists of development of a commercial-use 94,782 SF neighborhood shopping center and is located on the southwest corner of Ontario Ranch Road and Haven Avenue in the City of Ontario, California. The proposed Project will include a 44,662 SF market, 13,140 SF drug store, 6,745 SF of retail uses and 30,235 SF of restaurant uses with a proposed parking supply of 522 parking spaces.
2. Application of the City of Ontario parking code ratios to the development totals results in a code-parking requirement of 569 spaces. With an on-site parking supply of 522 spaces, a theoretical parking deficiency of 47 spaces is forecast.
3. The peak parking requirement for the site during a typical weekday totals 468 *parking spaces* and occurs at 12:00 PM. In addition, the peak parking requirement for the site during a weekend day totals 522 *parking spaces* and occurs at 12:00 PM. As a result, the peak shared parking demand for the Project is 522 *parking spaces* and occurs at 12:00 PM on a weekend. With an on-site parking supply of 522 parking spaces, *no deficiency of parking spaces* is forecast for the Project. It should be noted that the Project will experience a minimum parking surplus of 54 spaces on a weekday.

Therefore, we conclude that there is adequate parking on site to accommodate the Project’s tenant mix.

\* \* \* \* \*

Mr. Gavin Reid  
March 30, 2018  
Page 10



We appreciate the opportunity to prepare this shared parking demand analysis for the New Haven Marketplace project. Should you have any questions or need additional assistance, please do not hesitate to call us at (949) 825-6175.

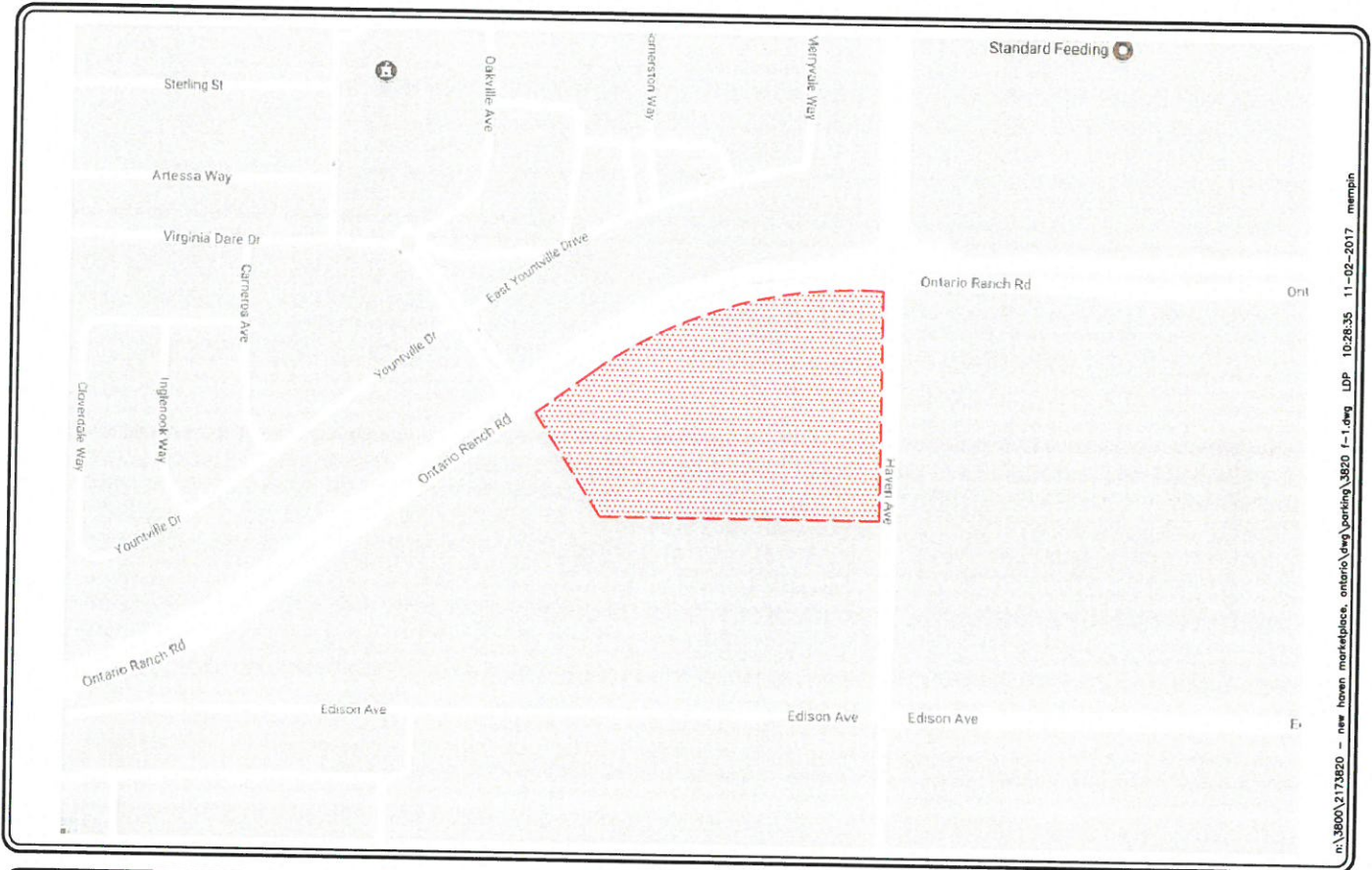
Very truly yours,  
**Linscott, Law & Greenspan, Engineers**

A handwritten signature in blue ink, appearing to read "R. Barretto", is written over the company name.

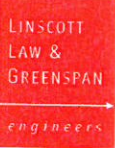
Richard E. Barretto, P.E.  
Principal

A handwritten signature in blue ink, appearing to read "Zawwar Saiyed", is written over the company name.

Zawwar Saiyed, P.E.  
Senior Transportation Engineer



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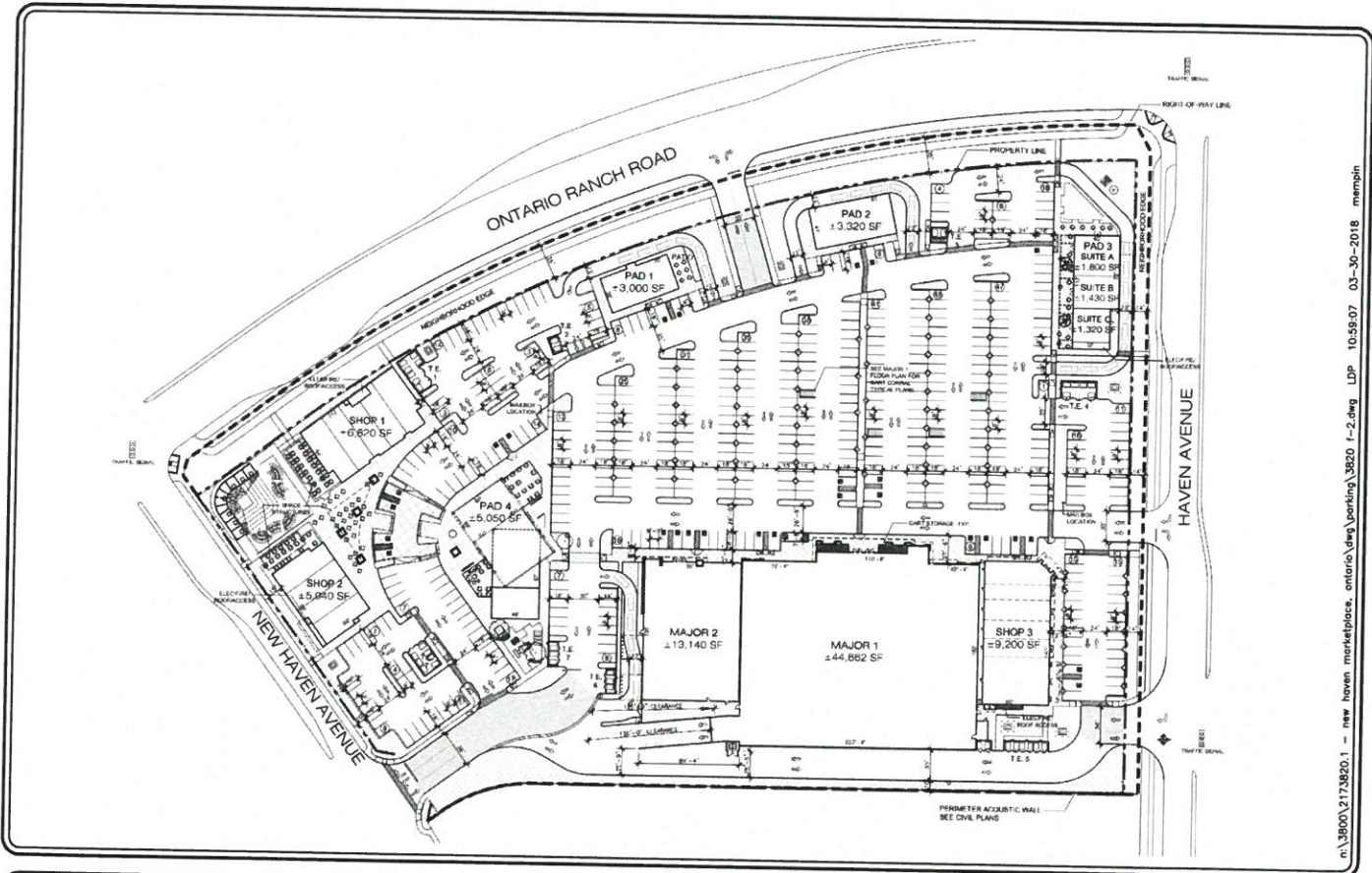
SOURCE: GOOGLE

KEY

 = PROJECT SITE

FIGURE 1

VICINITY MAP  
NEW HAVEN MARKETPLACE, ONTARIO



m:\38600\2173820.1 - new haven marketplace, ontario view\parking\3820 f-2.dwg\_LDP 10:58:07 03-30-2018 mempin

LINSCOTT  
LAW &  
GREENSPAN  
engineers

SOURCE: BICKEL GROUP ARCHITECTURE

**FIGURE 2**

**PROPOSED PROJECT SITE PLAN**  
NEW HAVEN MARKETPLACE, ONTARIO

**TABLE 1**  
**PROJECT DEVELOPMENT SUMMARY<sup>1</sup>**

<b>Land Use / Project Description</b>	<b>Project Development Totals</b>
	<b>Gross Floor Area (SF)</b>
▪ Market (Major 1)	44,662 SF
▪ Drug Store/Pharmacy (Major 2)	13,140 SF
▪ Restaurant (Shop 1)	6,820 SF
▪ Restaurant (Shop 2)	5,040 SF
▪ Retail (Shop 3)	6,745 SF
▪ Restaurant (Shop 3)	2,455 SF
▪ Fast-Food (Pad 1) with drive-through	3,000 SF
▪ Fast-Food (Pad 2) with drive-through	3,320 SF
▪ Fast-Food (Pad 3) with drive-through	1,800 SF
▪ Restaurant (Pad 3)	2,750 SF
▪ Restaurant (Pad 4)	5,050 SF
<b>Total Floor Area</b>	<b>94,782 SF</b>
<b>Parking Supply</b>	<b>522 Spaces</b>

<sup>1</sup> Source: New Haven Marketplace Site Plan prepared by Bickel Group Architecture dated March 19, 2018.



TABLE 2  
CITY OF ONTARIO CODE PARKING REQUIREMENTS<sup>2,3</sup>

Land Use	Size	ULI Profile	City of Ontario Code Parking Ratio	Spaces Required
<i>Proposed Project Tenant Mix</i>				
Market (Major 1)	44,662 SF	Retail	4 Spaces/1,000 SF	179
Drug Store (Major 2)	13,140 SF	Retail	4 Spaces/1,000 SF	53
Restaurant (Shop 1)	6,820 SF	Family Restaurant	10 Spaces/1,000 SF	68
Restaurant (Shop 2)	5,040 SF	Family Restaurant	10 Spaces/1,000 SF	50
Retail (Shop 3)	6,745 SF	Retail	4 Spaces/1,000 SF	27
Restaurant (Shop 3)	2,455 SF	Family Restaurant	10 Spaces/1,000 SF	25
Fast-Food (Pad 1)	3,000 SF	Fast-Food Restaurant	13.3 Spaces/1,000 SF	40
			1 Space Credit For Each 24 Linear Feet Of Drive-Thru Lane Behind Pick-Up Window	-6
Fast-Food (Pad 2)	3,320 SF	Fast-Food Restaurant	13.3 Spaces/1,000 SF	44
			1 Space Credit For Each 24 Linear Feet Of Drive-Thru Lane Behind Pick-Up Window	-6
Fast-Food (Pad 3)	1,800 SF	Fast-Food Restaurant	13.3 Spaces/1,000 SF	24
			1 Space Credit For Each 24 Linear Feet Of Drive-Thru Lane Behind Pick-Up Window	-8
Restaurant (Pad 3)	2,750 SF	Family Restaurant	10 Spaces/1,000 SF	28
Restaurant (Pad 4)	5,050 SF	Family Restaurant	10 Spaces/1,000 SF	51
City Code Parking Requirement				569
Proposed Parking Supply				522
<b>Parking Surplus/Deficiency (+/-)</b>				<b>-47</b>

<sup>2</sup> Source: City of Ontario Development Code (Rev. 20170606), Division 6.03 - Off-Street Parking and Loading, 6.03.015 - Number of Off-Street Parking Spaces.

<sup>3</sup> Proposed parking supply based on New Haven Marketplace Site Plan prepared by Bickel Group Architecture dated March 29, 2018.

**TABLE 3**  
**WEEKDAY SHARED PARKING DEMAND ANALYSIS**

Land Use	Retail	Family Restaurant	Fast-Food Restaurant	Total Spaces = 569 Shared Parking Demand	Comparison w/ Parking Supply 522 Spaces
Size Pkg Rate[2]	64.547 KSF 4 /KSF	22.115 KSF 10 /KSF	8.120 KSF 13.3 /KSF		
Gross Spaces	259 Spc.	222 Spc.	88 Spc.		Surplus (Deficiency)
Time of Day	Number of Spaces	Number of Spaces	Number of Spaces		
6:00 AM	7	45	6	58	464
7:00 AM	17	84	11	112	410
8:00 AM	47	100	19	166	356
9:00 AM	101	121	28	250	272
10:00 AM	162	136	51	349	173
11:00 AM	204	142	77	423	99
<b>12:00 PM</b>	<b>225</b>	<b>155</b>	<b>88</b>	<b>468</b>	<b>54</b>
1:00 PM	233	142	88	463	59
2:00 PM	225	89	80	394	128
3:00 PM	214	78	54	346	176
4:00 PM	214	78	49	341	181
5:00 PM	223	122	54	399	123
6:00 PM	223	127	76	426	96
7:00 PM	223	127	72	422	100
8:00 PM	191	127	46	364	158
9:00 PM	128	98	28	254	268
10:00 PM	74	89	19	182	340
11:00 PM	26	82	11	119	403
12:00 AM	0	42	7	49	473

**Notes:**

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios.

**TABLE 4**  
**WEEKEND SHARED PARKING DEMAND ANALYSIS**

Land Use	Retail	Family Restaurant	Fast-Food Restaurant	Total Spaces = 569 Shared Parking Demand	Comparison w/ Parking Supply 522 Spaces
Size	64.547 KSF	22.115 KSF	8.120 KSF		
Pkg Rate[2]	4 /KSF	10 /KSF	13.3 /KSF		Surplus (Deficiency)
Gross Spaces	259 Spc.	222 Spc.	88 Spc.		
Time of Day	Number of Spaces	Number of Spaces	Number of Spaces		
6:00 AM	7	36	6	49	473
7:00 AM	18	72	9	99	423
8:00 AM	42	115	18	175	347
9:00 AM	101	162	26	289	233
10:00 AM	148	203	47	398	124
11:00 AM	184	203	71	458	64
<b>12:00 PM</b>	<b>218</b>	<b>222</b>	<b>82</b>	<b>522</b>	<b>0</b>
1:00 PM	238	194	82	514	8
2:00 PM	259	156	75	490	32
3:00 PM	259	101	50	410	112
4:00 PM	249	110	45	404	118
5:00 PM	235	144	50	429	93
6:00 PM	210	163	70	443	79
7:00 PM	197	163	67	427	95
8:00 PM	174	154	42	370	152
9:00 PM	138	83	26	247	275
10:00 PM	95	68	18	181	341
11:00 PM	39	49	9	97	425
12:00 AM	0	31	6	37	485

**Notes:**

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios.

**APPENDIX A**  
**ULI SHARED PARKING ANALYSIS WORKSHEETS**

Appendix Table A-1

SHOPPING CENTER (TYPICAL DAYS)  
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Shopping Center (Typical Days)				
Size	64.547 KSF				Shared Parking Demand
Pkg Rate[2]	4 /KSF				
Gross Spaces	259 Spaces				
	209 Guest Spc.		50 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	1%	2	9%	5	7
7:00 AM	5%	10	14%	7	17
8:00 AM	14%	29	36%	18	47
9:00 AM	32%	67	68%	34	101
10:00 AM	59%	123	77%	39	162
11:00 AM	77%	161	86%	43	204
12:00 PM	86%	180	90%	45	225
1:00 PM	90%	188	90%	45	233
2:00 PM	86%	180	90%	45	225
3:00 PM	81%	169	90%	45	214
4:00 PM	81%	169	90%	45	214
5:00 PM	86%	180	86%	43	223
6:00 PM	86%	180	86%	43	223
7:00 PM	86%	180	86%	43	223
8:00 PM	72%	150	81%	41	191
9:00 PM	45%	94	68%	34	128
10:00 PM	27%	56	36%	18	74
11:00 PM	9%	19	14%	7	26
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-2

SHOPPING CENTER (TYPICAL DAYS)  
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Shopping Center (Typical Days)				
Size	64.547 KSF				Shared Parking Demand
Pkg Rate[2]	4 /KSF				
Gross Spaces	259 Spaces				
	207 Guest Spc.		52 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	1%	2	10%	5	7
7:00 AM	5%	10	15%	8	18
8:00 AM	10%	21	40%	21	42
9:00 AM	30%	62	75%	39	101
10:00 AM	50%	104	85%	44	148
11:00 AM	65%	135	95%	49	184
12:00 PM	80%	166	100%	52	218
1:00 PM	90%	186	100%	52	238
2:00 PM	100%	207	100%	52	259
3:00 PM	100%	207	100%	52	259
4:00 PM	95%	197	100%	52	249
5:00 PM	90%	186	95%	49	235
6:00 PM	80%	166	85%	44	210
7:00 PM	75%	155	80%	42	197
8:00 PM	65%	135	75%	39	174
9:00 PM	50%	104	65%	34	138
10:00 PM	35%	72	45%	23	95
11:00 PM	15%	31	15%	8	39
12:00 AM	0%	0	0%	0	0

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-3

**FAMILY RESTAURANT**  
**WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]**

Land Use	Family Restaurant				
Size	22.115 KSF				Shared Parking Demand
Pkg Rate[2]	10 /KSF				
Gross Spaces	222 Spaces				
	190 Guest Spc.		32 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	18%	34	35%	11	45
7:00 AM	35%	67	53%	17	84
8:00 AM	42%	80	63%	20	100
9:00 AM	53%	101	63%	20	121
10:00 AM	60%	114	70%	22	136
11:00 AM	63%	120	70%	22	142
12:00 PM	70%	133	70%	22	155
1:00 PM	63%	120	70%	22	142
2:00 PM	35%	67	70%	22	89
3:00 PM	32%	61	53%	17	78
4:00 PM	32%	61	53%	17	78
5:00 PM	53%	101	67%	21	122
6:00 PM	56%	106	67%	21	127
7:00 PM	56%	106	67%	21	127
8:00 PM	56%	106	67%	21	127
9:00 PM	42%	80	56%	18	98
10:00 PM	39%	74	46%	15	89
11:00 PM	35%	67	46%	15	82
12:00 AM	18%	34	25%	8	42

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-4

FAMILY RESTAURANT  
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Family Restaurant				
Size	22.115 KSF				Shared Parking Demand
Pkg Rate[2]	10 /KSF				
Gross Spaces	222 Spaces				
	189 Guest Spc.		33 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	10%	19	50%	17	36
7:00 AM	25%	47	75%	25	72
8:00 AM	45%	85	90%	30	115
9:00 AM	70%	132	90%	30	162
10:00 AM	90%	170	100%	33	203
11:00 AM	90%	170	100%	33	203
12:00 PM	100%	189	100%	33	222
1:00 PM	85%	161	100%	33	194
2:00 PM	65%	123	100%	33	156
3:00 PM	40%	76	75%	25	101
4:00 PM	45%	85	75%	25	110
5:00 PM	60%	113	95%	31	144
6:00 PM	70%	132	95%	31	163
7:00 PM	70%	132	95%	31	163
8:00 PM	65%	123	95%	31	154
9:00 PM	30%	57	80%	26	83
10:00 PM	25%	47	65%	21	68
11:00 PM	15%	28	65%	21	49
12:00 AM	10%	19	35%	12	31

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.



Appendix Table A-5

FAST-FOOD RESTAURANT  
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Fast-Food Restaurant				Shared Parking Demand
Size	8.120 KSF				
Pkg Rate[2]	13.3 /KSF				
Gross Spaces	88 Spaces				
	75 Guest Spc.		13 Emp. Spc.		
Time of Day	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces	
6:00 AM	5%	4	15%	2	6
7:00 AM	10%	8	20%	3	11
8:00 AM	20%	15	30%	4	19
9:00 AM	30%	23	40%	5	28
10:00 AM	55%	41	75%	10	51
11:00 AM	85%	64	100%	13	77
12:00 PM	100%	75	100%	13	88
1:00 PM	100%	75	100%	13	88
2:00 PM	90%	68	95%	12	80
3:00 PM	60%	45	70%	9	54
4:00 PM	55%	41	60%	8	49
5:00 PM	60%	45	70%	9	54
6:00 PM	85%	64	90%	12	76
7:00 PM	80%	60	90%	12	72
8:00 PM	50%	38	60%	8	46
9:00 PM	30%	23	40%	5	28
10:00 PM	20%	15	30%	4	19
11:00 PM	10%	8	20%	3	11
12:00 AM	5%	4	20%	3	7

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.

Appendix Table A-6

FAST-FOOD RESTAURANT  
WEEKEND SHARED PARKING DEMAND ANALYSIS [1]

Land Use	Fast-Food Restaurant					Shared Parking Demand
	Size	8.120 KSF				
	Pkg Rate[2]	13.3 /KSF				
	Gross Spaces	88 Spaces				
Time of Day	75 Guest Spc.		13 Emp. Spc.			
	% Of Peak [3]	# Of Spaces	% Of Peak [3]	# Of Spaces		
6:00 AM	5%	4	14%	2	6	
7:00 AM	9%	7	19%	2	9	
8:00 AM	19%	14	28%	4	18	
9:00 AM	28%	21	37%	5	26	
10:00 AM	51%	38	70%	9	47	
11:00 AM	79%	59	93%	12	71	
12:00 PM	93%	70	93%	12	82	
1:00 PM	93%	70	93%	12	82	
2:00 PM	84%	63	89%	12	75	
3:00 PM	56%	42	65%	8	50	
4:00 PM	51%	38	56%	7	45	
5:00 PM	56%	42	65%	8	50	
6:00 PM	79%	59	84%	11	70	
7:00 PM	75%	56	84%	11	67	
8:00 PM	47%	35	56%	7	42	
9:00 PM	28%	21	37%	5	26	
10:00 PM	19%	14	28%	4	18	
11:00 PM	9%	7	19%	2	9	
12:00 AM	5%	4	19%	2	6	

Notes:

[1] Source: ULI - Urban Land Institute "Shared Parking," Second Edition, 2005.

[2] Parking rates for all land uses based on ULI procedure normalized to express percentage in terms of absolute peak demand ratios. Breakdown of guest vs. employee

[3] Percentage of peak parking demand factors reflect relationships between weekday parking demand ratios and peak parking demand ratios, as summarized in Table 2-2 of the "Shared Parking" manual.



**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
<b>PROJECT FILE NO. <u>PM19978/PMTT17-010</u></b>  <b>RELATED FILE NO(S). <u>PDEV17-051 and TM18922-4</u></b>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u>  /  /  </u>		

CITY PROJECT ENGINEER & PHONE NO:	Nalim Khoury, Associate Engineer	(909) 395-2152 <i>NK</i>
CITY PROJECT PLANNER & PHONE NO:	Henry Noh, Senior Planner	(909) 395-2429

DAB MEETING DATE: **August 20, 2018**

PROJECT NAME / DESCRIPTION: **New Haven Market Place, A parcel map to subdivide 10.06 acres of land into 9 parcels within the Retail Land Use of The Avenue Specific Plan**

LOCATION: **Southwest corner of Ontario Ranch Road and Haven Avenue**

APPLICANT: **Frontier Real Estate/Brookfield**

REVIEWED BY: *[Signature]* 8/9/18  
 Bryan Lirley, P.E. Date  
 Principal Engineer

APPROVED BY: *[Signature]* 8/9/18  
 Khol 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 PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT PLUS THE CONDITIONS OF APPROVAL (COA) FOR PDEV17-051, TRACT MAP TM18922-4, The Avenue Specific Plan and the DA Agreement.**

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:**   
 Property line corner 'cut-back' required at the intersection of New Haven Drive and Commercial Entry way (northeast corner) due to a larger curb return improvements.
- 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](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 specified in the COA for PDEV17-051 and TM18922-4.**



- 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](http://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 No. 19978 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 Tract Map No. 18922-4.
- 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.

The CC&R document shall also 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 responsibilities of the HOA/POA of these facilities.

- 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](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).

- 2.08 Submit a soils/geology report.

- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:

- State of California Department of Transportation (Caltrans)
- San Bernardino County Road Department (SBCRD)
- San Bernardino County Flood Control District (SBCFCD)
- Federal Emergency Management Agency (FEMA)
- Cucamonga Valley Water District (CVWD) for sewer/water service
- United States Army Corps of Engineers (USACE)
- California Department of Fish & Game
- Inland Empire Utilities Agency (IEUA)
- Other: \_\_\_\_\_

- 2.10 Dedicate to the City of Ontario the right-of-way described below:

\_\_\_\_\_ feet on \_\_\_\_\_

Property line corner 'cut-back' required at the intersection of \_\_\_\_\_ and \_\_\_\_\_.

- 2.11 Dedicate to the City of Ontario the following easement(s): \_\_\_\_\_

\_\_\_\_\_

- 2.12 **New Model Colony (NMC) Developments:**

1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.

2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary



use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.

3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).

- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at \_\_\_\_\_% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.
- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \_\_\_\_\_, 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	Street 1	Street 2	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 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 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 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 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 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 \_\_\_\_\_ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions: \_\_\_\_\_

**D. WATER**

- 2.27 A \_\_\_\_\_ inch water main is available for connection by this project in \_\_\_\_\_. (Ref: Water plan bar code: \_\_\_\_\_)
- 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: \_\_\_\_\_

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



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

---

**Project Number: Parcel Map No. 19978**

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 for all the required improvements specified in the COA for PDEV17-051 and TM18922-4**
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: 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: Henry Noh, Senior Planner

DATE: June 22, 2018

SUBJECT: FILE #: PMTT17-010

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 **Friday, July 6, 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 Parcel Map to subdivide 10.06 acres of land into 9 parcels, located at the southwest corner of Haven Avenue and Ontario Ranch Road, within the Retail land use district of The Avenue Specific Plan (APN: 0218-412-02). Related File PDEV17-051.

- 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.

7/17/18  
Landscape Planning Carolyn Bell Sr. Landscape Architect  
Department Signature Title Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Henry Noh  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** June 27, 2018  
**SUBJECT:** PMTT17-010

- 
- 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: 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: Henry Noh, Senior Planner

DATE: June 22, 2018

SUBJECT: FILE #: PMTT17-010

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 **Friday, July 6, 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 Parcel Map to subdivide 10.06 acres of land into 9 parcels, located at the southwest corner of Haven Avenue and Ontario Ranch Road, within the Retail land use district of The Avenue Specific Plan (APN: 0218-412-02). Related File PDEV17-051.

- 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

7/10/18  
Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Henry Noh, Senior Planner  
Planning Department

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

**DATE:** July 6, 2018

**SUBJECT:** PMTT17-010 – A Parcel Map to subdivide 10.06 acres of land into 9 parcels, located at the southwest corner of Haven Avenue and Ontario Ranch Road, within the Retail land use district of The Avenue Specific Plan (APN: 0218-412-02). Related File PDEV17-051

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

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### SITE AND BUILDING FEATURES:

- A. 2013 CBC Type of Construction: Type V-B wood frame
- B. Type of Roof Materials: non-rated
- C. Ground Floor Area(s): Various
- D. Number of Stories: Two Story
- E. Total Square Footage: Various
- F. 2013 CBC Occupancy Classification(s): R-3, U

## **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](http://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.
- 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### **3.0 WATER SUPPLY**

- 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1500 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300’) apart, per Engineering Department specifications.
- 3.4 The public water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

#### **4.0 FIRE PROTECTION SYSTEMS**

- 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13 D. 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.

#### **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. Homes that do not front street shall be provided with an address entry sign at the street. 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.
- 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.



# PLANNING COMMISSION STAFF REPORT

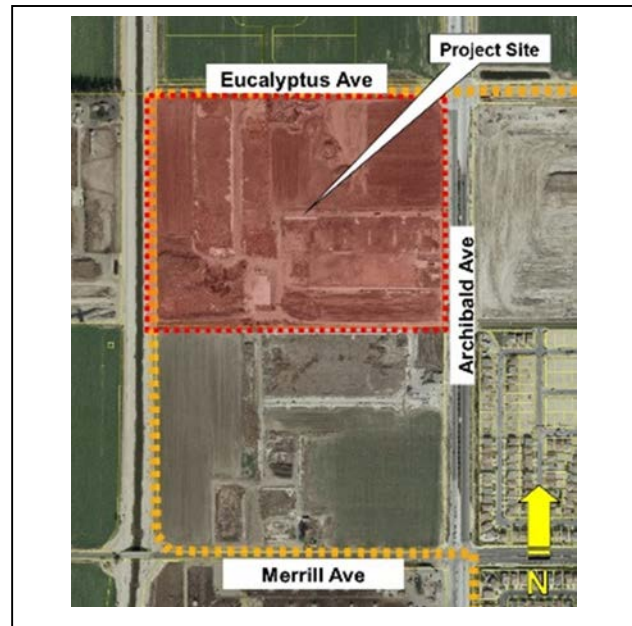
August 28, 2018

**SUBJECT:** A Tentative Tract Map (File No. PMTT13-016/TT 18929) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots for public streets, pocket park and landscape neighborhood edges, and a petition to cancel Williamson Act Contract 77-515 (File No. PWIL18-002), for property located at the southwest corner of Archibald Avenue and Eucalyptus Avenue, within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan. (APNs: 0218-271-11) **submitted by Richland Communities. City Council Action is only required for the Williamson Act Contract Cancellation.**

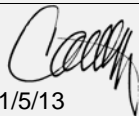
**PROPERTY OWNER:** Richland Communities

**RECOMMENDED ACTION:** That the Planning Commission approve File No. PMTT13-016, 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 54.81 acres of land located at the southwest corner of Archibald Avenue and Eucalyptus Avenue, within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan, and is depicted in Figure 1: Project Location, below. The project site gently slopes from north to south and is currently vacant. The property to the north of the project site is within the Single-Family Residential District of Planning Area 1 and the Multi-Family Residential District of Planning Area 4 of the Parkside Specific Plan and is currently vacant. The property to the east is within the Conventional Medium Lot



**Figure 1: Project Location**

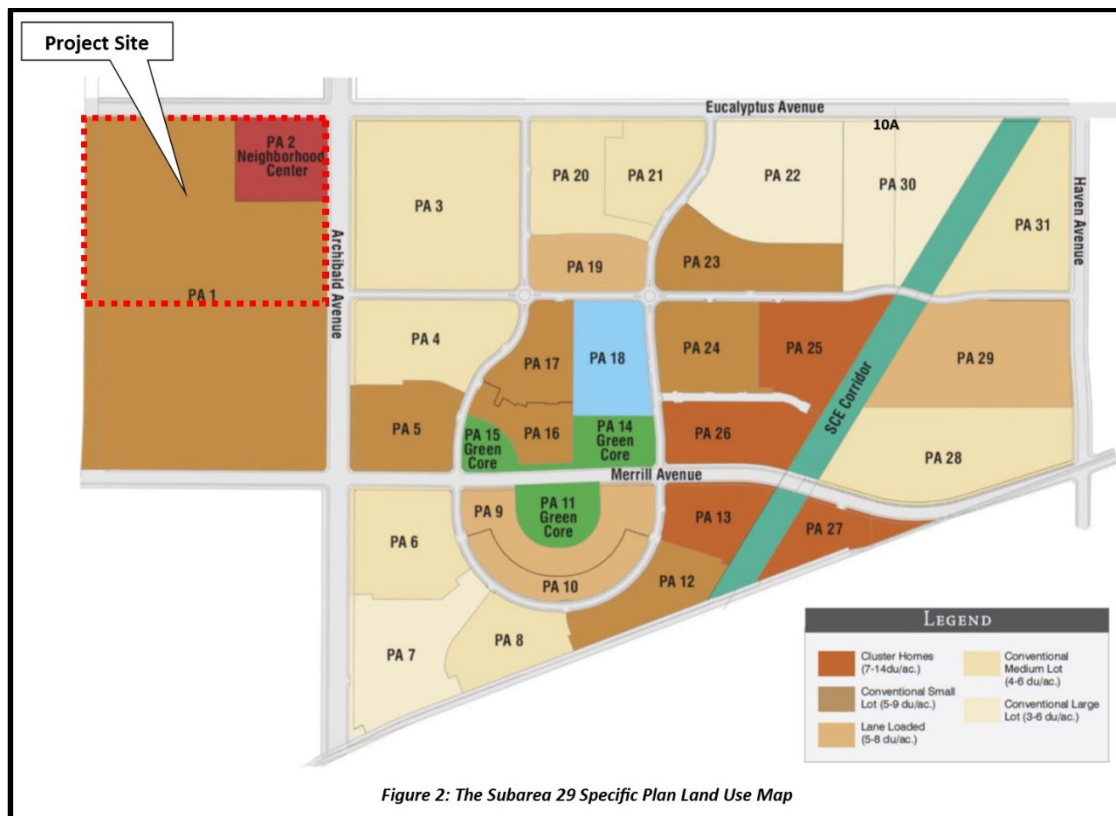
Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	8/20/18	Approve	Recommend
Submittal Date:	11/5/13	ZA			
Hearing Deadline:	N/A	PC	8/28/18		Final
		CC			

Residential district of Planning Area 3 of the Subarea 29 Specific Plan is developed with single-family residential uses. The property to the south is within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan and is currently vacant. The property to the west is the Cucamonga Creek Channel.

### PROJECT ANALYSIS:

[1] Background — The Subarea 29 Specific Plan and Environmental Impact Report (EIR) were approved by the City Council on October 17, 2006. The Subarea 29 Specific Plan established the land use designations, development standards, and design guidelines for 540 gross acres of land, which included the potential development of 2,293 single-family units and 87,000 square feet of commercial.

On August 19, 2013, the Planning Commission approved Tentative Tract Map 18913 (referred to as an “A” Map) for the first phase of the Park Place Community within the Subarea 29 Specific Plan, which facilitated the backbone infrastructure improvements and the creation of park/recreational facilities and residential neighborhoods within the southwestern portion of Subarea 29 Specific Plan (**Figure 2: Subarea 29 Specific Plan Land Use Map**).



The Applicant, Richland Communities, has submitted a Tentative Tract Map (File No. PMTT13-016/TT 18929) to subdivide 54.81 acres of land into 207 residential numbered

lots and 24 lettered lots. On August 20, 2018, the Development Advisory Board recommended approval of the application to the Planning Commission. The Development Plan for the proposed single-family conventional residential product will be brought before the Planning Commission at a future date.

[2] Tract Map Subdivision — The proposed Tentative Tract Map (File No. PMTT13-016/TT 18929) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots for public streets, pocket park and landscape neighborhood edges, for property located at the southwest corner of Archibald Avenue and Eucalyptus Avenue. The proposed project will provide for single-family conventional homes as required for Planning Area 1 of the Subarea 29 Specific Plan (**See Exhibit A: Tentative Tract Map 18929**). The residential lots range in size from 4,217 to 9,420 square feet, which exceeds the Specific Plan's minimum lot requirement of 3,600 square feet (Conventional Small Lot: Cottage Homes).

[3] Site Access/Circulation — The project will have direct access from Archibald Avenue on the east and Eucalyptus Avenue on the north. The project will be required to construct Eucalyptus Avenue to the center line (42 feet), plus an additional 21-foot lane and a 5-foot paved shoulder. The Eucalyptus Avenue street improvements will also include a 23-foot neighborhood edge, 13-foot multi-purpose trail and 12-foot parkway. Archibald Avenue is currently improved along the project frontage with a 5-foot paved shoulder and a 21-foot lane that provides for two south bound lanes of traffic. The eastern portion of Archibald Avenue has been improved with a 26-foot wide raised median, 42-foot wide paved street (3 north bound lanes), 12-foot parkway and 23-foot landscape neighborhood edge that includes a 13-foot multi-purpose trail. The project will be required to complete the remaining street improvements along the projects Archibald Avenue frontage that will include an additional 24-foot wide lane, 20-foot wide parkway and 30-foot wide neighborhood edge. The Tentative Tract Map will also construct the interior tract streets that will provide access to the future residential development.

[4] Open Space — The Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract (**See Exhibit B: Conceptual Site Plan**). TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of private park per 1,000 residents. The proposed project is required to provide a 1.58 acre park to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing a 2.32 acre neighborhood park that is located within the southern portion of the tract.

[5] Williamson Act Contract — Agricultural lands under a Williamson Act Contract are governed by the California Land Conservation Act of 1965, also known as the Williamson Act. Upon annexation, the City of Ontario assumed responsibility for administration of the Land Conservation Contracts which existed in the Ontario Ranch area. The City adopted the Agricultural Overlay Zoning District, or a "Right-to-Farm" Ordinance, that would allow existing agricultural uses within Ontario Ranch to continue for as long as the landowner desired.



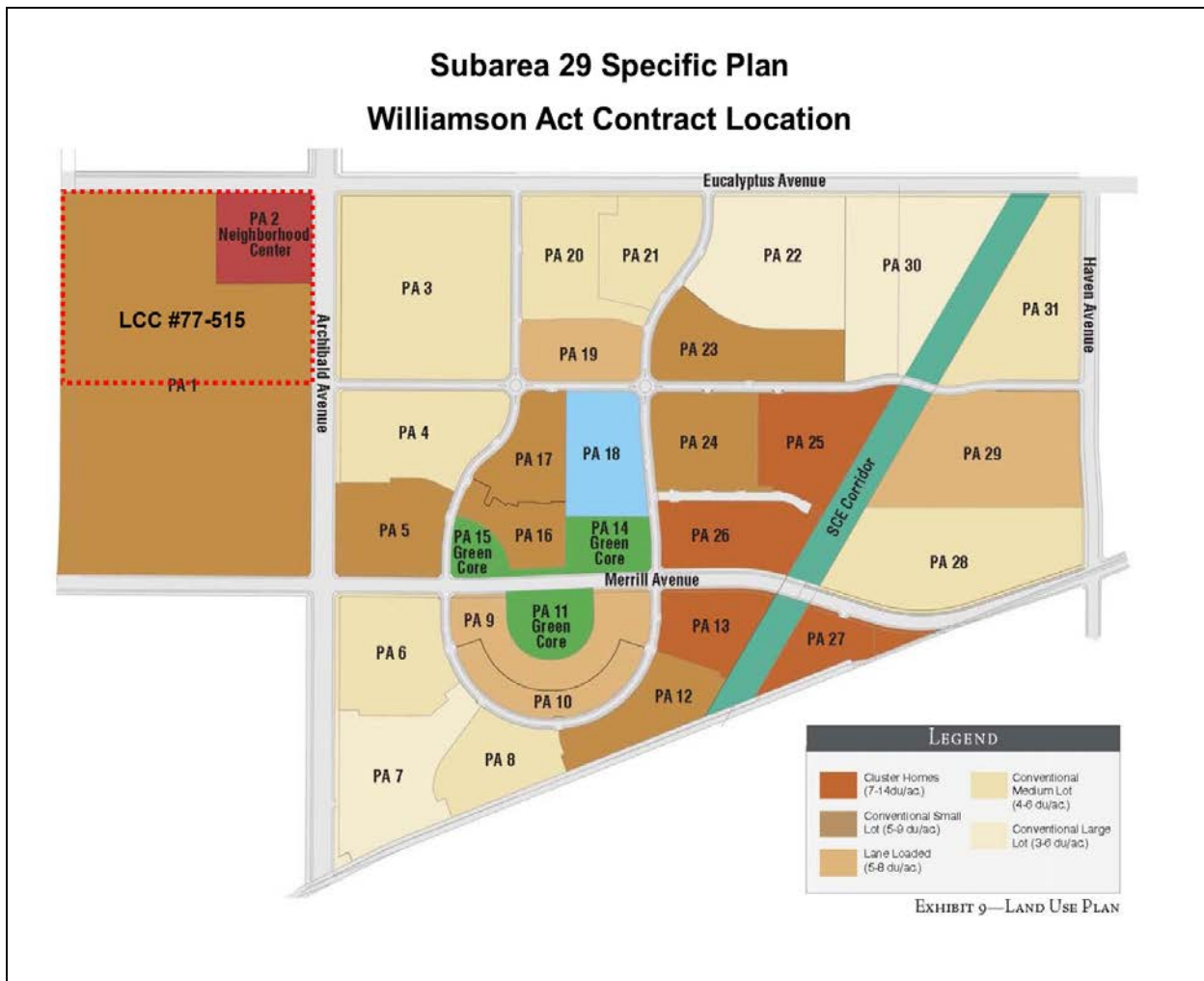
In the City's review of the cancellation process for Williamson Act Contracts, the Notice of Non-Renewal procedure was intended to be the normal method of terminating agricultural Contracts. For the landowner, it allows the Property Tax Assessments to gradually increase to full market value over a ten (10) year period until the Contract expired. For the City, the non-renewal allows adequate time to plan for the future land use and infrastructure requirements.

In conjunction with the proposed Tentative Tract Map 18929 (File No. PMTT13-016), Richland Real Estate Fund, LLC. (Richland Communities), is requesting the cancellation of Contract number 77-515 prior to the Non-Renewal termination date. The Cancellations will provide relief from the provisions of the Contracts, thus allowing for development of the properties with an alternative use. The Notice of Non-Renewal, for the subject property (**Figure 3: Subarea 29 Specific Plan Williamson Act Contract Location**), was recorded with the County of San Bernardino on July 25, 2014 and will on expire January 1, 2025.

The proposed alternative use is consistent with the Policy Plan, which designates the subject site for Low Density Residential (2.1 – 5 du/ac) and Neighborhood Commercial. The subject site is part of the proposed Subarea 29 Specific Plan, which has been planned in accordance with TOP Policy Plan.

Copies of the petitions for cancellation were sent to the Director of the Department of Conservation, as required by the Williamson Act to date. The Planning Department has not received comments from the Department of Conservation stating whether or not they concur with staff's findings, pursuant to Section 51282 of the Williamson Act.

**Figure 3: Subarea 29 Specific Plan Williamson Act Contract Location**



**Required Findings** — The cancellation process for Williamson Act contracts identifies findings which must be made in order to cancel a contract. The City Council must find that the proposed cancellation is consistent with the purposes of the Williamson Act or is in the public interest. Staff has reviewed the request and believes that the cancellations are consistent with the purposes of the Williamson Act as follows:

1. The cancellation is for land on which a Notice of Non-Renewal has been served.

*Pursuant with Government Code § 51245 a Notice of Non-Renewal of Land Conservation Contract Numbers 77-515, was on recorded July 25, 2014, as Instrument No. 2014-0269861, Official Records, has been served.*

2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.

*Cancellation of the Land Conservation Contract No. 77-515 is not likely to result in the removal of adjacent lands from agricultural uses. Dairy and agriculture uses exist to the south of the subject property within the Subarea 29 Specific Plan, to the north (across Eucalyptus Avenue) within the Parkside Specific Plan and to the west across the Cucamonga Flood Control Channel. The change in use in this parcel would be due to the development of the specific plan and not to the cancellation of land conservation contracts. Moreover, the policy decision to transition uses in the area from agriculture to urban was made when the City adopted TOP Policy Plan. The environmental consequences of that decision were analyzed in the Environmental Impact Report certified in conjunction with The Ontario Plan (TOP). Thus, the City's prior planning decision, and not the cancellation of the contracts associated with this project, would be the cause of any influence on the decision to remove land from agricultural use. Additionally, to ease the transition from agricultural to urban uses and to minimize conflicts between the two uses, the City has adopted an Agricultural Overlay District.*

3. Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.

*The City of Ontario Policy Plan (General Plan) zones the subject property for Specific Plan. The subject property located within Planning Area 1 (Single Family Residential) and Planning 2 (Commercial) of the Subarea 29 Specific Plan and is planned in accordance with the City of Ontario Policy Plan's (General Plan) land use designation of Low Density Residential (2.1- 5 du/ac) and Neighborhood Commercial (0.40 FAR) as illustrated by Exhibit LU-01 "Land Use Plan" of the Policy Plan (General Plan).*

4. Cancellation will not result in discontinuous patterns of urban development.

*The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development. The subject property is part of Subarea 29 Specific Plan. The Ontario Plan Policy Plan (General Plan) includes requirements for subsequent approval by the City of a Specific Plan for development within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. The Subarea 29 Specific Plan incorporates the development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. Also, existing and future residential tracts bound the project site to the north, south and east, within the Parkside Specific Plan and the Subarea 29 Specific Plan. Because all lands within the Ontario Ranch (8,200 acres south of Riverside Drive, north of Merrill Avenue/Bellegrave Channel, east of Euclid Avenue and West of Hamner Avenue), between the project sites and existing urban areas,*

*will be urbanized in the near future, cancellation of the Williamson Act contracts associated with the Project would not result in leap-frog development.*

5. There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.

*The cancellation of the Land Conservation Contract No. 77-515 will not result in discontinuous patterns of urban development. The contracted land lies within the boundaries of Subarea 29 Specific Plan. The adjacent non-contracted land to the north is within the Parkside Specific Plan and will be developed with future residential development. To the south and east, the properties are within the Subarea 29 Specific Plan (non-contracted) and developed with existing and future single family homes. The west, across the Cucamonga Creek Channel, is the proposed West Ontario Commerce Center Specific Plan (contracted and non-contracted) that is planned for industrial development. Development of the subject site and adjacent non-contracted land within the Subarea 29 Specific Plan will eliminate “leap frog” development. Furthermore, since the subject site is within Specific Plan, once the adjacent parcels are developed it will provide for more contiguous patterns of urban development than development of proximate non-contracted land.*

**Cancellation Fee**— As required by the Williamson Act, there is a Penalty Fee for cancellation of an Agricultural Contract. The fee is equal to 12.5 percent of the unrestricted base value of the land as determined by the County Assessor’s Office.

The fee for the subject property, as determined by the County Assessor, totals \$2,116,586.00. As required by the Williamson Act, a copy of the Assessor’s value appraisal was sent to the Director of the Department of Conservation on April 12, 2018, to allow the opportunity to request a formal review from the Assessor.

Prior to City Council approval of the Tentative Cancellation, the Planning Commission must review and approve the Tentative Tract Map 18929 and City Council must review and approve the Development Agreement, File No. PDA 18-001. In addition, the following Conditions and Contingencies will be required to be satisfied upon tentative approval by the City Council. All applicable conditions must be satisfied within one year of the date of recording of the Certificate of Tentative Cancellation. Conditions and contingencies include:

1. Upon approval, a Certificate of Tentative Cancellation must be recorded with the County Clerk;
2. Payment in full of the Penalty Fee. Together with a statement stating that unless the fee is paid, or a Certificate of Cancellation of Contract is issued

within one year from the date of the recording of the Certificate of Tentative Cancellation, the fee shall be recomputed;

3. Obtain all approvals necessary (including Tentative Map and Development Agreement) to commence the specified alternative use;
4. Within 30 days of satisfaction of the conditions, the City Council must execute and record a Certificate of Final Cancellation of the contract.

**COMPLIANCE WITH THE ONTARIO PLAN:** The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan (TOP). 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 Ontario Ranch

[2] Vision.

**Distinctive Development:**

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

[3] Governance.

**Decision Making:**

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

[4] Policy Plan (General Plan)

**Land Use Element:**

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

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

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

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

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

**Housing Element:**

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

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

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

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

**Community Economics Element:**

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

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

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

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

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

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

#### **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.

➤ CD2-2 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.
- CD2-13 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 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.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units 207 (432 total dwelling units within Planning Area 1) and density (3.78 DU/AC) specified within the Subarea 29 Specific Plan. Per the Available Land Inventory, the Subarea 29 Specific Plan is required to provide 2,293 dwelling units with a density range of 4-8 DU/AC.

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. 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 previously reviewed in conjunction with File No. PSP03-003, the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This Application



introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

**CONDITIONS OF APPROVAL:** See attached department reports.

**TECHNICAL APPENDIX:**

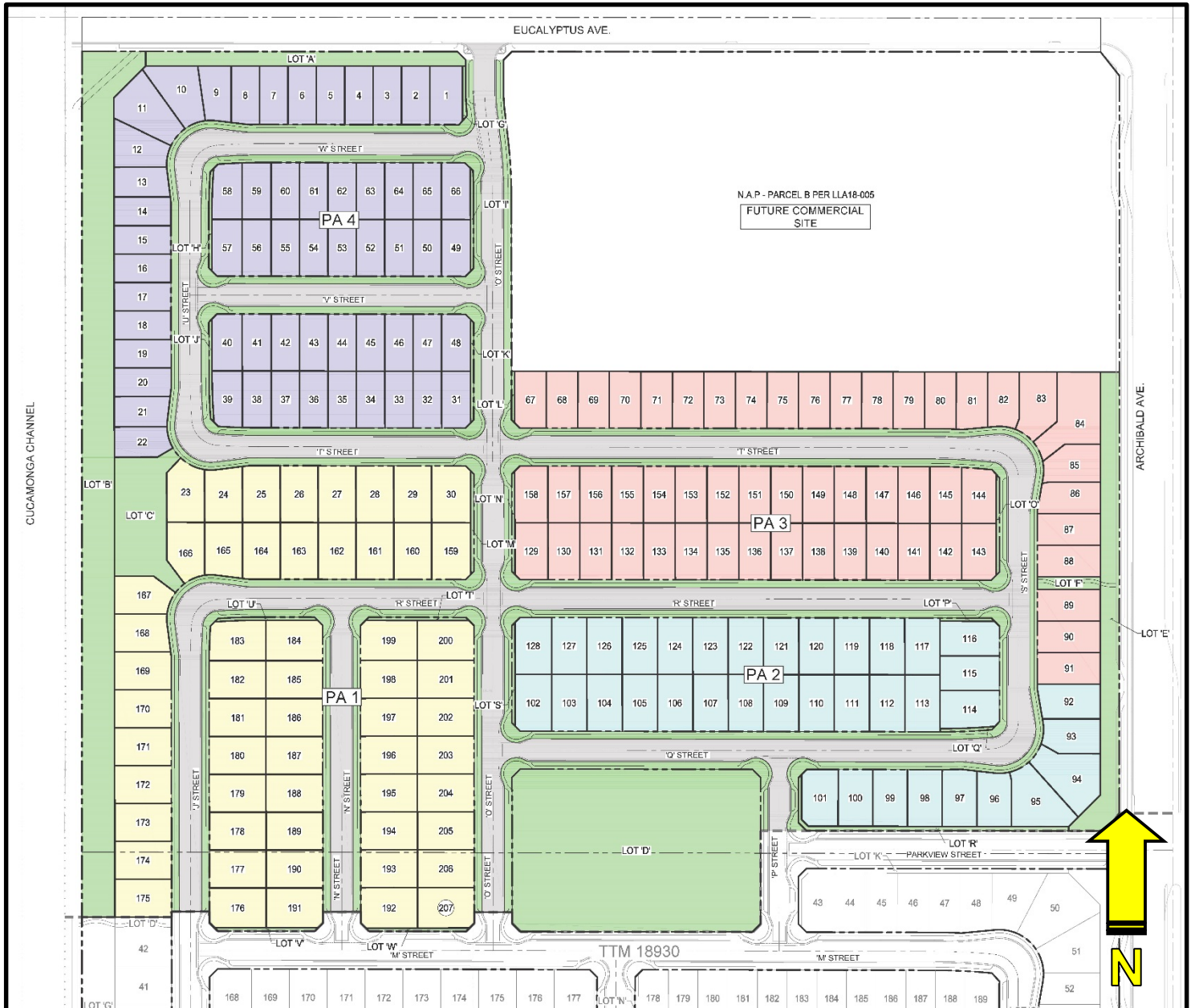
**Surrounding Zoning and Land Use:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Low Density Residential	Subarea 29 Specific Plan	Planning Area 1 (Conventional Small Lot Residential)
<i>North</i>	Vacant	Medium Density Residential	Parkside Specific Plan	Planning Area 1 (SFR) and Planning Area 4 (MFR)
<i>South</i>	Vacant	Low Density Residential	Subarea 29 Specific Plan	Planning Area 1 (Conventional Small Lot Residential)
<i>East</i>	Single-Family Residential	Low Density Residential	Subarea 29 Specific Plan	Planning Area 3 (Conventional Medium Lot Residential)
<i>West</i>	Cucamonga Creek Channel	Open Space-Non Recreation	N/A	N/A

**Tentative Tract Map Summary:**

<i>Item</i>	<i>TT18929</i>
<i>Total Area Gross (AC)</i>	54.81
<i>Total Area Net (AC)</i>	50.28
<i>Min. Lot Size (Sq. Ft.)</i>	4,217 SF
<i>Max. Lot Size (Sq. Ft.)</i>	9,420 SF
<i>No. of Numbered Lots/Units</i>	207
<i>No. of Lettered Lots</i>	24
<i>Gross Density (du/gross ac)</i>	3.78 DU/AC

**Exhibit A: Tentative Tract Map 18929**



**Exhibit B: Conceptual Site Plan**



## RESOLUTION NO. PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PWIL18-002, A TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NUMBER 77-515 FOR 54.81 ACRES OF LAND GENERAL LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AVENUE AND ARCHIBALD AVENUE AT 14610 SOUTH ARCHIBALD AVENUE, WITHIN PLANNING AREAS 1 AND 2 OF THE SUBAREA 29 SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-271-11.

WHEREAS, RICHLAND REAL ESTATE FUND, LLC, ("Applicant") has filed an Application for the approval of the cancellation of Land Conservation Contract Number 77-515, File No. PWIL18-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 54.81 acres of land located at the southwest corner of Eucalyptus Avenue and Archibald Avenue at 14610 South Archibald Avenue, within planning areas 1 and 2 of the Subarea 29 Specific Plan, and is presently improved with agriculture uses; and

WHEREAS, the property to the north of the Project site is within Planning Areas 4 (Multi-Family Attached) and 5 (Single-Family Detached) of the Parkside Specific Plan, and is presently improved with agriculture uses. The property to the south is within Planning 1 of the Subarea 29 Specific Plan and developed with agriculture uses. The property to the east is located within Planning Area 3 (Single Family Conventional) of the Subarea 29 Specific Plan and is under development with residential homes. The property to the west is zoned Non Recreational Open Space and developed with the Cucamonga Creek Channel.

WHEREAS, the subject property was annexed into the City of Ontario on November 30, 1999; and

WHEREAS, the City of Ontario certified the *Ontario Sphere of Influence Final Environmental Impact Report* in January 7, 1998. The Final EIR evaluated the potential impacts to prime agricultural land and to agricultural productivity that would result from the full and complete build-out of the New Model Colony (NMC) pursuant the General Plan Amendment. The Final EIR concluded that the conversion of agricultural uses to urban uses within the NMC would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved; and

WHEREAS, the City, upon annexation, assumed responsibility for administration of the Land Conservation Contracts which existed in the annexed area; and

WHEREAS, the City Ontario certified the Environmental Impact Report for The Ontario Plan (TOP) on January 27, 2010. The adoption of TOP also included the approval of the Policy Plan (General Plan), which replaced the previous Ontario General Plan and New Model Colony General Plan Amendment. The Final TOP EIR concluded that the conversion of agricultural uses to urban uses within Ontario Ranch (NMC) would result in significant and unavoidable impacts to agriculture, therefore a Statement of Overriding Considerations was approved.

WHEREAS, The City's the Agricultural Overlay Zoning District, or a "right-to-farm" ordinance (Development Code Division 6.01, Section 6.01.035), allows existing agricultural uses within Ontario Ranch to continue for as long as the landowner desires; and

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

WHEREAS, the environmental impacts of this project were reviewed in conjunction with Subarea 29 Specific Plan File No. PSP03-003, Environmental Impact Report (SCH#2004011009) certified by the City Council on October 17, 2006; and

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

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

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

WHEREAS, the project 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; 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 August 28, 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 Subarea 29 Specific Plan Environmental Impact Report (SCH#2004011009) and supporting documentation. Based upon the facts and information contained in the Subarea 29 Specific Plan Environmental Impact Report (SCH#2004011009) and supporting documentation, the Planning Commission finds as follows:

(1) The Subarea 29 Specific Plan Environmental Impact Report (SCH#2004011009) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The Subarea 29 Specific Plan Environmental Impact Report (SCH#2004011009) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The Subarea 29 Specific Plan Environmental Impact Report (SCH#2004011009) reflects the independent judgment of the Planning Commission; and

(4) All applicable mitigation measures adopted with the certification by the City Council of the Subarea 29 Specific Plan Environmental Impact Report (SCH#2004011009) will become a condition of project approval.

**SECTION 2: Concluding Facts and Reasons.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing, and upon the specific findings set forth in Section 1 above, the Planning Commission hereby concludes as follows:

a. ***The cancellation is for land on which a Notice of Non-Renewal has been served.*** Pursuant with Government Code § 51245 a Notice of Non-Renewal of Land Conservation Contract Numbers 77-515, was on recorded July 25, 2014, as Instrument No. 2014-0269861, Official Records, has been served.

b. ***Cancellation is not likely to result in the removal of adjacent lands from agricultural use.*** Cancellation of the Land Conservation Contract No. 77-515 is not likely to result in the removal of adjacent lands from agricultural uses. Dairy and agriculture uses exist to the south of the subject property within the Subarea 29 Specific Plan, to the north (across Eucalyptus Avenue) within the Parkside Specific Plan and to the west across the Cucamonga Flood Control Channel. The change in use in this parcel would be due to the development of the specific plan and not to the cancellation of land conservation contracts. Moreover, the policy decision to transition uses in the area from agriculture to urban was made when the City adopted TOP Policy Plan. The environmental consequences of that decision were analyzed in the Environmental Impact Report certified in conjunction with The Ontario Plan (TOP). Thus, the City's prior planning decision, and not the cancellation of the contracts associated with this project, would be the cause of any influence on the decision to remove land from agricultural use. Additionally, to ease the transition from agricultural to urban uses and to minimize conflicts between the two uses, the City has adopted an Agricultural Overlay District.

c. ***Cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan.*** The City of Ontario Policy Plan (General Plan) zones the subject property for Specific Plan. The subject property located within Planning Area 1 (Single Family Residential) and Planning 2 (Commercial) of the Subarea 29 Specific Plan and is planned in accordance with the City of Ontario Policy Plan's (General Plan) land use designation of Low Density Residential (2.1- 5 du/ac) and Neighborhood Commercial (0.40 FAR) as illustrated by Exhibit LU-01 "Land Use Plan" of the Policy Plan (General Plan).

d. ***Cancellation will not result in discontinuous patterns of urban development. The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development.*** The cancellation of the Land Conservation Contracts will not result in discontinuous patterns of urban development. The subject property is part of Subarea 29 Specific Plan. The Ontario Plan Policy Plan (General Plan) includes requirements for subsequent approval by the City of a Specific Plan for development within Ontario Ranch. Specific Plans are required to ensure that sufficient land area is included to achieve unified districts and neighborhoods. The Subarea 29 Specific Plan incorporates the development framework for detailed land use, circulation, infrastructure including drainage, sewer, and water facilities, provision for public services including parks and schools, and urban design and landscape plans. Also, existing and future residential tracts bound the project site to the north, south and east, within the Parkside Specific Plan and the Subarea 29 Specific Plan. Because all lands within the Ontario Ranch (8,200 acres south of Riverside Drive, north of Merrill Avenue\Bellevue Channel, east of Euclid Avenue and West of Hamner Avenue), between the project sites and existing urban areas, will be urbanized in the near future, cancellation of the Williamson Act contracts associated with the Project would not result in leap-frog development.



e. ***There is no proximate non-Contracted land, which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-Contracted land.*** The cancellation of the Land Conservation Contract No. 77-515 will not result in discontinuous patterns of urban development. The contracted land lies within the boundaries of Subarea 29 Specific Plan. The adjacent non-contracted land to the north is within the Parkside Specific Plan and will be developed with future residential development. To the south and east, the properties are within the Subarea 29 Specific Plan (non-contracted) and developed with existing and future single family homes. The west, across the Cucamonga Creek Channel, is the proposed West Ontario Commerce Center Specific Plan (contracted and non-contracted) that is planned for industrial development. Development of the subject site and adjacent non-contracted land within the Subarea 29 Specific Plan will eliminate “leap frog” development. Furthermore, since the subject site is within Specific Plan, once the adjacent parcels are developed it will provide for more contiguous patterns of urban development than development of proximate non-contracted land.

**SECTION 3: Planning Commission Action.** Based upon the findings and conclusions set forth in Sections 1 and 2, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVES the herein described Application, subject to each and every condition set forth in the staff report, attached hereto as and incorporated herein by this reference.

**SECTION 4: Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

**SECTION 6: Certification to Adoption.** The Secretary shall certify to the adoption of the Resolution.

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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 28<sup>th</sup> day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Jim Willoughby  
Planning Commission Vice-Chairman

ATTEST:

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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. **PC18-0XX** was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gwen Berendsen  
Secretary Pro Tempore

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT13-016/TT 18929, A TENTATIVE TRACT MAP TO SUBDIVIDE 54.81 ACRES OF LAND INTO 207 RESIDENTIAL NUMBERED LOTS AND 24 LETTERED LOTS FOR PUBLIC STREETS, POCKET PARK AND LANDSCAPE NEIGHBORHOOD EDGES, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND EUCALYPTUS AVENUE, WITHIN THE CONVENTIONAL SMALL LOT RESIDENTIAL DISTRICT OF PLANNING AREA 1 AND WITHIN THE NEIGHBORHOOD COMMERCIAL CENTER DISTRICT OF PLANNING AREA 2 OF THE SUBAREA 29 SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-271-11.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT13-016/TT 18929, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 54.81 acres of land located at the southwest corner of Archibald Avenue and Eucalyptus Avenue, within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan, and is vacant; and

WHEREAS, the property to the north of the project site is within the Single-Family Residential District of Planning Area 1 and the Multi-Family Residential District of Planning Area 4 of the Parkside Specific Plan and is currently vacant. The property to the east is within the Conventional Medium Lot Residential district of Planning Area 3 of the Subarea 29 Specific Plan is developed with single-family residential uses. The property to the south is within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan and is currently vacant. The property to the west is the Cucamonga Creek Channel; and

WHEREAS, the Tentative Tract Map proposed is in compliance with the requirements of the Subarea 29 Specific Plan and is sufficient in size to facilitate and implement the traditional planning concepts for the "Residential Neighborhood" within the Specific Plan; and

WHEREAS, the proposed Tentative Tract Map is located within Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan, which establishes a minimum lot size of 3,600 square feet for the conventional single-family residential product and a development capacity of 432 dwelling units; and

WHEREAS, the proposed Tentative Tract Map will subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots for public streets, pocket park and landscape neighborhood edges. The residential lots range in size from 4,217 to 9,420 square feet, which exceeds the Specific Plan's minimum lot requirement of 3,600 square feet (Conventional Small Lot: Cottage Homes). The Tentative Tract Map is consistent with the Subarea 29 Specific Plan; 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 is required to provide a 1.58 acre park to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing a 2.32 acre neighborhood park that is located within the southern portion of the tract; and

WHEREAS, the proposed Tentative Tract Map 18929 is contingent upon City Council approval of Cancellation of Williamson Act Contract 77-515 (File No. PWIL18-002); 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. PSP03-003, the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

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

WHEREAS, 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 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; 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 August 20, 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. DAB18-048, recommending the Planning Commission approve the Application; and

WHEREAS, on August 28, 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 previously reviewed in conjunction with File No. File No. PSP03-003, the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006; and

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

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

(4) The previous Certified EIR reflects the independent judgment of the 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. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (432) and density (5.2 DU/AC) specified within the Subarea 29 Specific Plan. Per the Available Land Inventory, the Subarea 29 Specific Plan is required to provide 2,293 dwelling units with a density range of 4-8 DU/AC.

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

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

(1) ***The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City***



**Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.** The proposed Tentative Tract Map is located within the Low Density Residential and Neighborhood Commercial land use districts of the Policy Plan Land Use Map, and within Planning Area 1 (Conventional Small Lot) and Planning Area 2 (Commercial) district of the Subarea 29 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*).

(2) **The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.** The proposed Tentative Tract Map is located within the Low Density Residential and Neighborhood Commercial land use districts of the Policy Plan Land Use Map, and within Planning Area 1 (Conventional Small Lot) and Planning Area 2 (Commercial) district of the Subarea 29 Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.***

The project site meets the minimum lot area and dimensions of the Planning Area 1 (Conventional Small Lot) and Planning Area 2 (Commercial) district of the Subarea 29 Specific Plan, and is physically suitable for the type of residential and commercial developments proposed in terms of zoning, land use and development activity proposed, and existing 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 3.78 DUs/acre and a total commercial area of approximately 10 acres. The project site meets the minimum lot area and dimensions of Planning Area 1 (Conventional Small Lot) and Planning Area 2 (Commercial) districts of the Subarea 29 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 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.

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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 28<sup>th</sup> day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Jim Willoughby  
Planning Commission Vice-Chairman

ATTEST:

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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 August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PMTT13-016/TT 18929  
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**

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**Meeting Date:** August 20, 2018

**File No:** PMTT13-016/TT 18929

**Project Description:** A Tentative Tract Map (File No. PMTT13-016/TT 18929) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots for public streets, pocket park and landscape neighborhood edges, for property located at the southwest corner of Archibald Avenue and Eucalyptus Avenue, within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan. (APNs: 0218-271-11) **submitted by Richland Communities.**

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

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

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

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

**2.1** Time Limits.

(a) Tentative Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

**2.2** Subdivision Map.

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

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

(c) 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** 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&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.

**2.4** Disclosure Statements.

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

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

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

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

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



**2.5**     Environmental Review.

(a)       The environmental impacts of this project were previously reviewed in conjunction with File No. PSP03-003, the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. 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.

**2.6**     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 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.

**2.7**     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.

**2.8**     Additional Requirements.

(a)       All applicable conditions of approval of Development Agreement (File No. PDA18-001) shall apply to this tract.

(b)       All applicable conditions of approval of the Subarea 29 Specific Plan shall apply to this tract.

(c)       Off-Site Subdivision Signs.

The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program uses uniform sign structures and individual identification and directional signs for residential development. **No other off-site signing is authorized.** (For additional information, contact the Baldy View Chapter BIA at (909) 945-1884.

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

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

(f) Dairy Separation Requirement for Residential Development.

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

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

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

(h) Prior to the issuance of the 104<sup>th</sup> home certificate of occupancy within TT 18929, the Open Space (Lot D) and the Neighborhood Park (Lot E) shall be fully constructed.



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company  
Information Technology and Management Services Department conditions incorporated herein)

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input checked="" type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
<b>PROJECT FILE NO. <u>TTM 18929</u></b>  <b>RELATED FILE NO(S).</b> _____	
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 8/23/18	

CITY PROJECT ENGINEER & PHONE NO: **Jesus Plasencia, 909-395-2128**  
 CITY PROJECT PLANNER & PHONE NO: **Henry Noh, 909-395-2429**

DAB MEETING DATE: **August 20, 2018**

PROJECT NAME / DESCRIPTION: **TM-18929, a Tentative Parcel Map to subdivide 51.21 acres of land into 207 single family lots and 11 lettered lots within PA1 of the Subarea 29 Specific Plan**

LOCATION: **Southwest corner of Eucalyptus and Archibald**

APPLICANT: **Richland Communities**

REVIEWED BY: 8/23/18  
 Bryan Lirley, P.E.      Date  
 Principal Engineer

APPROVED BY: 8/23/18  
 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 APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

- 1.01 Dedicate to the City of Ontario, the right-of-way in fee simple, described below: 
  - a. Archibald Avenue to the ultimate ½ width of right-of-way of 85 feet from centerline (CL) west along the tract frontage.
  - b. Eucalyptus Avenue to the ultimate ½ width of right-of-way of 54 feet from CL north along the tract frontage.
  - c. Interior streets to the ultimate full width of right of way of 60 feet.
  - d. Lettered lots A and E for the Neighborhood Edge.
  - e. Corner cut-offs throughout the tract.
  
- 1.02 Dedicate to the City of Ontario, the following easement(s): 
  - a. Public access easement across lettered lot F.
  - b. Public road and utility easement on Parkview Street from Archibald to "P" Street for secondary access. This shall not apply if Final Tract Map 18930 has been recorded.
  - c. Any City of Ontario utilities that will not be installed within the public right-of-way, shall be installed within a Public Utility Easement (PUE) and shall comply with the following requirements:
    - The PUE shall be a minimum of 20 ft. wide, centered on the utility contained within it.
    - The PUE shall not contain any storm water infiltration measures, landscaping with thick or intrusive root structures, or any permanent structures.
    - The PUE surface shall be designed to allow access to the full length of the utility main by a City maintenance vehicle.
  
- 1.03 Restrict vehicular access to the site as follows: Only approved access points per the approved Subarea 29 Specific Plan.
  
- 1.04 Vacate the following street(s) and/or easement(s): \_\_\_\_\_
  
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.
  
- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards. A Solid Waste Handling Plan shall be included in the CC&R's with a provision that the HOA will enforce the can collection placement requirements of this Plan.
  
- 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](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](http://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. Maintenance responsibilities for public improvements/facilities shall be consistent with Table 3 in Section 6 of the Subarea 29 Specific Plan.
  - b. The developer shall obtain all right of way necessary to construct the required public improvements identified in Section 2.20.



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

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

- 2.01 Record Tract Map No. 18929 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 will be a recognized parcel in the City of Ontario upon recordation of the final map.
- 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](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: **California Department of Public Health**



- 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. Storm Drain Development Impact Fee 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	Archibald Avenue	Eucalyptus Avenue	Park View Street	Interior Streets
Curb and Gutter	<input checked="" type="checkbox"/> New; 65 ft. from C/L west <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 42 ft. from C/L south <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 checked="" type="checkbox"/> New; 18 ft. from C/L on both sides <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 63-ft from C/L west, including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 40-ft from C/L south, including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New 16-ft on both sides, including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New 16-ft on both sides, including pavement transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input 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 (5-ft) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (5-ft) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (5-ft) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (5-ft) <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 / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation





Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" 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
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input 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 type="checkbox"/> Main <input 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
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify Existing at Park View	<input checked="" type="checkbox"/> New at "O" Street <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input 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 / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<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 checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	<input checked="" type="checkbox"/> Construct south 2/3 of Eucalyptus Bridge at Cucamonga Creek Channel	_____	_____

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

- The developer shall construct all required improvements and public utilities beyond the tract boundaries to serve the tract and shall obtain additional right of way for these improvements.
- The developer shall construct sewer improvements as specified in Section 2.C. Sewer improvements at the intersection of Merrill and Archibald Avenues will require removal and replacement of existing concrete panels in accordance with City standards.



- 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). This includes overhead utilities adjacent to the Cucamonga Channel.**
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 **The IEUA Eastern Trunk Sewer main is available for connection by this project in Archibald Avenue.**
- 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. **The developer shall design and construct all master-planned sewer main improvements in Eucalyptus Avenue to the Eastern Trunk Sewer in Archibald Avenue unless constructed by others.**
  - b. **The developer shall design and construct sewer main improvements in the interior streets as shown on the development agreement exhibits to serve this development.**
  - c. **The proposed sewer point of connection for this Tract map is in Archibald Avenue at Merrill Avenue. The developer is required to obtain all necessary public utility easements on TTM 18930 to accommodate the proposed improvements to this point of connection. The proposed sewer connection requires approval of a new sewer Regional Connection from the Inland Empire Utilities Agency (IEUA) and installation of sewer main through private property (APN 218-281-19 TTM18930). The applicant must satisfy the following requirements for the proposed Sewer System Point of Connection:**
    - i. **Private Property Approval:** The applicant shall acquire public utility easements or public right-of-way for the sewer mains from the private property owner (APN 218-271-19 TTM18930).
    - ii. **Regional Connection Approval:** The applicant shall submit a written request letter to the City for a new Regional Sewer Connection. The request letter shall include: an exhibit that shows the tributary area of the Regional Connection; the proposed sewer system main connection through the proposed Regional Connection; IEUA record drawing number, station number and manhole number or the connection point; and a plan and profile detail of the manhole connection and any modification proposed to the manhole. Once received from the applicant, the City will request the new Regional Connection from IEUA. If approved by IEUA, the applicant shall be responsible for meeting all terms, conditions, standards, and requirements IEUA has for the Regional Connection.
    - iii. **Sewer System Connection:** Consistent with the SSAMP, sewer main shall be installed south of the Tract Map, through APN 218-271-19 (TTM18930) to Merrill



Avenue and easterly in Merrill Avenue to connection with the IEUA Regional Sewer in Archibald Avenue.

- d. Prior to issuance of any permits or approval of any plans, 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) and the proposed downstream sewer system to the Sewer System Point of Connection. 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 Tract Map design and construction shall conform to the approved SSAMP and any revisions shall require the SSAMP to be updated and to be submitted to OMUC for review and approval. The submitted SSAMP shall be revised to reflect proposed sewer design and submitted to OMUC for review and approval.

**D. WATER**

- 2.27 A 12 to 24-inch water main is available for connection by this project in Archibald Avenue (Ref: Water plan bar code: W13387-W13415).
- 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. Backflow prevention devices shall be required for all on-site fire systems, recycled water connections, and irrigation systems.
  - b. Install a Master Plan 24-inch 925PZ potable water main in Eucalyptus Avenue connecting from the existing 24-inch 925 PZ main in Archibald Avenue and extending in Eucalyptus Avenue to the east side of Cucamonga Channel.
  - c. Install a 12-inch 925' PZ potable water main in Street "O", connecting to the 24-inch 925' PZ potable water main in Eucalyptus Avenue and extending south to Street "T".
  - d. Install 8-inch 925' PZ potable water mains throughout Tract Map streets with a point of connection to the existing 12-inch 925PZ potable water main in Archibald Avenue at Parkview Street and another point of connection to the 24-inch 925 PZ potable water main in Eucalyptus Avenue. This shall include 8-inch 925PZ mains in: Parkview Street from Archibald to Street "P"; Street "P" from Street "Q" to Street "M"; and in Street "M" from Street "P" to Street "J". See TTM18929/TTM18930 Utilities System Map, dated 07/30/2018.

**E. RECYCLED WATER**

- 2.30 A 16-inch recycled water main is available for connection by this project in Archibald Avenue. (Ref: Recycled Water plan bar code: P10134-P10161)
- 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: 
  - a. Install in Eucalyptus Avenue a master plan 16-inch 930PZ recycled water main connecting from the 16-inch 930 PZ main in Archibald Avenue and running west in



- Eucalyptus Avenue to connect to the existing IEUA 30-inch 930PZ main in Carpenter Avenue.
- b. The developer shall design and construct a recycled water main in Parkview Street from Archibald Avenue to "P" Street.
  - c. 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.

#### 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) If, at the time of construction, Tract Map 18930 has not been constructed, the applicant/developer shall be responsible to design and construct the following improvements in order to guarantee adequate vehicular and pedestrian circulation: 
    - Parkview Street from Archibald Avenue to P Street, including:
      - i. Curb, gutter and sidewalk on the north side of the street; and,
      - ii. Curb and gutter on the south side of the street.
    - P Street from Parkview Street to M Street, including:
      - i. Curb, gutter and sidewalk on the west side of the street; and,
      - ii. Curb and gutter on the east side of the street.
    - M Street from P Street to J Street, including:
      - i. Curb, gutter and sidewalk on the north side of the street; and,
      - ii. Curb and gutter on the south side of the street.
  - b) Design/Construct a Class II bikeway on the south side of the Eucalyptus Avenue street section.
  - c) The applicant/developer shall be responsible to design and construct the Cucamonga Channel Trail within the flood control right-of-way as required by the City of Ontario Streetscape Master Plan along the project frontage.
  - d) The applicant/developer shall be responsible to design and install a bus turn out on the west side of Archibald Avenue at Eucalyptus Avenue for southbound traffic. The bus turnout shall be located on the departure side of Eucalyptus Avenue and in accordance with Omnitrans' Bus Stop Design Guidelines.
  - e) The applicant/developer shall be responsible to design and construct (or modify) the following traffic signals:
    - 1. Archibald Avenue and Parkview Street (1/4 Mile DIF)
    - 2. "O" Street and Eucalyptus Avenue (1/4 Mile DIF)
  - f) 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.
  - g) The applicant/developer shall design and construct all in-tract streets in accordance with City of Ontario Standard Drawing No. 1051, 36-foot Local Street Section. All street improvements will include concrete curb and gutter, signing and striping, parkway landscaping, and concrete sidewalks.
  - h) All tracts or tract phases shall be provided with two points of access. Access to the backbone network (i.e. Archibald or Eucalyptus) will be allowed at locations approved in the Specific Plan only.
  - i) The applicant/developer shall design and construct all public street improvements in accordance with City of Ontario Standard Drawings and to the satisfaction of the City Engineer.
  - j) The applicant/developer, shall design and construct the ultimate half-street



- improvements along Archibald Avenue (from Eucalyptus Avenue to the project's southerly boundary) and Eucalyptus Avenue (from the Cucamonga Channel to Archibald Avenue). Circulation lane improvements are eligible for DIF credits. Last lane improvements shall include concrete curb and gutter, sidewalk, parkway landscaping, landscape buffers, street lighting, fiber optic conduits and pavement transitions.
- k) Archibald Avenue and Eucalyptus Avenue shall be signed "No Stopping Anytime."
  - l) 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.
  - m) The applicant/developer shall obtain all rights-of-way necessary to construct all required improvements.
  - n) The applicant/developer shall be responsible to design and construct street improvements in-tract and along property frontages in accordance with conditions issued by City's Land Development Division. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
  - o) All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
  - p) Design/Construct 2/3 of the Eucalyptus Avenue Bridge (full south half and 1 westbound lane) or exercise the options specified in the development agreement.

**G. DRAINAGE / HYDROLOGY**

- 2.38 A 78-inch storm drain main is available in Archibald Avenue to accept flows from Eucalyptus Avenue. (Ref: Storm Drain plan bar code: D11904-D11929)
- 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. The developer shall design and construct all master-planned storm drain improvements in Eucalyptus Avenue unless constructed by others. This includes the following:
    - i. Storm drain main and laterals for the future development on the north side of Eucalyptus Avenue, which connects to the Cucamonga Channel.
    - ii. Storm drain main and laterals for Eucalyptus Avenue storm flows to be conveyed to the existing 78-inch main on Archibald Avenue.
  - b. The developer shall design and construct all master-planned storm drain improvements in Merrill Avenue from Archibald Avenue to the approved point of connection to the Cucamonga Channel. The developer is required to obtain all necessary public utility easements on TTM 18930 to accommodate the proposed improvements to this point of connection.
  - c. The developer shall design and construct storm drain improvements in the interior streets as shown on the development agreement exhibits to serve this development.



**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 Eucalyptus Avenue and interior streets 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 on Archibald Avenue.**
- 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 **Follow the TTM18929 & TTM18930 Solid Waste Handling Plan dated 07/17/2018. Any deviation from this plan shall require the SWHP to be updated and resubmitted to OMUC for review and approval.**



**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.).
- 2.34 Other conditions:
  - a. Successfully pass water system start-up and cross-connection tests.
  - b. Provide evidence demonstrating training of the on-site supervisor or designee as specified in the Recycled Water Engineering Report.



**EXHIBIT 'A'**  
**ENGINEERING DEPARTMENT**  
**First Plan Check Submittal Checklist**

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Project Number: Tract Map No. 18929

**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: One (1) Copy of Sewer Sizing and Design Calculations (SSAMP)**



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: June 07, 2018

REVISION NO. 3

SUBJECT: FILE #: PMTT13-016

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, June 21, 2018**.

**PROJECT DESCRIPTION:** A Tentative Tract Map to subdivide 51.21 acres of the land into 207 single-family lots and 11 lettered lots, located at the southwest corner of Archibald Avenue and Eucalyptus Avenue, within Planning Area 1 of the Subarea 29 Specific Plan (APN: 218-271-19).

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

- No comments
- See previous report for Conditions
- Report attached (1 copy and email 1 copy)
- Standard Conditions of Approval apply

The plan does not adequately address the departmental concerns.

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

Landscape Planning Carolyn Bell Sr. Landscape Architect  
Department Signature Title Date 7/10/18

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

**DAB CONDITIONS OF APPROVAL**

**Sign Off**

*Carolyn Bell*  
 Carolyn Bell, Sr. Landscape Planner

7/10/18  
 Date

Reviewer's Name: **Carolyn Bell, Sr. Landscape Planner** Phone: **(909) 395-2237**

D.A.B. File No.: **PMTT13-017** Related Files: Case Planner: **Henry Noh**

Project Name and Location:  
 Subarea 29 Park Place Planning Area 1, TM 18929  
 SWC Archibald and Eucalyptus Ave

Applicant/Representative:  
 IBI Group  
 184 Von Karman Ave Ste 101  
 Irvine, CA 92612

- A Tentative Tract Map (dated 6/7/18) has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.**
- A Tentative Tract Map ( ) has not been approved. Corrections noted below are required prior to DAB approval.**

1. D-4 Correct Cucamonga creek channel section show a new 12' asphalt maintenance road/ Pedestrian Paseo Walkway/ Bike path adjacent to the channel fence and show path connecting to Eucalyptus. Show missing slopes on section that appear on topo/ site plans.
2. C-4 Correct Eucalyptus section and show the 7' parkway, 5' concrete sidewalk with an 8' DG multipurpose trail adjacent instead of 13' all concrete.
3. Note: transformers shall be located in planter areas, and set back min 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Locate on level grade; backflow devices shall be located in planter areas, and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
4. Provide a utility clear space 8' wide in parkways 30' apart for street trees. Move water meters, drain lines sewer lines, etc. to the minimum spacing to allow space for street trees. Light standards shall be 15' away from required tree locations.
5. Show AC units located in residential side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side added for access.
6. Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division prior to installation.
7. Note: approx. 70' wide open clear space from channel fence (no trees over 4" diameter at 4.5' high), remaining space for trees 5-10' from PL wall narrow, upright 40' high x 20' wide.
8. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Typical fees are:

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

Email electronic sets to: [landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)

# AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT13-016 & PMTT13-017

Address: Southwest corner of Archibald Ave & Eucalyptus Avenue

APN: 218-271-19

Existing Land Use: Vacant

Proposed Land Use: A TTM to subdivide 51.21 acres into 207 numbered lots and 11 lettered lots & 53.05 acres into 225 numbered lots and 20 lettered lots for single family residential homes

Site Acreage: 104.26 Proposed Structure Height: N/A

ONT-IAC Project Review: No

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Henry Noh

Date: 4/16/18

CD No.: 2018-024

PALU No.:

## 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: 110 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 was evaluated and found to be consistent with the policies and criteria as established by the California Airport Land Use Planning Handbook for Chino Airport provide the following conditions are met. See Attached.

Airport Planner Signature: *Lorena Mejia*

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2018-024

PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

1. PMTT13-016 Real Estate Disclosure Required as provided below:

a. 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

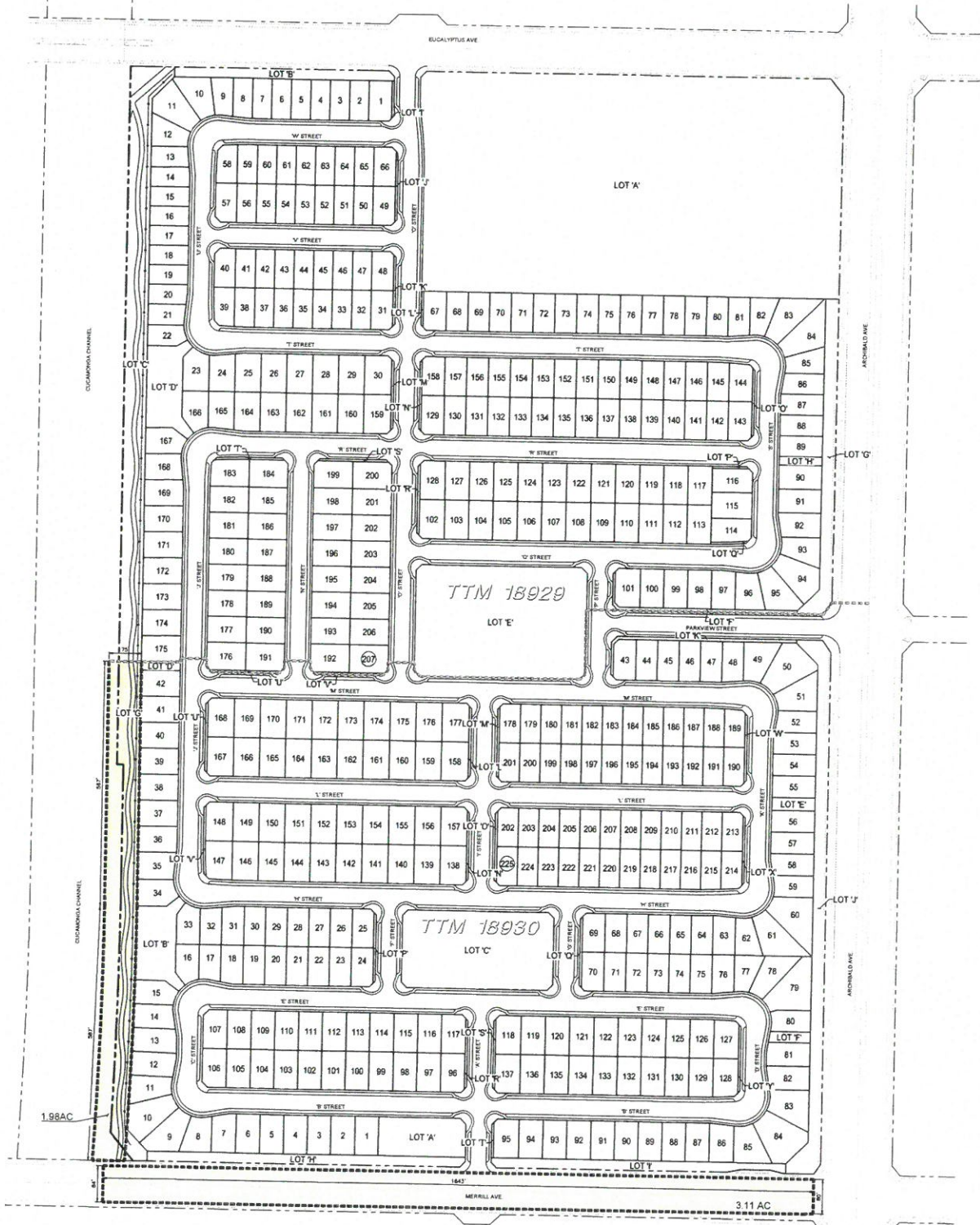
This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual 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.

2. PMTT13-017 Recorded Overflight Required as provided below:

a. New Residential land uses within the Chino Airport Influence Area are required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

**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.

b. The areas identified for Open Land shall be clear of structures and major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires. Small trees and shrubs that exceed 4 feet in height and/or thickness of 4 inches may be allowed along the edge of Open Land areas where the area abuts a wall or similar feature, provided that they are planted within 4 feet of the wall. (See Attached Open Land Area Map for PMTT13-017).



AIRPORT LAND USE COMPATIBILITY ZONE "D" OPEN SPACE

TRACT TTM 18930 GROSS ACREAGE	49.45	ACRES
OPEN LAND REQUIRED (100%)	4.80	ACRES
OPEN LAND PROVIDED	5.08	ACRES

**LEGEND**

- INDICATES ZONE "D" OPEN SPACE MIN. 75'X300' (NO STRUCTURES, POLES OR TREES OVER 4" DIA.)
- 0.150 AC. ACREAGE
- TRACT BOUNDARY



AIRPORT LAND USE EXHIBIT  
KETCHIKAN  
ONTARIO, CA

**IBI** GROUP  
18401 Van Damme Avenue - Suite 119  
Irvine, CA 92612 USA  
Tel: 949.833.5000 Fax: 949.833.5511  
ibi@ibi.com



# 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 Ehman, 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: March 15, 2018

SUBJECT: FILE #: PMTT13-016

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, March 29, 2018**.

**PROJECT DESCRIPTION:** A Tentative Tract Map to subdivide 51.21 acres of the land into 207 single-family lots and 11 lettered lots, located at the southwest corner of Archibald Avenue and Eucalyptus Avenue, within Planning Area 1 of the Subarea 29 Specific Plan (APN: 218-271-19).

- 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.

Police  
Department

Douglas Sorel  
Signature

MANAGEMENT ANALYST  
Title

4-19-18  
Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Rudy Zeledon  
Planning Department

**FROM:** Lora L. Gearhart, Plan Checker – Fire  
Bureau of Fire Prevention

**DATE:** January 13, 2014

**SUBJECT:** PMTT13-016 – A TENTATIVE TRACT MAP TO SUBDIVIDE 51.21 ACRES OF THE LAND INTO 207 SINGLE-FAMILY LOTS AND 11 LETTERED LOTS, LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREA 1 OF THE SUBAREA 29 SPECIFIC PLAN (APN: 218-271-19).

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

No comments

Report below.

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### CONDITIONS OF APPROVAL:

1. The required fire flow for this tract is 1,500 g.p.m. x 2 hours. Fire flow calculations are approximations only. Final determination and plotted by Engineering and Fire Departments per established standard criterion.
2. Fire hydrant locations and appropriate main sizes will be determined and plotted by Engineering and Fire Departments pre-established standard criterion.
3. The water supply, including mains and hydrants, shall be acceptably tested and approved by the Engineering and Fire Department **PRIOR** to the framing stage of construction to assure availability and reliability for fire fighting purposes.
4. Access roadways providing for an all weather driving surface not less than 20' unobstructed width, capable of supporting the imposed loads of fire apparatus to within 150' of all



structures, is required **PRIOR** to the framing stages of construction. This access is required to be maintained in an unobstructed manner throughout construction.

5. 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.
6. Approved numbers or addresses shall be placed on all new in such a position as to be plainly visible and legible from the street or road fronting the property and comply with the Section 9-1.3280 Street Naming and Street Address Numbering of the Ontario Municipal Code and Ontario Fire Department Standards #H-002.
7. All dwellings shall be equipped with a residential fire sprinkler system.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us), click on Fire Department and then on forms.



# PLANNING COMMISSION STAFF REPORT

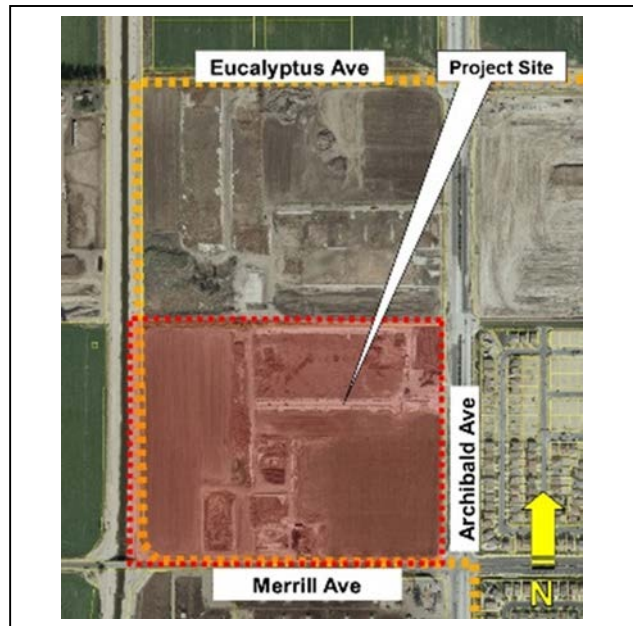
August 28, 2018

**SUBJECT:** A Tentative Tract Map (File No. PMTT13-017/TT 18930) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots for public streets, pocket park and landscape neighborhood edges, for property located at the northwest corner of Archibald Avenue and Merrill Avenue, within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan. (APNs: 0218-271-19) **submitted by Richland Communities.**

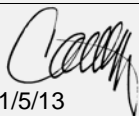
**PROPERTY OWNER:** Richland Communities

**RECOMMENDED ACTION:** That the Planning Commission approve File No. PMTT13-017, 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 49.45 acres of land located at the northwest corner of Archibald Avenue and Merrill Avenue, within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan, and is depicted in Figure 1: Project Location, below. The project site gently slopes from north to south and is currently vacant. The property to the north of the project site is within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan and is currently vacant. The property to the east is within the Conventional Medium Lot Residential District of Planning Area 4 and the Conventional Small Lot Residential District of Planning Area 5 of the Subarea 29 Specific Plan and is developed with single-family residential uses. The property to the south is within the Business Park District of Planning Area 1 and the Industrial District of Planning Area 2 of the Colony Commerce



**Figure 1: Project Location**

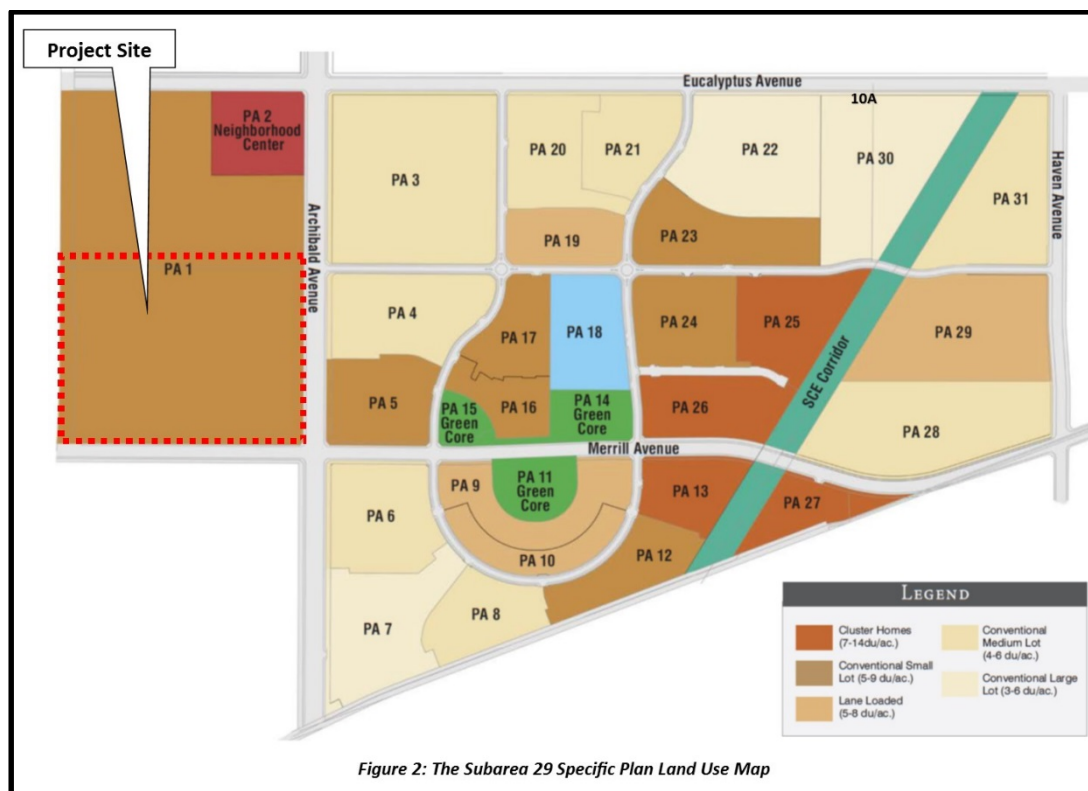
Case Planner:	Henry K. Noh	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	8/20/18	Approve	Recommend
Submittal Date:	11/5/13	ZA			
Hearing Deadline:	N/A	PC	8/28/18		Final
		CC			

Center East Specific Plan and is currently vacant. The property to the west is the Cucamonga Creek Channel.

### PROJECT ANALYSIS:

[1] Background — The Subarea 29 Specific Plan and Environmental Impact Report (EIR) were approved by the City Council on October 17, 2006. The Subarea 29 Specific Plan established the land use designations, development standards, and design guidelines for 540 gross acres of land, which included the potential development of 2,293 single-family units and 87,000 square feet of commercial.

On August 19, 2013, the Planning Commission approved Tentative Tract Map 18913 (referred to as an “A” Map) for the first phase of the Park Place Community within the Subarea 29 Specific Plan, which facilitated the backbone infrastructure improvements and the creation of park/recreational facilities and residential neighborhoods within the southwestern portion of Subarea 29 Specific Plan (**Figure 2: Subarea 29 Specific Plan Land Use Map**).



The Applicant, Richland Communities, has submitted a Tentative Tract Map (File No. PMTT13-017/TPM 18930) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots. On August 20, 2018, the Development Advisory Board recommended approval of the application to the Planning Commission. The Development

Plan for the proposed single-family conventional residential product will be brought before the Planning Commission at a future date.

[1] Tract Map Subdivision — The proposed Tentative Tract Map (File No. PMTT13-017/TT 18930) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots for public streets, pocket park and landscape neighborhood edges, for property located at the northwest corner of Archibald Avenue and Merrill Avenue. The proposed project will provide for single-family conventional homes as required for Planning Area 1 of the Subarea 29 Specific Plan (**See Exhibit A: Tentative Tract Map 18930**). The residential lots range in size from 4,157 to 9,420 square feet, which exceeds the Specific Plan's minimum lot requirement of 3,600 square feet (Conventional Small Lot: Cottage Homes).

[2] Site Access/Circulation — The project will have direct access from Archibald Avenue to the east and Merrill Avenue to the south. The project will be required to construct Merrill Avenue to center line (42 feet), plus an additional 21-foot lane and 5-foot paved shoulder. The Merrill Avenue street improvements will also include a 23-foot neighborhood edge, 13-foot multi-purpose trail and a 12-foot parkway. Archibald Avenue is currently improved along the project frontage with a 5-foot paved shoulder and a 21-foot wide lane that provides for two south bound lanes of traffic. The eastern portion of Archibald Avenue is improved with a 26-foot wide raised median, a 42-foot wide paved street (3 north bound lanes), a 12-foot wide parkway and a 23-foot wide landscape neighborhood edge that includes a 13-foot wide multi-purpose trail. The project will be required to complete the remaining street improvements along the projects Archibald Avenue frontage that will include an additional 24-foot wide lane, 20-foot wide parkway and a 30-foot wide neighborhood edge. The Tentative Tract Map will also construct the interior tract streets that will provide access to the future residential development.

[3] Open Space — The Tentative Tract Map will facilitate the construction of a neighborhood park, sidewalks, parkways, and open space areas within the tract (**See Exhibit B: Conceptual Site Plan**). TOP Policy PR1-1 requires new developments to provide a minimum of 2 acres of private park per 1,000 residents. The proposed project is required to provide a 1.72 acre park to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing 2.24 acres of pocket parks that are strategically located within the development to provide future residents a variety of park options within walking distance.

**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 Ontario Ranch

[2] Vision.

**Distinctive Development:**

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

[3] Governance.

**Decision Making:**

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

[4] Policy Plan (General Plan)

**Land Use Element:**

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
  - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of

choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).

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

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

### **Housing Element:**

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

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

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

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

### **Community Economics Element:**

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

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

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

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

- CE2-2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique,

functional and sustainable places that will compete well with their competition within the region.

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

### **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.

➤ CD2-2 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.

➤ CD2-13 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 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.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units 225 (432 total dwelling units within Planning Area 1) and density (4.5 DU/AC) specified within the Subarea 29 Specific Plan. Per the Available Land Inventory, the Subarea 29 Specific Plan is required to provide 2,293 dwelling units with a density range of 4-8 DU/AC.

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The project site is located within the Airport Influence Area of the Ontario International Airport (ONT), and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. 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 previously reviewed in the Subarea 29 Specific Plan (File No. PSP03-003) EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference.

**CONDITIONS OF APPROVAL:** See attached department reports.



**TECHNICAL APPENDIX:**

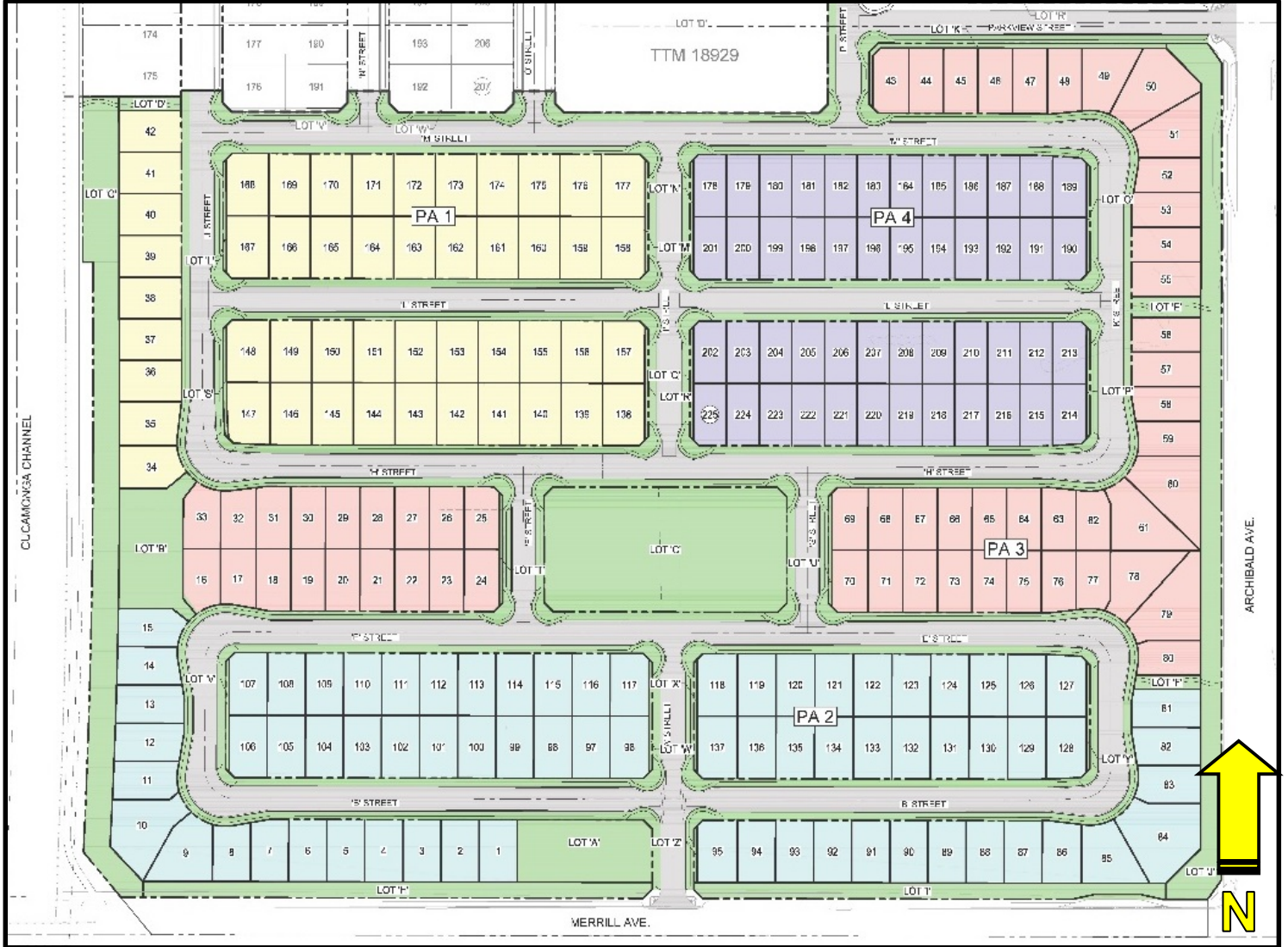
**Surrounding Zoning and Land Use:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Low Density Residential	Subarea 29 Specific Plan	Planning Area 1 (Conventional Small Lot)
<i>North</i>	Vacant	Low Density Residential	Subarea 29 Specific Plan	Planning Area 1 (Conventional Small Lot)
<i>South</i>	Vacant	Low Density Residential	Colony Commerce Center East Specific Plan	PA 1 (Business Park) & PA 2 (Industrial)
<i>East</i>	Single-Family Residential	Low Density Residential	Subarea 29 Specific Plan	Planning Area 4 (Conventional Medium Lot) & Planning Area 5 (Conventional Small Lot)
<i>West</i>	Cucamonga Creek Channel	Open Space-Non Recreation	N/A	N/A

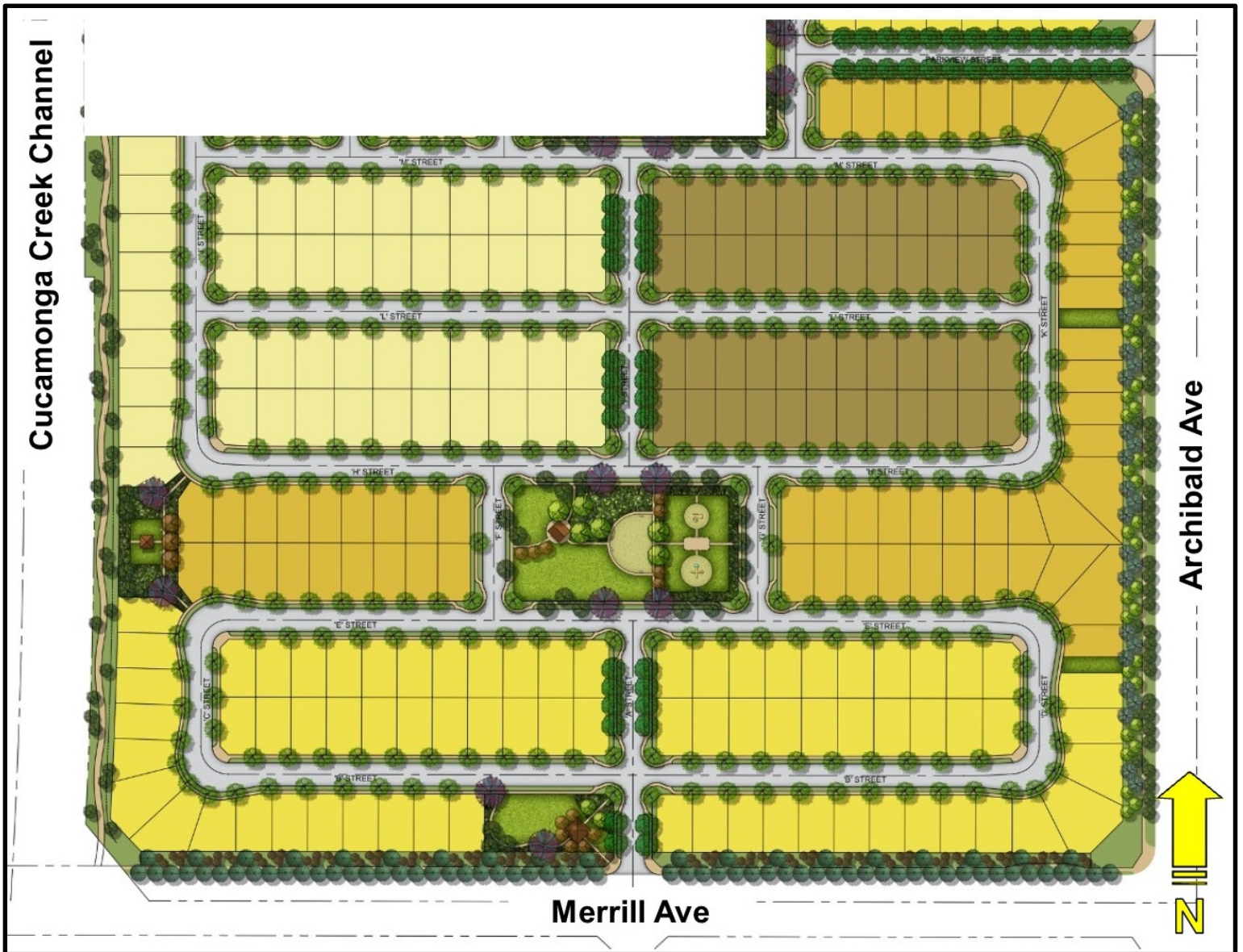
**Tentative Tract Map Summary:**

<i>Item</i>	<i>TT18930</i>
<i>Total Area Gross (AC)</i>	49.45
<i>Total Area Net (AC)</i>	44.74
<i>Min. Lot Size (Sq. Ft.)</i>	4,157 SF
<i>Max. Lot Size (Sq. Ft.)</i>	9,420 SF
<i>No. of Numbered Lots/Units</i>	225
<i>No. of Lettered Lots</i>	26
<i>Gross Density (du/gross ac)</i>	4.55 DU/AC

**Exhibit A: Tentative Tract Map 18930**



**Exhibit B: Conceptual Site Plan**



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT13-017/TT 18930, A TENTATIVE TRACT MAP TO SUBDIVIDE 49.45 ACRES OF LAND INTO 225 RESIDENTIAL NUMBERED LOTS AND 26 LETTERED LOTS FOR PUBLIC STREETS, POCKET PARKS AND LANDSCAPE NEIGHBORHOOD EDGES, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ARCHIBALD AVENUE AND MERRILL AVENUE, WITHIN THE CONVENTIONAL SMALL LOT RESIDENTIAL DISTRICT OF PLANNING AREA 1 OF THE SUBAREA 29 SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-271-19.

WHEREAS, Richland Communities ("Applicant") has filed an Application for the approval of a Tentative Tract Map, File No. PMTT13-017/TT 18930, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 49.45 acres of land located at the northwest corner of Archibald Avenue and Merrill Avenue, within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan, and is vacant; and

WHEREAS, the property to the north of the project site is within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan and is currently vacant. The property to the east is within the Conventional Medium Lot Residential District of Planning Area 4 and the Conventional Small Lot Residential District of Planning Area 5 of the Subarea 29 Specific Plan and is developed with single-family residential uses. The property to the south is within the Business Park District of Planning Area 1 and the Industrial District of Planning Area 2 of the Colony Commerce Center East Specific Plan and is currently vacant. The property to the west is the Cucamonga Creek Channel; and

WHEREAS, the Tentative Tract Map proposed is in compliance with the requirements of the Subarea 29 Specific Plan and is sufficient in size to facilitate and implement the traditional planning concepts for the "Residential Neighborhood" within the Specific Plan; and

WHEREAS, the proposed Tentative Tract Map is located within Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan, which establishes a minimum lot size of 3,600 square feet for the conventional single-family residential product and a development capacity of 432 dwelling units; and

WHEREAS, the proposed Tentative Tract Map will subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots for public streets, pocket park and landscape neighborhood edges. The residential lots range in size from 4,157 to 9,420 square feet, which exceeds the Specific Plan's minimum lot requirement of 3,600 square feet (Conventional Small Lot: Cottage Homes). The Tentative Tract Map is consistent with the Subarea 29 Specific Plan; 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 is required to provide a 1.72 acre park to meet the minimum TOP private park requirement. To satisfy the park requirement, the applicant is constructing 2.24 acres of pocket parks that are strategically located within the development to provide future residents a variety of park options within walking distance; and

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

WHEREAS, the environmental impacts of this project were previously reviewed in, the Subarea 29 Specific Plan (File No. PSP03-003) EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This Application introduces no new significant environmental impacts. All previously adopted mitigation measures are be a condition of project approval and are incorporated herein by reference; and

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

WHEREAS, 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 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; 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 August 20, 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. DAB18-049, recommending the Planning Commission approve the Application; and

WHEREAS, on August 28, 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 previously reviewed in the Subarea 29 Specific Plan (File No. File No. PSP03-003) EIR (SCH# 2004011009) certified by the City Council on October 17, 2006; and

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

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

(4) The previous Certified EIR reflects the independent judgment of the 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. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (432) and density (5.2 DU/AC) specified within the Subarea 29 Specific Plan. Per the Available Land Inventory, the Subarea 29 Specific Plan is required to provide 2,293 dwelling units with a density range of 4-8 DU/AC.

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

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

(1) ***The proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Tract Map is located within the Low Density Residential land use districts of the Policy Plan Land Use Map, and within Planning Area 1 (Conventional Small Lot) district of the Subarea 29



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).

(2) ***The design or improvement of the proposed Tentative Tract/Parcel Map is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable specific plans and planned unit developments.*** The proposed Tentative Tract Map is located within the Low Density Residential land use district of the Policy Plan Land Use Map, and within Planning Area 1 (Conventional Small Lot) district of the Subarea 29 Specific Plan. The proposed design or improvement of the subdivision is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, as the project will contribute to providing “[a] high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct” (Goal CD2). Furthermore, the project will promote the City’s policy to “create distinct residential neighborhoods that are functional, have a sense of community, emphasize livability and social interaction, and are uniquely identifiable places through such elements as:

- A pattern of smaller, walkable blocks that promote access, activity and safety;
- Variable setbacks and parcel sizes to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable fire protection and traffic flows;
  - Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the “outdoor living room”), as appropriate; and
  - Landscaped parkways, with sidewalks separated from the curb.” (Policy CD2-2 *Neighborhood Design*).

(3) ***The site is physically suitable for the type of development proposed.*** The project site meets the minimum lot area and dimensions of the Planning Area 1 (Conventional Small Lot) district of the Subarea 29 Specific Plan, and is physically suitable for the type of residential and commercial developments proposed in terms of zoning, land use and development activity proposed, and existing 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 4.55 DUs/acre. The project site meets the minimum lot area and dimensions of

Planning Area 1 (Conventional Small Lot) district of the Subarea 29 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 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.

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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 28<sup>th</sup> day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Jim Willoughby  
Planning Commission Vice-Chairman

ATTEST:

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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 August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PMTT13-017/TT 18930  
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:** August 20, 2018  
**FILE NO.:** PMTT13-017/TT 18930

**DESCRIPTION:** A Tentative Tract Map (File No. PMTT13-017/TT 18930) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots for public streets, pocket parks and landscape neighborhood edges, for property located at the northwest corner of Archibald Avenue and Merrill Avenue, within the Conventional Small Lot Residential district of Planning Area 1 of the Subarea 29 Specific Plan. (APNs: 0218-271-19) **submitted by Richland Communities.**

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

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

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

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

**2.1** Time Limits.

(a) Tentative Tract Map approval shall become null and void 2 years following the effective date of application approval, unless the final tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

**2.2** Subdivision Map.

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

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

(c) 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** 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&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.

**2.4** Disclosure Statements.

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

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

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

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

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

**2.5** Environmental Review.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. PSP03-003, the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. 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.

**2.6** 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 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.

**2.7** 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.

**2.8** Additional Requirements.

(a) All applicable conditions of approval of Development Agreement (File No. PDA18-001) shall apply to this tract.

(b) All applicable conditions of approval of the Subarea 29 Specific Plan shall apply to this tract.

(c) Off-Site Subdivision Signs.

The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program uses uniform sign structures and individual identification and directional signs for residential development. **No other off-site signing is authorized.** (For additional information, contact the Baldy View Chapter BIA at (909) 945-1884.



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

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

(f) Dairy Separation Requirement for Residential Development.

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

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

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

(h) Prior to the issuance of the 112<sup>th</sup> home certificate of occupancy within TT 18930, the Open Space Lots (Lots A and B) and the Neighborhood Park (Lot C) shall be fully constructed.



## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company  
Information Technology and Management Services Department conditions incorporated herein)

<input type="checkbox"/> DEVELOPMENT PLAN <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input checked="" type="checkbox"/> TRACT MAP
<b>PROJECT FILE NO. <u>TTM 18930</u></b>		
<b>RELATED FILE NO(S). _____</b>		
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 8/23/18		

CITY PROJECT ENGINEER & PHONE NO:  
CITY PROJECT PLANNER & PHONE NO:

Jesus Plasencia, 909-395-2128  
Henry Noh, 909-395-2429

DAB MEETING DATE:

August 20, 2018

PROJECT NAME / DESCRIPTION:

TM-18930, a Tentative Parcel Map to  
subdivide 53.05 acres of land into  
225 single family lots and 20  
lettered lots within PA1 of the  
Subarea 29 Specific Plan


LOCATION:

Northwest corner of Eucalyptus  
Avenue and Merrill Avenue


APPLICANT:

Richland Communities

REVIEWED BY:

  
Bryan Lirley, P.E.    Date 8/23/18  
Principal Engineer

APPROVED BY:

  
Khoi Do, P.E.    Date 8/23/18  
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 APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.

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

- 1.01 Dedicate to the City of Ontario, the right-of-way in fee simple, described below: 
  - a. Archibald Avenue to the ultimate ½ width of right-of-way of 85 feet from centerline (CL) west along the tract frontage.
  - b. Merrill Avenue to the ultimate ½ width of right-of-way of 54 feet from centerline (CL) north along the tract frontage.
  - c. Parkview Street to the ultimate full width of right of way of 60 feet.
  - d. Interior streets to the ultimate full width of right of way of 60 feet.
  - e. Lettered lots H, I, and J for the Neighborhood Edge.
  - f. Corner cut-offs throughout the tract.
  
- 1.02 Dedicate to the City of Ontario, the following easement(s): 
  - a. Public utility easement across lettered lot C.
  - b. Public access easements across lettered lots D, E and F.
  - c. Any City of Ontario utilities that will not be installed within the public right-of-way, shall be installed within a Public Utility Easement (PUE) and shall comply with the following requirements:
    - The PUE shall be a minimum of 20 ft. wide, centered on the utility contained within it.
    - The PUE shall not contain any storm water infiltration measures, landscaping with thick or intrusive root structures, or any permanent structures.
    - The PUE surface shall be designed to allow access to the full length of the utility main by a City maintenance vehicle.
  
- 1.03 Restrict vehicular access to the site as follows: Only approved access points per the approved Subarea 29 Specific Plan.
  
- 1.04 Vacate the following street(s) and/or easement(s): \_\_\_\_\_
  
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.
  
- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards. A Solid Waste Handling Plan shall be included in the CC&R's with a provision that the HOA will enforce the can collection placement requirements of this Plan.



- 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](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](http://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. Maintenance responsibilities for public improvements/facilities shall be consistent with Table 3 in Section 6 of the Subarea 29 Specific Plan.
  - b. The developer shall obtain all right of way necessary to construct the required public improvements identified in Section 2.20.



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

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

- 2.01 Record Tract Map No. 18930 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 will be a recognized parcel in the City of Ontario upon recordation of the final map.
- 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](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: California Department of Public Health**



- 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. Storm Drain Development Impact Fee 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	Archibald Avenue	Merrill Avenue	Park View Street	Interior Streets
Curb and Gutter	<input checked="" type="checkbox"/> New; 65 ft. from C/L west <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 42 ft. from C/L north <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 checked="" type="checkbox"/> New; 18 ft. from C/L on both sides <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 63-ft from C/L west, including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 40-ft from C/L north, including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New 16-ft on both sides, including pavement transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New 16-ft on both sides, including pavement transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input checked="" 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 checked="" type="checkbox"/> New (5-ft) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (13-ft) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (5-ft) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (5-ft) <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 / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation



Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" 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
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input 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 type="checkbox"/> Main <input 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
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Modify Existing at Merrill</b>	<input checked="" type="checkbox"/> <b>New at "A" Street</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> <b>New / Upgrade</b> <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New / Upgrade</b> <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New / Upgrade</b> <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New / Upgrade</b> <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>New</b> <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 checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Lateral</b>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Lateral</b>
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>
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 checked="" type="checkbox"/> <b>Underground</b> <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	<input checked="" type="checkbox"/> <b>Merrill Avenue Bridge N/S Widening at Cucamonga Bridge</b>	_____	_____

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

- The developer shall construct all required improvements and public utilities beyond the tract boundaries to serve the tract and shall obtain additional right of way for these improvements.
- The developer shall construct sewer improvements as specified in Section 2.C. Sewer improvements at the intersection of Merrill and Archibald Avenues will require removal and replacement of existing concrete panels in accordance with City standards.





- 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). This includes overhead utilities adjacent to the Cucamonga Channel.**
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 **The IEUA Eastern Trunk Sewer main is available for connection by this project in Archibald Avenue.**
- 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. **The developer shall design and construct sewer main improvements in the interior streets as shown on the development agreement exhibits to serve this development.**
  - b. **The proposed sewer point of connection for this Tract map is in Archibald Avenue at Merrill Avenue. The proposed sewer connection requires approval of a new sewer Regional Connection from the Inland Empire Utilities Agency (IEUA). The applicant must satisfy the following requirements for the proposed Sewer System Point of Connection:**
    - i. **Regional Connection Approval:** The applicant shall submit a written request letter to the City for a new Regional Sewer Connection. The request letter shall include: an exhibit that shows the tributary area of the Regional Connection; the proposed sewer system main connection through the proposed Regional Connection; IEUA record drawing number, station number and manhole number or the connection point; and a plan and profile detail of the manhole connection and any modification proposed to the manhole. Once received from the applicant, the City will request the new Regional Connection from IEUA. If approved by IEUA, the applicant shall be responsible for meeting all terms, conditions, standards, and requirements IEUA has for the Regional Connection.
    - ii. **Sewer System Connection:** Consistent with the SSAMP, sewer main shall be installed in Merrill Avenue from Street "A" easterly to connect with the IEUA Regional Sewer in Archibald Avenue.
    - iii. **Additional Sewer Tributary Area Flow:** The Sewer System shall be designed to accept flows from the parcel to the north (APN 218-281-19 TTM18929) at Street "J", Street "N", and Street "O". If TTM18929 develops prior to this Tract Map, the applicant shall provide public utility easements or public right-of-way for the sewer mains to sewer TTM18929 and this Tract Map.
  - c. **Prior to issuance of any permits or approval of any plans, 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) and the proposed downstream sewer system to the Sewer System Point of Connection. 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 Tract Map design and construction shall conform to the approved SSAMP and any revisions shall require the SSAMP to be updated and to be submitted to OMUC for review and approval. The submitted SSAMP shall be revised to reflect proposed sewer design and submitted to OMUC for review and approval.

**D. WATER**

- 2.27 A 12 to 24-inch water main is available for connection by this project in Archibald Avenue (Ref: Water plan bar code: W13387-W13415).
- 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. Backflow prevention devices shall be required for all on-site fire systems, recycled water connections, and irrigation systems.
  - b. Install a Master Plan 12-inch 925PZ potable water main in Merrill Avenue connecting from the existing 12-inch 925 PZ main in Archibald Avenue and extending in Merrill Avenue to the west side of Cucamonga Channel.
  - c. Install an 8-inch 925' PZ potable water mains throughout Tract Map streets with a point of connection to the existing 12-inch 925PZ potable water main in Archibald Avenue at Parkview Street and another point of connection to the 12-inch 925 PZ potable water main in Merrill Avenue. This shall include 8-inch 925PZ mains in: Parkview Street from Archibald to Street "P"; Street "P" from Parkview Street to Street "M"; and in Street "M" from Street "P" to Street "J". See TTM18929/TTM18930 Utilities System Map, dated 07/30/2018.

**E. RECYCLED WATER**

- 2.30 A 12-inch recycled water main is available for connection by this project in Archibald Avenue. (Ref: Recycled Water plan bar code: RW0104-RW0131)
- 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: 
  - a. Install in Merrill Avenue a Master Plan 12-inch 930PZ recycled water main connecting from the existing 12-inch 930 PZ main in Archibald Avenue and running west in Merrill Avenue to Carpenter Avenue.
  - b. The developer shall design and construct a recycled water main in Parkview Street from Archibald Avenue to "P" Street.
  - c. 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.



**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 developer shall widen the northern half of the existing Merrill Avenue bridge to its ultimate width or exercise the two options specified in the development agreement.
  - b. The applicant/developer shall be responsible to design and construct the Cucamonga Channel Trail within the flood control right-of-way as required by the City of Ontario Streetscape Master Plan along the project frontage.
  - c. The applicant/developer shall be responsible to design and install a bus turn out on the west side of Archibald Avenue at Parkview Street for southbound traffic. The bus turnout shall be located on the departure side of Parkview Street and in accordance with Omnitrans' Bus Stop Design Guidelines.
  - d. The applicant/developer shall be responsible to design and construct a bus pad on the north side of Merrill Avenue at Archibald Avenue for westbound traffic. The bus pad shall be in accordance with Omnitrans' Bus Stop Design Guidelines.
  - e. The applicant/developer shall be responsible to design and construct (or modify) the following traffic signals:
    - 1. Archibald Avenue and Parkview Street (1/4 Mile DIF)
    - 2. "A" Street and Merrill Avenue (1/4 Mile NON-DIF)
  - f. 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.
  - g. The applicant/developer shall design and construct all in-tract streets in accordance with City of Ontario Standard Drawing No. 1051, 36-foot Local Street Section. All street improvements will include concrete curb and gutter, signing and striping, parkway landscaping, and concrete sidewalks.
  - h. All tracts or tract phases shall be provided with two points of access. Access to the backbone network (i.e. Archibald or Eucalyptus) will be allowed at locations approved in the Specific Plan only.
  - i. The applicant/developer shall design and construct all public street improvements in accordance with City of Ontario Standard Drawings and to the satisfaction of the City Engineer.
  - j. The applicant/developer, shall design and construct the ultimate half-street improvements along Archibald Avenue and Merrill Avenue. Circulation lane improvements are eligible for DIF credits. Last lane improvements shall include concrete curb and gutter, sidewalk, parkway landscaping, landscape buffers, street lighting, fiber optic conduits and pavement transitions.
  - k. Archibald Avenue and Merrill Avenue shall be signed "No Stopping Anytime."
  - l. 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.
  - m. The applicant/developer shall obtain all rights-of-way necessary to construct all required improvements.
  - n. The applicant/developer shall be responsible to design and construct street improvements in-tract and along property frontages in accordance with conditions issued by City's Land Development Division. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
  - o. 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: 
  - a. **The developer shall design and construct all storm drain improvements in Merrill Avenue to the approved point of connection to the Cucamonga Channel.**
  - b. **The developer shall design and construct storm drain improvements in the interior streets as shown on the development agreement exhibits to serve this development.**

**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 Merrill Avenue and interior streets 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 on Archibald Avenue.
- 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 Follow the TTM18929 & TTM18930 Solid Waste Handling Plan dated 07/17/2018. Any deviation from this plan shall require the SWHP to be updated and resubmitted to OMUC for review and approval.



**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.).
- 3.07 Other conditions: 
  - a. Successfully pass water system start-up and cross-connection tests.
  - b. Provide evidence demonstrating training of the on-site supervisor or designee as specified in the Recycled Water Engineering Report.



**EXHIBIT 'A'**  
**ENGINEERING DEPARTMENT**  
**First Plan Check Submittal Checklist**

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Project Number: Tract Map No. 18930

**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: One (1) Copy of Sewer Sizing and Design Calculations (SSAMP)**



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

**DAB CONDITIONS OF APPROVAL**

**Sign Off**

*Carolyn Bell*  
 Carolyn Bell, Sr. Landscape Planner

7/10/18  
 Date

Reviewer's Name: **Carolyn Bell, Sr. Landscape Planner** Phone: **(909) 395-2237**

D.A.B. File No.: **PMTT13-017** Related Files: Case Planner: **Henry Noh**

Project Name and Location:  
**Subarea 29 Park Place Planning Area 1, TM 18930**  
**NWC Archibald and Merrill Ave**

Applicant/Representative:  
**IBI Group**  
**184 Von Karman Ave Ste 101**  
**Irvine, CA 92612**

- A Tentative Tract Map (dated 6/7/18) has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.**
- A Tentative Tract Map ( ) has not been approved. Corrections noted below are required prior to DAB approval.**

1. D-3 Correct Cucamonga creek channel section show a new 12' asphalt maintenance road/ Pedestrian Paseo Walkway/ Bike path adjacent to the channel fence and show path connecting to Merrill. Show missing slopes on section that appear on topo/ site plans.
2. B-3 Correct Merrill section and show the 7' parkway, 5' concrete sidewalk with an 8' DG multipurpose trail adjacent instead of 13' all concrete.
3. Note: transformers shall be located in planter areas, and set back min 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Locate on level grade; backflow devices shall be located in planter areas, and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
4. Provide a utility clear space 8' wide in parkways 30' apart for street trees. Move water meters, drain lines sewer lines, etc. to the minimum spacing to allow space for street trees. Light standards shall be 15' away from required tree locations.
5. Show AC units located in residential side yards, opposite the main back yard access path with gate, or a second gate and solid surface path on the opposite side added for access.
6. Storm water infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division prior to installation.
7. Note: approx. 70' wide open clear space from channel fence (no trees over 4" diameter at 4.5' high), remaining space for trees 5-10' from PL wall narrow, upright 40' high x 20' wide.
8. After a project's entitlement approval, the applicant shall pay all applicable fees at a rate established by resolution of the City Council. Typical fees are:
  - Plan Check—5 or more acres..... \$2,326.00
  - Inspection—Construction (per phase, up to 3 inspections) ..... \$278.00
  - Inspection—Field - additional..... \$83.00

Once items are complete you may email an electronic set to:  
[landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT13-016 & PMTT13-017

Address: Southwest corner of Archibald Ave & Eucalyptus Avenue

APN: 218-271-19

Existing Land Use: Vacant

Proposed Land Use: A TTM to subdivide 51.21 acres into 207 numbered lots and 11 lettered lots & 53.05 acres into 225 numbered lots and 20 lettered lots for single family residential homes

Site Acreage: 104.26 Proposed Structure Height: N/A

ONT-IAC Project Review: No

Airport Influence Area: ONT

Reviewed By:

Lorena Mejia

Contact Info:

909-395-2276

Project Planner:

Henry Noh

Date: 4/16/18

CD No.: 2018-024

PALU No.:

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

#### Safety

#### Noise Impact

#### Airspace Protection

#### Overflight Notification

Zone 1

75+ dB CNEL

High Terrain Zone

Avigation Easement Dedication

Zone 1A

70 - 75 dB CNEL

FAA Notification Surfaces

Recorded Overflight Notification

Zone 2

65 - 70 dB CNEL

Airspace Obstruction Surfaces

Real Estate Transaction Disclosure

Zone 3

60 - 65 dB CNEL

Airspace Avigation Easement Area

Zone 4

Allowable Height: 200 FT +

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 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 was evaluated and found to be consistent with the policies and criteria as established by the California Airport Land Use Planning Handbook for Chino Airport provide the following conditions are met. See Attached.

Airport Planner Signature: \_\_\_\_\_

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2018-024  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

1. PMTT13-016 Real Estate Disclosure Required as provided below:

a. 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

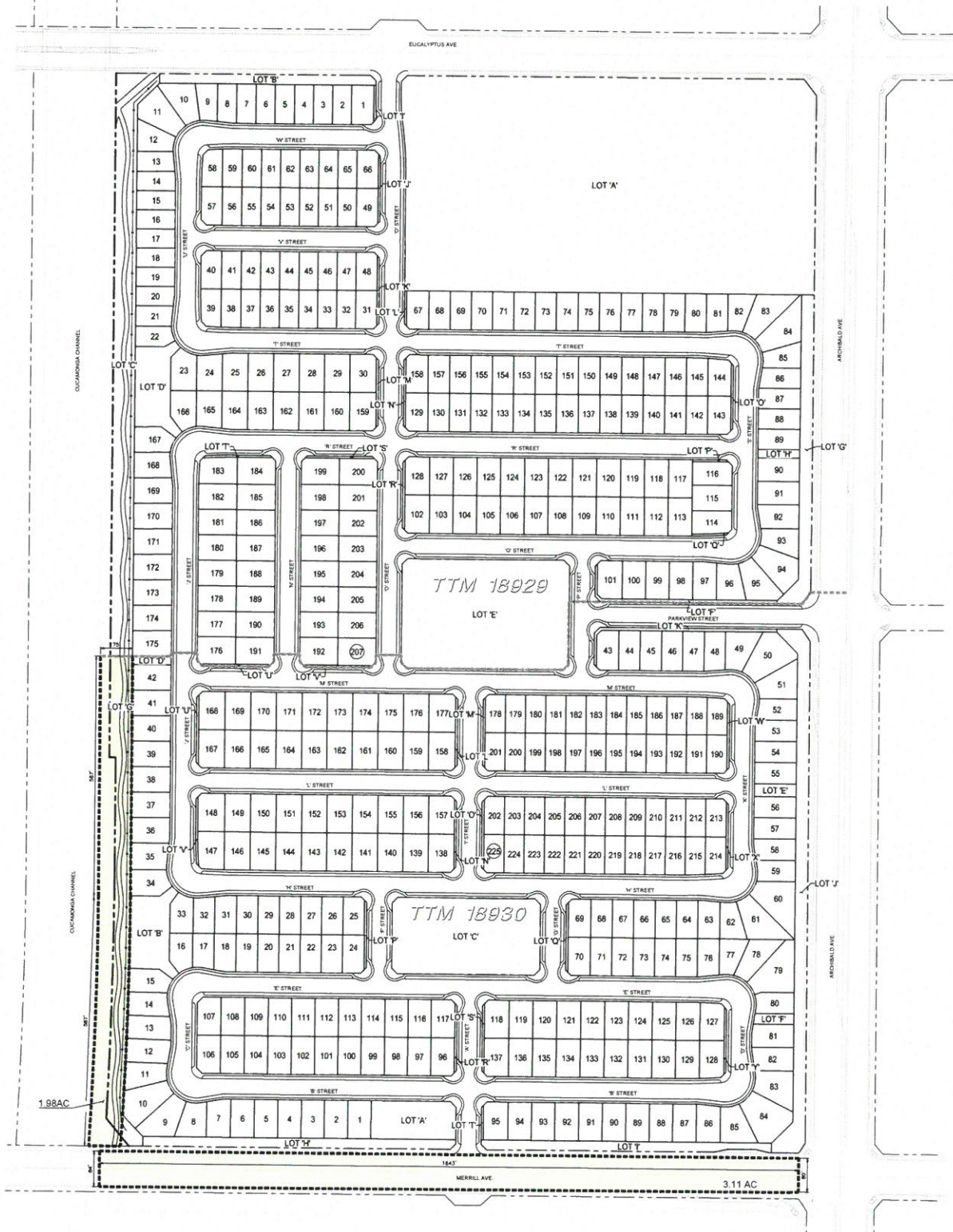
This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual 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.

2. PMTT13-017 Recorded Overflight Required as provided below:

a. New Residential land uses within the Chino Airport Influence Area are required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

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.

b. The areas identified for Open Land shall be clear of structures and major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires. Small trees and shrubs that exceed 4 feet in height and/or thickness of 4 inches may be allowed along the edge of Open Land areas where the area abuts a wall or similar feature, provided that they are planted within 4 feet of the wall. (See Attached Open Land Area Map for PMTT13-017).



AIRPORT LAND USE COMPATIBILITY ZONE "D" OPEN SPACE

TRACT TTM 18930 GROSS ACREAGE	46.03	ACRES
OPEN LAND REQUIRED (108)	4.85	ACRES
OPEN LAND PROVIDED	5.08	ACRES

**LEGEND**

- INDICATES ZONE "D" OPEN SPACE MIN. 75'x300' OR STRUCTURE, POOL OR TREE OVER 4" DIA.
- ACREAGE
- TRACT BOUNDARY



AIRPORT LAND USE EXHIBIT  
KETCHIKAN  
ONTARIO, CA

**IBI GROUP**  
15421 Van Kesteren Avenue - Suite 110  
Irvine CA 92612 USA  
tel 949 833 5588 fax 949 833 5511  
ibi@ibi.com



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Rudy Zeledon  
Planning Department

**FROM:** Lora L. Gearhart, Plan Checker – Fire  
Bureau of Fire Prevention

**DATE:** January 13, 2014

**SUBJECT:** PMTT13-017 – A TENTATIVE TRACT MAP TO SUBDIVIDE 53.05 ACRES OF LAND INTO 225 SINGLE FAMILY LOTS AND 20 LETTERED LOTS WITHIN PLANNING AREA 1 SUBAREA 29 SPECIFIC PLAN, LOCATED ON THE NWC OF ARCHIBALD AVENUE AND BELLEGRAVE AVENUE. APN: 218-281-19.

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

---

### CONDITIONS OF APPROVAL:

1. The required fire flow for this tract is 1,500 g.p.m. x 2 hours. Fire flow calculations are approximations only. Final determination and plotted by Engineering and Fire Departments per established standard criterion.
2. Fire hydrant locations and appropriate main sizes will be determined and plotted by Engineering and Fire Departments pre-established standard criterion.
3. The water supply, including mains and hydrants, shall be acceptably tested and approved by the Engineering and Fire Department **PRIOR** to the framing stage of construction to assure availability and reliability for fire fighting purposes.
4. Access roadways providing for an all weather driving surface not less than 20' unobstructed width, capable of supporting the imposed loads of fire apparatus to within 150' of all structures, is required **PRIOR** to the framing stages of construction. This access is required to

be maintained in an unobstructed manner throughout construction.

5. 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.
6. Approved numbers or addresses shall be placed on all new in such a position as to be plainly visible and legible from the street or road fronting the property and comply with the Section 9-1.3280 Street Naming and Street Address Numbering of the Ontario Municipal Code and Ontario Fire Department Standards #H-002.
7. All dwellings shall be equipped with a residential fire sprinkler system.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us), click on Fire Department and then on forms.



# CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director  
 Scott Murphy, Assistant Development Director ( Copy of memo only)  
 Cathy Wahlstrom, Principal Planner (Copy of memo only)  
 Charity Hernandez, Economic Development  
 Kevin Shear, Building Official  
 Khoi Do, Assistant City Engineer  
 Carolyn Bell, Landscape Planning Division  
 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: March 15, 2018

SUBJECT: FILE #: PMTT13-017 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, March 29, 2018**.

**PROJECT DESCRIPTION:** A Tentative Tract Map to subdivide 53.05 acres of land into 225 single family lots and 20 lettered lots within Planning Area 1 Subarea 29 Specific Plan, located on the NWC of Archibald Avenue and Bellegrave Avenue. APN: 218-281-19.

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.

*Police*  
Department

*Douglas Sorel*  
Signature

*MANAGEMENT ANALYST*  
Title

*4-11-18*  
Date



# PLANNING COMMISSION STAFF REPORT

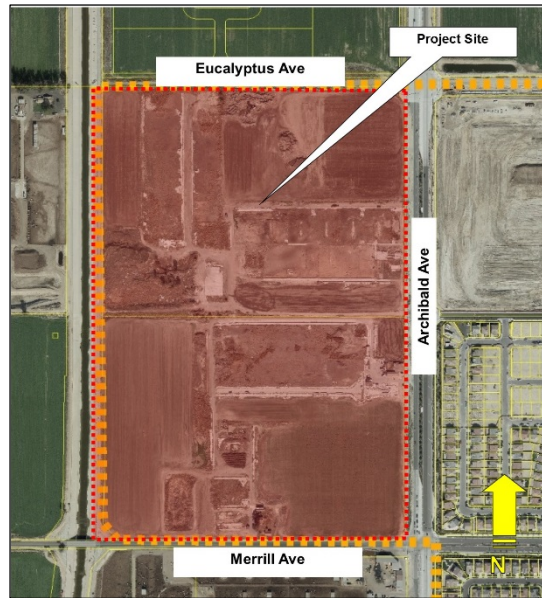
August 28, 2018

**SUBJECT:** A Development Agreement (File No. PDA18-001) between the City of Ontario and Richland Developers, Inc., to establish the terms for the development of Tentative Tract Map 18929 (File No. PMTT13-016) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots and Tentative Tract Map 18930 (File No. PMTT13-017) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots. The properties are bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan. **Submitted by Richland Developers, Inc. City Council action is required.**

**PROPERTY OWNER:** Richland Communities

**RECOMMENDED ACTION:** That the Planning Commission recommend City Council adoption of an ordinance approving the Development Agreement File No. PDA 18-001 between Richland Developers, Inc., and the City of Ontario.

**PROJECT SETTING:** The project site is comprised of 104.32 acres of land that is bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan and is depicted in **Figure 1: Project Location**. The project site gently slopes from north to south and is developed with dairy/agricultural and single-family residential uses. The properties to the north of the Project site are within Planning Areas 4 (Multi-Family Attached) and



**Figure 1: Project Location**

Case Planner:	Rudy Zeledon Principal Planner	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	03/16/2018	ZA			
Hearing Deadline:	N/A	PC	08/28/2018		Recommend
		CC	09/18/2018		Final



5 (Single-Family Detached) of the Parkside Specific Plan, and is presently improved with agriculture uses. The property to the south is within Planning Areas 1 and 2 (Business Park\Industrial) of the Colony Commerce Center East Specific Plan and developed with agriculture uses. The properties to the east is located within Planning Areas 3, 4 and 5 (Single Family Conventional) of the Subarea 29 Specific Plan and are under development with residential homes. The property to the west is zoned Non Recreational Open Space and developed with the Cucamonga Creek Channel.

### **PROJECT ANALYSIS:**

[1] Background — In October 2006, the City Council approved the Subarea 29 Specific Plan (File No. PSP03-003) and the Environmental Impact Report (EIR). The Specific Plan established the land use designations, development standards, and design guidelines for approximately 540 gross acres of land, which included the potential development of 2,293 single-family units and approximately 87,000 square feet of commercial.

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, Richland Developers, Inc., 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 104.26 acres of land within Planning Areas 1 and 2 of Subarea 29 Specific Plan as shown in **Exhibit A (Subarea 29 Specific Plan – Land Use Map)**. The Agreement grants Richland Developers, Inc., a vested right to develop Tentative Tract Map 18929 (207 single family units) and Tentative Tract Map 18930 (225 Single family units) as long as the Richland Developers, Inc., complies with the terms and conditions of Subarea 29 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 TT18929 and TT18930.

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 Ontario Ranch

[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

[3] Policy Plan (General Plan)

**Land Use Element:**

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.
  - LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.
  - LU1-6 Complete Community: We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario. (Refer to Complete Community Section of Community Economics Element).
- Goal LU2: Compatibility between a wide range of uses.
  - LU2-6: Infrastructure Compatibility: We require infrastructure to be aesthetically pleasing and in context with the community character.

### **Housing Element:**

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

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

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

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

### **Community Economics Element:**

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

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

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

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

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

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

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

**Safety Element:**

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

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

**Community Design Element:**

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

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

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

➤ CD1-3 Neighborhood Improvement. We require viable existing residential and non-residential neighborhoods to be preserved, protected, and enhanced in accordance with our land use policies.

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

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

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

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

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

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

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

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

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

▪ Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

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

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

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

- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (482) and density (4.8 DU/AC) specified within Planning Area 1 of the Subarea 29 Specific Plan. Per the Available Land Inventory, the entire Subarea 29 Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The 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 previously reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

### Exhibit "A" The Subarea 29 Specific Plan

Project Site  
PA 1 & PA 2

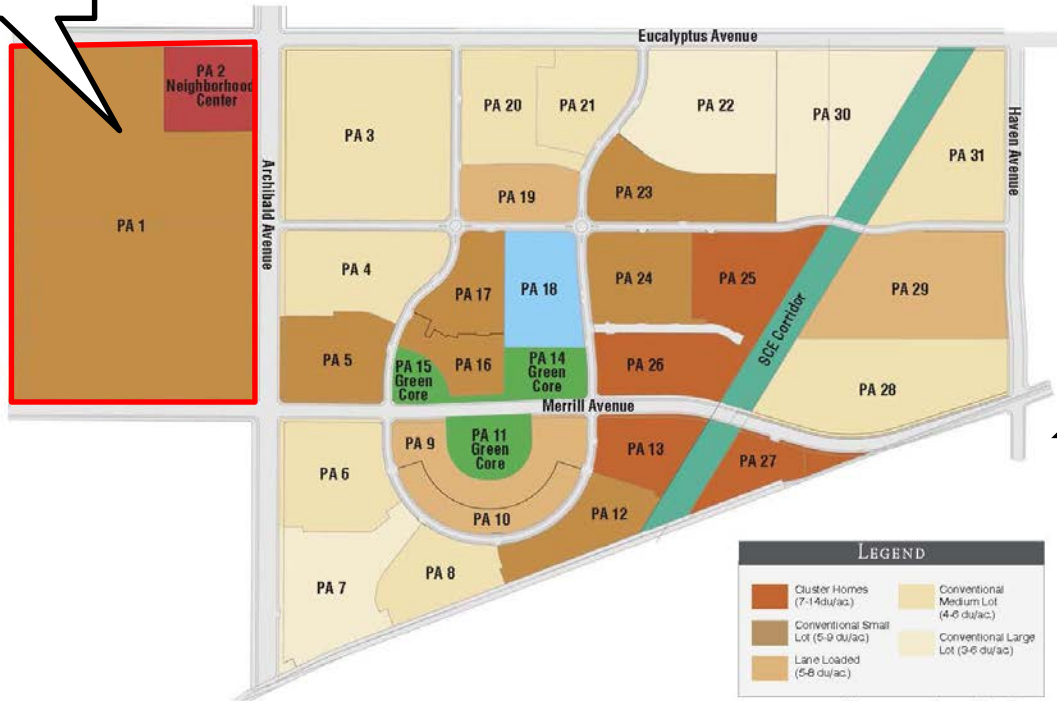


EXHIBIT 9—LAND USE PLAN



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PDA18-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND RICHLAND DEVELOPERS, INC., TO ESTABLISH THE TERMS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 18929 (FILE NO. PMTT13-016) TO SUBDIVIDE 54.81 ACRES OF LAND INTO 207 RESIDENTIAL NUMBERED LOTS AND 24 LETTERED LOTS AND TENTATIVE TRACT MAP 18930 (FILE NO. PMTT13-017) TO SUBDIVIDE 49.45 ACRES OF LAND INTO 225 RESIDENTIAL NUMBERED LOTS AND 26 LETTERED LOTS. THE PROPERTIES ARE BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, MERRILL AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE EAST AND THE CUCAMONGA FLOOD CONTROL CHANNEL TO THE WEST, AND LOCATED WITHIN THE CONVENTIONAL SMALL LOT RESIDENTIAL DISTRICT OF PLANNING AREA 1 AND WITHIN THE NEIGHBORHOOD COMMERCIAL CENTER DISTRICT OF PLANNING AREA 2 OF THE SUBAREA 29 SPECIFIC PLAN., AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0218-271-11 AND 0218-271-19).

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 Richland Developers, Inc., to establish the terms for the development of Tentative Tract Map 18929 (File No. PMTT13-016) to subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots and Tentative Tract Map 18930 (File No. PMTT13-017) to subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots. The properties are bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 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 September 26, 2006, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC06-095 recommending City Council certification of Subarea 29 Specific Plan EIR and Issued Resolution PC06-097 recommending approval of Subarea 29 Specific Plan (File No. PSP03-003); and

WHEREAS, on October 17, 2006, the City Council of the City of Ontario issued Resolution No. 2006-089 certifying the Subarea 29 Specific Plan EIR (SCH No. 2004011009) and

WHEREAS, on November 7, 2006, the City Council of the City of Ontario adopted Ordinance No. 2845 approving Subarea 29 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 reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This application is consistent with the previously adopted EIR and introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, 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; 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 August 28, 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 Subarea 29 Specific Plan EIR (SCH#2004011009) and supporting documentation. Based upon the facts and information contained in the previous Subarea 29 Specific Plan EIR (SCH#2004011009) and supporting documentation, the Planning Commission finds as follows:

(1) The environmental impacts of this project were reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH#2004011009), certified by the City of Ontario City Council on October 17, 2006, in conjunction with File No. PSP03-003.

(2) The previous the Subarea 29 Specific Plan EIR (SCH#2004011009) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(3) The previous the Subarea 29 Specific Plan EIR (SCH#2004011009), was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(4) The previous the Subarea 29 Specific Plan EIR (SCH#2004011009) 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 Subarea 29 Specific Plan EIR (SCH#2004011009), and all mitigation measures previously adopted with the Subarea 29 Specific Plan EIR (SCH#2004011009), 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 Subarea 29 Specific Plan EIR (SCH#2004011009) is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Subarea 29 Specific Plan EIR (SCH#2004011009) that will require major revisions to the Subarea 29 Specific Plan EIR (SCH#2004011009) 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 Subarea 29 Specific Plan EIR (SCH#2004011009) was prepared, that will require major revisions to the Subarea 29 Specific Plan EIR (SCH#2004011009) 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 Subarea 29 Specific Plan EIR (SCH#2004011009) was certified/adopted, that shows any of the following:

(a) The project will have one or more significant effects not discussed in the Subarea 29 Specific Plan EIR (SCH#2004011009); or

(b) Significant effects previously examined will be substantially more severe than shown in the Subarea 29 Specific Plan EIR (SCH#2004011009); 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 Subarea 29 Specific Plan EIR (SCH#2004011009) would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

**SECTION 3. *Housing Element Consistency.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (482) and density (4.8 DU/AC) specified within Planning Area 1 of the Subarea 29 Specific Plan. Per the Available Land Inventory, the entire Subarea 29 Specific Plan is required to provide 2,552 dwelling units with a density range of 2-12 DU/AC.

**SECTION 4: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the

Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP. The project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

**SECTION 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 104.26 acres of land, for property bounded by Eucalyptus Avenue to the north, Merrill Avenue to the south, Archibald Avenue to the east and the Cucamonga Flood Control channel to the west, and located within the Conventional Small Lot Residential district of Planning Area 1 and within the Neighborhood Commercial Center district of Planning Area 2 of the Subarea 29 Specific Plan., and is presently used for agriculture and dairy uses; and

b. The properties to the north of the Project site are within Planning Areas 4 (Multi-Family Attached) and 5 (Single-Family Detached) of the Parkside Specific Plan, and is presently improved with agriculture uses. The property to the south is within Planning Areas 1 and 2 (Business Park\Industrial) of the Colony Commerce Center East Specific Plan and developed with agriculture uses. The properties to the east is located within Planning Areas 3, 4 and 5 (Single Family Conventional) of the Subarea 29 Specific Plan and are under development with residential homes. The property to the west is zoned Non Recreational Open Space and developed with the Cucamonga Creek Channel; and

c. The Development Agreement establishes parameters for the development of Tentative Tract Map 18929 for the potential development of 207 residential units and Tentative Tract Map 18930 for the potential development of 225 residential units within Planning Area 1 (Conventional Small Lot) of the Subarea 29 Specific Plan. The Development Agreement also grants Richland Developers, Inc., 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 Subarea 29 Specific Plan; and

d. The Development Agreement focuses on Tentative Tract Map 18929 (File No. PMTT13-016) that will subdivide 54.81 acres of land into 207 residential numbered lots and 24 lettered lots (public streets, neighborhood edges, paseos, parks and parkways) and Tentative Tract Map 18930 (File No. PMTT13-017) that will subdivide 49.45 acres of land into 225 residential numbered lots and 26 lettered lots (public streets, neighborhood edges, paseos, parks and parkways); and

e. The Development Agreement will provide for the development of up to 432 single family units as established for Planning Area 1 and approximately 87,000 square feet of commercial uses for Planning 2 of Subarea 29 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 reviewed in conjunction with the Subarea 29 Specific Plan EIR (SCH# 2004011009) certified by the City Council on October 17, 2006. This Application introduces no new significant environmental impacts. This application introduces no new significant environmental impacts; and

j. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

**SECTION 6: Planning Commission Action.** Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the Planning Commission hereby RECOMMENDS APPROVAL of the Development Agreement to the City Council subject to each and every condition set forth in Subarea 29 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.

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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 28<sup>th</sup> day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Jim Willoughby  
Planning Commission Vice-Chairman

ATTEST:

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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-xxx was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**  
**File No. PDA18-001**  
**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

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Space above this line for Recorder's Use Only

**DEVELOPMENT AGREEMENT**

**By and Between**

**City of Ontario, a California municipal corporation,**

**and**

**Richland Developers, Inc.**

**a Delaware corporation**

\_\_\_\_\_, **2018**

**San Bernardino County, California**

## DEVELOPMENT AGREEMENT NO. PDA18-001

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 Richland Developers, Inc., a Delaware corporation (hereinafter "OWNER"):

### RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, by electing to enter into this Agreement, CITY shall bind future City Councils of CITY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and the City Council and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the CITY and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to the Project and the Agreement in that Subarea 29 Specific Plan (State Clearinghouse No. 2004011009 (the "FEIR")). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Subarea 29 Specific Plan; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary

improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

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](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 21<sup>st</sup> 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 Nos.18929 and 18930 as further described in Exhibits “F-1” through F-4 (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 “Model Units” means a maximum of thirty-two (32) model units, with a maximum of sixteen (16) in each Phase, 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 for the respective Phase.

1.1.17 “OWNER” means the persons and entities listed as owner on page 1 of this Agreement and their permitted successors in interest to all or any part of the Property.

1.1.18 “Phase 1 Improvements” means the public infrastructure and improvements that shall be designed, or designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for Production Units and as shown in Exhibit F- Phase 1 Improvements.”

1.1.19 “Phase 1 Units” means approximately two-hundred twenty-five (225) units located within the portion of the Project designated in the Conceptual Phasing Plan (Exhibit E) as the Phase 1 Area for which the CITY issues building permits to OWNER and shall include up to Thirty-two (32) Model Units and such units are served by the Phase 1 Improvements.

1.1.20 “Phase 2 Improvements” means the public infrastructure and improvements that shall be designed, or designed, constructed and completed by OWNER prior to, and as a condition precedent to, CITY’s issuance of the first building permit for Phase 2 Units and as shown in Exhibit F – Phase 2 Improvements.”

1.1.22 “Phase 2 Units” means approximately two-hundred seven (207) units located within the portion of the Project designated in the Conceptual Phasing Plan (Exhibit E) as the Phase 2 Area for which the CITY issues building permits to OWNER and such units are served by the Phase 2 Improvements.

1.1.23 “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.

1.1.24 “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.

1.1.25 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.26 “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.

1.1.27 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Subarea 29 Specific Plan.”

1.1.28 “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.

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

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

1.1.31 “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 issuance of each building permit 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” — Phasing Plan

Exhibit “F” — Infrastructure Improvements Exhibits

F- 1 and F-2 Phase 1 Tract 18930

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 and residential use only 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. Upon such termination, any public facilities and services mitigation fees paid pursuant to Section 4.2 of this Agreement by OWNER to CITY for residential units on which construction has not yet begun shall be refunded to OWNER by CITY.

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:

Roseville Investments, LLC  
3161 Michelson Drive, Suite 425  
Irvine, CA 92612  
Attn: Craig Cristina  
Email: ccristina@richlandcommunities.com  
Phone: (949) 383-4124  
Fax: (949) 261-7016

with a copy to:

Richland Legal Department

3161 Michelson Drive, Suite 425  
Irvine, CA 92612  
Attn: Courtney Nelson  
Email: cnelson@richlandinvestments.com  
Phone: (949) 261-7010 x210  
Fax: (949) 261-7013

(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 Exhibit "F" is a description of the infrastructure improvements needed for the development of the Property ("the Infrastructure Improvement Exhibit").

3.4.2 Subject to the prior submittal by OWNER and approval by CITY of a plan to provide sufficient public infrastructure for the construction of a maximum number of (sixteen (16) Model Units per Phase, private common recreation facilities and sales facilities. CITY may issue a maximum of sixteen (16) building permits per Phase for Model Units in addition to 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 Works; Utilities. If 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 Cucamonga Creek Channel as described in Exhibits F-1 through F-4. OWNER shall be responsible for the construction of the necessary extension of master planned Storm Drain facilities as shown in Exhibits F-1 through F-4.

3.7.1.1 OWNER also acknowledges that Lots D and E of Tract Map No. 18929 and Lots A, B and C of Tract Map No. 18930 shall be developed as a storm water retention and/or water quality area that provides for storm water retention and/or water quality for both Tract Map Nos. 18929 and 18930. OWNER agrees that OWNER shall accept storm water flows from Tract Map No. 18929 and OWNER agrees to allow access for the construction of the combined storm water retention basin as required for the development of Tract Map No. 18930. Such combined storm water retention areas shall be transferred to a single homeowner's association and such homeowner's association shall be responsible for all maintenance of the combined storm water retention areas.

3.7.2 OWNER agrees that development of the Project shall require the construction of Master Planned street improvements on Archibald Avenue, Eucalyptus Avenue and Merrill Avenue, including signalization and bridge improvements as described in Exhibits F-1 through Exhibit F-4.

3.7.2.1 Street Improvements Phasing. OWNER shall design, construct and complete Street Improvements as described in Exhibits "F-1 through F-4. The Street Improvements as shown on Exhibits F-1 and F-2 shall be completed prior to, and as a condition precedent to OWNER requesting the issuance of the first Production Permit for the Phase 1 Units. The Street Improvements as shown on Exhibits F-3 and F-4, shall be completed prior to, and as a condition precedent to OWNER requesting the issuance of the first Production Permit for the Phase 2 Units.

3.7.2.2 Merrill and Eucalyptus Bridge Improvements and Phasing.

OWNER shall be required to complete the designs and commence construction of the widening of the existing Merrill Avenue Bridge Improvements (Merrill Bridge) as shown in Exhibit F-2, prior to and as a condition precedent to OWNER requesting a Production Unit building permit for a Phase 1 Unit. The Merrill Bridge Improvements shall consist of widening the north side of the existing bridge to its ultimate width with all striping transitions to existing conditions occurring east of the west end of the bridge and utilities as described in Exhibit F-2. OWNER shall also be required to complete the designs and commence construction of the Eucalyptus Avenue Bridge (Eucalyptus Bridge) as shown in Exhibit F-4, prior to and as a condition precedent to OWNER requesting a Production Unit building permit for a Phase 2 Unit. The Eucalyptus Bridge improvements shall consist of the ultimate south half, plus one westbound lane and utilities as described in Exhibit "F-4". If OWNER has not commenced construction on the Merrill Bridge Improvements prior to OWNER requesting a building permit for a Phase 1 Production Unit, OWNER shall provide proof to the satisfaction of the CITY, that OWNER has exercised one of the following two options:

- a. OWNER has entered into a cost sharing agreement for the construction and completion of the Merrill Avenue Bridge Improvements by other developer(s) and OWNER has fully funded OWNERS obligations under the subject cost sharing agreement; or
- b. OWNER has deposited an amount acceptable to CITY for future construction of the Merrill Avenue Bridge Improvements into an Escrow Account ("Escrow Account") in which CITY has sufficient authority necessary to use such funds deposited by OWNER to commence and complete the construction of the Merrill Avenue Bridge Improvements. OWNER to provide Escrow Instructions acceptable to the City Attorney for CITY.

Additionally, If OWNER has not commenced construction on the Eucalyptus Avenue Bridge Improvements, as shown on the attached Exhibit F- 4, prior to OWNER requesting a building permit for a Phase 2 Production Unit, OWNER shall provide proof, to the satisfaction of CITY that OWNER has exercised one of the following two options:

- a. OWNER has entered into a cost sharing agreement with other developer(s) for the construction and completion of the Eucalyptus Bridge Improvements and OWNER has fully funded OWNER'S obligations under the cost sharing agreement; or

b. OWNER has deposited an amount acceptable to CITY for future construction of the Eucalyptus Avenue Bridge Improvements into an Escrow Account (“Escrow Account”) in which CITY has sufficient authority necessary to use such funds deposited by OWNER to commence and complete the construction of the Eucalyptus Avenue Bridge Improvements. OWNER to provide Escrow Instructions acceptable to the City Attorney of CITY.

3.7.3 OWNER agrees that development of the Property shall require the extension of permanent master planned water and recycled water utility infrastructure for each Phase as described in Exhibits F-1 through Exhibit F-4, consisting generally of the construction of the extension of permanent master planned water and recycled water utility improvements to serve the respective Phase of the Property. OWNER agrees that no building permits shall be issued by CITY for Phase 1 Units prior to, and as a condition precedent to the completion of the water and recycled water Improvements as described in Exhibits F-1 and F-2. OWNER also agrees that no building permits shall be issued by the CITY for the Phase 2 Units prior to, and as a condition precedent to the completion of the water and recycled water Improvements as described in Exhibit F-3 and F- 4.

OWNER also agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during any grading of the Property.

3.7.4 OWNER agrees that NMC Builders shall be responsible for funding a portion of the design and construction of an additional extension of master planned recycled water infrastructure in Haven Avenues to be constructed by CITY. These master planned recycled water Improvements shall also serve the Project. OWNER shall deposit, with NMC Builders an amount equal to the OWNER’s capital contribution for the design and construction of the remaining NMC Builders portion of the recycled water improvements in Haven Avenues known as the “remainder of the Phase 2 Recycled Water Improvements” within thirty (30) days after CITY requests funds from NMC Builders for the remainder of the project. 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 remainder of the funding requested by CITY from NMC Builder for the construction of the remaining NMC Builders portion of the Phase 2 Recycled Water System Improvements.

3.7.5 OWNER agrees that development of the Property shall require the extension of permanent master planned sewer improvements, at OWNER’s sole cost and expense, as described in the attached Exhibits F-1 through Exhibit F-4, consisting generally of the construction of the extension of sewer infrastructure within Merrill Avenue to serve the respective Phase of the Property.

3.7.6 OWNER agrees that development of the Property shall require the extension of permanent master planned fiber optic communications infrastructure, at OWNER's sole cost and expense, as described in the attached Exhibits F- 1 through Exhibit F- 4 consisting generally of the construction of the extension of fiber optic communications infrastructure to serve the respective Phase of the Property.

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 (Ontario Plan) Goal PR1, Policy PR1-5 (achievement of a park standard of 5 acres of parkland per 1,000 residents) OWNER shall provide improved parks, developed in accordance with the City's park standards in an amount equal to two (2) acres per 1,000 of projected population without credit, reimbursement, offset or consideration from City. CITY and OWNER agree that Lots C and E of Tract 18929 of 4.00 net acres combined and Lot C and G of Tract 18930 of 2.55 net acres combined shall satisfy OWNER's additional park development requirement. OWNER shall also pay the full Development Impact Fee for the Parkland Acquisition and Development Fee category (Quimby Act fees) for the Project.

## 4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the infrastructure construction within the Property shall be as approved by the CITY. OWNER shall be responsible for the timely design, construction and completion of all public infrastructure required for each Phase of the Project as described in this Agreement and as shown on the attached Exhibits for each Phase of the Project. OWNER shall also be responsible for compliance with any and all other tract map conditions. Unless otherwise specified in a Subdivision Agreement and Tract Map conditions, all other required improvements and all other conditions or requirements of Tract Map 18930 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for Phase 1 Units. Additionally, unless otherwise specified in a Subdivision Agreement/Tract Map conditions, all other required improvements and all other conditions for Tract Map 18929 in the Phase 1 area shall be completed and operational prior to, and as a



condition precedent to, OWNER requesting and CITY's granting of a building permit for Production Units within the Phase 1 area of the Property.

4.3.1.1 Subject to the provisions of Section 3.7 above, OWNER shall design, or design construct and complete all public infrastructure required for Phase 1 of the Project as shown on Exhibits F-1 and F-2 prior to, and as a condition precedent to, CITY's issuance of the first building permit for Production Units for the Property.

4.3.1.2 OWNER shall design, or design, construct and complete all public infrastructure for Phase 2 as shown in Exhibits F- 3 and F-4, prior to, and as a condition precedent to, CITY's issuance of any building permits for any Production Units in the portion of the Project designated as the Phase 2 area on the Conceptual Phasing Plan (Exhibit E). Unless otherwise specified in a Subdivision Agreement and Tract Map conditions, all other required improvements and all other conditions or requirements Tract Map 18929 shall be completed and operational prior to, and as a condition precedent to, CITY's granting of a building permit for any Phase 2 Units.

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 or as a merchant builder 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 and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitation on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. 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 Affordable Housing Requirement.

4.4.1 Affordable Housing- Number of Units. OWNER shall provide a minimum number of affordable housing units, equivalent to 10% of the OWNER's total approved residential units within the Project, that are affordable to very low, low and moderate income households. Such requirement for affordable housing shall be met through one, or a combination of one or more, of the options provided in the following Sections 4.4.2.1 through 4.4.2.3. For the purposes of this Section, any term not defined in this Agreement shall be as defined by California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

4.4.2 Affordability Spread. Of the total number of residential dwelling units specified in Section 4.4.1, to be constructed or rehabilitated pursuant to Sections 4.4.2.1 or 4.4.2.2 respectively, thirty percent (30%) shall be available to very low income, thirty percent (30%) shall be available to low income and forty percent (40%) shall be available to moderate income households. "**Households**" shall be as defined by California Health and Safety Code Section 50053.

4.4.2.1 New Construction. If OWNER elects to fully or partially satisfy the affordable housing requirement by the construction of new residential units, it shall construct and restrict the affordability of residential dwelling units within its Project or, at OWNER's option and with the approval of the City, within another project elsewhere within the City. The affordable units constructed shall be intermingled with other units as part of the Project, and shall be built to the same construction, design and aesthetic standards, as well as number of rooms, as other units constructed as part of that OWNER's Project. In addition, the percentage ratio of affordable units offered for sale versus those offered for rent shall equal the percentage ratio of other units offered for sale versus for rent within OWNER's Project. Such construction shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER's Project; provided however that to the extent OWNER has not constructed the required percentage of units, based on the number of building permits for non-restricted units, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to City in order to ensure the faithful completion of such required percentage of construction of affordable units. If OWNER elects the option of constructing new affordable units, a detailed Affordable Housing Agreement specifying terms for the allowable monthly housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. The Affordable Housing Agreement shall hold a recorded priority position senior to any other non-statutory lien or encumbrance affecting the unit.

4.4.2.2 Rehabilitation. If OWNER elects to fully or partially satisfy the affordable housing requirement by the substantial rehabilitation of existing residential units in the City, it shall substantially rehabilitate and restrict the

affordability of, the number of residential units specified in Section 4.4.1, provided that such units shall be provided elsewhere within the City. The rehabilitation work shall be substantial and of high quality and shall also address any deferred property maintenance issues on the property. “**Substantial rehabilitation**” shall mean rehabilitated multi-family rented dwelling units with three or more units and the value of the rehabilitation constitutes 25 percent of the after rehabilitation value of the dwelling, inclusive of land value pursuant to Health and Safety Code Section 33413(b)(2)(A)(iii-iv) as such section exists as of the Effective Date of this Agreement. If OWNER chooses the option of rehabilitation of existing housing units within the City, a detailed Affordable Housing Agreement specifying the terms for the allowable month housing costs or rents (as applicable) and maintenance and occupancy standards shall be prepared, executed and recorded against such units as a condition to the issuance of a building permit. Such rehabilitation shall be completed no later than the date that is five (5) years following the issuance of the first building permit for OWNER’s Project; provided however that to the extent OWNER has not rehabilitated the required percentage of units, based on the number of building permits, OWNER shall, prior to the issuance of such building permits, provide security (in the form and substance approved by the City Manager and City Attorney) to the City in order to ensure the faithful completion of such required percentage of rehabilitation.

4.4.2.3 In-Lieu Fee. If OWNER has not fully complied with the requirements of Section 4.4.2 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, 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 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, Fifty-Three Cents (\$2.53) and the Two Dollars Twenty-One Cents

(\$2.21) per square foot amounts shall automatically be increased annually, commencing on July 1, 2018, and automatically each July 1 thereafter. Such adjustment shall be based on the percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year. The pre-paid Affordability In-Lieu Fee shall be calculated based on the maximum floor area ratio (FAR) permitted within the General Plan and any applicable FAR contained within the applicable specific plan, whichever is greater, and the Maximum Development Density. For purposes of this Agreement, “**Maximum Development Density**” shall be determined by multiplying the OWNER’s Project’s density for residential development potential as set forth in the General Plan or the applicable Specific Plan, whichever is less, by the net acreage of land within OWNER’s Project. All “Affordability In-Lieu Fees” collected by the City shall be used to promote the construction of affordable housing within the City.

4.4.2.4 Affordability Covenants. Prior to the issuance of the first building permit for any affordable unit, the City and OWNER shall enter into an Affordable Housing Agreement. Affordability shall be assured for a period of forty-five (45) years for for-sale units and fifty-five (55) years for rentals. For rental units, base rents shall be established by the City and rental adjustments required by the City shall be performed on an annual basis. In addition, the Affordable Housing Agreement shall impose maximum occupancy limits of 2 occupants per bedroom plus 1 additional occupant per dwelling unit, and a requirement for the owner or tenant to properly maintain each dwelling unit.

4.4.2.5 Transfer of Affordable Project. No transfer of title to any affordable housing project shall occur without the prior written consent of the City. In the event OWNER transfers title to any affordable housing project required to be constructed pursuant to this Agreement to a non-profit entity, or other entity, that receives an exemption from ad valorem real property taxes, the City shall be required to assure payment of an annual in lieu fee to the City on July 1 of each year equal to one-tenth of one percent (0.1%) of the assessed value of such project. The City may permit OWNER to satisfy this obligation by recorded covenants against the property and enforceable against said entity by the City. Any such covenants shall be approved by the Planning Director and the City Attorney.

#### 4.5 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 any of the following or any combination thereof: (1) designating and dedicating school site(s) within the Property as set forth in the General Plan, and/or (2) paying school impact fees, (3) entering into a joint mitigation agreement or individual mitigation agreements, or (4) any combination of the foregoing. Written evidence of approval by the applicable school district that OWNER has met their school obligations may be required by the City as the condition to the issuance by the City of any entitlements for OWNER's Project. In the event OWNER is unable to provide such written evidence from the applicable school district(s), the City shall have the right to decline to honor any DIF Credit, Certificates of MDD Availability, Certificates of Storm Water Treatment Capacity Availability, or any combination thereof, presented by such OWNER, without liability to the City. To the extent that a joint mitigation agreement is approved by the applicable school district(s), and OWNER is a participant in good standing in such mitigation agreement, OWNER shall be deemed to have mitigated its new school obligations under this Section 4.4.1.

#### 4.6 Public Services Funding Fee.

4.6.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to the residents of each Project in a timely manner, OWNER shall pay to CITY a "**Public Services Funding Fee.**" The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.6.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in the total amount of One Thousand Nine Hundred 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 1<sup>st</sup> 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 1<sup>st</sup> of each year, beginning on January 1, 2019. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31st, before the Single Installment amount is automatically increased.

#### 4.7 Net MDD/Water Availability Equivalents.

4.7.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders LLC to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders LLC. NMC Builders has assigned to OWNER its allocable share of the Net MDD issued by City. The provisions of the Construction Agreement Amendment require that the City shall not approve a final tract map or issue building permits or certificates of occupancy for the area of development within 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, the City's approval of any and all tract maps for the Property. The amount of Net MDD Water Availability Equivalents required for City's approval of a tract map 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. OWNER and CITY agree that the Project may utilize onsite treatment or offsite treatment or a combination thereof. If OWNER does not or is unable to, provide 100% of the required treatment capacity within the Project OWNER shall be required to provide to CITY evidence of sufficient regional Storm Water Treatment Capacity shall be provided by OWNER.

4.8.1 Requirement for Storm Water Treatment Capacity Availability. In the event OWNER does not or is unable to provide all the required storm water treatment capacity onsite as described in section 4.8 above, 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 4.6 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, less the calculated acreage capacity of Storm Water treatment facilities provided within the Project site.

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 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.

4.11.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.10, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8.4 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 initially 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. OWNER shall be entitled to initiate up to one additional Periodic Review each calendar year in order to demonstrate good faith compliance by the OWNER to any third party. 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 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 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of

this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

## 9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date (“General Plan”), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY’s determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys’ fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER’s employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys’ fees, CITY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted,

upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

#### 10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

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

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

(c) If CITY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default

to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

## 11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within the ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

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

California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. Subject to section 2.4, if at any time during the term of this Agreement the Property is owned, in whole or in part, by more than one owner, all obligations of such owners under this Agreement shall be joint and several, and the default of any such owner shall be the default of all such owners. Notwithstanding the foregoing, no owner of a single lot which has been finally subdivided and sold to such owner as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as provided under Section 4 hereof.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.



11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation,

then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

**[SIGNATURES CONTAINED ON FOLLOWING PAGE]**

**SIGNATURE PAGE  
TO DEVELOPMENT AGREEMENT**

**"OWNER"**

Richland Developers, Inc.,  
a Delaware corporation

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

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF STATE )  
 )  
COUNTY OF SAN BERNARDINO ) ss.

On \_\_\_\_\_, 2018 \_\_\_\_\_,  
before me, \_\_\_\_\_,  
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")

personally appeared \_\_\_\_\_,  
Name of Signer(s)

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

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- Individual
- Corporate Officer

\_\_\_\_\_  
Title(s)

- Partner(s)  Limited
- General

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

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

\_\_\_\_\_  
\_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

\_\_\_\_\_  
Title or Type of Document

\_\_\_\_\_  
Number Of Pages

\_\_\_\_\_  
Date Of Document

\_\_\_\_\_  
Signer(s) Other Than Named Above

# EXHIBIT "A" TO DEVELOPMENT AGREEMENT

## Legal Description of Property

### **TRACT MAP NO. 18929**

REAL PROPERTY IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

THE EASTERLY 1830 FEET OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF.

EXCEPTING THEREFROM THE SOUTH 1312 FEET THEREOF.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, A BODY CORPORATE AND POLITIC BY GRANT DEED RECORDED NOVEMBER 18, 1977 AS INSTRUMENT NO. 390, IN BOOK 9308, PAGE 683 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL OIL, GAS, MINERALS AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND FOR THE PURPOSE OF EXPLORING FOR, BORING, EXTRACTING, DRILLING, MINING, PROSPECTING FOR, REMOVING OR MARKETING SAID SUBSTANCES AS CONVEYED IN THE DEED FROM RINKER DEVELOPMENT CORP., TO HARKER DEVELOPMENT CORP., BY DOCUMENT RECORDED IN BOOK 6910, PAGE 174 OF OFFICIAL RECORDS.

### **TRACT MAP NO. 18930**

BEING A PORTION OF THE SOUTHERLY 1312.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, ALSO SHOWN ON A RECORD OF SURVEY FILED IN BOOK 30, PAGE 27 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 22, ALSO BEING THE CENTERLINE INTERSECTION OF MERRILL AVENUE, 50.00 FEET WIDE, AND ARCHIBALD AVENUE, 60.00 FEET WIDE, AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID CENTERLINE OF MERRILL AVENUE NORTH 89° 43' 20" WEST, 1629.70 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCUMENT RECORDED IN BOOK 9259, PAGE 335, OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL NORTH 39° 22' 40" WEST, 154.96 FEET TO A POINT ON A 12,110.00 FOOT RADIUS, NON-TANGENT CURVE, CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 87°05' 52" EAST,

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02° 44'12" AN ARC DISTANCE OF 578.42 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 00° 09' 56" EAST, 272.35 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 89° 50' 04" WEST, 15.00 FEET;

THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 00° 09' 56" EAST, 342.15 FEET TO THE NORTHERLY LINE OF SAID SOUTHERLY 1312.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22;

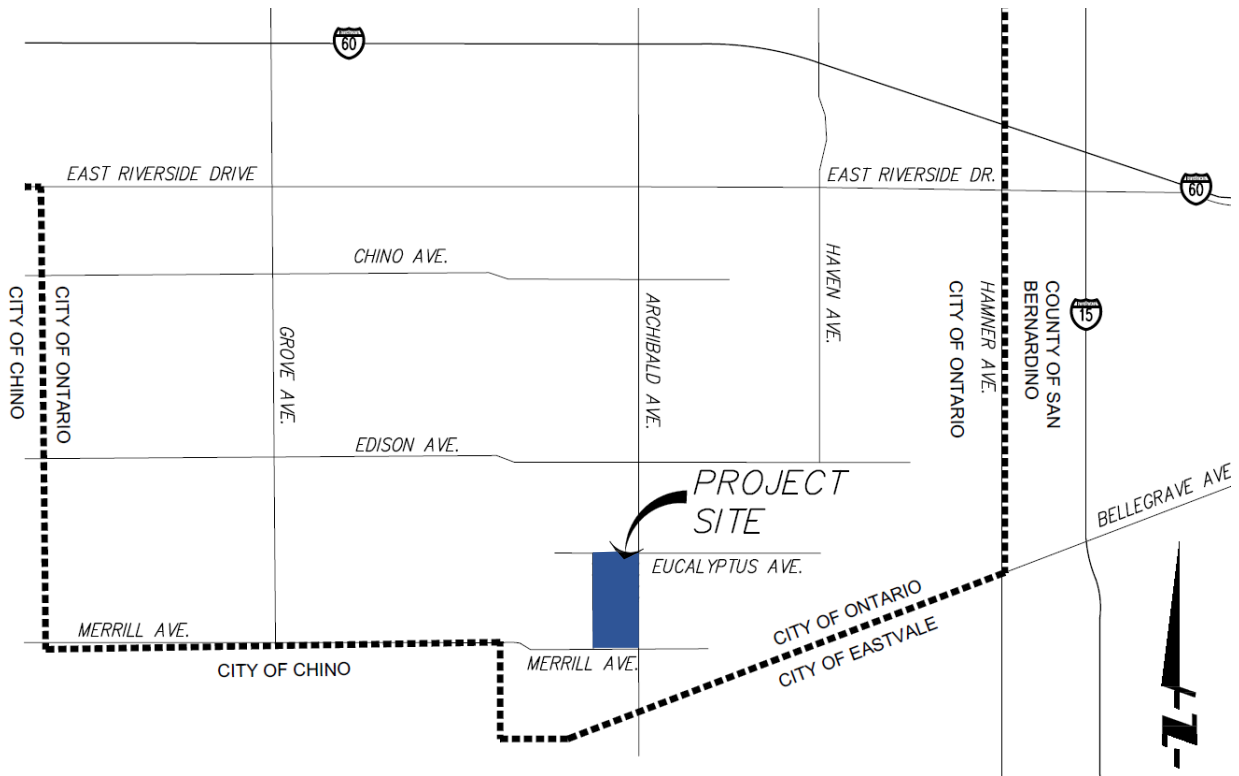
THENCE ALONG SAID NORTHERLY LINE SOUTH 89° 43' 20" EAST, 1729.95 FEET TO SAID CENTERLINE OF ARCHIBALD AVENUE;

THENCE ALONG SAID CENTERLINE SOUTH 00° 11' 00" WEST, 1312.00 FEET TO THE POINT OF BEGINNING,

CONTAINING 51.73 ACRES, MORE OR LESS.

**EXHIBIT "B"**  
**TO DEVELOPMENT AGREEMENT**

**Map showing Property and its location**



**EXHIBIT "C"**  
**TO DEVELOPMENT AGREEMENT**  
**Existing Development Approvals**

On September 26, 2006, the Planning Commission:

- a) Issued Resolution No. PC06-095 recommending City Council adopt and certify the Subarea 29 Specific Plan (File No. PSP03-003) Environmental Impact Report;
- b) Issued Resolution No. PC06-096 recommending City Council approval of the General Plan Amendment (File No. PGPA06-003); and
- c) Issued Resolution No. PC06-097 recommending City Council approval of the Subarea 29 Specific Plan (File No. PSP03-003).

On October 17, 2006, the City Council:

- a) Issued Resolution No. 2006-089 certifying the Subarea 29 Specific Plan (File No. PSP03-003) Environmental Impact Report;
- b) Issued Resolution No. 2006-090 approving the General Plan Amendment (File No. PGPA06-003);

On November 7, 2006, the City Council:

- a) Issued Ordinance No. 2845 approving of the Subarea 29 Specific Plan (File No. PSP03-003);

On March 27, 2007, the Planning Commission:

- a) Issued Resolution No. PC07-036 recommending City Council approval an Amendment to the Subarea 29 Specific Plan (File No. PSPA17-003).

On May 1, 2007, the City Council:

- a) Issued Resolution No. 2007-053 approving an amendment to the Subarea 29 Specific Plan (File No. PSPA17-003).

On February 26, 2007, the Planning Commission:

- a) Issued Resolution No. PC08-007 recommending City Council approval an Amendment to the Subarea 29 Specific Plan (File No. PSPA07-007).

**EXHIBIT "C" CONTINUED  
TO DEVELOPMENT AGREEMENT  
Existing Development Approvals**

On March 18, 2008 the City Council:

- a) Issued Resolution No. 2008-018 approving an amendment to the Subarea 29 Specific Plan (File No. PSPA07-007).

On February 26, 2007, the Zoning Administrator:

- a) Issued Decision No, 213-025 approving a minor amendment to the Subarea 29 Specific Plan (File No. PSPA13-002).

On March 24, 2015, the Planning Commission:

- a) Issued Resolution No. PC15-035 recommending City Council approval an Amendment to the Subarea 29 Specific Plan (File No. PSPA14-002).

On April 21, 2015 the City Council:

- a) Issued Resolution No. 2015-031 approving an amendment to the Subarea 29 Specific Plan (File No. PSPA14-002).

On August 28, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-XX recommending City Council Tentative Cancellation of Williamson Act Contract 77-515 (File No. PWIL18-002).
- b) Issued Resolution No. PC18-XX approving Tentative Tract Map 18929 (File No. PMTT13-016) and Resolution No. PC18-XX approving Tentative Tract Map 18930 (File No. PMTT13-017).



**EXHIBIT "D"**  
**TO DEVELOPMENT AGREEMENT**

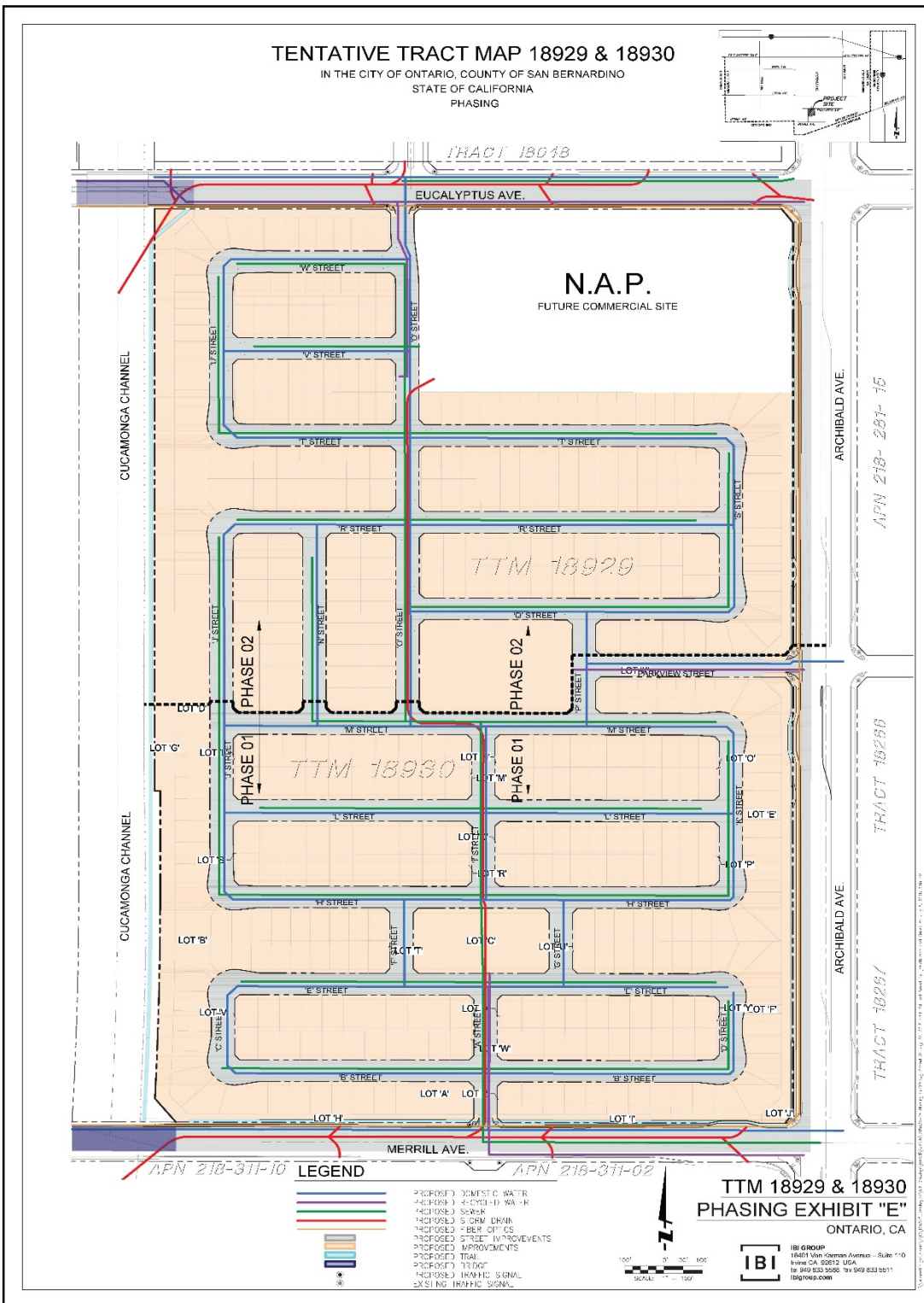
**Existing Land Use Regulations**

These documents are listed for reference only:

1. Subarea 29 Specific Plan Environmental Impact Report, Resolution No. 2006-089.
2. Subarea 29 Specific Plan (File No. PSP03-003), Ordinance No. 2845.
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 "E"

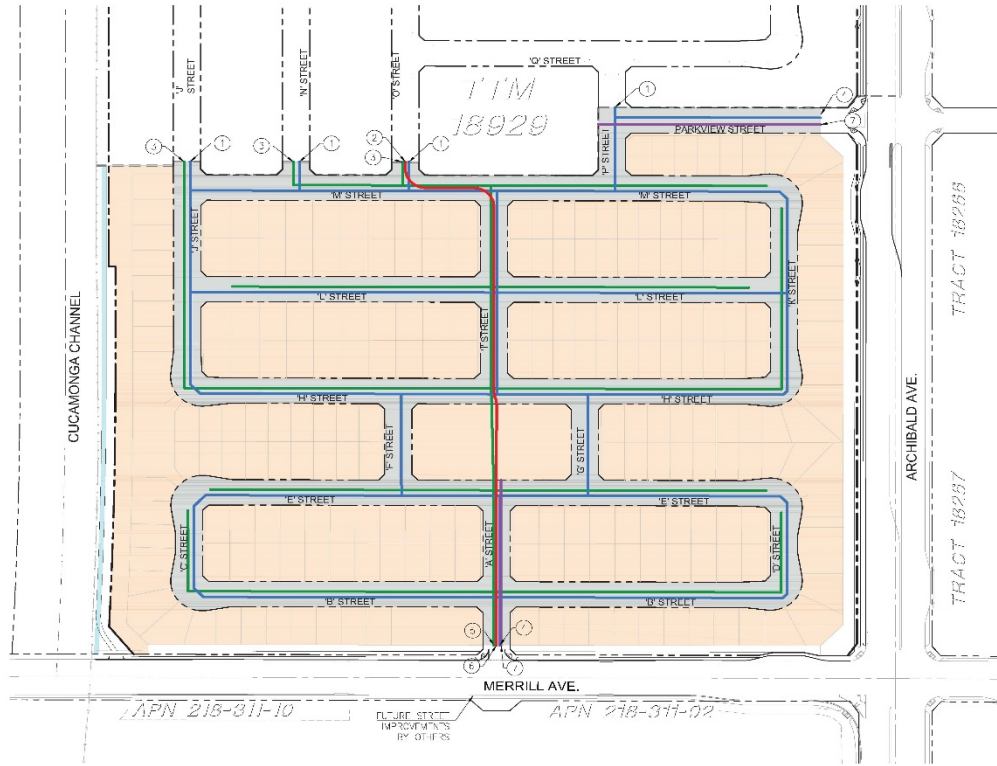
## TO DEVELOPMENT AGREEMENT Phasing Plan



# Exhibit "F-1"

## TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements

TENTATIVE TRACT MAP 18930  
IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA  
ONSITE INFRASTRUCTURE IMPROVEMENTS

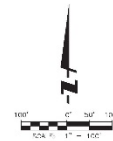


### INFRASTRUCTURE IMPROVEMENTS

- ① FUTURE CONNECTION TO DOMESTIC WATER PER TTM 18929
- ② FUTURE CONNECTION TO STORM DRAIN PER TTM 18929
- ③ FUTURE CONNECTION TO SANITARY SEWER PER TTM 18929
- ④ CONNECT TO EXISTING DOMESTIC WATER LINE
- ⑤ CONNECT TO EXISTING SEWER LINE
- ⑥ CONNECT TO EXISTING STORM DRAIN LINE
- ⑦ CONNECT TO EXISTING RECYCLED WATER LINE

### LEGEND

- PROPOSED DOMESTIC WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED RECYCLED WATER LINE
- PROPOSED STREET IMPROVEMENTS
- PROPOSED IMPROVEMENTS PER TTM 18930
- PROPOSED IRRIG.



TTM 18930  
EXHIBIT "F-1"  
ONTARIO, CA



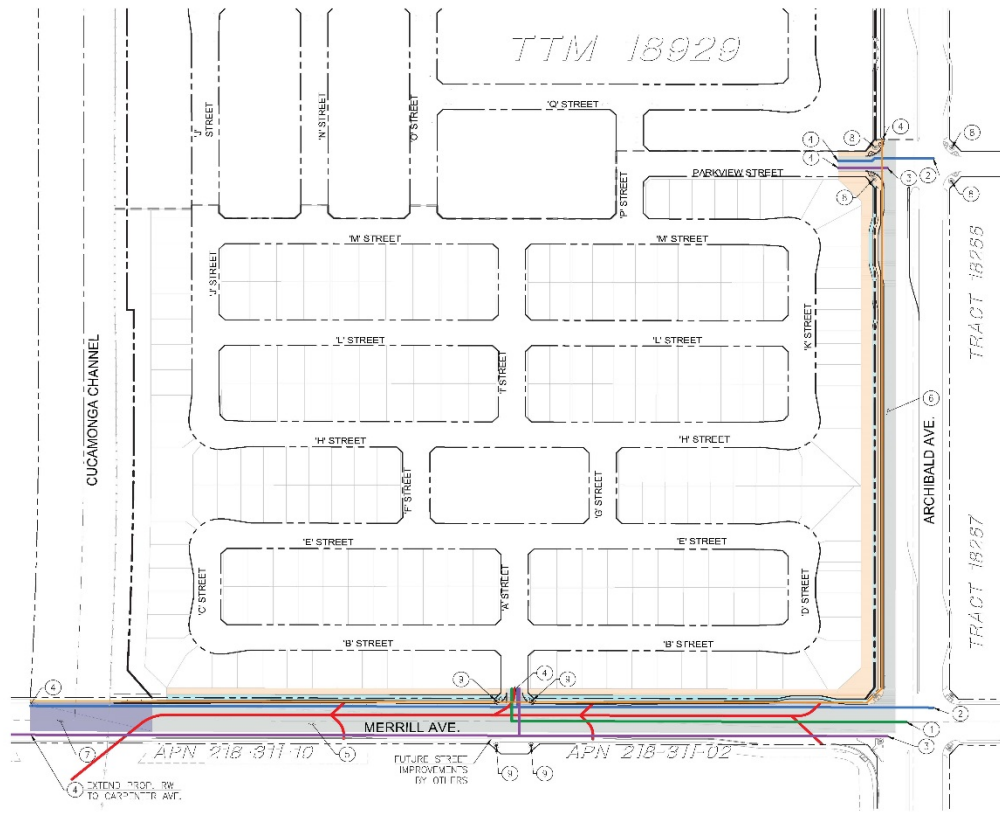
IBI GROUP  
18451 Van Gorman Avenue - Suite 110  
Irvine, CA 92612 USA  
Tel: 949 853 3388 Fax: 949 853 3611  
ibi@group.com

1. IBI GROUP HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT SITE AND THE SURROUNDING AREA. THE INFORMATION IS BASED ON VISUAL INSPECTIONS AND IS NOT A GUARANTEE OF ACCURACY. IBI GROUP IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES.

# Exhibit "F-2"

## TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements

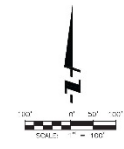
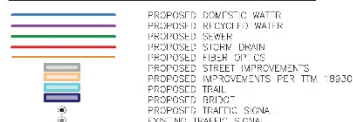
TENTATIVE TRACT MAP 18930  
IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA  
OFFSITE INFRASTRUCTURE IMPROVEMENTS



### CONSTRUCTION NOTE TABLE

- ① CONNECT TO EXISTING SEWER LINE
- ② CONNECT TO EXISTING DOMESTIC WATER LINE
- ③ CONNECT TO EXISTING RECYCLED WATER LINE
- ④ CONNECTION FOR FUTURE IMPROVEMENTS
- ⑤ DWP O+R SHALL BE RESPONSIBLE TO CONSTRUCT 48" STREET IMPROVEMENTS ON THE NORTH SIDE, INCLUDING CURB & GUTTER, PARKWAY, MULTI-PURPOSE TRAIL, SIDEWALK, SLOPE LIGHTS, SIGNING & MARKING, PARKWAY LANDSCAPING, PLUS A STRIPPED MEDIAN, FAST-LOAD TAMP (SOUTH SIDE), 4" SHOULDER (SOUTH SIDE), ULTIMATE JOINTS UNDER PAVEMENT, AND APPROPRIATE PAVEMENT TRANSITIONS TO ACCOMMODATE JOINTS
- ⑥ DWP O+R SHALL BE RESPONSIBLE TO WIDEN TO 10' MAX WIDTH ON THE WEST SIDE OF THE STREET, CURB & GUTTER, PARKWAY LANDSCAPING, SIDEWALK AND A MULTI-PURPOSE TRAIL
- ⑦ DEVELOP SHALL WIDEN THE NORTHERN HALF OF THE EXISTING MERRILL AVENUE BRIDGE TO ITS ULTIMATE WIDTH
- ⑧ EXISTING SIGNAL, SIGNAL MOD MAY BE REQUIRED
- ⑨ DWP O+R SHALL BE RESPONSIBLE TO INSTALL NEW TRAFFIC SIGNAL

### LEGEND



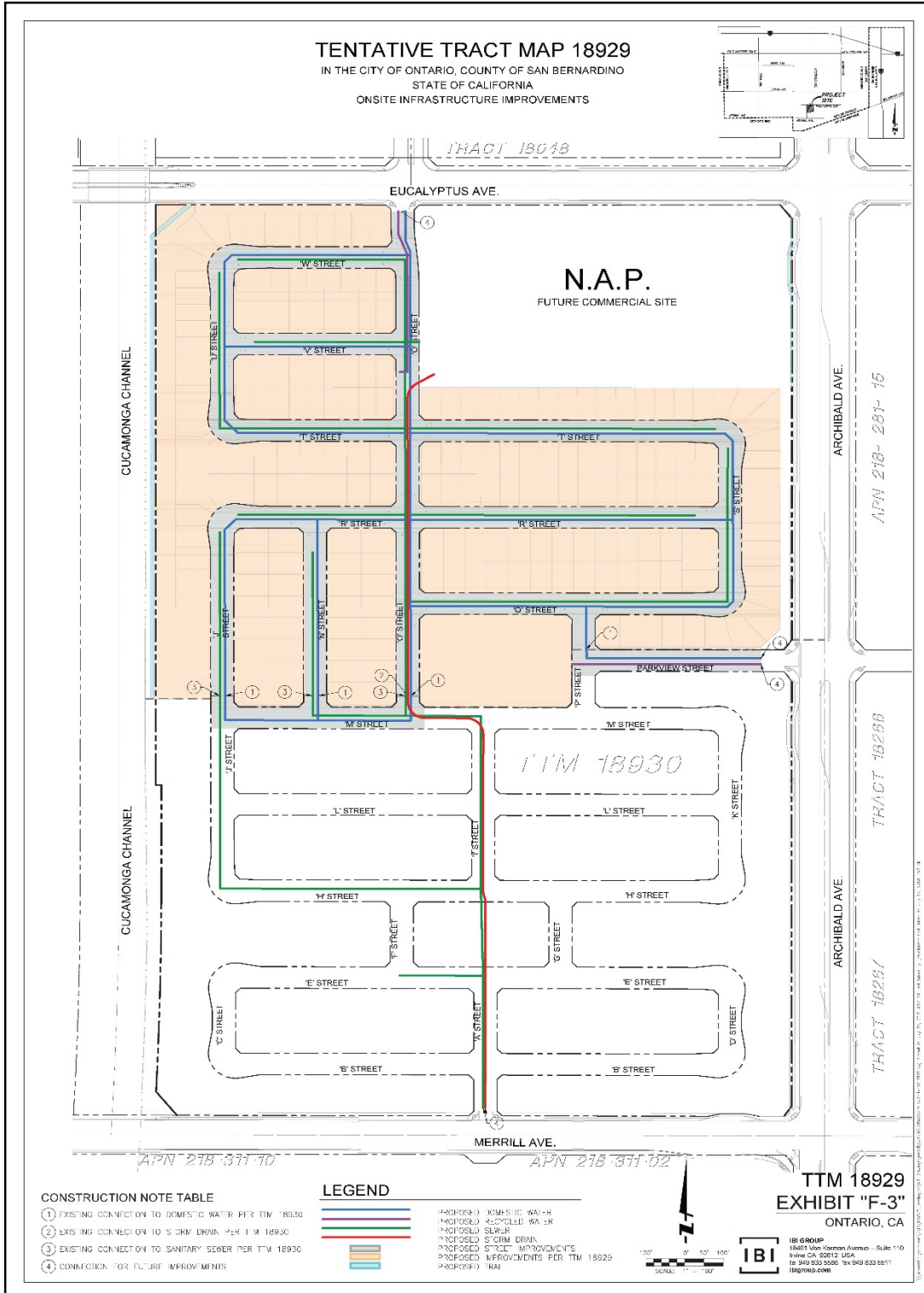
TTM 18930 DA  
EXHIBIT "F-2"

ONTARIO, CA  
**IBI GROUP**  
18451 Van Gorman Avenue, Suite 110  
Irvine CA, 92612 USA  
Tel: 949.853.8388 Fax: 949.853.8811  
ibi@ibigroup.com

TTM 18930 DA EXHIBIT "F-2" (PARTIAL) (SHEET 1 OF 2) (DATE: 08/14/2018) (PROJECT: 18451 VAN GORMAN AVENUE, SUITE 110, IRVINE, CA 92612) (DRAWN BY: J. B. BROWN) (CHECKED BY: J. B. BROWN) (SCALE: 1" = 100')

# Exhibit "F-3"

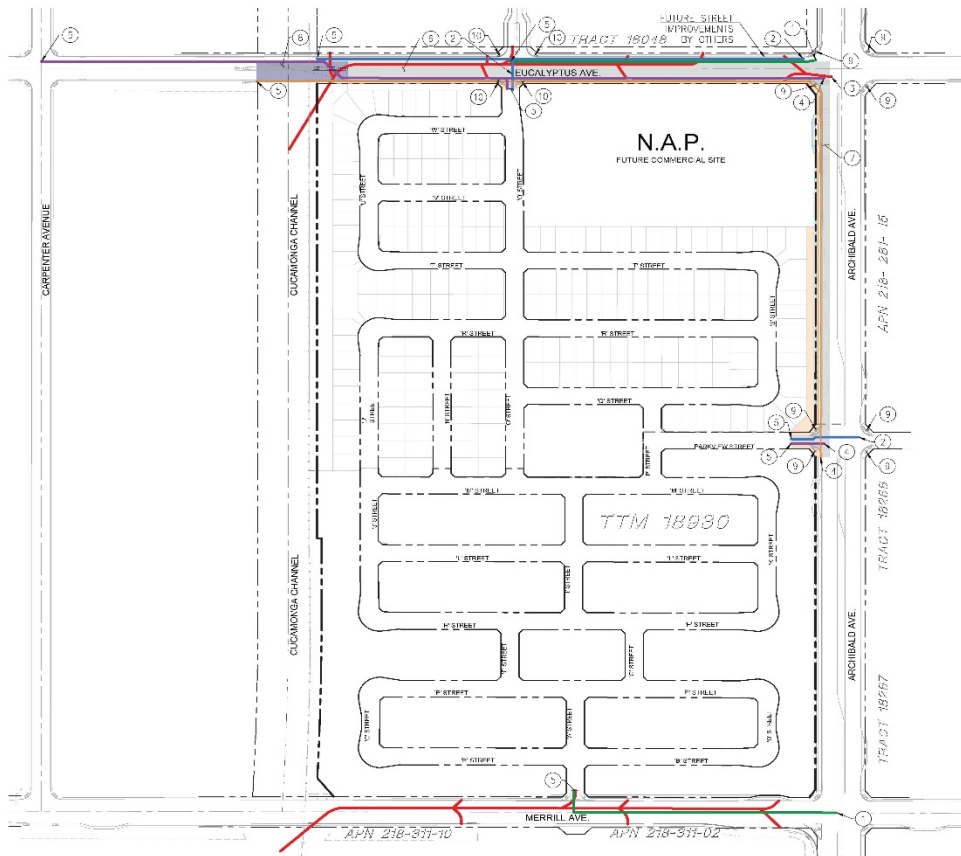
## TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements



# Exhibit "F-4"

## TO DEVELOPMENT AGREEMENT Required Infrastructure Improvements

TENTATIVE TRACT MAP 18929  
IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA  
OFFSITE INFRASTRUCTURE IMPROVEMENTS

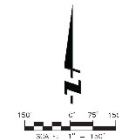


### CONSTRUCTION NOTE TABLE

1. CONNECT TO EXISTING SEWER LINE.
2. CONNECT TO EXISTING DOMESTIC WATER LINE.
3. CONNECT TO EXISTING STORM DRAIN LINE.
4. CONNECT TO EXISTING RECYCLED WATER LINE.
5. CONNECT TO FUTURE IMPROVEMENTS.
6. DEVELOPER SHALL BE RESPONSIBLE TO CONSTRUCT HALF STREET IMPROVEMENTS ON THE SOUTH SIDE, INCLUDING CURB & GUTTER, PAVEMENT, MULTI-PURPOSE TRAIL, SIDEWALK, STREET LIGHTS, SIGNING & STRIPING, PARKWAY LANDSCAPING, PLUS A 5' SHOULDER WITHIN WESTBOUND LANE (NORTH SIDE), 5' SHOULDER (NORTH SIDE), ULTIMATE UTILITIES UNDER PAVEMENT, AND APPROPRIATE PAVEMENT TRANSITIONS TO ACCOMMODATE LANE SHIFTS.
7. DEVELOPER SHALL BE RESPONSIBLE TO DESIGN & CONSTRUCT THE BRIDGE OVER THE CUCAMONGA CREEK CHANNEL CROSSING. THE BRIDGE SHALL BE CONSTRUCTED TO ITS ULTIMATE WIDTH ON THE SOUTHERN HALF AND ONE WESTBOUND LANE.
8. EXISTING SIGNAL. SIGNAL MOD MAY BE REQUIRED.
9. DEVELOPER SHALL BE RESPONSIBLE TO INSTALL NORTH-SOUTH SIGNAL.

### LEGEND

- PROPOSED DOMESTIC WATER
- PROPOSED RECYCLED WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED FIBER OPTICS
- PROPOSED STREET IMPROVEMENTS
- PROPOSED IMPROVEMENTS
- PROPOSED TRAIL
- PROPOSED SIDEWALK
- PROPOSED TRAIL TO SIGNAL
- EXISTING TRAFFIC SIGNAL



TTM 18929  
EXHIBIT "F-4"

ONTARIO, CA  
IBI GROUP  
18011 Van Corman Avenue - Suite 110  
Irvine CA 92612 USA  
Tel: 949 453 5000 Fax: 949 453 5011  
ibigroup.com

# Exhibit "G" TO DEVELOPMENT AGREEMENT

## Form of Plume Disclosure Letter



PAUL S. LEON  
MAYOR

DEBRA DORST-PORADA  
MAYOR PRO TEM

ALAN D. WAPNER  
JIM W. BOWMAN  
RUBEN VALENCIA  
COUNCIL MEMBERS

March 2017

ONTARIO MUNICIPAL UTILITIES COMPANY

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](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.*

1425 SOUTH BON VIEW · ONTARIO, CALIFORNIA 91761-4406 · (909) 395-2605 · FAX (909) 395-2601



# PLANNING COMMISSION STAFF REPORT

August 28, 2018

**SUBJECT:** A Conditional Use Permit (**File No. PCUP18-008**) and Development Plan (**File No. PDEV18-008**) to establish and construct a 6-story, 208-room full-service hotel and an 8,000-square foot restaurant pad on 4.95 acres of land, generally located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district; (APNs: 0210-191-29, 0210-191-30, 0210-191-31 and 0210-191-32); **submitted by Heartland Alliance, LLC.** City Council action is required for PCUP18-008.

**PROPERTY OWNER:** J & E Holding, LLC

**RECOMMENDED ACTION:** That the Planning Commission recommend City Council approval of File No. PCUP18-008 and approve File No. PDEV18-008, 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 4.95 acres of land generally located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district, and is depicted in Figure 1: Project Location, below. The surrounding area is characterized by a commercial shopping center to the north, across Inland Empire Boulevard, which is zoned SP (Specific Plan) and is within the Garden Commercial land use district of the Ontario Festival Specific Plan. Properties to the east of the project site are zoned SP, are within the Garden Commercial land use district of the Transpark Specific Plan, and are developed with offices and a business park. The area south of the project site is developed with Interstate 10 freeway. Properties west of the project site, across Archibald Avenue, are zoned SP, are within the Urban Commercial



**Figure 1: Project Location**

Case Planner:	Charles Mercier	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB	8/20/2018	Approved	Recommend
Submittal Date:	2/16/2018	ZA			
Hearing Deadline:	10/14/2018	PC	8/28/2018		Recommend
		CC	09/18/2018		Final



land use district of the Meredith International Specific Plan, and are undeveloped.

### **PROJECT ANALYSIS:**

[1] **Background.** The applicant is requesting Conditional Use Permit (File No. PCUP18-008) and Development Plan (File No. PDEV18-008) approval to establish and construct a full-service hotel, and establish an 8,000-square foot freestanding restaurant pad, on the 4.95-acre project site. The hotel is proposed at six stories in height and will contain a total of 208 guestrooms. Guest amenities proposed for the project include:

- Swimming pool and spa with an accompanying 612-square foot poolside cabana;
- Outdoor gathering and seating areas with associated fire pits;
- Large porte-cochere for arriving guests;
- Pre-function area (1,560 square feet), meeting rooms (two at 450 square feet, each, with removable wall between rooms) and a banquet room (3,365 square feet);
- Business Center (430 square feet)
- Fitness room (1,420 square feet);
- Guest lounge (1,035 square feet) and dining areas (440 square feet);
- Guest laundry facilities (360 square feet); and
- Rooftop sky terrace with seating.

Guestrooms range from 317 to 731 square feet in area. Four room configurations are proposed: single king (317 square feet), single king ADA (357 square feet), double queen (357 square feet), and double queen suite (731 square feet).

Architecturally, a building design in the modern vernacular has been proposed, incorporating stucco exterior walls in combination with a cultured grey granite ledgerstone veneer at the first floor, decorative metal panels, clear vision glazing and spandrel glass.

[2] **Conditional Use Permit (File No. PCUP18-008).** The City's Development Code requires that all new hotels must be reviewed under concurrently filed Conditional Use Permit and Development Plan applications. The purpose of the Conditional Use Permit 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. More specifically, in the case of hotels, the Conditional Use Permit is required to establish the project's market feasibility and ensure on-going compliance with the minimum amenity package required by the Development Code.

[a] Market Feasibility Report — A market feasibility report is required to be prepared for all new proposed hotels. The Greater Ontario Convention and Visitors Bureau, and the City's Economic Development Agency, have provided information based on the projected demand within the various markets and the growing competition from a variety of hotels. The information provided estimates that the proposed hotel would be

successful based upon factors such as future growth in the area, including new office and commercial space, as-well-as future airport expansion. The report includes discussions of other similar hotels in the area, long-term viability, and overall demand due to new businesses and activities in and around the City, based on the following data:

- Ontario hotel Revenue Per Available Room (RevPAR) growth 2016 over 2015 was 10.5%;
- Average Daily Rate (ADR) increased 8.8% in 2016 with solid gains in both transient +8.3% and Group +9.6% Market Segments;
- Demand has also increased in adjoining Rancho Cucamonga; 2016 Occupancy +1.2%; ADR +8.8%; RevPAR +10%;
- Mid-week hotel occupancy along the Fourth Street corridor bordering Ontario and Rancho Cucamonga exceeds 85 percent on an annual basis, indicating an under-supply of hotel rooms;
- Mid-week demand is expected to continue to grow as new businesses continue moving in along the I-10; I-15, and Highway 60 Freeways corridors; and
- Weekend demand has dramatically grown due to the success of Silver Lakes Sports Complex in Norco (24 soccer/lacrosse fields) and Big League Dreams in Jurupa Valley (7 baseball/softball fields). Both facilities host weekend sports tournaments that regularly attract over 10,000 people each weekend, many requiring overnight hotel accommodations. Due to the concentration of hotels, restaurants, and entertainment in Ontario, both sports facilities work with the Greater Ontario Convention and Visitors Bureau to reserve room blocks. Demand has grown dramatically for these weekend event since 2015.

The Greater Ontario Convention and Visitors Bureau and Economic Development Agency believe that the new hotel, supported by a major hotel brand and a room inventory distribution system that corresponds with room demand, will continue to outpace supply in the Ontario market. Additionally, based on the proposed location within close proximity to the region's demand-drivers, including the Citizens Business Bank Arena, Ontario International Airport, and major transportation channels, the proposed hotel would achieve positive results in the market.

[b] Minimum Amenity Package — The Development Code provides that no Conditional Use Permit shall be approved for a hotel, motel, residence inn, or other similar traveler accommodation, unless certain specific amenities are provided, as follows:

- Each guestroom must include voicemail, wired or wireless internet access, desk with chair, hairdryer, retractable magnifying (10X) and lighted makeup mirror, iron and ironing board, high definition television, and alarm clock or wake-up service. Compliance with these requirements will be verified by the Planning Department during Building Department plan check.
- For full service hotels, meeting space equal to 30 square feet per guestroom must be provided, requiring that a minimum of 6,240 square feet of meeting

area must be provided for the project. The project exceeds the minimum requirement, incorporating a total of 6,255 square feet of available meeting area.

- Both active and passive leisure amenities are required. At a minimum, a swimming pool, whirlpool/spa or furnished cabana, and fitness room. The project exceeds the minimum requirement, providing: pool and spa with a 612-square foot poolside cabana, outdoor gathering and seating areas with fire pits, and a 1,420-square foot fitness room. Additionally, a rooftop sky terrace with seating is proposed, which will provide sixth-floor city and mountain views.

- A restaurant is required to be provided for full-service hotels. A dining facility will be provided within the hotel for guests, and a separate 10,000 square foot freestanding restaurant pad has been proposed on-site. The restaurant layout and architectural design will be reviewed under a separate Development Plan application.

It is staff's determination that the proposed project has met or exceeded the minimum amenity package requirements, as stipulated by Section 5.03.250.D (Minimum Amenity Package) of the City's Development Code.

**[3] Development Plan (File No. PDEV18-008).**

[a] Site Design/Building Layout — The proposed hotel is in U-shaped configuration, located toward the rear of the site, oriented to Interstate 10 and Archibald Avenue. Off-street parking has been distributed around the building perimeter, resulting in substantial building setbacks from both Interstate 10 and Archibald Avenue. Ample landscaped areas have been provided immediately adjacent to the hotel, along with decorative hardscape treatments at the main building entrance, and throughout the pool/spa and outdoor gathering/seating areas. Enhanced paving will also be provided at the porte cochere and at the project site's vehicular entry points.

The proposed restaurant pad is situated in front of the proposed hotel, adjacent to the project's Inland Empire Boulevard street frontage, with off-street parking distributed around the south and east sides of the building pad. This application will only establish the building pad location on the site. The building layout and architecture will be reviewed under a separate Development Plan application.

[b] Site Access/Circulation — Access to the project site is proposed from three locations, including two driveways on the site's Inland Empire Boulevard frontage and one driveway on the Archibald Avenue frontage. The Inland Empire Boulevard driveways include an existing shared access with the neighboring Mobil service station and a new access at the northeast corner of the project site. The access shared with the Mobil service station will be limited to right-in, right-out only, as a raised median will be constructed on Inland Empire Boulevard. The new site access point on Inland Empire Boulevard will be a signalized full access driveway, which will align with a driveway for the shopping center across the street (Airport Gateway Plaza).

The Archibald Avenue access to the project site is currently restricted by Caltrans. The applicant has proposed right-in only access from Archibald Avenue, which will require that Caltrans approve the decertification of a portion of the Archibald Avenue right-of-way to allow for the construction of the right-in site entry point. If decertification of the Archibald Avenue right-of-way is not approved by Caltrans, the proposed access will not be allowed to be constructed. The lack of the access point, however, would not preclude the development of the project, as full site access from Inland Empire Boulevard would still be available.

[c] Parking — The minimum parking requirements for the proposed project have been exceeded. The minimum parking requirement for hotels is one parking space for each guestroom, with no fewer than one space for each 2 beds. A total of 208 parking spaces is required for the hotel and 216 spaces have been provided.

The minimum parking requirement for restaurants is 10 parking spaces for each 1,000 square feet of gross floor area (includes outdoor seating area up to 25 percent of gross floor area). A total of 80 parking spaces is required for the proposed 8,000-square foot restaurant pad, and 88 spaces have been provided.

[d] Architecture — The applicant has proposed a development, which embodies the type of high-quality architecture promoted by the City's design guidelines for commercial developments. This is exemplified through the project's use of:

- Significant articulation in the building footprint, which correspond to changes in the planes of exterior walls;
- A main entrance defined by a large porte-cochere, which has been enhanced through the use of stone veneers and decorative exposed metal columns;
- A mix of exterior finishes/materials and architectural detailing, including the incorporation of stucco walls in combination with the liberal use of cultured stone veneers, decorative metal panels, and color blocking used to define changes in wall planes;
- Varied building massing, incorporating multiple changes in plane in the exterior building walls; and
- Varied roof elements/forms, incorporating changes in the parapet line.

[e] Landscaping — The project provides substantial landscaping the full length of the Archibald Avenue and Inland Empire Boulevard street frontages, throughout off-street parking areas, and throughout stormwater retention areas, for an overall landscape coverage of approximately 18.4 percent. A variety of accent and shade trees in 15 gallon, 24-inch, 36-inch, and 48-inch box sizes have been proposed to enhance the project. Moreover, decorative paving and lighting will be provided at vehicular entries, pedestrian walkways, and other key locations throughout the project.

Furthermore, staff has conditioned the project requiring that the applicant work with City staff and Caltrans to enter into an agreement with Caltrans to landscape and maintain the

Caltrans rights-of-way adjacent to the project site (Archibald Avenue and westbound Interstate 10 off-ramp).

[f] Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan (PWQMP), which establishes the project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces, and maximizes low impact development (LID) best management practices (BMPs), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes a vegetated swales designed to accept runoff from building roofs, parking lots and project roadways, which lead to an underground stormwater infiltration system. Any overflow drainage will be conveyed to an existing Caltrans drainage ditch at the southeast corner of the site.

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

[1] City Council Goals.

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

[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.

**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.

➤ CD2-12 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.

**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 application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"); however, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the following conditions:

[1] The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

[2] The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

[3] The project site has no value as habitat for endangered, rare, or threatened species;

[4] Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

[5] The Project site can be adequately served by all required utilities and public services.

**CONDITIONS OF APPROVAL:** See attached department reports.

**TECHNICAL APPENDIX:**

**Surrounding Zoning and Land Use:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant	Community Commercial	OH (High Intensity Office)	N/A
<i>North</i>	Shopping Center	Mixed Use	SP (Specific Plan)	Garden Commercial (Ontario Festival SP)
<i>South</i>	Interstate 10	Interstate 10	Interstate 10	Interstate 10
<i>East</i>	Offices	Community Commercial	SP (Specific Plan)	Garden Commercial (Transpark SP)
<i>West</i>	Vacant	Mixed Use	SP (Specific Plan)	Urban Commercial (Meredith International 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>	4.95 acres	N/A	Y
<i>Building Area:</i>	142,180 SF	N/A	Y
▪ <i>Restaurant</i>	8,000	N/A	Y
▪ <i>Hotel</i>	134,180 SF	N/A	Y
<i>Floor Area Ratio:</i>	0.62	0.75 (Max.)	Y
<i>Building Height:</i>	66+/- FT	105 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>Hotel</i>	134,180 SF	One space per guestroom; however, no fewer than one space per 2 beds	208	216
<i>Restaurant</i>	8,000 SF	10 spaces per 1,000 SF of GFA (includes outdoor seating up to 25% of GFA)	80	88
<b>TOTAL</b>	<b>142,180 SF</b>		<b>288</b>	<b>304</b>

**Exhibit A—PROJECT LOCATION MAP**



**Exhibit B—SITE PLAN**

PROJECT INFORMATION	
TOTAL GROSS SITE AREA:	215,061 SF (4.94 ACRES)
TOTAL NET SITE AREA:	187,900 SF (4.31 ACRES)
ADDRESS:	2800 EAST INLAND EMPIRE BLVD., ONTARIO, CA 91764
PACEL MAP NO.:	17432
EXISTING LAND USE DESIGNATION:	AIRPORT SERVICE COMMERCIAL
PROPOSED LAND USE DESIGNATION:	HOTEL
ZONING:	(OH) HIGH INTENSITY OFFICE ZONING DISTRICT
FREEWAY SETBACK:	20 FEET
ARCHIBALDS AVE SETBACK:	20 FEET
INLAND EMPIRE BLVD SETBACK:	20 FEET
INTERIOR SETBACK:	0 FEET
PROPOSED LOT COVERAGE:	20%
PROPOSED FAR:	0.62

GUEST ROOM						
STANDARD ROOMS	TYPES	KING	KING ADA	DBL QUEEN	DBL QUEEN SUITE	TOTAL KEYS
(1) LEVEL 1		3	0	3	2	8
(2) LEVEL 2		27	2	15	6	50
(3) LEVEL 3		27	2	15	6	50
(4) LEVEL 4		27	2	15	6	50
(5) LEVEL 5		27	2	15	6	50
(6) LEVEL 6		0	0	0	0	0
<b>TOTAL</b>		<b>111</b>	<b>8</b>	<b>61</b>	<b>26</b>	<b>208</b>
		53%	4%	30%	13%	

AREA INFORMATION	
LEVELS	ADI, GROSS SF
(1) LEVEL 1 (LOBBY, DINING, BANQUET ROOM)	28,630
(2) LEVEL 2	26,200
(3) LEVEL 3	26,200
(4) LEVEL 4	26,200
(5) LEVEL 5	26,200
(6) LEVEL 6 (ROOF TERRACE)	750
<b>TOTAL</b>	<b>134,180</b>

NOTE: ALL AREAS ARE CALCULATED TO EXTERIOR FACE OF WALL EXCLUDING ALL VERTICAL SHAFTS.

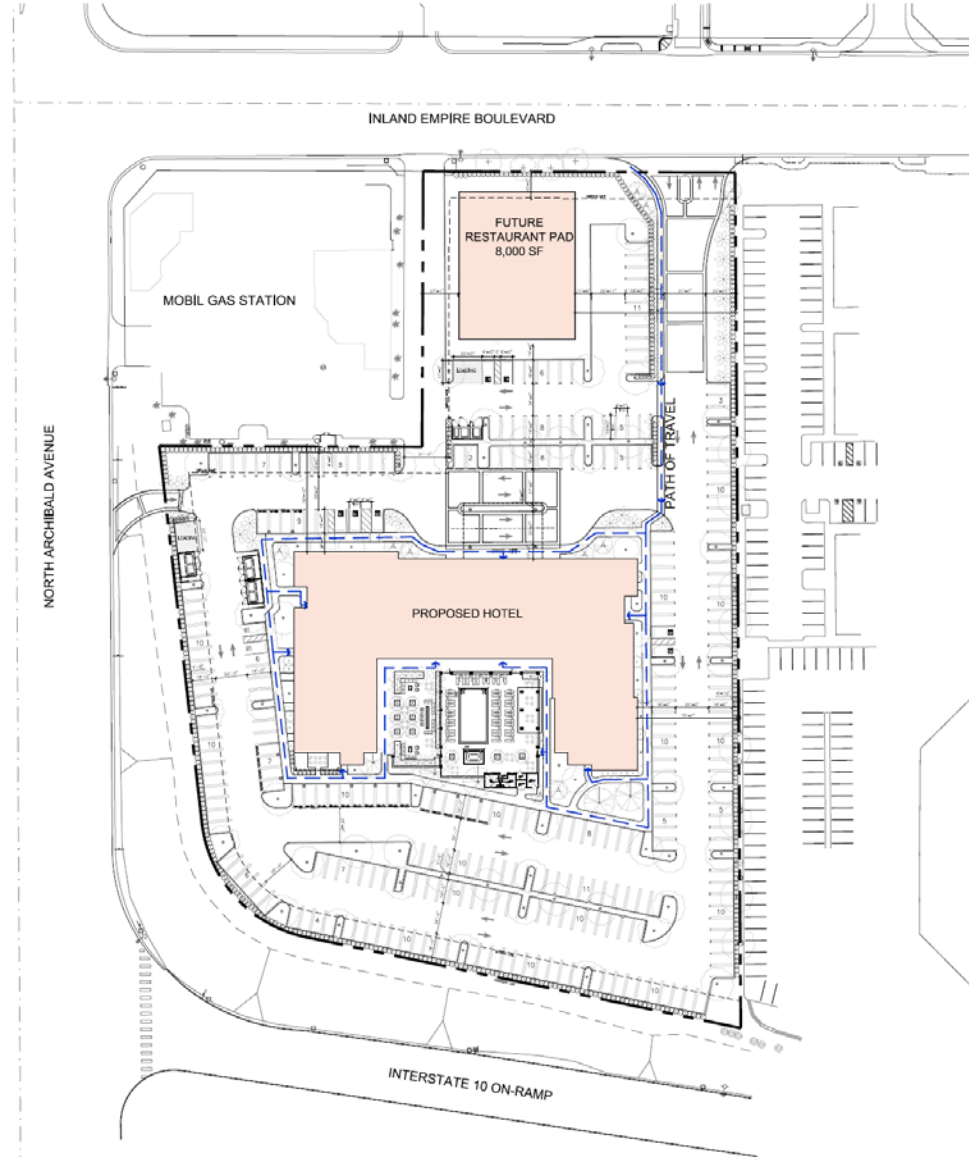
PARKING REQUIRED	
TYPE	REQUIRED
HOTEL (1 PER GUESTROOM)	208
RESTAURANT 8,000 SF (1 PER 100 SF)	80
<b>TOTAL</b>	<b>288</b>

PARKING PROVIDED				
	STANDARD	VAN/POOL/EV	HDCP	TOTAL
SURFACE PARKING	270	24	30	304

REFUSE AND RECYCLING MINIMUM WEEKLY SERVICE REQUIREMENTS	
<b>FUTURE RESTAURANT</b>	
REQUIRED: 2 BINS, 4 CY EACH WEEKLY	
PROVIDED: 2 BINS 4 CY EACH WEEKLY	
<b>HOTEL</b>	
134,180 SF / 2,500 SF = 54.20 CY YARDS (1 CY PER 2,500 SF)	
54.20 CY / 4 CY = 14 BINS WEEKLY	
PROPOSED SERVICE TO BE 1 TIMES A WEEK	
14 BINS/3 = 4.6 BINS	
REQUIRED: 5 BINS	
PROVIDED: 6 BINS, TOTAL 3 TRASH ENCLOSURES	



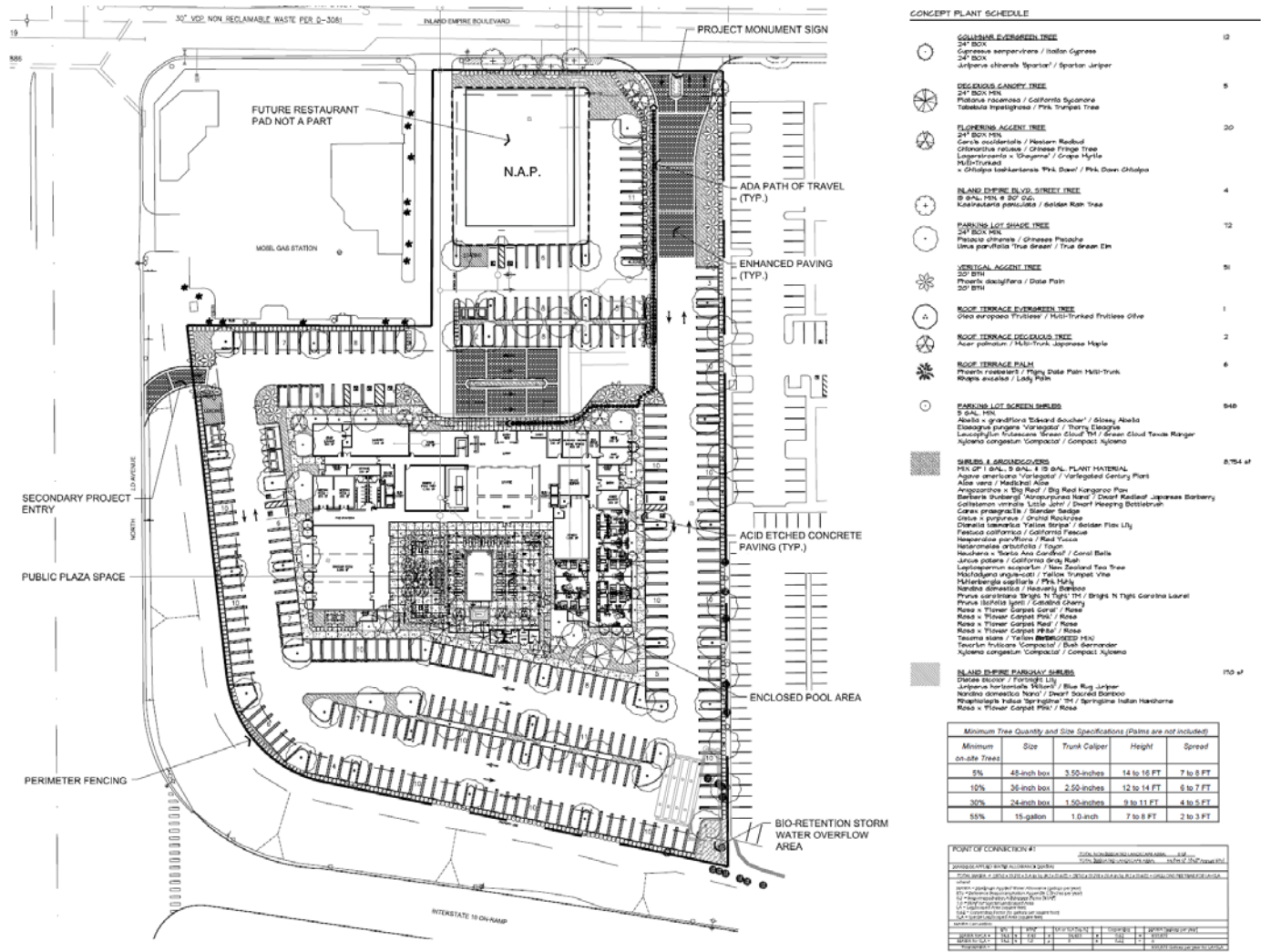
**Exhibit C-1—ELEVATIONS**



**Exhibit C-2—ELEVATIONS**



**Exhibit D—LANDSCAPE PLAN**



**CONCEPT PLANT SCHEDULE**

	<b>GOLDEN EVERGREEN TREE</b> 24" BOX Carpinus sempervirens / Italian Cypress 24" BOX Japane skunkholia 'Spartan' / Spartan Juniper	12
	<b>DECIDUOUS CANOPY TREE</b> 24" BOX H&L Platanus racemosa / California Sycamore Tabebuia heterophylla / Pink Turpeet Tree	5
	<b>FLOWERING ACCENT TREE</b> 24" BOX H&L Cercis canadensis / Eastern Redbud Citrusnivea reticulata / Chinese Fringe Tree Lagerströmia "Dragonair" / Crapa Nylcia M. (Turk)us + Citrusus (skunkholia) 'Pink Dawn' / Pink Dawn Citrus	20
	<b>ISLAND EMPIRE BLVD. SCREEN TREE</b> 18" DIA. H&L @ 20' DIA. Kobus (skunkholia) / Golden Rain Tree	4
	<b>PARKING LOT SHADE TREE</b> 24" BOX H&L Platanus racemosa / Chinese Sycamore Linum parviflorum 'True Green' / True Green Elm	12
	<b>VERTICAL ACCENT TREE</b> 20" B&H Phoenix (skunkholia) / Date Palm 20" B&H	51
	<b>ROOF TERRACE EVERGREEN TREE</b> Olea europaea 'Frillifera' / Mini-Turk Frillifera Olive	1
	<b>ROOF TERRACE DECIDUOUS TREE</b> Acer japonicum / Mini-Turk Japanese Maple	2
	<b>ROOF TERRACE PALM</b> Phoenix (skunkholia) / Pinyon Date Palm Mini-Trunk Rhapis excelsa / Lady Palm	6
	<b>PARKING LOT SCREEN SHRUB</b> 3" DIA. H&L Abutilon (skunkholia) 'Black and Blue' / Black Abutilon Elaeagnus (skunkholia) 'Variegata' / Thorny Elaeagnus Hesperaloe (skunkholia) 'Orange Cloud' / Orange Cloud Yucca Nymphaea (skunkholia) 'Compact' / Compact Nymphaea	540
	<b>SHRUBS &amp; GROUNDCOVER</b> MIN. 18" G&L, 9" DIA., 4" @ 3" DIA. PLANT MATERIAL Agave americana 'Variegata' / Variegated Century Plant Aloe vera / Madras Aloe Anemone (skunkholia) 'Red Reef' / Red Kangaroo Paw Barleria (skunkholia) 'Auripurpurea' / Dwarf Redcurrant Japanese Barbary Celastrus (skunkholia) 'Little Leaf' / Dwarf Weeping Boissieria Cereus (skunkholia) / Slender Sedge Cissampelos (skunkholia) / Ground Boerhaavia Dianella (skunkholia) 'Yellow Star' / Golden Star Lily Ficus (skunkholia) / Coloured Ficus Hesperaloe (skunkholia) / Red Yucca Hesperaloe (skunkholia) / Fringe Hesperaloe (skunkholia) 'Variegata' / Coral Ball Juniper (skunkholia) / California Juniper Bush Lepidosaphale (skunkholia) / New Zealand Tree Muhlenbergia (skunkholia) / Turpeet Tree Muhlenbergia (skunkholia) / Pink H&L Nerita (skunkholia) / Hearty Barbary Phlox (skunkholia) 'Bright N. Light' / Bright N. Light Carolina Laurel Phlox (skunkholia) 'Light' / Candy Cherry Rosa (skunkholia) 'Flower Carpet Gold' / Rose Rosa (skunkholia) 'Flower Carpet Red' / Rose Rosa (skunkholia) 'Flower Carpet Pink' / Rose Scaevola (skunkholia) / Tall Blue Scaevola Teucrium (skunkholia) 'Compact' / Bush Germander Xylocarpus (skunkholia) 'Compact' / Compact Xylocarpus	8,754 sf
	<b>ISLAND EMPIRE PARKWAY SHRUB</b> 3" DIA. H&L Dioscorea (skunkholia) 'Forsythia' / Blue Rug Liriodendron (skunkholia) 'Nana' / Dwarf Spotted Burreed Raphanostyle (skunkholia) 'Springtime' / Springtime Indian Hawthorne Rosa (skunkholia) 'Flower Carpet Pink' / Rose	170 sf

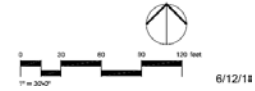
Minimum Tree Quantity and Site Specifications (Plants are not included)				
Minimum on-site Trees	Size	Trunk Caliper	Height	Spread
5%	48-inch box	3.50-inches	14 to 16 FT	7 to 8 FT
10%	36-inch box	2.50-inches	12 to 14 FT	6 to 7 FT
30%	24-inch box	1.50-inches	8 to 11 FT	4 to 5 FT
55%	15-gallon	1.0-inch	7 to 8 FT	2 to 3 FT

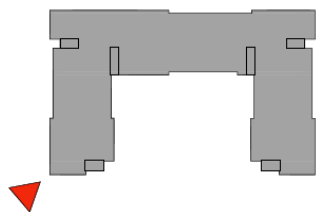
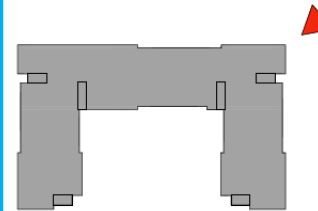
**POINT OF CONNECTION #1**

DATE: 08/14/18  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

ONTARIO AIRPORT HOTEL OVERALL  
 CONCEPTUAL SITE PLAN

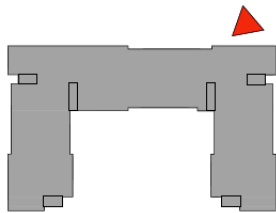
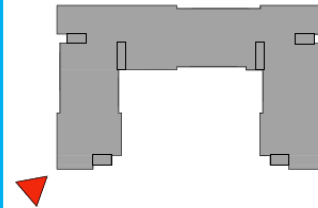


**Exhibit E-1—Perspective Views**

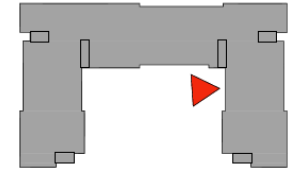




**Exhibit E-2—Perspective Views**



***Exhibit E-3—Perspective Views***



## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE FILE NO. PCUP18-008, A CONDITIONAL USE PERMIT TO ESTABLISH A 6-STORY, 208-ROOM HOTEL ON 4.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND INLAND EMPIRE BOULEVARD, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-191-29, 0210-191-30, 0210-191-31 AND 0210-191-32.

WHEREAS, HEARTLAND ALLIANCE, LLC ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP18-008, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.95 acres of land generally located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district, and is presently improved with partial off-street parking facilities; and

WHEREAS, the area surrounding the project site is characterized by a commercial shopping center to the north, across Inland Empire Boulevard, which is zoned SP (Specific Plan) and is within the Garden Commercial land use district of the Ontario Festival Specific Plan. Properties to the east of the project site are zoned SP, are within the Garden Commercial land use district of the Transpark Specific Plan, and are developed with offices and a business park. The area south of the project site is developed with Interstate 10 freeway. Properties west of the project site, across Archibald Avenue, are zoned SP, are within the Urban Commercial land use district of the Meredith International Specific Plan, and are undeveloped.; and

WHEREAS, the proposed hotel is will be six stories in height and will contain a total of 208 guestrooms. Guest amenities proposed by the project include:

- Swimming pool and spa with an accompanying 612-square foot poolside cabana;
- Outdoor gathering and seating areas with associated fire pits;
- Large porte-cochere for arriving guests;
- Pre-function area (1,560 square feet), meeting rooms (two at 450 square feet, each, with removable wall between rooms) and a banquet room (3,365 square feet);
- Business Center (430 square feet)
- Fitness room (1,420 square feet);
- Guest lounge (1,035 square feet) and dining areas (440 square feet);
- Guest laundry facilities (360 square feet); and

- Rooftop sky bar with terrace seating.

WHEREAS, guestrooms range from 317 to 731 square feet in area. Four room configurations are available: single king (317 square feet), single king ADA (357 square feet), double queen (357 square feet), and double queen suite (731 square feet); and

WHEREAS, architecturally, a building design in the modern vernacular has been proposed, incorporating stucco exterior walls in combination with a cultured grey granite ledgestone veneer, decorative metal panels, clear vision glazing and spandrel glass; and

WHEREAS, the City's Development Code requires that all new hotel must be reviewed under concurrently filed Conditional Use Permit and Development Plan applications. The purpose of the Conditional Use Permit 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. More specifically, in the case of hotels, the Conditional Use Permit is required to establish the project's market feasibility and ensure on-going compliance with the minimum amenity package required by the Development Code; and

WHEREAS, The Greater Ontario Convention and Visitors Bureau, and the City's Economic Development Agency, have provided information based on the projected demand within the various markets and the growing competition from a variety of hotels. The information provided estimates that the proposed hotel would be successful based upon factors such as future growth in the area, including new office and commercial space, as-well-as future airport expansion. Furthermore, the Greater Ontario Convention and Visitors Bureau and Economic Development Agency believe that the new hotel, supported by a major hotel brand and a room inventory distribution system that corresponds with room demand, will continue to outpace supply in the Ontario market. Additionally, based on the proposed location within close proximity to the region's demand-drivers, including the Citizens Business Bank Arena, Ontario International Airport, and major transportation channels, the proposed hotel would achieve positive results in the market; and

WHEREAS, the Development Code provides that no Conditional Use Permit shall be approved for a hotel, motel, residence inn, or other similar traveler accommodation, unless certain specific amenities are provided, as follows:

- Each guestroom must include voicemail, wired or wireless internet access, desk with chair, hairdryer, retractable magnifying (10X) and lighted makeup mirror, iron and ironing board, high definition television, and alarm clock or wake-up service. Compliance with these requirements will be verified by the Planning Department during Building Department plan check;

- For full service hotels, meeting space equal to 30 square feet per guestroom must be provided, requiring that a minimum of 6,240 square feet of meeting area must be provided for the project. The project exceeds the minimum requirement, incorporating a total of 6,255 square feet of available meeting area;

- Both active and passive leisure amenities are required. At a minimum, a swimming pool, whirlpool/spa or furnished cabana, and fitness room. The project exceeds the minimum requirement, providing: pool and spa with a 612-square foot poolside cabana, outdoor gathering and seating areas with fire pits, and a 1,420-square foot fitness room. Additionally, a rooftop sky bar with terrace seating is proposed, which will provide sixth-floor city views, and a view of the local mountains;

- A restaurant is required to be provided for full-service hotels. A dining facility will be provided within the hotel for guests, and a separate 10,000 square foot freestanding restaurant pad has been proposed on-site. The restaurant layout and architectural design will be reviewed under a separate Development Plan application; and

WHEREAS, the Planning Department has determined that the proposed project has met or exceeded the minimum amenity package requirements as stipulated by Section 5.03.250.D (Minimum Amenity Package) of the City's Development Code; and

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

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

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

WHEREAS, the Project 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 August 20, 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. DAB18-051, recommending the Planning Commission approve the Application; and

WHEREAS, on August 28, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, Infill Development Project) of the CEQA Guidelines, which consists of projects characterized as infill development meeting 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.

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

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

**SECTION 2: *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the Planning Commission finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project 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 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 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 OH (High Intensity Office) zoning district, and the scale and intensity of land uses intended for the zoning district in which the land use is proposed to be located; and

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Hotel land use will be located within the Community Commercial land use district of the Policy Plan Land Use Map, and the OH (High Intensity Office) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.*** The proposed Hotel land use is located with the Community Commercial land use district, as shown on the Policy Plan Land Use Map, and the OH (High Intensity Office) zoning district, as shown on the City's Official Zoning Map, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

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

**SECTION 5: Planning Commission Action.** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby



RECOMMENDS APPROVAL 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.

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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 28th day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Jim Willoughby  
Planning Commission Vice-Chairman

ATTEST:

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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. \_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PCUP18-008  
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***

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**Meeting Date:** August 20, 2018  
**File No:** PCUP18-008 & PDEV18-008  
**Related Files:** N/A

**Project Description:** A Conditional Use Permit and Development Plan to establish and construct a 6-story, 208-room hotel and 8,000-square foot restaurant pad on 4.95 acres of land, generally located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district. (APNs: 0210-191-29, 0210-191-30, 0210-191-31 and 0210-191-32); **submitted by Heartland Alliance.**

**Prepared By:** Charles Mercier, Principal Planner  
Phone: 909.395.2425 (direct)  
Email: cmercier@ontarioca.gov

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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.

**(b)** Conditional Use Permit approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

**(a)** All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading,

utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

### **2.3** Landscaping.

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

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

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

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

**(e)** The Applicant shall work with the City and Caltrans to enter into an agreement with Caltrans to landscape and maintain the portion of Caltrans right-of-way adjacent to the project site.

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

### **2.5** Parking, Circulation and Access.

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

**(b)** All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

**(c)** Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

**(e)** Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

**2.6** Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

**2.7** Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

**2.11** Alcoholic Beverage Sales. The sale of alcoholic beverages shall not be permitted until such time that the Applicant has obtained approval of a Conditional Use Permit for the activity.

**2.12** Architecture. The exterior stucco mix shall be formulated and applied to achieve a uniform fine sand float finish, having a blend of a maximum 20/30 aggregate mix.

**2.13** Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

(i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and

(ii) The area in which the project is located is not environmentally sensitive.

**(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.

**2.14** 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.

**2.15** Additional Fees. 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.



# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-008 & PCUP18-008

Address: Southeast Corner of Archibald Ave & Inland Empire Blvd

APN: 0210-1941-29, 30, 31& 32

Existing Land Use: Vacant

Proposed Land Use: A PUD to establish land use designations and development Standards within the MU-1 Zoning District for residential development

Site Acreage: 4.94 Proposed Structure Height: 66 FT

ONT-IAC Project Review: No

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Chuck Mercier

Date: 4/16/18

CD No.: 2018-019

PALU No.: \_\_\_\_\_

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>105 FT</u>	
<input type="radio"/> Zone 5			

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

See Attached

Airport Planner Signature: \_\_\_\_\_

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2018-019  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

The maximum height limit for the project site is 105 feet and as such, any construction equipment such as cranes or any other equipment exceeding 105 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed with the FAA and approved prior to operating such equipment on the project site during construction.

**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

3/28/18  
 Date

Reviewer's Name: **Carolyn Bell, Sr. Landscape Planner** Phone: **(909) 395-2237**

D.A.B. File No.: PDEV18-008 Case Planner: Chuck Mercier

Project Name and Location:  
 Ontario Hotel  
 2700 E Inland Empire Blvd

Applicant/Representative:  
 Heartland Alliance LLC  
 4684 Ontario Mills Parkway  
 Ontario Ca 91764

- A Preliminary Landscape Plan (dated 2/16/18) 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 landscape area width to allow for ornamental landscape. Provide a level grade minimum 4' from paving for landscape.
2. Show transformers located in planter areas, set back 5' setback for large transformers.
3. Show backflow devices shall be located in planter areas, set back min 3' from paving.
4. 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
5. Revise site plan to show 15% of the site with landscaping not including right of way or paving areas. Can reduce driveway widths to 24' per fire dept standards.
6. 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.
7. 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 where parking spaces are adjacent to planters.
8. Show parking lot island tree planters 1 for every 10 parking spaces and at each row end.

Landscape Plans

9. 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.
10. Show backflows, and transformers, with landscape screening.
11. Show all utilities on the landscape plans. Coordinate so utilities are clear of required tree

locations.

12. Show parkway landscape, sidewalks and street trees spaced 30' apart.
13. Show appropriate parking lot shade trees with min 30' canopy at maturity: Pistache, Ulmus. Etc. Show narrow trees such as Tristania along perimeter planters etc.
14. Call out type of proposed irrigation system (dripline) with preliminary MAWA calculation.
15. Show landscape hydrozones to separate low water from moderate water landscape.
16. Irrigation plans shall provide separate systems for tree stream spray bubblers with pc screens.
17. Replace short lived, high maintenance or poor performing plants: Rhus, Cercidium. Prosopis, Bambusa, Buddlea Juncus, Lantana, Lavendula, Leonotis, Liriope, Loropetalum.
18. Street trees for this project are: Koelreuteria panniculata. Parkway plants shall be: Dietes bicolor, Nandina nana, Rhapsiolepis 'Springtime', Juniper horizontalis Wiltonii, Pink Flower Carpet Rose, in large masses to match adjacent parkways to the north east.
19. Provide an appropriate hydroseed or container plant mix for water quality basins and swales.
20. Dimension basins and swales to be no greater than 50% of the on-site landscape area 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.
21. 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.
22. Call out all fences and walls, materials proposed and heights.
23. 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. Show larger trees with larger box sizes.
24. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations.
25. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
26. Add to Grading Plans: Landscape areas where compacted has occurred due to grading activities and where trees area located, a 12x12' area shall be loosened by soil fracturing. 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. A layer of Compost is spread over the soil before fracturing is begun and the Compost falls into the spaces between the soil chunks created by the effort. 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 will help create an A horizon soil and/or imported or reused Topsoil can be added on top of the fractured soil. 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.
27. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:

Plan Check—less than 5 acres .....	\$1,301.00
Inspection—Construction (up to 3 inspections per phase) .....	\$278.00
Inspection—Field – any additional.....	\$83.00

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



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company  
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
<b>PROJECT FILE NO. PDEV18-008</b>  <b>RELATED FILE NO(S). PCUP18-008</b>	
<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) 395-2135**

**DAB MEETING DATE:**      **August 20, 2018**

**PROJECT NAME / DESCRIPTION:**      **6-Story, 208-room Hotel and 8,000 sf Restaurant Pad on 4.95 acres**

**LOCATION:**      **SEC of Inland Empire Boulevard and Archibald Avenue**

**APPLICANT:**      **Heartland Alliance, LLC  
Gene Fong (310) 209-7520**

**REVIEWED BY:**            8/9/18  
    **Bryan Lirley, P.E.**      **Date**  
    **Principal Engineer**

**APPROVED BY:**            8/13/18  
    **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 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](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](http://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 parcels are recognized parcels in the City of Ontario per Parcel Map No. 17422 as recorded 2/14/2008 as Doc. # 2008-0068648 in Book 226 of Parcel Maps, pages 64-65 O.R., 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](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): 1) An easement for traffic signal poles, traffic signal equipment and maintenance purposes. Limits/dimensions of the easement(s) area shall be determined based on the approved traffic signal plan.

2) An easement(s) for sidewalk purposes crossing the existing and proposed drive approaches on the Inland Empire Boulevard frontage. Sidewalk will be required to cross the driveways at the top of the apron in each case, encroaching on private property.

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 engineering 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. DIF fees shall be calculated by the Building Department.**
- 2.16 **Other conditions: Developer/applicant shall apply for a lot line adjustment to consolidate the four (4) existing parcels on the site into two (2).**

**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	Archibald Avenue	Inland Empire Boulevard	Street 3	Street 4
<b>Curb and Gutter</b>	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace <input checked="" type="checkbox"/> <b>Remove existing for drive approach construction</b>	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace <input checked="" type="checkbox"/> <b>Remove existing for drive approach construction</b>	<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
<b>AC Pavement</b>	<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
<b>PCC Pavement (Truck Route Only)</b>	<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
<b>Drive Approach</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input checked="" type="checkbox"/> <b>New</b> <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 type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace



<b>Sidewalk</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New</b> <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
<b>ADA Access Ramp</b>	<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
<b>Parkway</b>	<input checked="" type="checkbox"/> <b>Trees</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation)</b>	<input checked="" type="checkbox"/> <b>Trees</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation)</b>	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
<b>Raised Median</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New</b> <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
<b>Fire Hydrant</b>	<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
<b>Sewer (see Sec. 2.C)</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<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
<b>Recycled Water (see Sec. 2.E)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Traffic Signal System (see Sec. 2.F)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>Upgrade</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Bus Stop Pad or Turn-out (see Sec. 2.F)</b>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<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
<b>Storm Drain (see Sec. 2G)</b>	<input type="checkbox"/> Conduit / Appurtenances	<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"/> Underground <input type="checkbox"/> Relocate	<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
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 on-site from the previous developer.**   
(Ref: Sewer plan bar code: N/A)
- 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 provide a grease interceptor for the future restaurant north of the proposed hotel.**

2) The occupant/applicant shall apply for a wastewater Discharge Permit for their establishment, and shall comply with all requirements of the wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the permit may include, but not be limited to; installation of wastewater pretreatment equipment, such as a clarifier. For wastewater permit application



questions, please contact:  
**Michael Birmelin, Environmental Programs Manager** at (909) 395-2661  
 ([omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)).

3) The on-site sewer system shall be private and as such, privately maintained.

**D. WATER**

- 2.27 A 12-inch water main is available for connection by this project in Inland Empire Boulevard (Ref: Water plan bar code: W11057)
  - 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 remove and replace the existing faulty Double Check Detector Assembly (DCDA) on the Inland Empire Boulevard frontage.
- 2) The on-site water system is private and as such, shall be privately maintained.

**E. RECYCLED WATER**

- 2.30 A 12-inch recycled water main is available for connection by this project in Inland Empire Boulevard and a lateral has been constructed to the site with a meter box by the previous developer. (Ref: Recycled Water plan bar code: P10132)
  - 2.31 Design and construct an on-site recycled water system for this project. A recycled water main exists in Inland Empire Boulevard along the property frontage.
  - 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) 395-2647 regarding this requirement.
- 2.34 Other conditions: Developer/applicant shall provide hard copies and digital files in .pdf and AutoCAD format of both on-site and off-site utilities layout.

**F. TRAFFIC / TRANSPORTATION**

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
- 1. On-site and off-site circulation
- 2. Traffic level of service (LOS) at 'build-out' and future years
- 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions: 1) The Developer/applicant shall obtain the necessary right-of-way for the proposed right-turn ingress from Archibald Avenue from Caltrans. Failure to obtain said right-



of-way will eliminate any access to the site from Archibald Avenue.

2) Developer/applicant shall design and construct half-width street improvements along the property frontages of Archibald Avenue and Inland Empire Boulevard, including PCC sidewalk (IEB only), landscaped parkways and a raised median on Inland Empire Boulevard between Archibald Avenue and the project's easterly drive approach on Inland Empire Boulevard, in accordance with applicable standards.

3) Developer/applicant shall design and construct a new traffic signal system at the project's easterly access on Inland Empire Boulevard. The new traffic signal shall include emergency vehicle preemption system and interconnect cable and conduit and shall also include acquisition of all easements necessary for the construction, maintenance and ultimate location of the poles and equipment for the system.

4) Developer/applicant shall provide a traffic signal construction and maintenance easement for traffic signal poles and traffic signal equipment at the project's main access on Inland Empire Boulevard. The developer/applicant shall secure a like agreement/easement for the opposing drive approach on the north side of Inland Empire Boulevard. No landscaping, utilities or other appurtenances shall be constructed that may conflict with the proposed traffic signal pole locations.

5) Developer/applicant shall construct access ramps and provide any necessary sidewalk easements at proposed drive approaches on Archibald Avenue and Inland Empire Boulevard frontages in accordance with City of Ontario standards.  
 Developer/applicant shall also procure necessary easement(s) from adjacent property owner (service station) to provide for reconstruction of existing shared drive approach such that sidewalk path of travel is ADA compliant.

6) Developer/applicant shall design and install traffic striping, markings and signing along the property frontage of Inland Empire Boulevard to accommodate the proposed raised median.

7) Developer/applicant shall replace existing street lights with new LED cobra heads, if at the time of construction, they have not already been upgraded.

**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: See item no. 2.41, above. Developer/applicant shall provide adequate form of acceptance of drainage by Caltrans for overflow drainage into Caltrans right-of-way (drainage ditch) at the southeast corner of the site, prior to approval of the grading plan.

**H. STORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES)**

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.  
If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.  
Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.
- 2.46 Other conditions: \_\_\_\_\_

**J. SPECIAL DISTRICTS**

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located along the project frontage on Inland Empire Boulevard.
- 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 Department Refuse and Recycling Planning Manual" located at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>



- 2.52 **Other conditions: A minimum of (18 ea.) 4-cy trash bins are required for this project. Developer/applicant may opt for a combination of trash compactors and trash bins.**

**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**

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Project Number: PDEV 18-008

**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:** PLANNING DEPARTMENT, Charles Mercier  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** February 26, 2018  
**SUBJECT:** PDEV18-008

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

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### Conditions of Approval

1. The address for the site retail pad will be: 2810 E Inland Empire Blvd
2. The address for the site hotel will be: 2830 E Inland Empire Blvd
3. The hotel is a 6-story type I Construction.

KS:lm



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Charles Mercier, Senior Planner  
Planning Department

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

**DATE:** March 6, 2018

**SUBJECT:** PDEV18-008 - A Development Plan to construct a 5 story, 208 room hotel and 10,000 retail/restaurant pad on 4.94 acres of land, within the High Intensity Office (OH) zoning district, generally located on the southeast corner of Archibald Avenue and Inland Empire Boulevard (APN: 0210-191-30 & 0210-191-32). Related File: PCUP18-008

- 
- 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: Type I (Per Building Official)
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 28,630 Sq Ft
- D. Number of Stories: Six
- E. Total Square Footage: 135,405 Sq Ft
- F. 2016 CBC Occupancy Classification(s): A

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### 3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 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 location(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.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finished) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.

- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- ☒ 4.8 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.9 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.

## **6.0 OTHER SPECIAL USES**

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Charles Mercier, Planning Department

**FROM:** Douglas Sorel, Police Department

**DATE:** March 22, 2018

**SUBJECT: PDEV18-008 AND PCUP18-008: A DEVELOPMENT PLAN AND  
CONDITIONAL USE PERMIT TO DEVELOP A HOTEL AT  
ARCHIBALD AVENUE AND INLAND EMPIRE BLVD.**

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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 and other areas used by the public shall be provided. Required lighting shall operate on photosensor. Photometrics shall be provided and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting fixtures.
- 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 construction site security requirements as stated in the Standard Conditions.

The approval of this Conditional Use Permit shall not be construed so as to permit the sale of alcohol on the premises. Should the Applicant desire to sell alcohol on-site, the Applicant shall apply for a modification to this Conditional Use Permit.

The Applicant is invited to call Douglas Sorel at (909) 395-2873 regarding any questions or concerns



## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV18-008, A DEVELOPMENT PLAN TO CONSTRUCT A 6-STORY, 208-ROOM HOTEL AND 8,000-SQUARE FOOT RESTAURANT PAD ON 4.95 ACRES OF LAND, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND INLAND EMPIRE BOULEVARD, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 0210-191-29, 0210-191-30, 0210-191-31 AND 0210-191-32.

WHEREAS, HEARTLAND ALLIANCE, LLC ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV18-008, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 4.95 acres of land generally located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district, and is presently improved with partial off-street parking facilities; and

WHEREAS, the area surrounding the project site is characterized by a commercial shopping center to the north, across Inland Empire Boulevard, which is zoned SP (Specific Plan) and is within the Garden Commercial land use district of the Ontario Festival Specific Plan. Properties to the east of the project site are zoned SP, are within the Garden Commercial land use district of the Transpark Specific Plan, and are developed with offices and a business park. The area south of the project site is developed with Interstate 10 freeway. Properties west of the project site, across Archibald Avenue, are zoned SP, are within the Urban Commercial land use district of the Meredith International Specific Plan, and are undeveloped.; and

WHEREAS, the proposed hotel will be six stories in height and will contain a total of 208 guestrooms. Guest amenities proposed by the project include:

- Swimming pool and spa with an accompanying cabana shade structure;
- Outdoor gathering and seating areas with associated fire pits;
- Porte-cochere for arriving guests;
- Meeting rooms (two at 450 square feet, each);
- Banquet room (3,365 square feet);
- Fitness room (1,420 square feet);
- Guest courtesy lounge;
- Rooftop terrace seating; and

WHEREAS, guestrooms range from 317 to 731 square feet in area. Four room configurations are available: single king (317 square feet), single king ADA (357 square feet), double queen (357 square feet), and double queen suite (731 square feet); and

WHEREAS, architecturally, a building design in the modern vernacular has been proposed, incorporating stucco exterior walls in combination with a cultured grey granite ledgestone veneer, decorative metal panels, clear vision glazing and spandrel glass; and

WHEREAS, the Development Plan application will only establish the restaurant building pad location on the project site. The building layout and architecture is not known at this time, and will be reviewed at a later date, under a separate Development Plan application; and

WHEREAS, the proposed restaurant pad is situated in front of the proposed hotel, adjacent to the project's Inland Empire Boulevard street frontage, with off-street parking distributed around the south and east sides of the building pad. The proposed hotel is in a U-shaped configuration and is located toward the rear of the project site, oriented to Interstate 10 and Archibald Avenue. Off-street parking has been distributed around the building perimeter, resulting in substantial building setbacks from both Interstate 10 and Archibald Avenue. Ample landscaped areas have been provided immediately adjacent to the hotel, along with decorative hardscape treatments at the main building entrance, and throughout the pool/spa and outdoor gathering/seating areas. Enhanced paving will also be provided at the porte cochere and at the project site's vehicular entry points; and

WHEREAS, access to the project site is proposed from three locations, including two driveways on the site's Inland Empire Boulevard frontage and one driveway on the Archibald Avenue frontage. The Inland Empire Boulevard driveways include an existing shared access with the neighboring Mobil service station, and a new fully signalized access at the northeast corner of the project site, which will align with a driveway into the shopping center across the street (Airport Gateway Plaza).

WHEREAS, from Archibald Avenue, the applicant has proposed an entry only driveway, which will require that Caltrans approve the decertification of the Archibald Avenue right-of-way prior to allowing the construction of the site entry point. If decertification of the Archibald Avenue right-of-way is not approved by Caltrans, the proposed access will not be allowed to be constructed. The lack of the access point, however, would not preclude the development of the project, as full site access from Inland Empire Boulevard would still be available; 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 August 20, 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. DAB18-052, recommending the Planning Commission approve the Application; and

WHEREAS, on August 28, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date; and

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

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

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

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, Infill Development Project) of the CEQA Guidelines, which consists of projects characterized as infill development meeting 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.

(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 Community Commercial land use district of the Policy Plan Land Use Map, and the OH (High Intensity Office) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the OH (High Intensity Office) zoning district, including standards relative to the particular land use proposed (Hotel), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

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

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development 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 (hotel and restaurant pad). As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

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

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

**SECTION 7: Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East “B” Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario.

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

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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 28th day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Jim Willoughby  
Planning Commission Vice-Chairman

ATTEST:

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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. \_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore



**ATTACHMENT A:**

**File No. PDEV18-008  
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***

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**Meeting Date:** August 20, 2018  
**File No:** PCUP18-008 & PDEV18-008  
**Related Files:** N/A

**Project Description:** A Conditional Use Permit and Development Plan to establish and construct a 6-story, 208-room hotel and 8,000-square foot restaurant pad on 4.95 acres of land, generally located at the southeast corner of Archibald Avenue and Inland Empire Boulevard, within the OH (High Intensity Office) zoning district. (APNs: 0210-191-29, 0210-191-30, 0210-191-31 and 0210-191-32); **submitted by Heartland Alliance.**

**Prepared By:** Charles Mercier, Principal Planner  
Phone: 909.395.2425 (direct)  
Email: cmercier@ontarioca.gov

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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.

**(b)** Conditional Use Permit approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

**(a)** All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading,

utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

### **2.3** Landscaping.

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

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

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

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

**(e)** The Applicant shall work with the City and Caltrans to enter into an agreement with Caltrans to landscape and maintain the portion of Caltrans right-of-way adjacent to the project site.

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

### **2.5** Parking, Circulation and Access.

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

**(b)** All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

**(c)** Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

**(e)** Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

**2.6** Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

**2.7** Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

**2.11** Alcoholic Beverage Sales. The sale of alcoholic beverages shall not be permitted until such time that the Applicant has obtained approval of a Conditional Use Permit for the activity.

**2.12** Architecture. The exterior stucco mix shall be formulated and applied to achieve a uniform fine sand float finish, having a blend of a maximum 20/30 aggregate mix.

**2.13** Environmental Review.

(a) The Project is categorically exempt from environmental review pursuant to **Section 15301 (Class 1, Existing Facilities)** of the CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible (less than 10,000 square feet) or no expansion, and is consistent with the following conditions:

(i) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the Policy Plan (General Plan) component of The Ontario Plan; and

(ii) The area in which the project is located is not environmentally sensitive.

**(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.

**2.14** 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.

**2.15** Additional Fees. 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.

**2.16** Additional Conditions. Development Plan approval shall not be final and conclusive until such time that File No. PCUP18-008 has been approved by the City Council.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-008 & PCUP18-008

Address: Southeast Corner of Archibald Ave & Inland Empire Blvd

APN: 0210-1941-29, 30, 31& 32

Existing Land Use: Vacant

Proposed Land Use: A PUD to establish land use designations and development Standards within the MU-1 Zoning District for residential development

Site Acreage: 4.94 Proposed Structure Height: 66 FT

ONT-IAC Project Review: No

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Chuck Mercier

Date: 4/16/18

CD No.: 2018-019

PALU No.: \_\_\_\_\_

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input checked="" type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>105 FT</u>	
<input type="radio"/> Zone 5			

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

See Attached

Airport Planner Signature: \_\_\_\_\_

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2018-019  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

The maximum height limit for the project site is 105 feet and as such, any construction equipment such as cranes or any other equipment exceeding 105 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed with the FAA and approved prior to operating such equipment on the project site during construction.

**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

3/28/18  
 Date

Reviewer's Name:  
**Carolyn Bell, Sr. Landscape Planner**

Phone:  
**(909) 395-2237**

D.A.B. File No.:  
 PDEV18-008

Case Planner:  
 Chuck Mercier

Project Name and Location:  
 Ontario Hotel  
 2700 E Inland Empire Blvd

Applicant/Representative:  
 Heartland Alliance LLC  
 4684 Ontario Mills Parkway  
 Ontario Ca 91764

**A Preliminary Landscape Plan (dated 2/16/18) 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 landscape area width to allow for ornamental landscape. Provide a level grade minimum 4' from paving for landscape.
2. Show transformers located in planter areas, set back 5' setback for large transformers.
3. Show backflow devices shall be located in planter areas, set back min 3' from paving.
4. 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
5. Revise site plan to show 15% of the site with landscaping not including right of way or paving areas. Can reduce driveway widths to 24' per fire dept standards.
6. 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.
7. 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 where parking spaces are adjacent to planters.
8. Show parking lot island tree planters 1 for every 10 parking spaces and at each row end.

Landscape Plans

9. 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.
10. Show backflows, and transformers, with landscape screening.
11. Show all utilities on the landscape plans. Coordinate so utilities are clear of required tree



locations.

12. Show parkway landscape, sidewalks and street trees spaced 30' apart.
13. Show appropriate parking lot shade trees with min 30' canopy at maturity: Pistache, Ulmus. Etc. Show narrow trees such as Tristania along perimeter planters etc.
14. Call out type of proposed irrigation system (dripline) with preliminary MAWA calculation.
15. Show landscape hydrozones to separate low water from moderate water landscape.
16. Irrigation plans shall provide separate systems for tree stream spray bubblers with pc screens.
17. Replace short lived, high maintenance or poor performing plants: Rhus, Cercidium. Prosopis, Bambusa, Buddlea Juncus, Lantana, Lavendula, Leonotis, Liriope, Loropetalum.
18. Street trees for this project are: Koelreuteria panniculata. Parkway plants shall be: Dietes bicolor, Nandina nana, Rhapsiolepis 'Springtime', Juniper horizontalis Wiltonii, Pink Flower Carpet Rose, in large masses to match adjacent parkways to the north east.
19. Provide an appropriate hydroseed or container plant mix for water quality basins and swales.
20. Dimension basins and swales to be no greater than 50% of the on-site landscape area 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.
21. 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.
22. Call out all fences and walls, materials proposed and heights.
23. 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. Show larger trees with larger box sizes.
24. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations.
25. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
26. Add to Grading Plans: Landscape areas where compacted has occurred due to grading activities and where trees area located, a 12x12' area shall be loosened by soil fracturing. 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. A layer of Compost is spread over the soil before fracturing is begun and the Compost falls into the spaces between the soil chunks created by the effort. 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 will help create an A horizon soil and/or imported or reused Topsoil can be added on top of the fractured soil. 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.
27. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:

Plan Check—less than 5 acres .....	\$1,301.00
Inspection—Construction (up to 3 inspections per phase) .....	\$278.00
Inspection—Field – any additional.....	\$83.00

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



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Environmental, Traffic/Transportation Division, Ontario Municipal Utilities Company  
Information Technology and Management Services Department conditions incorporated herein)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
<b>PROJECT FILE NO. PDEV18-008</b>  <b>RELATED FILE NO(S). PCUP18-008</b>	
<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) 395-2135**

**DAB MEETING DATE:**      **August 20, 2018**

**PROJECT NAME / DESCRIPTION:**      **6-Story, 208-room Hotel and 8,000 sf Restaurant Pad on 4.95 acres**

**LOCATION:**      **SEC of Inland Empire Boulevard and Archibald Avenue**

**APPLICANT:**      **Heartland Alliance, LLC  
Gene Fong (310) 209-7520**

**REVIEWED BY:**            8/9/18  
    **Bryan Lirley, P.E.**      **Date**  
    **Principal Engineer**

**APPROVED BY:**            8/13/18  
    **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 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](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](http://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 parcels are recognized parcels in the City of Ontario per Parcel Map No. 17422 as recorded 2/14/2008 as Doc. # 2008-0068648 in Book 226 of Parcel Maps, pages 64-65 O.R., 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](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): 1) An easement for traffic signal poles, traffic signal equipment and maintenance purposes. Limits/dimensions of the easement(s) area shall be determined based on the approved traffic signal plan.

2) An easement(s) for sidewalk purposes crossing the existing and proposed drive approaches on the Inland Empire Boulevard frontage. Sidewalk will be required to cross the driveways at the top of the apron in each case, encroaching on private property.

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 engineering 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. DIF fees shall be calculated by the Building Department.**
- 2.16 **Other conditions: Developer/applicant shall apply for a lot line adjustment to consolidate the four (4) existing parcels on the site into two (2).**

**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	Archibald Avenue	Inland Empire Boulevard	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace <input checked="" type="checkbox"/> <b>Remove existing for drive approach construction</b>	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace <input checked="" type="checkbox"/> <b>Remove existing for drive approach construction</b>	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New</b> <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



<b>Sidewalk</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New</b> <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
<b>ADA Access Ramp</b>	<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
<b>Parkway</b>	<input checked="" type="checkbox"/> <b>Trees</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation)</b>	<input checked="" type="checkbox"/> <b>Trees</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation)</b>	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
<b>Raised Median</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New</b> <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
<b>Fire Hydrant</b>	<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
<b>Sewer (see Sec. 2.C)</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<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
<b>Recycled Water (see Sec. 2.E)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Traffic Signal System (see Sec. 2.F)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>Upgrade</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Bus Stop Pad or Turn-out (see Sec. 2.F)</b>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<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
<b>Storm Drain (see Sec. 2G)</b>	<input type="checkbox"/> Conduit / Appurtenances	<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"/> Underground <input type="checkbox"/> Relocate	<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
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 on-site from the previous developer.** (Ref: Sewer plan bar code: N/A)
- 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 provide a grease interceptor for the future restaurant north of the proposed hotel.**

2) The occupant/applicant shall apply for a wastewater Discharge Permit for their establishment, and shall comply with all requirements of the wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the permit may include, but not be limited to; installation of wastewater pretreatment equipment, such as a clarifier. For wastewater permit application





questions, please contact:  
**Michael Birmelin, Environmental Programs Manager** at (909) 395-2661  
 ([omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)).

3) The on-site sewer system shall be private and as such, privately maintained.

**D. WATER**

- 2.27 A 12-inch water main is available for connection by this project in Inland Empire Boulevard (Ref: Water plan bar code: W11057)
  - 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 remove and replace the existing faulty Double Check Detector Assembly (DCDA) on the Inland Empire Boulevard frontage.
- 2) The on-site water system is private and as such, shall be privately maintained.

**E. RECYCLED WATER**

- 2.30 A 12-inch recycled water main is available for connection by this project in Inland Empire Boulevard and a lateral has been constructed to the site with a meter box by the previous developer. (Ref: Recycled Water plan bar code: P10132)
  - 2.31 Design and construct an on-site recycled water system for this project. A recycled water main exists in Inland Empire Boulevard along the property frontage.
  - 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) 395-2647 regarding this requirement.
- 2.34 Other conditions: Developer/applicant shall provide hard copies and digital files in .pdf and AutoCAD format of both on-site and off-site utilities layout.

**F. TRAFFIC / TRANSPORTATION**

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
- 1. On-site and off-site circulation
- 2. Traffic level of service (LOS) at 'build-out' and future years
- 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions: 1) The Developer/applicant shall obtain the necessary right-of-way for the proposed right-turn ingress from Archibald Avenue from Caltrans. Failure to obtain said right-



of-way will eliminate any access to the site from Archibald Avenue.

2) Developer/applicant shall design and construct half-width street improvements along the property frontages of Archibald Avenue and Inland Empire Boulevard, including PCC sidewalk (IEB only), landscaped parkways and a raised median on Inland Empire Boulevard between Archibald Avenue and the project's easterly drive approach on Inland Empire Boulevard, in accordance with applicable standards.

3) Developer/applicant shall design and construct a new traffic signal system at the project's easterly access on Inland Empire Boulevard. The new traffic signal shall include emergency vehicle preemption system and interconnect cable and conduit and shall also include acquisition of all easements necessary for the construction, maintenance and ultimate location of the poles and equipment for the system.

4) Developer/applicant shall provide a traffic signal construction and maintenance easement for traffic signal poles and traffic signal equipment at the project's main access on Inland Empire Boulevard. The developer/applicant shall secure a like agreement/easement for the opposing drive approach on the north side of Inland Empire Boulevard. No landscaping, utilities or other appurtenances shall be constructed that may conflict with the proposed traffic signal pole locations.

5) Developer/applicant shall construct access ramps and provide any necessary sidewalk easements at proposed drive approaches on Archibald Avenue and Inland Empire Boulevard frontages in accordance with City of Ontario standards.  
 Developer/applicant shall also procure necessary easement(s) from adjacent property owner (service station) to provide for reconstruction of existing shared drive approach such that sidewalk path of travel is ADA compliant.

6) Developer/applicant shall design and install traffic striping, markings and signing along the property frontage of Inland Empire Boulevard to accommodate the proposed raised median.

7) Developer/applicant shall replace existing street lights with new LED cobra heads, if at the time of construction, they have not already been upgraded.

#### 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: See item no. 2.41, above. Developer/applicant shall provide adequate form of acceptance of drainage by Caltrans for overflow drainage into Caltrans right-of-way (drainage ditch) at the southeast corner of the site, prior to approval of the grading plan.

**H. STORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES)**

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.  
If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.  
Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.
- 2.46 Other conditions: \_\_\_\_\_

**J. SPECIAL DISTRICTS**

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole, generally located along the project frontage on Inland Empire Boulevard.
- 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 Department Refuse and Recycling Planning Manual" located at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>



- 2.52 **Other conditions: A minimum of (18 ea.) 4-cy trash bins are required for this project. Developer/applicant may opt for a combination of trash compactors and trash bins.**

**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**

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Project Number: PDEV 18-008

**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:** PLANNING DEPARTMENT, Charles Mercier  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** February 26, 2018  
**SUBJECT:** PDEV18-008

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

---

### Conditions of Approval

1. The address for the site retail pad will be: 2810 E Inland Empire Blvd
2. The address for the site hotel will be: 2830 E Inland Empire Blvd
3. The hotel is a 6-story type I Construction.

KS:lm



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Charles Mercier, Senior Planner  
Planning Department

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

**DATE:** March 6, 2018

**SUBJECT:** PDEV18-008 - A Development Plan to construct a 5 story, 208 room hotel and 10,000 retail/restaurant pad on 4.94 acres of land, within the High Intensity Office (OH) zoning district, generally located on the southeast corner of Archibald Avenue and Inland Empire Boulevard (APN: 0210-191-30 & 0210-191-32). Related File: PCUP18-008

- 
- 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: Type I (Per Building Official)
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 28,630 Sq Ft
- D. Number of Stories: Six
- E. Total Square Footage: 135,405 Sq Ft
- F. 2016 CBC Occupancy Classification(s): A



## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### 3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 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 location(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.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finished) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.

- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- ☒ 4.8 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.9 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.

## **6.0 OTHER SPECIAL USES**

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Charles Mercier, Planning Department

**FROM:** Douglas Sorel, Police Department

**DATE:** March 22, 2018

**SUBJECT:** PDEV18-008 AND PCUP18-008: A DEVELOPMENT PLAN AND  
CONDITIONAL USE PERMIT TO DEVELOP A HOTEL AT  
ARCHIBALD AVENUE AND INLAND EMPIRE BLVD.

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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 and other areas used by the public shall be provided. Required lighting shall operate on photosensor. Photometrics shall be provided and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting fixtures.
- 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 construction site security requirements as stated in the Standard Conditions.

The approval of this Conditional Use Permit shall not be construed so as to permit the sale of alcohol on the premises. Should the Applicant desire to sell alcohol on-site, the Applicant shall apply for a modification to this Conditional Use Permit.

The Applicant is invited to call Douglas Sorel at (909) 395-2873 regarding any questions or concerns



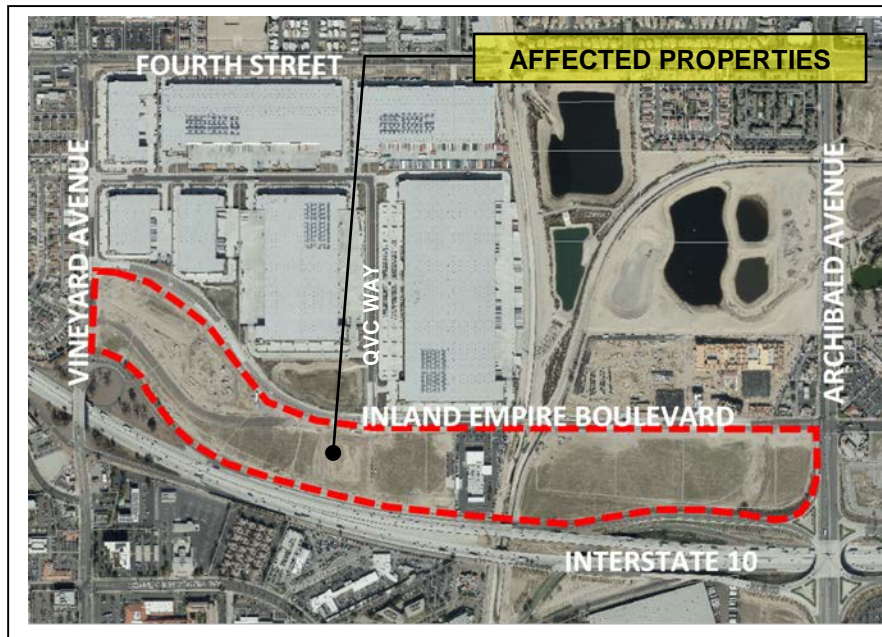
# PLANNING COMMISSION STAFF REPORT

August 28, 2018

**SUBJECT:** An Amendment to the Meredith International Centre Specific Plan, revising the sign standards/guidelines for freeway identification signs and for uses over 200,000 square feet in area, within the Urban Commercial land use district (APNs: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78, 0110-321-79); **submitted by Craig Development Corporation and Real Development Solutions, LLC.** City Council action is required.

**RECOMMENDED ACTION:** That the Planning Commission recommend to the City Council, the adoption of an Addendum to the Meredith International Centre Specific Plan and the approval of File No. PSPA18-004, pursuant to the facts and reasons contained in the staff report and attached resolutions.

**PROJECT SETTING:** The project area, depicted in Figure 1: Project Location, below, is comprised of 14 lots totaling approximately 69 acres of land within the Urban Commercial land use district of the Meredith International Centre Specific Plan. The area is bordered



**Figure 1: Project Location**

Case Planner:	Charles Mercier	Hearing Body	Date	Decision	Action
Planning Director Approval:		DAB			
Submittal Date:	6/27/2018	ZA			
Hearing Deadline:	N/A	PC	8/28/2018		Recommend
		CC	9/18/2018		Final

by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west.

The project area is largely undeveloped, save for a 5-acre parcel located adjacent to the Cucamonga Creek Flood Control Channel, which is fully developed with an automobile sales lot (Audi of Ontario). A second automobile sales lot (Infiniti of Ontario), located at the southwest corner of Inland Empire Boulevard and QVC Way, is currently under construction.

The area north of the project is characterized by industrial, multiple-family residential, and retail commercial land uses, and is within the Industrial, Urban Residential, and Urban Commercial land use districts of the Meredith International Centre Specific Plan, respectively. The area east of the project, across Archibald Avenue, is largely unimproved and is proposed for development with a 208-room, 6-story hotel. The area south of the project is bordered by the Interstate 10 Freeway. South of the freeway is developed with a mix of retail, office-commercial, and industrial land uses within the CCS (Convention Center Support Commercial) and SP (Specific Plan) zoning districts. The area west of the project, across Vineyard Avenue, is developed with multiple-family residential land uses within the MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/AC) zoning district.

**PROJECT ANALYSIS:** The Applicant is requesting approval of an Amendment to the Meredith International Centre Specific Plan, which would revise the sign standards and guidelines for the Urban Commercial land use district to allow for a freeway pylon sign with LED electronic message board for the purpose of identifying the Specific Plan area, as-well-as its key commercial destinations. The proposed sign standards are as follows:

<b>Freeway Identification Sign Standards</b>	
Type, Maximum Number & Location:	One sign for the Specific Plan area adjacent to Interstate 10 Freeway
Maximum Area:	<u>Static Signs</u> : 270 square feet per sign face. <u>LED Display</u> : 1,344 square feet per sign face.
Maximum Height:	105 feet. <sup>1</sup>
Maximum Length:	48 feet in any direction.
Special Regulations:	Comply with Development Code Paragraph 8.01.020.C.3 (Electronic Message Display). <sup>2</sup>

Notes:

1. *Subject to Ontario International Airport Land Use Compatibility Plan requirements.*
2. *Electronic Message Display shall only advertise businesses within the Specific Plan area.*

The Applicant has proposed a Freeway Identification Sign location adjacent to Interstate 10, at the southerly terminus of QVC Way. Figure 2: View from Westbound

Interstate 10, below, is a photo simulation showing how a 105-foot tall freeway identification sign would appear from Interstate 10 west-bound lanes, from approximately 1,600 feet away.



**Figure 2: View from Westbound Interstate 10**

In addition to allowing for a Freeway Identification Sign adjacent to Interstate 10, this Specific Plan Amendment would establish sign regulations for big-box retail stores in the Urban Commercial land use district, which have a gross floor area of more than 200,000 contiguous square feet. The proposed sign standards are as follows:

Uses Occupying More Than 200,000 Square Feet	
<b>Wall Signs</b>	
Type, Maximum Number & Location:	One primary Wall Sign and 2 descriptor Wall Signs per building elevation.
Maximum Area:	15% of building elevation area.
Maximum Height:	<u>Primary Signs</u> : 12 feet for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 6 feet for alphanumeric characters and graphic logos/icons.
Maximum Length:	75% of elevation width upon which the sign is located.
<b>Freestanding Signs</b>	



<b>Uses Occupying More Than 200,000 Square Feet</b>	
<u>Commercial Message Signs</u>	
Type, Maximum Number & Location:	4 Freestanding Signs.
Maximum Area:	100 square feet per sign face.
Maximum Height:	11 feet.
Maximum Length:	N/A
<u>Commercial Message Flags</u>	
Type, Maximum Number & Location:	16 flagpoles.
Maximum Area:	118 square feet per flag.
Maximum Height:	40 feet to top of flagpole.
Maximum Length:	N/A
<b>Directional Signs</b>	
<u>Welcome Signs</u>	
Type, Maximum Number & Location:	One Welcome sign per vehicle entrance.
Maximum Area:	100 square feet per sign face.
Maximum Height:	14 feet.
Maximum Length:	N/A
<u>Other Directional Signs</u>	
Type, Maximum Number & Location:	On-site Directional Signs as determined appropriate by the Planning Director.
Maximum Area:	10 square feet per sign face.
Maximum Height:	3 feet.
Maximum Length:	N/A
<u>Freeway/Navigation Signs</u>	
Type, Maximum Number & Location:	One sign per site having a maximum of 600 lineal feet of freeway frontage and is developed as a single entity.
Maximum Area:	575 square feet per sign face.
Maximum Height:	108 feet. <sup>1</sup>
Maximum Length:	50 feet.
Special Regulations:	Advertising displays shall be static only.

Notes:

1. Subject to Ontario International Airport Land Use Compatibility Plan requirements.

Staff has worked with the applicant to revise the sign standards and guidelines of the Urban Commercial land use district and establish provisions that are in keeping with the vision of the Meredith International Centre Specific Plan. Staff is, therefore, in support of the proposed standards and guidelines for a freeway identification sign identifying the Specific Plan and signage for big-box retail uses in excess of 200,000 square feet in area.

**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.

- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

[2] Vision.

**Dynamic Balance:**

- A community that readily recognizes and capitalizes on new opportunities and intervenes in problems before they have a chance to escalate.
- Planning systems and personnel that exemplify the very best in professional practices, based on a stable Vision and constantly evolving Ontario Plan.

**Prosperous Economy:**

- A highly diverse economic base that capitalized on early regional centers, strategic corridor locations and international markets as the impetus for the extensive financial and technical centers that now exist.

**Distinctive Development:**

- Development quality that is broadly recognized as distinctive and not exclusively tied to the general suburban character typical of much of Southern California.
- A reputation for being good for business to work with while still satisfying broader community interests.

**Recognized Leadership:**

- A City government that is renowned for applying contemporary business practices for those functions where private sector approaches are applicable.

- A community that is widely recognized as a creative and effective partner and a leader within the Southern California region and the Inland Empire.
- A fine-tuned set of ordinances and regulations that implement and do not inadvertently impede our Vision, along with a widely emulated training program for officials and staff to ensure that these tools are understood and used effectively.

[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.
  - G1-1 Consistency with Policies. We require that staff recommendations to the City Council be consistent with adopted City Council Priorities (Goals and Objectives) and The Policy Plan.
  - G1-2 Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

[4] Policy Plan (General Plan)

**Land Use Element:**

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

➤ 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.

▪ 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.

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The Application affects properties 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") and an Addendum to the Meredith International Centre Environmental Impact Report (SCH# 2014051020), reviewed in conjunction with File No. PGPA13-005 and File No. PSPA14-003, and certified by the City Council on April 7, 2015, has been prepared to determine possible environmental impacts. As supported by the analysis presented in the Addendum, the potential environmental effects of the proposed project, and all associated discretionary and nondiscretionary actions, have been adequately addressed in the Certified EIR. The Addendum to the Certified EIR describes minor changes to the Certified EIR analysis which reflect certain minor changes in the Meredith International Centre Specific Plan. As such, preparation of any further information and analysis (e.g., preparation of a Subsequent or Supplemental EIR) is not warranted. The subject Application introduces no new significant environmental impacts. All previously adopted mitigation measures are a condition of project approval and are incorporated therein by this 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 / New Automobile Sales Facilities	Mixed Use	SP	Urban Commercial
<i>North</i>	Industrial / Multiple-Family / Commercial	Mixed Use	SP	Industrial / Urban Residential / Urban Commercial
<i>South</i>	Interstate 10	Interstate 10	Interstate 10	Interstate 10
<i>East</i>	Vacant / Gasoline Service Station with C-Store	Community Commercial	OH	N/A
<i>West</i>	Multiple-Family / Single-Family	MDR / LDR	MDR-18 / LDR-5	N/A

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, RECOMMENDING THE CITY COUNCIL APPROVE AN ADDENDUM TO THE MEREDITH INTERNATIONAL CENTRE ENVIRONMENTAL IMPACT REPORT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO PSPA18-004.

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of Ontario prepared an Initial Study, and approved for attachment to the certified Environmental Impact Report, an addendum to the Meredith International Centre Environmental Impact Report (SCH# 2014051020) for File No. PSPA18-004 (hereinafter referred to as "Initial Study/Environmental Impact Report Addendum"), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with State and local guidelines implementing said Act, all as amended to date (collectively referred to as "CEQA"); and

WHEREAS, File No. PSPA18-004 analyzed under the Initial Study/Environmental Impact Report Addendum, consists of a Specific Plan Amendment, which would revise the sign standards and guidelines for the Urban Commercial land use district, to allow for a freeway pylon sign with LED electronic message board for the purpose of identifying the Specific Plan area, as-well-as its key commercial destinations (hereinafter referred to as the "Project");

WHEREAS, the Initial Study/Environmental Impact Report Addendum applies to approximately 69 acres of land within the Urban Commercial land use district of the Meredith International Centre Specific Plan. The area is bordered by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west, and is largely undeveloped, save for a 5-acre parcel located adjacent to the Cucamonga Creek Flood Control Channel, which is fully developed with an automobile sales lot (Audi of Ontario). A second automobile sales lot (Infiniti of Ontario), located at the southwest corner of Inland Empire Boulevard and QVC Way, is currently under construction; and

WHEREAS, the Initial Study/Environmental Impact Report Addendum concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, the Meredith International Centre Environmental Impact Report (SCH# 2014051020) was certified on April 7, 2015, in which development and use of the Project site was discussed; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15164(a), a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary to a project, but the preparation of a subsequent or supplemental EIR is not required; and

WHEREAS, the City determined that none of the conditions requiring preparation of a subsequent or supplemental EIR would occur from the Project, and that preparation of an addendum to the EIR was appropriate; and

WHEREAS, the City of Ontario is the lead agency on the Project, and the Planning Commission is the recommending hearing body for the proposed approval to construct and otherwise undertake the Project; and

WHEREAS, the Planning Commission has reviewed and considered the Initial Study/Environmental Impact Report Addendum for the Project, has concluded that none of the conditions requiring preparation of a subsequent of supplemental EIR have occurred, and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Environmental Impact Report Addendum for the Project are on file in the Planning Department, located at 303 East B Street, Ontario, CA 91764, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

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

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

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

(1) The environmental impacts of this project were reviewed in conjunction with an Addendum to Meredith International Centre Environmental Impact Report — SCH# 2014051020, certified by the Ontario City Council on April 7, 2015, in conjunction with File Nos. PGPA13-005 and PSPA14-003 (hereinafter referred to as "Certified EIR").

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) All previously adopted mitigation measures shall be a condition of project approval, as they are applicable to the Project, and are incorporated herein by this reference.

(5) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

(6) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

**SECTION 2: *Additional Environmental Review Not Required.*** Based on the Addendum, all related information presented to the Planning Commission, and the specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Environmental Impact Report is not required for the Project, as the Project:

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

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

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

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



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

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

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

**SECTION 3: *Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby recommends the City Council finds that based upon the entire record of proceedings before it, and all information received, that there is no substantial evidence that the Project will constitute substantial changes to the Certified EIR, and does hereby RECOMMEND THE CITY COUNCIL APPROVE the Addendum to the Certified EIR, attached hereto as "Attachment A," and incorporated herein by this reference.

**SECTION 4: *Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

**SECTION 6: *Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

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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 28th day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Jim Willoughby  
Planning Commission Vice-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 August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**Addendum to the Meredith International Centre  
Environmental Impact Report and  
The Mitigation and Monitoring Program**

*(Addendum to follow this page)*



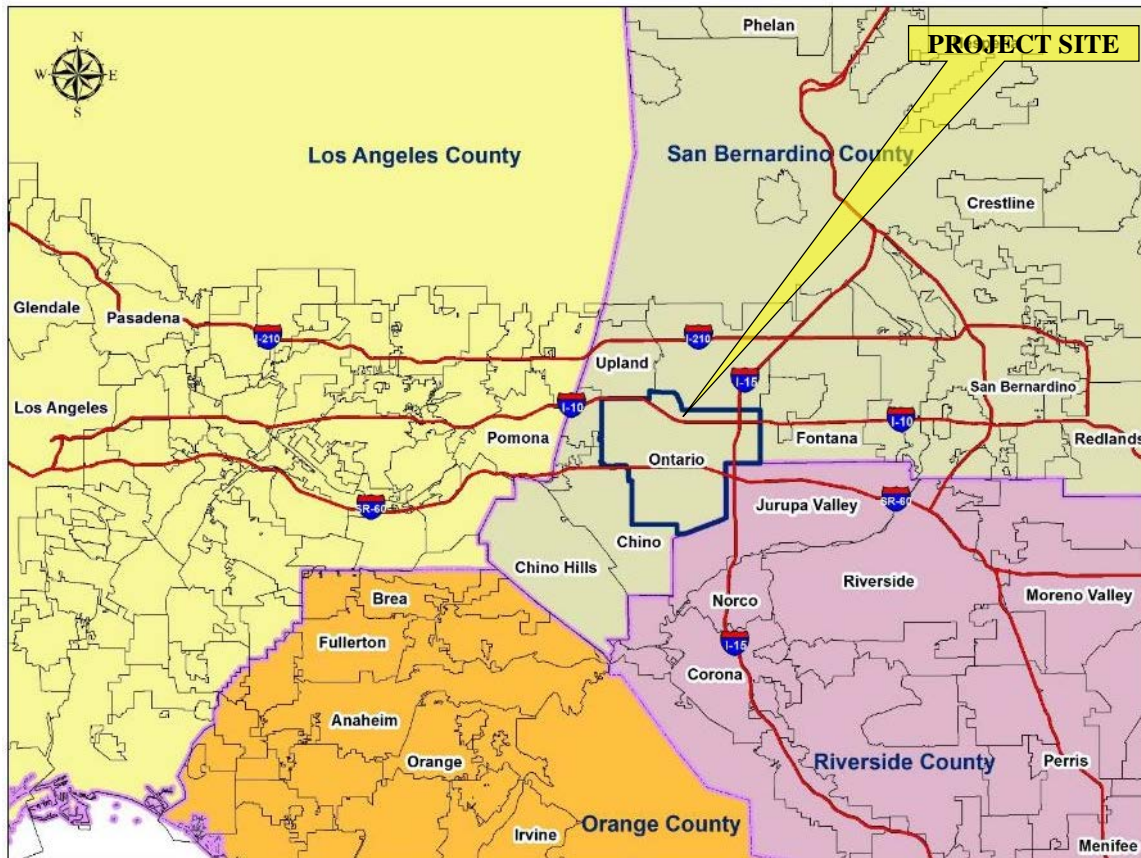
City of Ontario  
Planning Department  
303 East B Street  
Ontario, California 91764  
Phone: 909.395.2036  
Fax: 909.395.2420

# *Addendum to the Meredith International Centre Specific Plan Amendment Environmental Impact Report*

## **SECTION I—INTRODUCTION**

- 1. Project Title/File No.:** PSPA18-004
- 2. Lead Agency:** City of Ontario, 303 East “B” Street, Ontario, California 91764, (909) 395-2036
- 3. Contact Person:** Charles Mercier, Principal Planner  
(909) 395-2425  
cmercier@ontarioca.gov
- 4. Project Sponsor:** Craig Development Corporation, PO Box 1969, Newport Beach, CA 92659; and Real Development Solutions, LLC, 211 Broad Street, Suite 204, Red Bank, NJ 07701
- 5. Project Location:** The project site is located in southwestern San Bernardino County, within the City of Ontario. The City of Ontario is located approximately 40 miles from downtown Los Angeles, 20 miles from downtown San Bernardino, and 30 miles from Orange County. As illustrated on Figures 1 through 3, below, the project site is bordered by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west.

Figure 1: REGIONAL LOCATION MAP



**6. Policy Plan (General Plan):** Meredith Mixed Use District

**7. Zoning:** SP (Specific Plan)

**8. Background:** On April 7, 2015, the City Council of the City of Ontario approved a General Plan Amendment, File No. PGPA13-005, which (1) revised the Policy Plan (General Plan) Land Use Plan (Exhibit LU-01) to change the land use on approximately 148 acres of land generally located at the southeast corner of Vineyard Avenue and Fourth Street, from Mixed Use to Industrial, (2) revised the Policy Plan Future Buildout (Exhibit LU-03) projections for the Meredith Mixed Use Area to be consistent with the proposed Policy Plan Land Use Plan changes, and (3) revise the Generalized and Growth Areas (Exhibit LU-04) map, to be consistent with the proposed Land Use Plan changes. These Policy Plan changes were requested in conjunction with a Specific Plan Amendment, File No. PSPA14-003, which modified the Meredith International Centre Specific Plan, originally adopted in 1981, to allow for the development of up to 3,007,000 square feet of industrial land uses, up to 600 hotel rooms and 1,143,000 square feet of commercial land uses, and up to 800 residential units, all on approximately 257.7 acres of land generally located on the north side of Interstate 10 Freeway, between Vineyard and Archibald Avenues. Furthermore, the proposed modifications to the Meredith International Centre Specific Plan revised the guidance on land uses, circulation plans, utility and infrastructure plans, development standards and design guidelines, and specific plan implementation.

Development of the 3,007,000 square feet of industrial land uses, referenced above, began in 2016 and is now completed. The portion of the Specific Plan designated for 800 residential units was approved by the City for development in August 2016, and is currently under construction, and the portion of the Specific Plan designated for commercial development remains largely undeveloped. The Project described within this Addendum will affect this largely undeveloped area of the Meredith International Centre Specific Plan.

**9. Purpose:** The purpose of this Addendum to the Meredith International Centre Specific Plan Amendment EIR ("Certified EIR") is to define, describe, compare and contrast potential environmental impacts of the proposed Specific Plan Amendment in the context of the environmental impacts associated with the Meredith International Centre Specific Plan Amendment, as assessed in the Certified EIR. In so doing, this Addendum will provide documentation for the proposed Specific Plan Amendment consistent with the requirements of the California Environmental Quality Act (CEQA).

Section 15164 of the CEQA Guidelines states that an Addendum to an EIR shall be prepared "if some changes or additions [to a Certified EIR] are necessary, but none of the conditions described in [CEQA Guidelines] Section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 of the CEQA Guidelines identifies the conditions that require preparation of a subsequent EIR, stating that no subsequent EIR shall be prepared for a project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following conditions are met:

**a.** Substantial changes are proposed in the project that require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects;

**b.** Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; or

**c.** New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified, shows any of the following:

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

(2) Significant effects previously examined will be substantially more severe than identified in the previous EIR;

(3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives;

(4) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

This Addendum to the Certified EIR describes the proposed Specific Plan Amendment, and substantiates how the potential environmental effects of the proposed Specific Plan Amendment are appropriately and adequately addressed in the Certified EIR. The focus of the analysis is the adequacy of the previously Certified EIR relative to the proposed Specific Plan Amendment in its current environmental context.

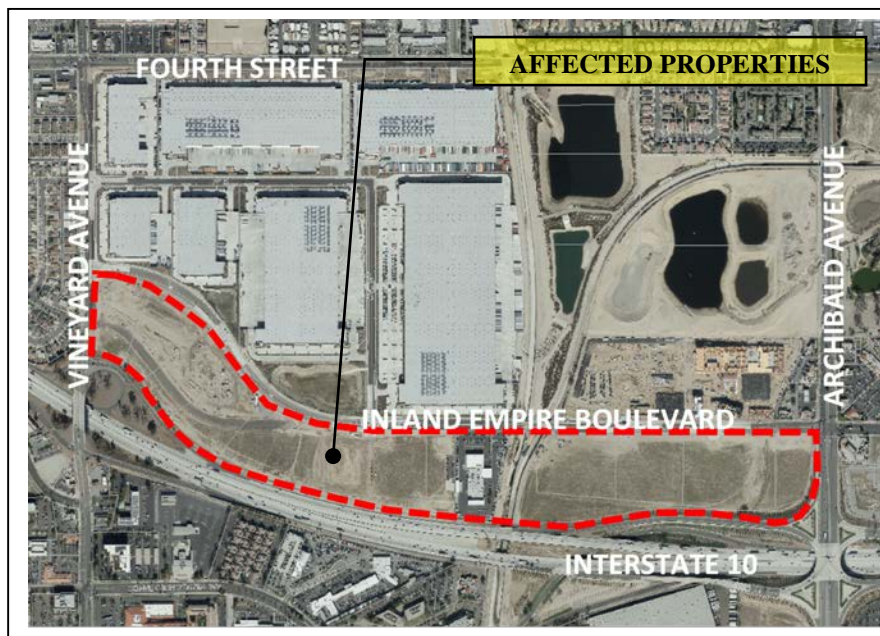
**10. Conclusions:** The analysis presented in this document substantiates that the Certified EIR is sufficient to satisfy CEQA requirements for the approval of the proposed Specific Plan Amendment (File No. PSPA18-004). That is, implementation and operation of the proposed Specific Plan Amendment described herein will not result in any new, different, additional or substantially increased environmental impacts than were previously considered and addressed in the Certified EIR. Further, the Project will implement all applicable mitigation measures presented in the Certified EIR. As such, potential environmental impacts of the proposed Specific Plan Amendment are considered to be adequately and appropriately addressed by analysis presented in the Certified EIR. The proposed Specific Plan Amendment does not require any major revision of the Certified EIR, nor will the proposed Specific Plan Amendment result in conditions that would require preparation of a Subsequent or Supplemental EIR, as described in Sections 15162 and 15163, respectively, of the CEQA Guidelines.

**11. Mitigation Measures from the Meredith International Center Specific Plan Amendment Certified EIR:** Attachment 1 (Summary of Impacts and Mitigation), which is excerpted from the Meredith International Centre Specific Plan Amendment Certified EIR (SCH #2014051020), includes a summary of impacts and mitigation measures associated with that project. It is the responsibility of the Project to implement all applicable mitigation measures. As substantiated by this Addendum, no new or modified or modified mitigation measures are required.

## **SECTION II—PROJECT DESCRIPTION**

**1. Project Setting:** The project area, depicted in Figure 1: PROJECT LOCATION, below, is comprised of 14 lots totaling approximately 69 acres of land within the Urban Commercial land use district of the Meredith International Centre Specific Plan. The area is bordered by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west.

Figure 1: PROJECT LOCATION



The project area is largely undeveloped, save for a 5-acre parcel located adjacent to the Cucamonga Creek Flood Control Channel, which is fully developed with an automobile sales lot (Audi of Ontario). A second automobile sales lot (Infiniti of Ontario) is located at the southwest corner of Inland Empire Boulevard and QVC Way and is currently under construction.

The area north of the project is characterized by industrial, multiple-family residential, and retail commercial land uses, and is within the Industrial, Urban Residential, and Urban Commercial land use districts of the Meredith International Centre Specific Plan, respectively. The area east of the project, across Archibald Avenue, is largely unimproved and is proposed for development with a 208-room, 6-story hotel. The area south of the project is bordered by the Interstate 10 Freeway. Beyond the freeway is within the CCS (Convention Center Support Commercial) and SP (Specific Plan) zoning districts and is developed with a mix of retail and office-commercial, and industrial land uses. The area west of the project, across Vineyard Avenue, is zoned MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/AC) and is developed with multiple-family residential land uses.

**2. Project Description:** Proposed, is the approval of an Amendment to the Meredith International Centre Specific Plan, which would revise the sign standards and guidelines for the Urban Commercial land use district, to allow for a freeway pylon sign with LED electronic message board for the purpose of identifying the Specific Plan area, as-well-as its key commercial destinations. The proposed sign standards are as follows:

<b>Freeway Identification Sign Standards</b>	
Type, Maximum Number & Location:	One sign for the Specific Plan area adjacent to Interstate 10 Freeway
Maximum Area:	<u>Static Signs</u> : 270 square feet per sign face. <u>LED Display</u> : 1,344 square feet per sign face.
Maximum Height:	105 feet. <sup>1</sup>
Maximum Length:	48 feet in any direction.
Special Regulations:	Comply with Development Code Paragraph 8.01.020.C.3 (Electronic Message Display). <sup>2</sup>

Notes:

1. *Subject to Ontario International Airport Land Use Compatibility Plan requirements.*
2. *Electronic Message Display shall only advertise businesses within the Specific Plan area.*

In addition to allowing for a Freeway Identification Sign adjacent to Interstate 10, this Specific Plan Amendment would establish regulations for big box retail stores in the Urban Commercial land use district, which have a gross floor area of more than 200,000 square feet. The proposed sign standards are as follows:

<b>Uses Occupying More Than 200,000 Square Feet</b>	
<b>Wall Signs</b>	
Type, Maximum Number & Location:	One primary Wall Sign and 2 descriptor Wall Signs per building elevation.
Maximum Area:	15% of building elevation area.
Maximum Height:	<u>Primary Signs</u> : 12 feet for alphanumeric characters and graphic logos/icons. <u>Descriptor Signs</u> : 6 feet for alphanumeric characters and graphic logos/icons.
Maximum Length:	75% of elevation width upon which the sign is located.
<b>Freestanding Signs</b>	
<u>Commercial Message Signs</u>	
Type, Maximum Number & Location:	4 Freestanding Signs.
Maximum Area:	100 square feet per sign face.



<b>Uses Occupying More Than 200,000 Square Feet</b>	
Maximum Height:	11 feet.
Maximum Length:	N/A
<u>Commercial Message Flags</u>	
Type, Maximum Number & Location:	16 flagpoles.
Maximum Area:	118 square feet per flag.
Maximum Height:	40 feet to top of flagpole.
Maximum Length:	N/A
<b>Directional Signs</b>	
<u>Welcome Signs</u>	
Type, Maximum Number & Location:	One Welcome sign per vehicle entrance.
Maximum Area:	100 square feet per sign face.
Maximum Height:	14 feet.
Maximum Length:	N/A
<u>Other Directional Signs</u>	
Type, Maximum Number & Location:	On-site Directional Signs as determined appropriate by the Planning Director.
Maximum Area:	10 square feet per sign face.
Maximum Height:	3 feet.
Maximum Length:	N/A
<u>Freeway/Navigation Signs</u>	
Type, Maximum Number & Location:	One sign per site having a maximum of 600 lineal feet of freeway frontage and is developed as a single entity.
Maximum Area:	575 square feet per sign face.
Maximum Height:	108 feet. <sup>1</sup>
Maximum Length:	50 feet.
Special Regulations:	Advertising displays shall be static only.

Notes:

1. Subject to Ontario International Airport Land Use Compatibility Plan requirements.

**3. Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement):** None

**4. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1?**  Yes  No

If "yes", has consultation begun?  Yes  No  Completed

**SECTION III—ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

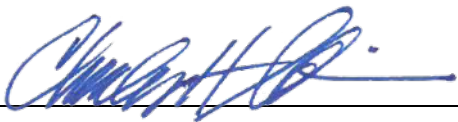
- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics           | <input type="checkbox"/> Agriculture/Forestry Resources | <input type="checkbox"/> Air Quality   |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources             | <input type="checkbox"/> Geology/Soils |

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |

**SECTION IV—DETERMINATION (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier  EIR,  NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier  EIR,  NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature

8/21/2018  
\_\_\_\_\_  
Date

Charles H. Mercier, Principal Planner  
\_\_\_\_\_  
Printed Name and Title

City of Ontario  
\_\_\_\_\_  
For

**SECTION V—INITIAL STUDY CHECKLIST**

**EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from the "Earlier Analyses" Section may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analyses Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<b>1. AESTHETICS.</b> Would the project:				
<b>a.</b> Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<p><b>2. AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:</p>				
<p><b>a.</b> Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>b.</b> Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>c.</b> Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>d.</b> Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>e.</b> Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>3. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
<p><b>a.</b> Conflict with or obstruct implementation of the applicable air quality plan?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>b.</b> Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. BIOLOGICAL RESOURCES.</b> Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. CULTURAL RESOURCES.</b> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<b>d.</b> Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. GEOLOGY AND SOILS.</b> Would the project:				
<b>a.</b> Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>i.</b> Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii.</b> Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iii.</b> Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iv.</b> Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e.</b> Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. GREENHOUSE GAS EMISSIONS.</b> Would the project:				
<b>a.</b> Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
<b>a.</b> Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<b>b.</b> Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e.</b> For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>f.</b> For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>g.</b> Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>h.</b> Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
<b>a.</b> Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<b>c.</b> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increase in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e.</b> Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff during construction and/or post-construction activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>f.</b> Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>g.</b> Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>h.</b> Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>i.</b> Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>j.</b> Expose people or structures to inundation by seiche, tsunamis, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. LAND USE AND PLANNING.</b> Would the project:				
<b>a.</b> Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, airport land use compatibility plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>11. MINERAL RESOURCES.</b> Would the project:				
<b>a.</b> Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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<b>b.</b> Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. NOISE.</b> Would the project result in:				
<b>a.</b> Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e.</b> For a project located within the noise impact zones of the airport land use compatibility plan for ONT and Chino Airports, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>f.</b> For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. POPULATION AND HOUSING.</b> Would the project:				
<b>a.</b> Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. PUBLIC SERVICES.</b> Would the project:				
<b>a.</b> Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
<b>i.</b> Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii.</b> Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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<b>iii.</b> Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iv.</b> Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>v.</b> Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15. RECREATION.</b> Would the project:				
<b>a.</b> Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16. TRANSPORTATION/TRAFFIC.</b> Would the project:				
<b>a.</b> Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>e.</b> Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>f.</b> Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17. TRIBAL CULTURAL RESOURCES.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is				

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<p><b>a.</b> Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>b.</b> A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>18. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:</p>				
<p><b>a.</b> Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>b.</b> Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>c.</b> Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>d.</b> Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>e.</b> Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>f.</b> Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>g.</b> Comply with federal, state, and local statutes and regulations related to solid waste?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>Issues</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
<b>19. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
<b>a.</b> Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>b.</b> Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>c.</b> Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>d.</b> Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Note: Authority cited: Public Resources Code sections 21083, 21083.05. Reference: Gov. Code section 65088.4; Public Resources Code sections 21073, 21074, 21080(c), 21080.1, 21080.3, 21080.3.1, 21080.3.2, 21082.3, 21083, 21083.3, 21083.5, 21084.2, 21084.3, 21093, 21094, 21095 and 21151; <i>Sundstrom v. County of Mendocino</i> (1988) 202 Cal.App.3d 296; <i>Leonoff v. Monterey Board of Supervisors</i> (1990) 222 Cal.App.3d 1337; <i>Eureka Citizens for Responsible Govt. v. City of Eureka</i> (2007) 147 Cal.App.4th 357; <i>Protect the Historic Amador Waterways v. Amador Water Agency</i> (2004) 116 Cal.App.4th 1099, 1109; <i>San Franciscans Upholding the Downtown Plan v. City and County of San Francisco</i> (2002) 102 Cal.App.4th 656.				

**SECTION IV—EXPLANATION OF ISSUES**

**1. AESTHETICS.** Would the project:

**a. Have a substantial adverse effect on a scenic vista?**

Discussion of Effects: The proposed project will not have a significant adverse effect aesthetically. As provided in the Certified EIR, the City of Ontario’s physical setting lends opportunities for many views of the community and surrounding natural features, including panoramic views of the San Bernardino and San Gabriel Mountains and stretches of open space and undeveloped land south of Riverside Drive. The Meredith International Centre Specific Plan Amendment EIR further provides that compliance with TOP Policy CD1-5 in the Community Design Element will avoid significant impacts to scenic vista by making it the policy of the City to protect public views of the San Gabriel Mountains. The project under consideration proposes an Amendment to the Meredith International Centre Specific Plan, revising the sign standards/guidelines for freeway identification signs and for uses over 200,000 square feet in area, within the Urban Commercial land use district, which is not anticipated to result in any alteration of existing public views of the San Gabriel Mountains. Since no adverse aesthetic impacts are expected, no mitigation is necessary.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Substantially damage scenic resources, including, but not limited to, tress, rock outcroppings and historic buildings within a state scenic highway?**

Discussion of Effects: The City of Ontario is served by three freeways: I-10, I-15, and SR-60. I-10 and SR-60 traverse the northern and central portion of the City, respectively, in an east–west direction. I-15 traverses the northeastern portion of the City in a north–south direction. These segments of I-10, I-15, and SR-60 have not been officially designated as scenic highways by the California Department of Transportation. In addition, there are no historic buildings or any scenic resources identified on or in the vicinity of the project site. Therefore, it will not result in adverse environmental impacts.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified Meredith International Centre Specific Plan Amendment EIR. No changes or additions to Meredith International Centre Specific Plan Amendment EIR analyses are necessary.

**c. Substantially degrade the existing visual character or quality of the site and its surroundings?**

Discussion of Effects: The project would not degrade the existing visual character or quality of the site or its surroundings. The project site is located in an area that is characterized by industrial, commercial, and residential development and is surrounded by urban land uses. The project under consideration proposes an Amendment to the Meredith International Centre Specific Plan, revising the sign standards/guidelines for freeway identification signs and for uses over 200,000 square feet in area, within the Urban Commercial land use district, which is not anticipated to substantially degrade the existing visual character or quality of the site or surrounding area. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified Meredith International Centre Specific Plan Amendment EIR. No changes or additions to Meredith International Centre Specific Plan Amendment EIR analyses are necessary.

**d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

Discussion of Effects: The proposed project would not introduce new lighting to the surrounding area beyond what was anticipated in the Certified Meredith International Centre Specific Plan Amendment EIR. Therefore, no new adverse impacts are anticipated.

Site lighting plans will be subject to review by the Planning Department and Police Department prior to issuance of building permits (pursuant to the City’s Building Security Ordinance). Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified Meredith International Centre Specific Plan Amendment EIR. No changes or additions to Meredith International Centre Specific Plan Amendment EIR analyses are necessary.

**2. AGRICULTURE AND FOREST RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

**a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Discussion of Effects: The site is for the most part vacant and does not contain any agricultural uses. Further, the site is identified as “Other Land” on the map prepared by the California Resources Agency, pursuant to the Farmland Mapping and Monitoring Program. As a result, no adverse environmental impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Discussion of Effects: The project site is not zoned for agricultural use. The project site is within the Urban Commercial land use district of the Meredith International Centre Specific Plan. Subsequent development on the project site would be consistent with the development standards and allowed land uses of the proposed zone. Furthermore, there is no Williamson Act contract in effect on the subject site. Therefore, no impacts to agricultural uses are anticipated, nor will there be any conflict with existing or Williamson Act contracts.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Discussion of Effects: The project would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production because such land use designations do not exist within the City of Ontario. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation is required. The Project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Result in the loss of forest land or conversion of forest land to non-forest use?**

Discussion of Effects: There is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, the proposed project would not result in the loss or conversion of forest land.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Involve other changes in the existing environment, which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use or conversion of forest land to non-forest use?**

Discussion of Effects: The project site is not designated as Farmland and there are no agricultural uses occurring onsite. As a result, to the extent that the project would result in changes to the existing environment, those changes would not result in loss of Farmland to non-agricultural use.

Additionally, there is currently no land in the City of Ontario that qualifies as forest land as defined in Public Resources Code Section 12220(g). Neither The Ontario Plan nor the City's Zoning Code provide designations for forest land. Consequently, to the extent that the proposed project would result in changes to the existing environment, those changes would not impact forest land.

Mitigation Required: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**3. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

**a. Conflict with or obstruct implementation of the applicable air quality plan?**

Discussion of Effects: The City is located in a non-attainment region of South Coast Air Basin (SCAB); however, this impact has already been evaluated and mitigated to the extent feasible in the Certified EIR. The Certified EIR has addressed short-term construction impacts, however, and adequate mitigation has been adopted by the City that would help reduce emissions and air quality impacts. No new impacts beyond those identified in Certified EIR would result from Project implementation. Allowing additional signage as described in this Addendum will not

generate significant new or greater air quality impacts than identified in Certified EIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Discussion of Effects: The project will not generate significant new or greater air quality impacts than identified in Certified EIR. Adequate mitigation has already been adopted by the City that would reduce emissions and air quality impacts to a feasible level. No new impacts beyond those identified in Certified EIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?**

Discussion of Effects: The proposed addition to the Specific Plan sign regulations correlates to signage provisions of specific plans within the surrounding area and will not generate significant new or greater air quality impacts than identified in Certified EIR. Adequate mitigation has already been adopted by the City that would reduce emissions and air quality impacts to a feasible level. No new impacts beyond those identified in the Certified EIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Expose sensitive receptors to substantial pollutant concentrations?**

Discussion of Effects: As discussed in the Certified EIR, the proposed project is within a non-attainment region of the SCAB. Essentially this means that any new contribution of emissions into the SCAB would be considered significant and adverse. The proposed addition to the Specific Plan sign regulations correlates to signage provisions of specific plans within the surrounding area and will not generate significant new or greater air quality impacts than identified in Certified EIR. Adequate mitigation has already been adopted by the City that would reduce emissions and air quality impacts to a feasible level. No new impacts beyond those identified in the Certified EIR would result from Project implementation.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Create objectionable odors affecting a substantial number of people?**

Discussion of Effects: Any new construction activity resulting from the proposed project will be required to comply with the standards in place at the time of development. The project will not create significant objectionable odors; therefore, the project will not introduce new odors beyond those previously analyzed in the Certified EIR.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**4. BIOLOGICAL RESOURCES.** Would the project:

**a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: As discussed in the Certified EIR, no special status plant species were found onsite during the biological surveys. Due to the disturbed nature of the site, and the absence of any current or historic site records indicating their presence, no special status plant species are likely present onsite. Thus, no significant impacts relative

to special status plant species are anticipated as a result of site development.

One special status wildlife species was observed onsite, the California horned lark (*Eremophila alpestris actia*). Suitable habitat also exists for the burrowing owl (*Athene cunicularia*). The Certified EIR found that impacts to these species are considered potentially significant; however, mitigation required by the Certified EIR would reduce impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Discussion of Effects: The site does not contain any riparian habitat or other sensitive natural community identified by the Department of Fish & Game or Fish & Wildlife Service. Therefore, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Discussion of Effects: No wetland habitat is present on site; therefore, project implementation would have no impact on these resources.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Discussion of Effects: There are no wildlife corridors connecting this site to other areas; therefore, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Discussion of Effects: The project does not conflict with any City policies or ordinances protecting biological resources. Furthermore, the site does not contain any mature trees necessitating the need for preservation. As a result, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

Discussion of Effects: The site is not part of an adopted HCP, NCCP or other approved habitat conservation plan. As a result, no adverse environmental impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.



**5. CULTURAL RESOURCES.** Would the project:

**a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

Discussion of Effects: As discussed in the Certified EIR, an intensive archaeological survey of the project area concluded that the Meredith International Centre Specific Plan area is clear of any significant historical or archaeological resources. The potential for identifying prehistoric or historic archaeological resources is very low and, therefore, no further studies are recommended with respect to these resources.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Discussion of Effects: As discussed in the Certified EIR, an intensive archaeological survey of the project area concluded that the Meredith International Centre Specific Plan area is clear of any significant historical or archaeological resources. The potential for identifying prehistoric or historic archaeological resources is very low and, therefore, no further studies are recommended with respect to these resources.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Discussion of Effects: As discussed in the Certified EIR, the project area is relatively flat and does not contain any unique geological features. No evidence of paleontological resources was identified during the survey and none was expected in the younger alluvial deposits. The potential for evidence of fossil-bearing soils is still possible, depending on the nature of the project related excavations and site preparation. If older alluvial deposits are encountered, there is a potential for the identification of fossil specimens and the area should be considered sensitive for such resources; however, mitigation required by the Certified EIR would reduce impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Disturb any human remains, including those interred outside of formal cemeteries?**

Discussion of Effects: The proposed project is in an area that has been previously disturbed. No known religious or sacred sites exist within the project area. Thus, human remains are not expected to be encountered during any construction activities. However, in the unlikely event that human remains are discovered, existing regulations, including the California Public Resources Code Section 5097.98, would afford protection for human remains discovered during development activities. Furthermore, standard conditions have been imposed on the project that in the event of unanticipated discoveries of human remains are identified during excavation, construction activities, the area shall not be disturbed until any required investigation is completed by the County Coroner and/or Native American consultation has been completed, if deemed applicable.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074?**

Discussion of Effects: The proposed project is in an area that has been previously disturbed. No known Tribal Cultural Resource sites exist within the project area. Thus, tribal artifacts are not expected to be encountered during any excavation, grading, or construction activities; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes

or additions to the Certified EIR analyses are necessary.

**6. GEOLOGY & SOILS.** Would the project:

**a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

**i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Discussion of Effects: There are no active faults known on the site and the project site is located outside the Fault Rapture Hazard Zone (formerly Alquist-Priolo Zone). Given that the closest fault zone is located more than ten miles from the project site, fault rupture within the project area is not likely. All development will comply with the Uniform Building Code seismic design standards to reduce geologic hazard susceptibility. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**ii. Strong seismic ground shaking?**

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iii. Seismic-related ground failure, including liquefaction?**

Discussion of Effects: Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iv. Landslides?**

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Result in substantial soil erosion or the loss of topsoil?**

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Discussion of Effects: As discussed in the Certified EIR, the project geotechnical investigation concludes that the site is not subject to significant ground rupture, liquefaction, lateral spreading, or landslide hazards. However, the native near-surface native soils vary in density and composition, and laboratory testing indicates that some of the near surface soils may be collapsible and subject to minor consolidation under the anticipated foundation loads. Based on their variable strengths and densities, these soils could result in excessive post-construction settlement. This is a potentially significant impact; however, mitigation required by the Certified EIR would reduce any potential impacts to a less-than-significant level.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Discussion of Effects: The area is served by the local sewer system and the use of alternative systems is not necessary. There will be no impact to the sewage system.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**7. GREENHOUSE GAS EMISSIONS.** Would the project:

**a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Discussion of Effects: As substantiated in the Certified EIR, the project would be consistent with and would support AB 32, the CARB Scoping Plan, and City of Ontario Policy Plan Air Quality/GHG Emissions Goals and Policies. Complemented by project compliance with applicable mitigation measures incorporated in The Ontario Plan EIR acts to reduce the potential for the project to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, to levels that are less-than-significant.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Discussion of Effects: the Project is consistent with and supports AB 32 and the CARB Scoping Plan; is consistent with applicable City of Ontario Policy Plan Goals and Policies; and would comply with and implement applicable TOP EIR mitigation measures. At present, there are no other applicable plans, policies or regulations adopted for the purpose of reducing the Project's GHG emissions. Therefore, the proposed project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**8. HAZARDS & HAZARDOUS MATERIALS.** Would the project:

**a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

Discussion of Effects: As substantiated in the Certified EIR, mitigated project construction-source criteria pollutant emissions concentrations, and unmitigated project operational-source criteria pollutant emissions concentrations would not create a significant hazard to the public or the environment.

Additionally, the Project would generate truck traffic, a portion of which may be diesel powered. Diesel emissions and diesel particulate matter (DPM) are known carcinogens and could increase area health risks. Accordingly, an analysis of potential long-term diesel exposure health risks is provided. To this end, the Project Health Risk Assessment<sup>4</sup> (Project HRA included at EIR Appendix D) characterizes and quantifies potential diesel emissions generated by, and health risk exposure resulting from, Project operations. As concluded in the Project HRA, all potential DPM-source health risks exposures would be less-than-significant. On this basis, Project-source DPM emissions would not create a significant hazard to the public or the environment

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Discussion of Effects: The project is not anticipated to involve the use or disposal of hazardous materials during project implementation; therefore, no adverse impacts are anticipated. However, in the unlikely event of an accident, implementation of the strategies included in The Ontario Plan will decrease the potential for health and safety risks from hazardous materials to a less-than-significant impact.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?**

Discussion of Effects: As substantiated in the Certified EIR, mitigated project construction-source criteria pollutant emissions concentrations, and unmitigated project operational-source criteria pollutant emissions concentrations would not create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of an existing or proposed school.

Additionally, the Project would generate truck traffic, a portion of which may be diesel powered. Diesel emissions and diesel particulate matter (DPM) are known carcinogens and could increase area health risks. Accordingly, an analysis of potential long-term diesel exposure health risks is provided. To this end, the Project Health Risk Assessment<sup>4</sup> (Project HRA included at EIR Appendix D) characterizes and quantifies potential diesel emissions

generated by, and health risk exposure resulting from, Project operations. As concluded in the Project HRA, all potential DPM-source health risks exposures would be less-than-significant. On this basis, Project-source DPM emissions would not create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of an existing or proposed school.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Discussion of Effects: The proposed project site is not listed on the hazardous materials site compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a hazard to the public or the environment and no impact is anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. For a project located within the safety zone of the airport land use compatibility plan for ONT or Chino Airports, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: The project will not result in a safety hazard for people working or residing in the project area because it will not obstruct aircraft maneuvering due to the project's low elevation. Additionally, the Land Use Compatibility Guidelines for Noise Impacts (Policy Plan Table LU-08) shows the proposed use as normally accepted in the 65 CNEL. The proposed use will comply with standards for mitigating noise. Therefore, any impacts would be reduced to a less-than-significant level.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

Discussion of Effects: As substantiated in the Certified EIR, the project area is located approximately 0.5 miles northerly of the Ontario International Airport, and is located within the identified Airport Influence Area. As such, the project is subject to the Ontario International Airport Land Use Compatibility Plan (ALUCP), which sets limits on future land uses and development near the airport in response to noise, safety, airspace protection, and overflight impacts of current and future airport activity. Furthermore, the project is located outside of all identified safety zones for the Airport, as designated within the ALUCP. The Project would be developed in accordance with all City regulations and the ALUCP, precluding significant impacts in this regard. As such, the Project's potential to result in aircraft-related safety hazards for future occupants of the site is considered less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Discussion of Effects: The project will not create impacts greater than were identified in the Certified EIR. The City's Safety Element, as contained within The Ontario Plan, includes policies and procedures to be administered in the event of a disaster. The Ontario Plan seeks interdepartmental and inter-jurisdictional coordination and collaboration to be prepared for, respond to and recover from every day and disaster emergencies. In addition, the project will comply with the requirements of the Ontario Fire Department and all City requirements for fire and other emergency access. Because future development would be required to comply with all applicable State and City codes, any impacts would be reduced to a less-than-significant level.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions

to the Certified EIR analyses are necessary.

**h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Discussion of Effects: The project site is not located in or near wildlands; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**9. HYDROLOGY & WATER QUALITY. Would the project:**

**a. Violate any other water quality standards or waste discharge requirements or potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas?**

Discussion of Effects: The project site is served by City water and sewer service and will not affect water quality standards or waste discharge requirements. Discharge of storm water pollutants from areas of materials storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing, waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work) areas could result in a temporary increase in the amount of suspended solids, trash and debris, oil and grease, organic compounds, pesticides, nutrients, heavy metals and bacteria pathogens in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide National Pollutant Discharge Elimination System (NPDES) General Industrial Activities Stormwater Permit, the San Bernardino County Area-Wide Urban Runoff Permit (MS4 permit) and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)). This would reduce any impacts to below a level of significance.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. No increases in the current amount of water flow to the project site are anticipated, and the proposed project will not deplete groundwater supplies, nor will it interfere with recharge. The water use associated with the proposed use of the property will be negligible. The development of the site will require the grading of the site and excavation is expected to be less than three feet and would not affect the existing aquifer, estimated to be about 230 to 250 feet below the ground surface. No adverse impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or volume of storm water runoff to cause environmental harm or potential for significant increases in erosion of the project site or surrounding areas?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. It is not anticipated that the project would alter the drainage pattern of the site or area, in a manner that would result in erosion, siltation or flooding on-or-off site nor will the proposed project increase the erosion of the subject site or surrounding areas. The existing drainage pattern of the project site will not be altered and it will have no significant impact on downstream hydrology. Stormwater generated by the project will be discharged in compliance with the statewide NPDES General Construction Activities Stormwater Permit and San Bernardino County MS4 permit requirements. With the full implementation of a Storm Water Pollution Prevention Plan developed in compliance with the General Construction Activities Permit requirements, the Best Management Practices included

in the SWPPP, and a stormwater monitoring program would reduce any impacts to below a level of significance. No streams or streambeds are present on the site. No changes in erosion off-site are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site or potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The proposed project is not anticipated to increase the flow velocity or volume of storm water runoff to cause environmental harm from the site and will not create a burden on existing infrastructure. Furthermore, with the implementation of an approved Water Quality Management Plan developed for the site, in compliance with the San Bernardino County MS4 Permit requirements, stormwater runoff volume shall be reduced to below a level of significance.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (a&b) during construction and/or post-construction activity?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. It is not anticipated that the project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or create or contribute stormwater runoff pollutants during construction and/or post-construction activity. Pursuant to the requirements of The Ontario Plan, the City's Development Code, and the San Bernardino County MS4 Permit's "Water Quality Management Plan" (WQMP), individual developments must provide site drainage and WQMP plans according to guidelines established by the City's Engineering Department. If master drainage facilities are not in place at the time of project development, then standard engineering practices for controlling post-development runoff may be required, which could include the construction of on-site storm water detention and/or retention/infiltration facilities. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. Otherwise substantially degrade water quality or potential for discharge of storm water to affect the beneficial uses of receiving water?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. Activities associated with the construction period, could result in a temporary increase in the amount of suspended solids in surface flows during a concurrent storm event, thus resulting in surface water quality impacts. The site is required to comply with the statewide NPDES General Construction Permit and the City of Ontario's Municipal Code (Title 6, Chapter 6 (Stormwater Drainage System)) to minimize water pollution. Thus it is anticipated that there is no potential for discharges of stormwater during construction that will affect the beneficial uses of the receiving waters. However, with the General Construction Permit requirement and implementation of the policies in The Ontario Plan, any impacts associated with the project would be less than significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project site is not located within a 100-year flood hazard area as mapped on a Federal Flood Hazard

Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**h. Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project site is not located within a 100-year flood hazard area and no structures are proposed that would redirect or impede flood flows. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project lies outside of the 100-year flood hazard area. Furthermore, no levees or dams are located near the project site. Therefore, no adverse impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**j. Expose people or structures to inundation by seiche, tsunami or mudflow?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. There are no lakes or substantial reservoirs near the project site; therefore, impacts from seiche are not anticipated. The City of Ontario has relatively flat topography, less than two percent across the City, and the chance of mudflow is remote. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**10. LAND USE & PLANNING.** Would the project:

**a. Physically divide an established community?**

Discussion of Effects: As substantiated in the Certified EIR, configuration and orientation of land uses under the project combined with integral development standards and design guidelines, act to preclude division or disruption of land uses, whether those land uses be internal or external to the project. Physical arrangement of surrounding areas would not be modified or otherwise substantively affected by the project. Therefore, the project's potential to disrupt or divide the physical arrangement of an established community is considered less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Conflict with applicable land use plan, policy or regulation of agencies with jurisdiction over the project (including, but not limited to general plan, airport land use compatibility plan, specific plan, or development code) adopted for the purpose of avoiding or mitigation of an environmental effect?**

Discussion of Effects: As substantiated in the Certified EIR, the proposed project does not interfere with any applicable land use plan, policy or regulation of agencies with jurisdiction over the project adopted for the purpose of avoiding or mitigation of an environmental effect.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.



**c. Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Discussion of Effects: There are no adopted habitat conservation plans in the project area; therefore, no conflicts or impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**11. MINERAL RESOURCES.** Would the project:

**a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project site is located within a mostly developed area surrounded by urban land uses. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. There are no known mineral resources in the area; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**12. NOISE.** Would the project result in:

**a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project will not expose people to or generate noise levels in excess of standards as established in the Certified EIR. No additional analysis will be required at the time of site development review.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The uses associated with this proposed project are required to comply with the environmental standards contained in the City of Ontario Development Code; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: The project site is located within an urbanized area and proposed use of the site is consistent with existing and proposed land use in the surrounding area. Therefore, the project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing, and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Discussion of Effects: As discussed in the Certified EIR, noise levels attributable to ongoing project activities and operations would not exceed City Noise Ordinance Standards. As such, temporary and periodic peak noise events generated by project operations and area/site sources would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Potential impacts would be less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. For a project located within the noise impact zones of the airport land use compatibility plan for Ontario International Airport and Chino Airport, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site may be impacted by aircraft noise from nearby Ontario International Airport, located approximately one-half mile southerly of the site. The project is located within the 60 to 65 dBA CNEL noise contour boundary, as established by the Ontario International Airport Land Use Compatibility Plan (ALUCP). The ALUCP establishes parameters for aircraft-source noise within the airport influence area and noise contour boundaries.

The ALUCP requires the interior areas of commercial land uses within the 60 to 65 dBA CNEL contour to meet an interior noise level standard of 50 dBA CNEL. In this regard, the project is required to comply with the State of California Green Building Standards Code, which requires new development which falls within an airport or freeway 65 dBA CNEL noise contour, to have a combined sound transmission class (STC) rating of the wall and roof-ceiling assemblies of at least 50. With aircraft noise levels ranging from 60 to 65 dBA CNEL, the STC rating of 50 would satisfy the ALUCP normally compatible standard of 50 dBA CNEL for interior noise levels. As such, potential impacts would be less-than-significant.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

Discussion of Effects: The project site is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**13. POPULATION & HOUSING.** Would the project:

**a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?**

Discussion of Effects: The proposed project will not significantly affect population growth in the area and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project will not result in the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Discussion of Effects: The project will not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere, and will not create greater impacts than were identified in the Certified EIR.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**14. PUBLIC SERVICES.** Would the project:

**a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

**i. Fire protection?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The site is in a mostly developed area that is currently served by the Ontario Fire Department. The project will not cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**ii. Police protection?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The site is in a developed area, currently served by the Ontario Police Department. The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iii. Schools?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**iv. Parks?**

Discussion of Effects: The project will not require the construction of any new facilities or alteration of any existing facilities or cause a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**v. Other public facilities?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not require the construction of any new facilities or alteration of any existing facilities or cause

a decline in the levels of service, which could cause the need to construct new facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**15. RECREATION.** Would the project:

**a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. This project is not proposing any new housing or large employment generator that would cause an increase in the use of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project is not proposing any new housing or large employment generator that would require the construction of neighborhood parks or other recreational facilities. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**16. TRANSPORTATION/TRAFFIC.** Would the project:

**a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel, and relevant components of the circulation system. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and will not conflict with an applicable congestion management program, including, but not limited to, level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not create a substantial safety risk or interfere with air traffic patterns at Ontario International Airport, as it is under the maximum height restrictions for the area. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially

different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. All street improvements are complete and no alterations are proposed for adjacent intersections or arterials. The project will, therefore, not create a substantial increase in hazards due to a design feature. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Result in inadequate emergency access?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. Development on the project site will be designed to provide access for all emergency vehicles in accordance with City standards, and will not create an inadequate emergency access. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. Result in inadequate parking capacity?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project is required to meet parking standards established by the Ontario Development Code and will, therefore, not create an inadequate parking capacity. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project does not conflict with any transportation policies, plans or programs. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**17. TRIBAL CULTURAL RESOURCES.** Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

**a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?**

Discussion of Effects: The proposed project will not create greater impacts than were identified in the Certified EIR. The project is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project is not a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**18. UTILITIES AND SERVICE SYSTEMS.** Would the project:

**a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not alter wastewater treatment needs of Ontario and will not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Santa Ana Region. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No impacts are anticipated.

Mitigation: No new mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project is served by the City of Ontario water system. There is currently a sufficient water supply available to the City of Ontario to serve this project. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Discussion of Effects: The proposed project does not allow for construction beyond levels previously considered by the Certified EIR; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The City of Ontario contracts with a waste disposal company that transports trash to a landfill with sufficient capacity to handle the City's solid waste disposal needs. No impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**g. Comply with federal, state, and local statutes and regulations related to solid waste?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR. The project complies with all federal, state, and local statutes and regulations regarding solid waste. Therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**19. MANDATORY FINDINGS OF SIGNIFICANCE.**

**a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have the potential to reduce wildlife habitat and threaten a wildlife species; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**b. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have impacts that are individually limited, but cumulatively considerable; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions

to the Certified EIR analyses are necessary.

**d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?**

Discussion of Effects: The project will not create greater impacts than were identified in the Certified EIR and does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly; therefore, no impacts are anticipated.

Mitigation: No mitigation measures required. The project will not result in any new, increased or substantially different impacts, other than those previously considered and addressed in the Certified EIR. No changes or additions to the Certified EIR analyses are necessary.

**SECTION VII—EARLIER ANALYZES**

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CEQA Guidelines Section 15150 permits and encourages that environmental documents incorporate by reference, other documents that provide relevant data. The documents outlined herein are hereby incorporated by reference and the pertinent material from each is summarized throughout this Addendum. All documents incorporated by reference are available for review at Ontario City Hall, 303 East “B” Street, Ontario, California 91764.

1. The Ontario Plan Final EIR
2. The Ontario Plan
3. City of Ontario Official Zoning Map
4. Meredith International Centre Specific Plan
5. Meredith International Centre Specific Plan Amendment Environmental Impact Report, Certified on April 7, 2015.



**ATTACHMENT A:**

**Meredith International Centre Specific Plan Amendment  
Environmental Impact Report;  
Summary of Impacts and Mitigation**

*(Document follows this page)*

**Table 1.11-1  
Summary of Impacts and Mitigation**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
<b>4.1 Land Use and Planning</b>			
Physically divide an established community or result in land use incompatibilities.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
<b>4.2 Traffic and Circulation</b>			
Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	Potentially Significant at Study Area Intersections.	<p>4.2.1</p> <ul style="list-style-type: none"> <li>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of the improvements summarized at Table 4.2-21 at the intersection of: I-10 EB Ramp at 4th Street (Study Area Intersection 14);</li> <li>Prior to the issuance of the first Certificate of Occupancy for the Project, the Project Applicant shall construct the improvements summarized at Table 4.2-21 at the intersection of: Haven Avenue at Inland Empire Boulevard (Study Area Intersection 30);</li> </ul>	<p><b>Less-Than-Significant Impacts.</b> The Project Applicant would timely construct required improvements at Haven Avenue at Inland Empire Boulevard (Study Area Intersection 30), reducing impacts to levels that are less-than-significant.</p> <p><b>Significant and Unavoidable Impacts.</b> The Project would pay requisite fees toward mitigation of potentially significant</p>

**Table 1.11-1  
Summary of Impacts and Mitigation**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.2.2 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2017 improvements as summarized at Table 4.2-21 at the intersections of:</p> <ul style="list-style-type: none"> <li>• Archibald Avenue at Arrow Route (Study Area Intersection 2);</li> <li>• I-10 EB Ramp at 4<sup>th</sup> Street (Study Area Intersection 14); and</li> <li>• Haven Avenue at 4<sup>th</sup> Street (Study Area Intersection 25).</li> </ul> <p>4.2.3 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year required 2020 improvements as summarized at Table 4.2-21 at the intersections of:</p> <ul style="list-style-type: none"> <li>• Archibald Avenue at Arrow Route (Study Area Intersection 2);</li> <li>• I-10 EB Ramp at 4<sup>th</sup> Street (Study Area Intersection 14);</li> <li>• Archibald Avenue at 4<sup>th</sup> Street (Study Area Intersection 23)</li> <li>• Haven Avenue at 4<sup>th</sup> Street (Study Area Intersection 25);</li> <li>• Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28); and</li> <li>• Vineyard Avenue at I-10 EB Ramps (Study Area Intersection 32)</li> </ul>	<p>cumulative traffic impacts, thereby fulfilling the Project's mitigation requirements. Notwithstanding, due to jurisdictional limitations and/or right(s)-of-way constraints, Project traffic impacts at the following Study Area intersections are considered cumulatively significant and unavoidable under at least one of the TIA analysis scenarios (Existing Conditions, Year 2017 Conditions, Year 2020 Conditions, and/or Year 2035 Conditions):</p> <ul style="list-style-type: none"> <li>• Archibald Avenue at Arrow Route (Study Area Intersection 2);</li> <li>• Baker Avenue at 8th Street (Study Area Intersection 3);</li> <li>• Hellman Avenue at 6th Street (Study Area Intersection 9);</li> <li>• Haven Avenue at 6th Street (Study Area Intersection 12);</li> <li>• I-10 EB Ramp at 4<sup>th</sup> Street</li> </ul>

**Table 1.11-1  
Summary of Impacts and Mitigation**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.2.4 Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2035 improvements as summarized at Table 4.2-24 at the intersections of:</p> <ul style="list-style-type: none"> <li>• Archibald Avenue at Arrow Route (Study Area Intersection 2);</li> <li>• Baker Avenue at 8<sup>th</sup> Street (Study Area Intersection 3);</li> <li>• Hellman Avenue at 6<sup>th</sup> Street (Study Area Intersection 9);</li> <li>• Haven Avenue at 6<sup>th</sup> Street (Study Area Intersection 12);</li> <li>• Vineyard Avenue at 4<sup>th</sup> Street (Study Area Intersection 20);</li> <li>• Archibald Avenue at 4<sup>th</sup> Street (Study Area Intersection 23);</li> <li>• Haven Avenue at 4<sup>th</sup> Street (Study Area Intersection 25); and</li> <li>• Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28)</li> </ul>	<p>(Study Area Intersection 14);<sup>1</sup></p> <ul style="list-style-type: none"> <li>• Vineyard Avenue at 4<sup>th</sup> Street (Study Area Intersection 20);</li> <li>• Archibald Avenue at 4<sup>th</sup> Street (Study Area Intersection 23);</li> <li>• Haven Avenue at 4<sup>th</sup> Street (Study Area Intersection 25);</li> <li>• Archibald Avenue at Inland Empire Boulevard (Study Area Intersection 28); and</li> <li>• Vineyard Avenue at I-10 EB Ramps (Study Area Intersection 32).</li> </ul>

<sup>1</sup> Significant impacts at I-10 EB Ramp at 4<sup>th</sup> Street (Study Area Intersection 14) under the “Existing Plus Project” analytic scenario are considered Project-specific.

**Table 1.11-1  
Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.2.5 Prior to the issuance of building permits, the Project applicant shall participate in the City's DIF program and in addition shall pay the Project's fair share for the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 in the amount(s) agreed to by the City and Project Applicant. The City shall ensure that the improvements specified at Mitigation Measures 4.2.1 through 4.2.4 which are under the City of Ontario jurisdiction be constructed pursuant to the fee program at that point in time necessary to avoid identified potentially significant impacts.</p> <p>4.2.6 Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections that either share a mutual border with the City of Rancho Cucamonga or are wholly located within the City of Rancho Cucamonga. Because the City of Ontario does not have plenary control over intersections that share a border with the City of Rancho Cucamonga or are wholly located within the City of Rancho Cucamonga, the City of Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with the City of Rancho Cucamonga to develop a study to identify fair share contribution funding sources</p>	

**Table 1.11-1  
Summary of Impacts and Mitigation**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p><i>attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 that are located in the City of Rancho Cucamonga. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs. §15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to City of Rancho Cucamonga facilities that are not attributable to development located within the City of Ontario are not paying in excess of such developments' fair share obligations. The fee study shall also be compliant with Government Code § 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for implementation of the recommendations contained within the study to the extent the other agencies agree to participate in the fee study program. Because the City of Ontario and the City of Rancho Cucamonga are responsible to implement this mitigation measure, the Project Applicant shall have no compliance obligations with respect to this Mitigation Measure.</i></p>	

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.2.7 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that share a mutual border with the City of Rancho Cucamonga, or are wholly located within the City of Rancho Cucamonga, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and the City of Rancho Cucamonga as a result of implementation of Mitigation Measure 4.2.6. If, within five (5) years of the date of collection of the Project Applicant's Fair Share Contribution the City of Ontario and the City of Rancho Cucamonga do not comply with Mitigation Measure 4.2.6, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.</p> <p>4.2.8 Certain of the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 are proposed for intersections under shared City of Ontario/Caltrans jurisdiction. Because the City of Ontario does not have plenary control over intersections under shared City of Ontario/Caltrans jurisdiction, the City of</p>	

**Table 1.11-1  
Summary of Impacts and Mitigation**

**General Note:** *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p><i>Ontario cannot guarantee that such improvements will be constructed. Thus, the following additional mitigation is required: The City of Ontario shall participate in a multi-jurisdictional effort with Caltrans to develop a study to identify fair share contribution funding sources attributable to and paid from private and public development to supplement other regional and State funding sources necessary to implement the improvements identified at Mitigation Measures 4.2.1 through 4.2.4 that are under shared City of Ontario/Caltrans jurisdiction. The study shall include fair-share contributions related to private and or public development based on nexus requirements contained in the Mitigation Fee Act (Govt. Code § 66000 et seq.) and 14 Cal. Code of Regs. §15126.4(a)(4) and, to this end, the study shall recognize that impacts attributable to Caltrans facilities that are not attributable to development located within the City of Ontario are not paying in excess of such developments' fair share obligations. The fee study shall also be compliant with Government Code § 66001(g) and any other applicable provisions of law. The study shall set forth a timeline and other agreed-upon relevant criteria for implementation of the recommendations contained within the study to the extent the other agencies agree to participate in the fee study program. Because</i></p>	



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Summary of Impacts and Mitigation**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p><i>the City of Ontario and Caltrans are responsible to implement this mitigation measure, the Project Applicant shall have no compliance obligations with respect to this Mitigation Measure.</i></p> <p><i>4.2.9 Fair-share amount(s) agreed to by the City and Project Applicant for non-DIF improvements at intersections that are under City of Ontario/Caltrans jurisdiction, shall be paid by the Applicant to the City of Ontario prior to the issuance of the Project's final certificate of occupancy. The City of Ontario shall hold the Project Applicant's Fair Share Contribution in trust and shall apply the Project Applicant's Fair Share Contribution to any fee program adopted or agreed upon by the City of Ontario and Caltrans as a result of implementation of Mitigation Measure 4.2.8. If, within five (5) years of the date of collection of the Project Applicant's Fair Share Contribution the City of Ontario and Caltrans do not comply with Mitigation Measure 4.2.8, then the Project Applicant's Fair Share Contribution shall be returned to the Project Applicant.</i></p>	

**Table 1.11-1  
Summary of Impacts and Mitigation**

**General Note:** *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.*

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
	Potentially Significant at Study Area freeway facilities.	Mitigation of freeway facilities impacts is addressed through regional improvements plans and programs. Germane to the Project, 1-10 Corridor Project and I-15 Corridor Project and Comprehensive Corridor Study would, when implemented, act to improve regional freeway operations, including freeways serving the Project. However, all freeway facilities within the Study Area are under Caltrans jurisdiction, and there is no mechanism by which the Lead Agency (City of Ontario) or the Project Applicant can autonomously construct, or guarantee the construction of, any improvements to these freeways segments. Traditional funding mechanisms used to improve the freeway mainline include San Bernardino County's Measure "I" retail sales tax revenue for transportation, state and federal gas tax, and formula distributions from vehicle registration fees. Future employees/patrons of the project contribute indirectly to freeway improvements through these sources. State Highway improvements are programmed pursuant to the State Transportation Improvement Program (STIP).	<b>Significant and Unavoidable.</b> Project traffic would contribute to cumulatively significant impacts affecting at analyzed freeway facilities within the Study Area. There are no feasible means for the Project Applicant or the City of Ontario to mitigate cumulatively significant freeway facilities impacts, and these impacts are accordingly recognized as cumulatively significant and unavoidable. <sup>2</sup>

<sup>2</sup> Under Existing Plus Project Conditions (Project Buildout) Project-specific traffic contributions to eastbound 1-10 between Milliken Avenue and I-15 (Study Area freeway segment No. 21) would be considered significant.

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	Potentially Significant.	Please refer to Mitigation Measures 4.2.1 through 4.2.9.	<b>Significant and Unavoidable.</b> The Project would pay all requisite fees for improvements at Study Area CMP facilities. However, based on jurisdictional constraints and/or right(s) of way limitations, timely completion of improvements required for mitigation of cumulatively significant impacts at CMP facilities within the Study Area cannot be assured. Pending completion of required improvements, Project contributions to impacts affecting Study Area CMP facilities are therefore considered cumulatively considerable.
Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Summary of Impacts and Mitigation**

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Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
<b>4.3 Air Quality</b>			
Conflict with or obstruct implementation of the applicable air quality plan.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	Potentially Significant.	<p>4.3.1 The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:</p> <ul style="list-style-type: none"> <li>• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;</li> <li>• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day;</li> </ul>	<p><b>Significant and Unavoidable.</b> Even with the application of mitigation, the following impacts would remain significant:</p> <ul style="list-style-type: none"> <li>• Project construction-source emissions would exceed applicable SCAQMD regional thresholds for VOC, NO<sub>x</sub>, and CO.</li> <li>• Under 2017 conditions, Project operational-source VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would</li> </ul>

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<ul style="list-style-type: none"> <li>• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less; and</li> <li>• Only “Zero-Volatile Organic Compounds” paints (no more than 150 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.</li> </ul> <p>4.3.2 Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling.</p> <p>4.3.3 During grading activity, all rubber tired dozers and scrapers (≥ 150 horsepower) shall be CARB Tier 3 Certified or better. Additionally, during grading activity, total horsepower-hours per day for all equipment shall not exceed 149,840; and the</p>	<p>exceed applicable regional thresholds. <sup>4</sup></p> <ul style="list-style-type: none"> <li>• Under 2020 conditions, Project operational-source VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed applicable regional thresholds.</li> </ul>

<sup>4</sup> Under 2017 Interim Development Conditions, the Project AQIA indicates the operational-source PM<sub>2.5</sub> emissions would not exceed SCAQMD regional thresholds. If employing the *Draft Warehouse Truck Trip Study* protocols and assumptions, there would be a PM<sub>2.5</sub> emissions regional threshold exceedance under 2017 Interim Development Conditions. Conservatively, and as a matter of public disclosure, operational-source PM<sub>2.5</sub> emissions are recognized as significant and unavoidable under 2017 Interim Development Conditions. Please refer also to the supplemental air quality analyses presented at EIR Appendix D.

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Summary of Impacts and Mitigation**

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		<p>maximum (actively graded) disturbance area shall not exceed 26 acres per day.</p> <p>4.3.4 Prior to the issuance of building permits, the Project Applicant shall submit energy demand calculations to the City (Planning and Building Departments) demonstrating that the increment of the Project for which building permits are being requested would achieve a minimum 5% increase in energy efficiencies beyond incumbent California Building Code Title 24 performance standards. Representative energy efficiency/energy conservation measures to be incorporated in the Project would include, but would not be limited to, those listed below (it being understood that the items listed below are not all required and merely present examples; the list is not all-inclusive and other features that would comparably reduce energy consumption and promote energy conservation would also be acceptable):</p> <ul style="list-style-type: none"> <li>• Increase in insulation such that heat transfer and thermal bridging is minimized;</li> <li>• Limit air leakage through the structure and/or within the heating and cooling distribution system;</li> <li>• Use of energy-efficient space heating and cooling equipment;</li> </ul>	

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Summary of Impacts and Mitigation**

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		<ul style="list-style-type: none"> <li>• Installation of electrical hook-ups at loading dock areas;</li> <li>• Installation of dual-paned or other energy efficient windows;</li> <li>• Use of interior and exterior energy efficient lighting that exceeds then incumbent California Title 24 Energy Efficiency performance standards;</li> <li>• Installation of automatic devices to turn off lights where they are not needed;</li> <li>• Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings;</li> <li>• Design of buildings with “cool roofs” using products certified by the Cool Roof Rating Council, and/or exposed roof surfaces using light and off-white colors;</li> <li>• Design of buildings to accommodate photo-voltaic solar electricity systems or the installation of photo-voltaic solar electricity systems; and</li> <li>• Installation of ENERGY STAR-qualified energy-efficient appliances, heating and cooling systems, office equipment, and/or lighting products.</li> </ul>	

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Summary of Impacts and Mitigation**

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		4.3.5 The developer of the industrial phase of the Project (Planning Area 1) will install on the roofs of the warehouse buildings a photo-voltaic electrical generation system (PV system) capable of generating 1,600,000 kilowatt hours per year. <sup>3</sup> The developer may install the required PV system in phases on a pro rata square foot basis as each building is completed; or if the PV system is to be installed on a single building, all of the PV system necessary to supply the PV estimated electrical generation shall be installed within two years (24 months) of the first building that does not include a PV system receives a certificate of occupancy.	
Expose sensitive receptors to substantial pollutant concentrations.	Potentially Significant. (Project exposure to freeway-source pollutants)	4.3.6 Residential units within the Project site shall include the installation and maintenance of air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2.	<b>Less-Than-Significant.</b> Application of Mitigation Measure 4.3.6 would ensure that Project sensitive receptors (Project residential uses) would not be exposed to substantial pollutant concentrations
Create objectionable odors affecting a substantial number of people.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-	Potentially Significant.	Please refer to Mitigation Measures 4.3.1 through 4.3.5.	<b>Significant and Unavoidable.</b> Mitigation Measures 4.3.1 through 4.3.5 would reduce

<sup>3</sup> This electricity generation estimate is based on the amount of electricity to be consumed within Planning Area 1 at buildout and full occupancy.



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Summary of Impacts and Mitigation**

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attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.			Project construction-source and operational-source emissions to the extent feasible. However, construction-source VOC and NO <sub>x</sub> emission exceedances, and operational-source VOC, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> emissions exceedances would persist, and would result in a cumulatively considerable net increase in ozone, PM <sub>10</sub> , and PM <sub>2.5</sub> for which the Project region is non-attainment under an applicable federal or state ambient air quality standard. These impacts would be cumulatively considerable even with the application of mitigation.
<b>4.4 Global Climate Change and Greenhouse Gas Emissions</b>			
Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	Less-Than-Significant.	No mitigation is necessary. GHG emissions would nonetheless be reduced coincident with criteria pollutant emissions reductions achieved by Mitigation Measures 4.3.1 through 4.3.6.	Not applicable.
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Less-Than-Significant.	No mitigation is necessary. GHG emissions would nonetheless be reduced coincident with criteria pollutant emissions reductions achieved by Mitigation Measures 4.3.1 through 4.3.6.	Not applicable.

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
<b>4.5 Noise</b>			
<p>Project construction activities and associated noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p>Potentially Significant.</p>	<p>4.5.1 <i>Prior to approval of grading plans and/or issuance of building permits, plans shall include a note indicating that noise-generating Project construction activities shall occur between the permitted hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays. The Project construction supervisor shall ensure compliance with the note and the City shall conduct periodic inspection at its discretion.</i></p> <p>4.5.2 <i>Install temporary noise control barriers that provide a minimum noise level attenuation of 10.0 dBA when Project construction occurs near existing noise-sensitive structures. The noise control barrier must present a solid face from top to bottom. The noise control barrier must be high enough and long enough to block the view of the noise source. Unnecessary openings shall not be made.</i></p> <ul style="list-style-type: none"> <li><i>The noise barriers must be maintained and any damage promptly repaired. Gaps, holes, or weaknesses in the barrier or openings between the barrier and the ground shall be promptly repaired.</i></li> </ul>	<p><b>Significant and Unavoidable.</b> Even with the incorporation of Mitigation Measures 4.5.1 through 4.5.5, construction-source noise levels would likely exceed applicable standards at certain receptors.</p>

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<ul style="list-style-type: none"> <li>• The noise control barriers and associated elements shall be completely removed and the site appropriately restored upon the conclusion of the construction activity.</li> </ul> <p>4.5.3 During all Project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receivers nearest the Project site.</p> <p>4.5.4 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receivers nearest the Project site (i.e., to the south) during all Project construction.</p> <p>4.5.5 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays). The Project Applicant shall prepare a haul route exhibit</p>	

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<i>for review and approval by the City of Ontario Planning Division prior to commencement of construction activities. The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.</i>	
Project construction activities and associated noise would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Construction noise is not considered a source of permanent noise increases, and associated threshold questions are not germane.	Not Applicable.	Not Applicable.
Project construction activities and associated noise would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Potentially Significant.	Please refer to Mitigation Measures 4.5.1 through 4.5.5.	<b>Significant and Unavoidable.</b> While the preceding Mitigation Measures 4.5.1 through 4.5.5 will reduce construction noise to the extent feasible, it is anticipated that noise associated with the construction of the Project would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

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Summary of Impacts and Mitigation**

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<b>Impact</b>	<b>Level of Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance With Mitigation/Remarks</b>
<p>Project vehicular source noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance, or other applicable standards of other agencies.</p>	<p>Potentially Significant.</p>	<p>4.5.6 <i>First floor residential patio areas adjacent to Inland Empire Boulevard shall include the construction of 6-foot high noise barriers.</i></p> <p>4.5.7 <i>All residential uses proposed within the Specific Plan shall be equipped with a means of mechanical ventilation (e.g., air conditioning).</i></p> <p>4.5.8 <i>All second floor residential façades facing Inland Empire Boulevard shall require upgraded windows with a minimum STC rating of 29.</i></p>	<p><b>Less-Than-Significant Impacts.</b> Implementation of Mitigation Measures 4.5.6 through 4.5.8 would reduce on-site exterior and interior noise to less-than-significant levels consistent with applicable standards.</p> <p><b>Significant and Unavoidable Impacts.</b> Project vehicular-source noise contributions to ambient noise conditions affecting certain Study Area roadways would exceed applicable standards, and would be individually significant and cumulatively considerable. No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes.</p>

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Project vehicular source noise would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Vehicular-source noise is addressed as a permanent source of noise, rather than a temporary or periodic source of noise increases. As such, associated threshold questions are not germane.	Not Applicable.	Not Applicable.
Project vehicular source noise would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Potentially Significant.	Please refer to Mitigation Measures 4.5.6 through 4.5.8.	<p><b>Less-Than-Significant Impacts.</b> Implementation of Mitigation Measures 4.5.6 through 4.5.8 would reduce on-site exterior and interior noise to levels not considered to be a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.</p> <p><b>Significant and Unavoidable Impacts.</b> Project vehicular-source noise contributions to ambient noise conditions along affecting certain Study Area roadways</p>

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
			would represent a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. No mitigation measures are available that would prevent noise levels along major transportation corridors from increasing as a result of substantial increases in traffic volumes.
Project operational noise would result in exposure of persons to, or generation of, noise levels in excess of standards established in the City's General Plan or Noise Ordinance.	Less-Than-Significant.	<p>4.5.9 <i>If the Project is developed under the Option A scenario:</i></p> <ul style="list-style-type: none"> <li>• <i>Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-A of the Noise Impact Analysis.</i></li> </ul> <p>4.5.10 <i>If the Project is developed under the Option B scenario:</i></p> <ul style="list-style-type: none"> <li>• <i>Construct the recommended 8-foot high noise barriers at the western and eastern boundaries of Planning Area 4, as shown on Exhibit 10-B of the Noise Impact Analysis.</i></li> <li>• <i>Construct the recommended 8-foot high noise barrier at the southern property boundary at the existing school, as shown on Exhibit 10-B of the Noise Impact Analysis.</i></li> </ul>	To further reduce potential operational noise levels received at adjacent residential land uses, Project Noise Impact Analysis recommendations are incorporated here as mitigation.

**Table 1.11-1  
Summary of Impacts and Mitigation**

**General Note:** To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit.

Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.5.11 All trucks, tractors, and forklifts shall be operated with proper operating and well maintained mufflers.</p> <p>4.5.12 Maintain quality pavement conditions that are free of bumps to minimize truck noise.</p> <p>4.5.13 The truck access gates and loading docks within the truck court on the project site shall be posted with signs which state:</p> <ul style="list-style-type: none"> <li>• Truck drivers shall turn off engines when not in use;</li> <li>• Diesel trucks servicing the Project shall not idle for more than five (5) minutes; and</li> <li>• Post telephone numbers of the building facilities manager to report violations.</li> </ul>	
Project operational noise would result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Project operational noise would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.



**Table 1.11-1  
Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would expose people residing or working in the project area to excessive noise levels.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise.	Potentially Significant.	4.5.14 <i>The operation of heavy equipment shall only occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, or Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays, and avoided at the Project site boundary nearest receiver location R4 whenever feasible.</i>	<b>Significant and Unavoidable.</b> Even with the incorporation of Mitigation Measures 4.5.14 construction-source vibration levels would likely exceed applicable standards at certain receptors.
<b>4.6 Hazards/Hazardous Materials</b>			
Create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of an existing or proposed school.	Potentially Significant.	4.6.1 <i>Prior to the issuance of grading permits, soil samples shall be taken from various areas of the Project site. Any soils found to contain pesticide levels in excess of the residential and/or industrial/commercial soil screening levels (presented in Table 4.6-1 of this EIR) shall be treated onsite or disposed of offsite, consistent with Section 4.6.4.5 of this EIR. Additional samples shall be collected from the perimeter and bottom of the excavation to confirm that pesticide concentrations in excess of the screening levels do</i>	<b>Less-Than-Significant.</b> Application of Mitigation Measures 4.6.1 and 4.6.2 would ensure that the potential for the Project to create a significant hazard to the public or the environment through emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter of a mile of

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p><i>not remain. Any additional impacted soil identified during this process shall be removed and additional confirmatory samples shall be obtained until non-actionable concentrations are obtained.</i></p> <p>4.6.2 <i>Prior to demolition or major renovations to the Italo M. Bernt School, a comprehensive asbestos and LBP survey shall be completed of suspect materials. If discovered, ACMs and peeling LBP shall be removed and disposed of by a State-licensed abatement contractor prior to demolition/renovation. Similarly, if during grading activities, buried asbestos-containing transite pipes are discovered, these materials shall also be removed and disposed of by a State-licensed abatement contractor.</i></p> <p><i>The Project developer shall submit documentation to the City Building Department that asbestos and lead-based paint issues are not applicable to their property, or that appropriate actions, as detailed in Section 4.6.4.5 of this EIR, will be taken to abate asbestos or lead-based paint issues prior to development of the site.</i></p>	<p>an existing or proposed school is reduced to a level that is less-than-significant.</p>

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Result in a safety hazard for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
<b>4.7 Public Services and Utilities</b>			
Result in or cause substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire or police protection services or schools.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Summary of Impacts and Mitigation**

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<b>Impact</b>	<b>Level of Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance With Mitigation/Remarks</b>
Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; Comply with federal, state, and local statutes and regulations related to solid waste.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
<b>4.8 Hydrology and Water Quality</b>			
Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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Summary of Impacts and Mitigation**

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Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding or substantial erosion or siltation on- or off-site; Create or contribute runoff water which would exceed the capacity of the existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
<b>4.9 Biological Resources</b>			
Substantially affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife	Potentially Significant.	4.9.1 <i>Avoidance of Nesting Migratory Birds: If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season, all suitable</i>	<b>Less-Than-Significant.</b> Application of Mitigation Measures 4.9.1 through 4.9.7 would ensure that the potential for the Project to substantially affect, either directly or through habitat modifications, any

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(CDFW) or United States Fish and Wildlife Service (USFWS).		<p><i>habitat will be thoroughly surveyed within 72 hours prior to clearing for the presence of nesting birds by a qualified biologist (Project Biologist). The Project Biologist shall be approved by the City and retained by the Applicant. The survey results shall be submitted by the Project Applicant to the City Planning Department. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer, with the final buffer distance to be determined by the Project Biologist. The buffer area shall be avoided until, as determined by the Project Biologist, the nesting cycle is complete or it is concluded that the nest has failed. In addition, the Project Biologist shall be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</i></p> <p>4.9.2 Burrowing Owl Avoidance: Breeding season avoidance measures for the burrowing owl including, but not limited to, those that follow shall be implemented. A pre-construction survey for resident burrowing owls shall be conducted by a qualified Project Biologist within 30 days prior to construction activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site will</p>	<p>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 (CDFW) or United States Fish and Wildlife Service (USFWS) is reduced to a level that is less-than-significant.</p>

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p><i>be resurveyed for owls. Pre-construction survey methodology shall be based on Appendix D (Breeding and Non-breeding Season Surveys and Reports) of the CDFW Staff Report on Burrowing Owl Mitigation (CDFW) March 7, 2012 (CDFW Burrowing Owl Mitigation Staff Report). Results of the pre-construction survey shall be provided to CDFW and the City. If the pre-construction survey does not identify burrowing owls on the Project site, then no further mitigation shall be required. If burrowing owls are found to be utilizing the Project site during the pre-construction survey, measures shall be developed by the Project Biologist in coordination with CDFW to avoid impacting occupied burrows during the nesting period. These measures shall be based on the most current CDFW protocols and would minimally include establishment of buffer setbacks from occupied burrows and owl monitoring during Project construction activities.</i></p> <p><i>4.9.3 Burrowing Owl Passive Exclusion: During the non-breeding season (September 1 through January 31), if burrows occupied by migratory or non-migratory resident burrowing owls are detected during a pre-construction survey, then burrow exclusion and/or closure may be used to passively exclude owls from</i></p>	

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p><i>those burrows. Burrow exclusion and/or closure shall only be conducted by the Project Biologist in consultation and coordination with CDFW employing incumbent CDFW guidelines.</i></p> <p><i>4.9.4 Mitigation for Displaced Owls: In consultation with the City, Project Applicant, Project Biologist, and CDFW, and consistent with mitigation strategies outlined in the CDFW Burrowing Owl Mitigation Staff Report, a mitigation plan shall be developed for the “take” of any owls displaced through Project construction activities. Strategies may include, but are not limited to, participation in the permanent conservation of off-site habitat replacement area(s), and/or purchase of available burrowing owl conservation bank credits.</i></p> <p><i>4.9.5 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a Regional Board 401 Certification, or a written waiver of the requirement for such an agreement or permit, from the California Regional Water Quality Control Board. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.</i></p>	



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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.9.6 Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from the California Department of Fish and Wildlife. Information to be provided as part of the Streambed Alteration Agreement (if required) shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);</li> <li>• Discussion of avoidance measures to reduce project impacts; and,</li> <li>• Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.</li> </ul> <p>Written verification of such a streambed alteration agreement/permit, or waiver, shall be provided to the City of Ontario Planning Department.</p>	

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Summary of Impacts and Mitigation**

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		4.9.7 <i>Prior to the issuance of any grading permits and prior to any physical disturbance of any possible jurisdictional areas, the Applicant shall obtain a 404 permit, or a written waiver of the requirement for such an agreement or permit, from the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the City of Ontario Planning Department.</i>	
<b>4.10 Geology and Soils</b>			
Exposure of people or structures to potentially substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; Location on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	Potentially Significant.	4.10.1 <i>Design and development of the Project shall comply with recommendations and performance standards identified within the Final Geotechnical Study. Where the Project Geotechnical Study is silent, requirements of the California Building Code as adopted and implemented by the City shall prevail.</i>	<b>Less-Than-Significant.</b> Application of Mitigation Measure 4.10.1 would ensure that the potential for the Project to result in exposure of people or structures to potentially substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction; Location on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse is reduced to a level that is less-than-significant.

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
Location on expansive soil, as defined in Table 18-1-B of the California Building Code (2010), thereby creating substantial risks to life or property.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
<b>4.11 Cultural Resources</b>			
Cause a substantial adverse change in the significance of historic and archaeological resources as defined in §15064.5.	Less-Than-Significant.	<p>4.11.1 <i>Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</i></p> <p><i>“If during grading or construction activities, cultural resources are discovered on the Project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist and any affected Tribes (Tribes). Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist and the Tribe determines the</i></p>	Although the likelihood for archaeological and historic resources to exist onsite is considered extremely low, Mitigation Measures 4.11.1 through 4.11.7 have been incorporated to fully ensure the protection of cultural resources that may be present in a buried context within the Project area.

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p><i>resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4 and Public Resources Code Section 21083.2 and the Cultural Resources Treatment and Monitoring Agreement required under Mitigation Measure 4.9.2."</i></p> <p>4.11.2 <i>At least 30 days prior to seeking a grading permit, the Project applicant(s) shall contact potentially affected Tribes to notify the Tribes of grading, excavation, and the monitoring program and to coordinate with the City of Ontario and the Tribes to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.</i></p>	

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Summary of Impacts and Mitigation**

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.11.3 <i>Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</i></p> <p><i>“If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Bernardino County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant” within 24 hours of receiving notification from the coroner. The most likely descendant shall then have 48 hours to make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98”</i></p>	

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		<p>4.11.4 <i>All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by Mitigation Measure 4.9.2, that are collected during the grading monitoring program and from any previous archeological studies or excavations on the Project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the affected Tribe's/Tribes' curation facility(ies), which meets the standards set forth in 36 CRF Part 79 for federal repositories.</i></p> <p>4.11.5 <i>All sacred sites, should they be encountered within the Project site, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the affected Tribe(s). To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.</i></p>	

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Impact	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation/Remarks
		<p>4.11.6 Prior to development approval on the Project site and issuance of any grading, building, or other permit authorizing ground-disturbing activity, the Project applicant(s) shall include the following wording on all construction contract documentation:</p> <p><i>“If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery. The developer, the Project archeologist, and the Tribe(s) shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the developer and the Tribe cannot agree on the significance of or the mitigation for such resources, these issues will be presented to the City of Ontario Planning Director. The Planning Director shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe(s). Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Ontario. In the event the significant resources are recovered and if the qualified archaeologist determines the resources to</i></p>	

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Summary of Impacts and Mitigation**

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		<p><i>be historic or unique as defined by relevant state and local law, avoidance and mitigation would be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.”</i></p> <p>4.11.7 <i>To address the possibility that cultural resources may be encountered during grading or construction, a qualified professional archeologist shall monitor all construction activities that could potentially impact archaeological deposits (e.g., grading, excavation, and/or trenching). However, monitoring may be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural and/or paleontological resources.</i></p>	
<p>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>	<p>Potentially Significant</p>	<p>4.11.8 <i>Any excavation exceeding eight feet below the current grade shall be monitored by a qualified paleontologist. If older alluvial deposits are encountered at shallower depths, monitoring shall be initiated once these deposits are encountered. A qualified paleontologist is defined as an individual with an M.S. or a Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A paleontological monitor may be retained to perform the on-site monitoring in place of the qualified paleontologist.</i></p>	<p><b>Less-Than-Significant.</b> Application of Mitigation Measure 4.11.8 would ensure that the potential for the Project to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature is reduced to a level that is less-than-significant.</p>



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		<p><i>The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and/or the San Bernardino County Museum and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved. The paleontological monitor shall have the authority to halt any Project-related activities that may be adversely impacting potentially significant resources. If paleontological resources are uncovered or otherwise identified, they shall be recovered, analyzed in accordance with standard guidelines, and curated with the appropriate facility (e.g., the Western Center at the Diamond Valley Reservoir, Hemet).</i></p>	
<b>4.12 Aesthetics</b>			
Project would have a substantial adverse effect on a scenic vista.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Project would substantially degrade the existing visual character or quality of the site and its surroundings	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

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<b>4.13 Population and Housing</b>			
Induce substantial population growth in the area, either directly or indirectly.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Substantively affect applicable City of Ontario Policy Plan Goals and Policies addressing employment/housing balance.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.
Conflict with or obstruct implementation of the Policy Plan Housing Element.	Less-Than-Significant.	No mitigation is necessary.	Not applicable.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE NO. PSPA18-005, AN AMENDMENT TO THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN, REVISING THE SIGN STANDARDS/GUIDELINES FOR FREEWAY IDENTIFICATION SIGNS AND FOR USES OVER 200,000 SQUARE FEET IN AREA, WITHIN THE URBAN COMMERCIAL LAND USE DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0110-311-52, 0110-311-53, 0110-311-54, 0110-311-55, 0110-321-29, 0110-321-68, 0110-321-72, 0110-321-73, 0110-321-74, 0110-321-75, 0110-321-76, 0110-321-77, 0110-321-78, 0110-321-79.

WHEREAS, CRAIG DEVELOPMENT CORPORATION AND REAL DEVELOPMENT SOLUTIONS, LLC ("Applicant") have filed an Application for the approval of a Specific Plan Amendment, File No. PSPA18-004, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 69 acres of land within the Urban Commercial land use district of the Meredith International Centre Specific Plan, The area is bordered by Inland Empire Boulevard on the north, Archibald Avenue on the east, Interstate 10 on the south, and Vineyard Avenue on the west, and is largely undeveloped, save for a 5-acre parcel located adjacent to the Cucamonga Creek Flood Control Channel, which is fully developed with an automobile sales lot (Audi of Ontario). A second automobile sales lot (Infiniti of Ontario), located at the southwest corner of Inland Empire Boulevard and QVC Way, is currently under construction; and

WHEREAS, the area north of the project is characterized by industrial, multiple-family residential, and retail commercial land uses, and is within the Industrial, Urban Residential, and Urban Commercial land use districts of the Meredith International Centre Specific Plan, respectively. The area east of the project, across Archibald Avenue, is largely unimproved and is proposed for development with a 208-room, 6-story hotel. The area south of the project is bordered by the Interstate 10 Freeway. Beyond the freeway is within the CCS (Convention Center Support Commercial) and SP (Specific Plan) zoning districts and is developed with a mix of retail and office-commercial, and industrial land uses. The area west of the project, across Vineyard Avenue, is zoned MDR-18 (Medium Density Residential – 11.1 to 18.0 DU/AC) and is developed with multiple-family residential land uses; and

WHEREAS, the Applicant is requesting approval of an Amendment to the Meredith International Centre Specific Plan, which would revise the sign standards and guidelines for the Urban Commercial land use district, to allow for a freeway pylon sign with LED

electronic message board for the purpose of identifying the Specific Plan area, as-well-as its key commercial destinations; and

WHEREAS, in addition to allowing for a Freeway Identification Sign adjacent to Interstate 10, the proposed Specific Plan Amendment would establish regulations for big-box retail stores in the Urban Commercial land use district, which have a gross floor area of more than 200,000 square feet; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File Nos. PGPA13-005 and PSPA14-003, a General Plan Amendment and Specific Plan Amendment, respectively, for which the Meredith International Centre Environmental Impact Report (SCH# 2014051020) was adopted by the City Council on April 7, 2015, 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 the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study has been prepared to determine possible environmental impacts; and

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

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

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

WHEREAS, on August 28, 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 reviewed in conjunction with an Addendum to Meredith International Centre Environmental Impact Report (SCH# 2014051020), certified by the City of Ontario City Council on April 7, 2015, in conjunction with File Nos. PGPA13-005 and PSPA14-003.

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

(3) The City's "Guidelines for the Implementation of the California Environmental Quality Act (CEQA)" provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. This Application introduces no new significant environmental impacts.

(4) The Addendum contains a complete and accurate reporting of the environmental impacts associated with the Project, and reflects the independent judgment of the Planning Commission; and

(5) There is no substantial evidence in the administrative record supporting a fair argument that the project may result in significant environmental impacts; and

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

**SECTION 2: Additional Environmental Review Not Required.** Based on the Addendum, all related information presented to the Planning Commission, and the

specific findings set forth in Section 1, above, the Planning Commission finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

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

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

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

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

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

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

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

**SECTION 3: *Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.*** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts

of current and future airport activity. As the recommending body for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the Planning Commission, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed Specific Plan Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** 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 it contributes toward the legislative framework for the implementation of The Ontario Plan, guiding growth and development within the Urban Commercial land use district, and achieving optimum results from the City's physical, economic, environmental, and human resources.

(2) ***The proposed Specific Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The proposed standards and guidelines for signage within the Urban Commercial land use district were established 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 and Meredith International Centre Specific Plan are maintained.

(3) ***In the case of an application affecting specific properties, the proposed Specific Plan Amendment will not adversely affect the harmonious relationship with adjacent properties and land uses.*** 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 design criteria of the Meredith International Centre Specific Plan, and, therefore, will not adversely affect the harmonious relationship with adjacent properties and land uses.

(4) ***In the case of an application affecting specific properties, 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 vetted by City agencies and

departments, which have established that the affected properties are physically suitable for the proposed signage 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 5, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Application, subject to the “Proposed Changes to the Sign Standards and Guidelines of the Meredith International Centre Specific Plan” set forth in “Attachment A,” 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 9: *Certification to Adoption.*** The Secretary shall certify to the adoption of the Resolution.

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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 28th day of August 2018, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Jim Willoughby  
Planning Commission Vice-Chairman

ATTEST:

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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. \_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on August 28, 2018, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PSPA18-004  
Proposed Changes to the Sign Standards and  
Guidelines of the Meredith International Centre  
Specific Plan**

*(Documents follow this page)*

## F. URBAN COMMERCIAL DEVELOPMENT STANDARDS

The following standards establish the development criteria that shall apply within the Urban Commercial land use district of this Specific Plan (Planning Areas 2, 3, and 5).

Legend: ft.: feet s.f.: square feet	
<b>Site Requirements</b>	
Minimum Lot Size	n/a <sup>1</sup>
Maximum Floor Area Ratio	1.0
Minimum Landscape Coverage <sup>2</sup>	10% for interior lots 13% for corner lots
<b>Minimum Setback Requirements</b>	
<b>North Vineyard Street Setback<sup>3,6</sup></b>	
Building	20 ft.
Drive Aisle and Parking <sup>4</sup>	20 ft.
<b>Inland Empire Boulevard Setback<sup>3,6</sup></b>	
Building	20 ft.
Drive Aisle and Parking <sup>4</sup>	20 ft.
<b>North Archibald Avenue Setback<sup>3,6</sup></b>	
Building	20 ft.
Drive Aisle and Parking <sup>4</sup>	20 ft.
<b>Cucamonga Creek Channel Setback<sup>3</sup></b>	
Building	20 ft.
Drive Aisle and Parking <sup>4</sup>	20 ft.
<b>Interior Side Yard Setback</b>	
Building	0 ft.
Drive Aisle and Parking <sup>3,4</sup>	5 ft.
<b>Residential Property Setback</b>	
Building <sup>3a</sup>	15 ft.
Drive Aisle and Parking <sup>3,4</sup>	5 ft.

Legend: ft.: feet s.f.: square feet	
<b>Freeway Right-of-Way Setback<sup>3,6</sup></b>	
Building	100 ft. (front of building facing freeway) 20 ft. (side or rear of building facing freeway)
Drive Aisle and Parking	20 ft.
Allowable Encroachment into Setback (cornices, eaves, canopies, and similar architectural features) <sup>5</sup>	3 ft.
<b>Minimum Building Separation Requirements</b>	
<b>Distance Between Structures</b>	
Attached structures	0 ft.
Freestanding structures	
Front to Front	25 ft.
Front to Rear	25 ft.
Other	15 ft.
<b>Drive Aisle and Parking Space Separation</b>	
Parking Stall to Building	5 ft.
Drive Aisle to Building	10 ft. (front) 5 ft. (side and rear)
<b>Maximum Building Height Requirements</b>	
Building Height	70-150 ft. <sup>7</sup>
Vertical Architectural Projections (towers, focal elements, cupolas, etc.)	10 ft.

*Notes:*

1. Lot size shall be large enough to accommodate the proposed land use and meet all minimum development standards specified within this Specific Plan.
2. Landscaping shall include plantings (trees, shrubs, groundcovers, vines) and may include walkways, benches, trellises, thematic fencing, walls, and related amenities.
3. The entire setback shall include landscaping.
- 3a. At least 5 feet of the setback shall include landscaping.
4. Minimum setback does not apply to driveways that are perpendicular to and connect to public streets.
5. Encroachments into required setbacks shall only be permitted where adequate emergency access can be maintained.
6. As measured from the public right-of-way.
7. Subject to the Ontario International Airport Land Use Compatibility Plan.

**Urban Commercial Signage Standards**

Signage shall conform to the design guidelines contained in Section 6 of this Specific Plan. Signage shall also conform to the City of Ontario Development Code, subject to the following additional standards which shall apply exclusively within the Urban Commercial land use district.

(1) **Freeway Identification Sign.** Freeway signage will likely be the first introduction to the MEREDITH INTERNATIONAL CENTRE for most visitors. One (1) Freeway Identification Sign shall identify the Specific Plan area and key destinations for motorists moving along the I-10 Freeway. The design shall be attractive and complementary to the architectural character of the greater project area. The example illustrated in Figure 5-1 represents a 3-sided, internally illuminated, tenant pylon sign with two full color LED displays.

A location adjacent to the I-10 Freeway (north side) has been identified for the Freeway Identification Sign.

The sign shall be a maximum of 105 feet high and 48 feet wide, and shall contain the MEREDITH INTERNATIONAL CENTRE name as well as the names of major businesses in the Specific Plan area. The LED displays shall be limited to on-site messages and advertisements for businesses in Planning Areas 1-5. Business names would be incorporated on static panels. The City of Ontario shall also be identified on the sign. Businesses listed on the sign should have name recognition, which will attract visitors to the Specific Plan area. Such businesses will encourage motorists to exit at either North Vineyard Avenue or North Archibald Avenue. Once in the Specific Plan area, directional signage and signs on individual businesses will guide motorists to the various destinations.



Figure 5-1

Freeway Identification Sign	
Type, Number (max.), and Location	One sign for the Specific Plan area adjacent to I-10 Fwy.
Area (max.)	Static Signs: 270 s.f. per sign face LED Displays: 1,344 s.f. per sign face
Height (max.)	105 ft.
Length (max.)	No sign face shall exceed 48 ft. in any direction
Special Regulations	Comply with Development Code Paragraph 8.01.020.C.3 (Electronic Message Display)?

Notes:

1. Subject to the Ontario International Airport Land Use Compatibility Plan.

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2. Electronic Message Display shall only advertise businesses within the Specific Plan area.

**(2) Signage for Uses with Gross Floor Area Over 200,000 Square Feet.**

Uses Occupying > 200,000 s.f.	
<b>Wall Signs</b>	
Type, Number (max.), and Location	One primary and 2 descriptor wall signs per building elevation
Area (max.)	Not to exceed 15% of building elevation
Height (max.)	Primary Signs: 12 ft. for alphanumeric characters and graphic logos/icons Descriptor Signs: 6 ft. for alphanumeric characters and graphic logos/icons
Length (max.)	Not to exceed 75% of the elevation width upon which the sign is located
<b>Freestanding Signs</b>	
<b>Commercial Message Signs</b>	
Type, Number (max.), and Location	4 freestanding signs
Area (max.)	100 s.f. per sign face
Height (max.)	11 ft.
Length (max.)	n/a
<b>Commercial Message Flags</b>	
Type, Number (max.), and Location	16 flagpoles
Area (max.)	118 s.f. per flag
Height (max.)	40 ft. maximum to top of flagpole
Length (max.)	n/a
<b>Directional Signs (On-Site)</b>	
<b>Welcome Signs</b>	

Uses Occupying > 200,000 s.f.	
Type, Number (max.), and Location	One welcome sign per vehicle entrance
Area (max.)	100 s.f. per sign face
Height (max.)	14 ft.
Length (max.)	n/a
<b>Other Directional Signs</b>	
Type, Number (max.), and Location	Directional signs (on-site only) shall be permitted as determined appropriate by the Planning Director
Area (max.)	10 s.f. per sign face
Height (max.)	3 ft.
Length (max.)	n/a
<b>Freeway / Navigation Signs</b>	
Type, Number (max.), and Location	One sign per site having a minimum of 600 ft. of freeway frontage, and is developed as a single entity
Area (max.)	575 s.f. per sign face
Height (max.)	108 ft.!
Length (max.)	50 ft.
Special Regulations	Advertising displays shall be static only

**Notes:**

1. Subject to the Ontario International Airport Land Use Compatibility Plan.

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**Other Urban Commercial Development Standards**

- (1) Loading docks shall be visually screened from Inland Empire Boulevard, North Vineyard Avenue, and North Archibald Avenue by walls, landscaping, and/or other screening features or barriers (such as berms).
- (2) Ground- and roof-mounted exterior mechanical equipment, heating and ventilating, air conditioning, tanks, and other mechanical devices shall be screened and treated with a neutral color when visible from North Vineyard Avenue, Inland Empire Boulevard, or residential property.
- (3) Exterior sound amplification devices (e.g., intercom systems, loudspeakers) shall be oriented away from residential properties.
- (4) Exterior lighting fixtures shall be shielded with the light source oriented away from public streets and freeways and residential properties.
- (5) Curb cuts for direct driveway access to/from retail drive-through lanes from public streets are prohibited. All circulation to/from retail drive-through lanes shall be contained within a larger Urban Commercial project, with points of access to public streets approved by the City.
- (6) Off-street parking shall be provided in accordance with the City of Ontario Development Code.
- ~~(7) Signage shall conform to the design guidelines contained in Section 6 of this Specific Plan and the City of Ontario Development Code.~~
- ~~(8)(7)~~ Primary buildings (not ancillary buildings) shall achieve a minimum "Certified" rating under the United States Green

Building Council's Leadership in Energy & Environmental Design (LEED) program.

~~(9)(8)~~ All business activities shall be conducted within a wholly enclosed building, excepting sale or display of new or used motor vehicles, outdoor cafes and eating areas, and temporary uses and activities pursuant to an approved temporary use permit.

~~(10)(9)~~ Properties located within the Airport Influence Area (AIA) established by the Ontario International Airport Land Use Compatibility Plan (ALUCP) shall be subject to the requirements and standards of the ALUCP.

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#### C.4. Signage Guidelines

Within a large, mixed-use center like MEREDITH INTERNATIONAL CENTRE, signage serves a variety of purposes:

- To identify MEREDITH INTERNATIONAL CENTRE with elements that convey a distinct character;
- To ensure the efficient circulation of vehicle traffic within the site;
- To clearly identify vehicular entry points and to direct vehicles to designated parking areas; and
- To enhance the pedestrian experience through the design of way finding components: directories, directional signage and destination identifiers.

As such, clear, concise and easy-to-understand signage that is also visually appealing is vitally important for positive worker, resident, and visitor experiences at MEREDITH INTERNATIONAL CENTRE. General design requirements for signage within MEREDITH INTERNATIONAL CENTRE are as follows:

- (1) Signage shall be compatible with and complementary to the building's exterior materials, colors and finishes.
- (2) The dimensions and shape of free-standing signs and sign panels or elements mounted on building façades or marquees shall be scaled proportionately to the architecture.
- (3) All signs shall be contained within the parcel to which applicable, except for the Freeway Identification Sign which shall be contained within the Specific Plan area and not limited to a particular parcel. Signs and shall also be so oriented as to preclude hazardous obstructions to person and/or vision of pedestrians and/or vehicle operators.

- (4) Tenant identification signage shall be in keeping with the character established for MEREDITH INTERNATIONAL CENTRE with variations allowed to accommodate individual tenant identities/corporate branding standards.
- (5) All signs are expected to be of the highest quality to pass eye-level examination and scrutiny, and shall comply with the following fabrication specifications:
  - (a) Signs shall be constructed to eliminate burrs, dents, cutting edges and sharp corners;
  - (b) Welds on exposed surfaces be imperceptible in the finished work;
  - (c) Surfaces which are intended to be flat shall be without dents, bulges, oil canning, gaps or other physical deformities;
  - (d) All fasteners shall be concealed;
  - (e) Access panels shall be tight-fitting, light-proof and flush with adjacent surfaces;
  - (f) Manufacturers' recommended fabrication procedures regarding expansion/contraction, fastening and restraining of acrylic plastic shall be followed; and
  - (g) Painted, polished and plated surfaces shall be unblemished in the finished work.
- (6) Prohibited sign components include the following:
  - (a) Letters with exposed fastening and unfinished edges (unless architecturally consistent);
  - (b) Paper, cardboard, Styrofoam or untreated cloth;

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Signage



Signage

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MEREDITH INTERNATIONAL CENTRE



Signage

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- (c) Visible moving parts or simulated moving parts by means of fluttering, rotation, or reflecting devices; and
  - (d) Flashing, flickering, blinking, rotating, moving lights, or any other illuminating device that changes light intensity or color, except for parts designed to give public service information such as time, date, temperature, or similar information, and electronic message displays allowed pursuant to City of Ontario Development Code Paragraph 8.01.020.C.3 (Electronic Message Display).
- (7) Illuminated signs shall comply with the following standards:
- (a) All sign elements must be internally and/or externally illuminated;
  - (b) Primary sign, secondary sign (if applicable) and canopy signs shall remain illuminated during business hours after sundown and shall be controlled by a time clock; and
  - (c) All conductors, transformers, cabinets, housing and other equipment shall be concealed and/or incorporated into storefront and/or sign components.
- (8) Signs shall be constructed so as to not have exposed wiring, raceways, ballasts, conduit, transformers, or the like.
- (9) Direction signs shall be located at any vehicular or pedestrian decision point within MEREDITH INTERNATIONAL CENTRE.
- (10) Vehicular direction signs shall comply with the following standards:
- (a) Vehicular direction signs shall clearly direct to destination anchors within MEREDITH INTERNATIONAL CENTRE, on-site parking areas, and/or freeways;
  - (b) Vehicular direction signs shall be consistent in size, shape and design throughout MEREDITH INTERNATIONAL CENTRE;
  - (c) Vehicular signs should have no more than three messages per sign;
  - (d) Typography on vehicular direction signs should be legible and have enough contrast to be read from an appropriate windshield viewing distance; and
  - (e) Vehicular direction signs shall incorporate reflective vinyl copy for night-time illumination.
- (11) All direction signs and general information signs (e.g., restrooms, telephones, fire extinguishers, elevators, escalators, stairs) throughout MEREDITH INTERNATIONAL CENTRE shall incorporate the appropriate identity symbol as established by the Society of Environmental Graphic Design (SEGD) and comply with all state, local and federal regulations.
- (12) All traffic control signs, whether on public or private property, shall conform to the California Manual on Uniform Traffic Control Devices (MUTCD).



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Chairman and Members of the Planning Commission

**FROM:** Cathy Wahlstrom, Planning Director *CW*

**DATE:** August 28, 2018

**SUBJECT:** MONTHLY PLANNING DEPARTMENT ACTIVITY REPORT; MONTH OF JULY 2018

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Attached, you will find the Planning Department Monthly Activity Report for the month of July 2018. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site. New applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-applications>, and actions taken on applications may be viewed at <http://www.ontarioca.gov/planning/reports/monthly-activity-reports-actions>.

**ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT**

**REVIEW FOR FILE NO. PDEV17-033 AND PCUP17-015:** A Development Plan (File No. PDEV17-033) and Conditional Use Permit (File No. PCUP17-015) to construct and establish a drive-thru restaurant for Raising Cane's Chicken Fingers, totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1008-431-21) **submitted by Raising Cane's Chicken Fingers. 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. PDEV17-047:**

A Development Plan to construct a 39,056 square foot athletic center (gymnasium and student center) on approximately 26 acres of land within the LDR-5 (Low Density Residential) zoning district, located at 931 West Philadelphia Street (Ontario Christian High School). The environmental impacts of this project were previously reviewed in conjunction with a Conditional Use Permit (PCUP08-028), for which a Mitigated Negative Declaration was adopted by the Planning Commission on August 25, 2009. 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: 1015-151-01, 1015-171-01, 1015-141-04, 1015-141-05, 1015-141-06 and 1015-141-12) **submitted by Ontario Christian School Association.**

**Action:** The Development Advisory Board approved the project subject to conditions.

**ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-004:**

A Development Plan to construct a 10,858 square foot office building on 0.71 acres of land within the Sixth Street District land use designation of the Mountain Village Specific Plan, located at the northwest corner of Palmetto Avenue and Sixth Street. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 1008-261-47 and 1008-261-48) **submitted by Ken Cheng.**

**Action:** The Development Advisory Board approved the project subject to conditions.

City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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**ENVIRONMENTAL ASSESSMENT FOR MISSION BLVD. BIKE AND PEDESTRIAN IMPROVEMENTS**

**REVIEW FOR FILE NO. PADV18-004:** Construction of 5 miles of one-way buffered bike lanes (Class IV) and 3 miles of sidewalks on Mission Blvd., from Benson to Bon View Avenues, including curb and gutter, parkway, street lights and bike detection of signalized intersections. Staff is recommending the adoption of an Addendum to an Environmental Impact Report (SCH# 2008101140) adopted by City Council on January 27, 2010 in conjunction with the project. 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); **submitted by City of Ontario.**

**Action: The Development Advisory Board approved the project subject to conditions.**

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**ZONING ADMINISTRATOR MEETING**

**July 2, 2018**

*Meeting Cancelled*

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**CITY COUNCIL/HOUSING AUTHORITY MEETING**

**July 3, 2018**

**ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO.**

**PDA17-004:** A Development Agreement (File No. PDA17-004) between the City of Ontario and Colony Commerce Center LLC, to establish the terms and conditions for the potential development of up to 1,379,501 square feet of industrial development on 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 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 recommended approval of this item on May 22, 2018, with a 6 to 0 vote.**

**Action: The City Council introduced and waived further reading of the ordinance.**

City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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**ENVIRONMENTAL ASSESSMENT AND SPECIFIC PLAN REVIEW FOR FILE NO. PSP16-002:** A Specific Plan (West Ontario Commerce Center) 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. 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; (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 approved and waived further reading of the ordinance.

**ENVIRONMENTAL ASSESSMENT AND PLANNED UNIT DEVELOPMENT REVIEW FOR FILE NO. PUD17-004:** A Planned Unit Development 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, Inc. Planning Commission recommended approval of this project on May 22, 2018, with a 6 to 0 vote.**

**Action:** The City Council approved and waived further reading of the ordinance.

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**DEVELOPMENT ADVISORY BOARD MEETING**

**July 16, 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 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 of the related EIR shall be a condition of project approval and are incorporated herein by reference. The project site is

City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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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. Continued from 6/18/18. Planning Commission action is required.**

**Action: The Development Advisory Board recommended the Planning Commission approve 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. Planning Commission action is required.**

**Action: The Development Advisory Board recommended the Planning Commission approve the project subject to conditions.**

**ENVIRONMENTAL ASSESSMENT, VARIANCE AND DEVELOPMENT PLAN REVIEW FOR FILE NOS.**

**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)



City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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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); (APNs: 0211-281-56) **submitted by RGA Architects for Sares Regis Group. 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. PDEV17-037:**

A Development Plan to add 5,007 square feet addition to an existing Arco AM/PM service station with a convenience store to include: 1) A new 1,369-square foot automated car wash; 2) A 290-square foot addition to the existing convenience store; and 3) A new 3,348-square foot fuel canopy, for property on 0.90 acres of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan. Staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 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: 1050-491-08) **submitted by Empire Design Group, Inc.**

**Action: The Development Advisory Board approved the project subject to conditions.**

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**ZONING ADMINISTRATOR MEETING**

**July 16, 2018**

**ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO.**

**PCUP18-004:** A Conditional Use Permit request to construct 2,100 square foot prefabricated metal garage for property on 0.91 acres, located at 1518 West Phillips Street, within the AR-2 (Residential-Agricultural – 0 to 2.0 DU/AC) 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) 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: 1011-591-18); **submitted by Mr. Benigno Adeva**

**Action: The Zoning Administrator approved the project subject to conditions.**

City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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**CITY COUNCIL/HOUSING AUTHORITY MEETING**

**July 17, 2018**

**ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT AGREEMENT REVIEW FOR FILE NO.**

**PDA17-004:** A Development Agreement (File No. PDA17-004) between the City of Ontario and Colony Commerce Center LLC, to establish the terms and conditions for the potential development of up to 1,379,501 square feet of industrial development on 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 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 Prologis LP. Planning Commission recommended approval of this item on May 22, 2018 with a 6 to 0 vote.**

**Action:** The City Council approved and waived further reading of the ordinance.

**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. **City Initiated. The Planning Commission recommended approval of this item on June 26, 2018 with a vote of 5 to 0.**

**Action:** The City Council adopted a resolution approving the amendment to the Ontario International Airport Land Use Compatibility Plan.

**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. 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 approved the project subject to conditions.

**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. 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.**

**Action:** The Planning Commission recommended the City Council approve the project.

**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

City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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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.**

**Action:** The Planning Commission approved the project subject to conditions.

**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.**

**Action:** The Planning Commission approved the project subject to conditions.

**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

City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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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 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.**

**Action: The Planning Commission recommended the City Council approve the project.**

**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

City of Ontario Planning Department  
**Monthly Activity Report—Actions**  
Month of July 2018

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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.**

**Action: The Planning Commission recommended the City Council approve the project.**

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# Monthly Activity Report—New Applications

Month of July 2018

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**PCUP18-026:**

**Submitted by Bao Zhao**

A Conditional Use Permit to establish a 1,400 SF massage establishment located at 2250-A South Euclid Avenue, within the CC (Community Commercial) zoning district (APN: 1051-051-72).

**PCUP18-027:**

**Submitted by Shawn Miller**

A Conditional Use Permit to establish alcoholic beverage sales for consumption on the premises, limited to beer (Type 41 ABC license), in conjunction with an existing 2,160 square foot restaurant (Restaurante de Mariscos Laguna Azul) on a 0.8-acre parcel of land located at 1635 East Fourth Street, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/AC) and ICC (Interim Community Commercial) Overlay zoning districts (APNs: 0110-183-04 and 0110-183-03).

**PCUP18-028:**

**Submitted by Cambria Ontario, LLC**

A Conditional Use Permit to establish an 83,500-square foot, 124 room hotel (Cambria Hotel) and a Type 47 ABC License (On-Sale General for Bona Fide Public Eating Place) on 2.25 acres of land, located on the northwest corner of Turner Avenue and Guasti Road, within the Office Commercial land use district of the Guasti Plaza Specific Plan (APN: 0210-192-24). Related: PDEV18-027.

**PCUP18-029:**

**Submitted by City of Ontario**

A modification to a previously approved Conditional Use Permit (File No. PCUP08-014), establishing alcoholic beverage sales, including beer, wine and distilled spirits, for consumption on the premises in conjunction with Citizen Business Bank Arena (CBBA), located at 4000 East Ontario Center Parkway, within the Urban Commercial land use district of the Ontario Center Specific Plan. The proposed Conditional Use Permit modification would establish the serving of alcoholic beverages within a new outdoor patio located on the north side of the arena, and provide for the use of additional portable bars to accommodate various CBBA events (APN: 0210-205-01).

**PCUP18-030:**

**Submitted by Travis Companies, Inc.**

A Conditional Use Permit to establish an unmanned fueling facility on 2 acres of land generally located at the northwest corner of Archibald Avenue and Philadelphia Street, within the Business Park land use district of the California Commerce Center South Specific Plan (APN: 0211-242-57). Related File: PDEV18-029.

**PDEV18-026:**

**Submitted by Lennar Homes of California, Inc.**

A Development Plan to construct 464 age-qualified single-family dwellings on approximately 137.56 acres of land located between Mill Creek Avenue and Hamner Avenue, south of Merrill Avenue, and north of Bellgrave Avenue, within the PA5 through PA11 land use districts of the Esperanza Specific Plan (APNs: 0218-332-11, 0218-332-12, and 0218-252-17). Related Files:

# Monthly Activity Report—New Applications

Month of July 2018

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PMTT06-003 (A Map: TM 17749; and B Maps: TM 17935, TM 17936, TM 18878) and PMTT06-056 (A Map: TM 18380; and B Maps: TM 17932, TM 17933).

**PDEV18-027:** **Submitted by Cambria Ontario, LLC**

A Development Plan to construct an 83,500-square foot, 124-room hotel and restaurant (Cambria Hotel) on 2.25 acres of land located at the northwest corner of Turner Avenue and Guasti Road, within the Office Commercial land use district of the Guasti Plaza Specific Plan (APN: 0210-192-24). Related File: PCUP18-028.

**PDEV18-028:** **Submitted by City of Ontario Design & Construction**

A Development Plan to reconstruct a commercial building totaling 11,500 square feet on 18 acres of land located at Anthony Munoz Park, 1240 West Fourth Street, within the OSR (Open Space Recreational) zoning district (APN: 1008-541-01).

**PDEV18-029:** **Submitted by Travis Companies, Inc.**

A Development Plan to construct and operate an unmanned fueling facility on 2 acres of land generally located at the northwest corner of Archibald Avenue and Philadelphia Street, within the Business Park land use district of the California Commerce Center South Specific Plan (APN: 0211-242-57). Related File: PCUP18-030.

**PHP-18-022:** **Submitted by City of Ontario**

A request to remove property located at 220 and 222 West Holt Boulevard from the Ontario Register of Historic Resources (APNs: 1048-563-09 and 1048-563-10).

**PHP-18-023:** **Submitted by City of Ontario**

A request to remove property located at 221 and 225 West Holt Boulevard from the Ontario Register of Historic Resources (APN: 1049-055-01).

**PHP-18-024:** **Submitted by City of Ontario**

Removal of property located at 517 West Holt Boulevard from the Ontario Register of Historic Resources (APN: 1049-021-15).

**PHP-18-025:** **Submitted by City of Ontario**

Removal of property located at 561 West Holt Boulevard from the Ontario Register of Historic Resources (APN: 1049-021-07).

**PHP-18-026:** **Submitted by City of Ontario**

A request to remove property located at 729 West Holt Boulevard from the Ontario Register of Historic Resources (APN: 1049-012-01).



## Monthly Activity Report—New Applications

Month of July 2018

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**PHP-18-027:**

**Submitted by Tara M Jessup**

A Mills Act for a single-family residence, a Contributor to the El Morado Court Historic District, located at 122 East El Morado Court (APN: 1048-242-02).

**PPRE18-002:**

**Submitted by Jesus Moncada**

A Preliminary Review for the demolition of existing hangars, buildings, pavement, asphalt, fencing, and below and above ground utilities on a 51 acre site within the northwest quadrant of Ontario International Airport (APNs: 0113-211-37, 0113-221-08, 0113-211-11, 0113-221-09, 0113-221-10, 0113-211-12, 0113-241-01, 0113-241-02, 0113-241-03, 0113-231-01, 0113-231-02, and 0113-231-03).

**PSGN18-078:**

**Submitted by JB3D**

A Sign Plan for the installation of two wall signs (north and south elevations) for BERLIN PACKAGING, located at 290 South Milliken Avenue, within the California Commerce Center Specific Plan.

**PSGN18-079:**

**Submitted by I and L Construction**

A Sign Plan for the installation of one wall sign for USA THREADING SALON, located at 2536 South Grove Avenue, within the CN (Neighborhood Commercial) zoning district.

**PSGN18-080:**

**Submitted by Swain Sign Inc.**

A Sign Plan for the installation of one wall sign (east elevation), one descriptor “service” sign, and reface of an existing monument sign for VOLVO, located at 1300 South Auto Center Drive, within the California Commerce Center Specific Plan.

**PSGN18-081:**

**Submitted by Inland Signs Inc.**

A Sign Plan for the installation of two wall signs and a monument sign for R.E. MICHEL COMPANY, LLC, located at 5400 East Jurupa Street, within the IH (Heavy Industrial) zoning district.

**PSGN18-082:**

**Submitted by Turman Commercial Painters**

A Sign Plan for the installation of new signs for PROLOGIS, located at 1392 South Sarah Place, within the Pacific Gate/East Gate Specific Plan.

**PSGN18-083:**

**Submitted by Loc Nguyen**

A Sign Plan for the installation of two wall signs for DING TEA, located at 1515 North Mountain Avenue, Suite A, within the Mountain Village Specific Plan.

## Monthly Activity Report—New Applications

Month of July 2018

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**PSGN18-084:**

**Submitted by Vancouver Sign Co.**

A Sign Plan for the installation of a wall sign and reface of an existing monument sign for BANK OF AMERICA corporate office, located at 901 North Via Piemonte, within the Ontario Center Specific Plan.

**PSGN18-085:**

**Submitted by Goodlife Smoke Shop**

A Sign Plan for the installation of a temporary banner for GOODLIFE SMOKE SHOP, located at 4451 East Ontario Mills Pkwy, Unit E, within the Ontario Mills Specific Plan.

**PSGN18-086:**

**Submitted by Moldings Plus Inc.**

A Sign Plan for the installation of one wall sign (east elevation) for MOLDINGS PLUS, INC., located at 1856 South Grove Avenue, within the Grove Avenue Specific Plan.

**PSGN18-087:**

**Submitted by Ja Hyun Koo**

A Sign Plan for the installation of two wall signs (per the Mountain Village Sign Program) for SUMO SUSHI, located at 1520 North Mountain Avenue, Suite 121, within the Mountain Village Specific Plan.

**PSGN18-088:**

**Submitted by Perry Builders Inc.**

A Sign Plan for the installation of signage for an existing AM/PM Gas Station, including one wall sign replacing an existing sign on north elevation, located at 911 North Milliken Avenue, within the Ontario Center Specific Plan.

**PSGN18-089:**

**Submitted by Hamil Rabadi**

A Sign Plan for the installation of 3 wall signs (south, west, and east elevations) for LEGENDS WINGS & BREWS, located at 1520 North Mountain Avenue, within the Mountain View Specific Plan.

**PSGN18-090:**

**Submitted by Inland Signs, Inc.**

A Sign Plan for the reface of an existing wall sign and the reface of an existing monument sign for TRUE JESUS CHURCH, located at 1429 North Euclid Avenue, within the RE-4 (Residential Estate - 2.1 to 4.0 DU/AC) zoning district.

**PSGN18-091:**

**Submitted by Visoth In**

A Sign Plan for the installation of a wall sign for SUBWAY, located at 4320 East Mills Circle, Suite E-1, within the Ontario Mills Specific Plan.

**PSGN18-092:**

**Submitted by Donco & Suns, Inc.**

A Sign Plan for the installation of a wall sign for FERGUSON, located at 4652 East Brickell Street, within the Pacific Gate/East Gate Specific Plan.

## Monthly Activity Report—New Applications

Month of July 2018

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### **PSGN18-093:**

**Submitted by Perry Builders, Inc.**

A Sign Plan for the installation of signage for an existing AM/PM Gas Station located at 1565 East Fourth Street, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/AC) and ICC (Interim Community Commercial) Overlay zoning districts, including one wall sign on south elevation, 2-line copy, maximum 26 inches in height. Project also includes storefront fascia change out to be submitted to Building Department as part of plan check process.

### **PSGN18-094:**

**Submitted by Perry Builders, Inc.**

A Sign Plan for the installation of signage for an existing AM/PM Gas Station located at 4525 East Jurupa Avenue, within the California Commerce Center Specific Plan, including removal of existing storefront sign and installation of a new wall sign (13.18 SF). Project also includes storefront fascia change out to be submitted to Building Department as part of plan check process.

### **PSGN18-095:**

**Submitted by Perry Builders, Inc.**

A Sign Plan for the installation of signage for an existing AM/PM Gas Station located at 2156 South Grove Avenue, within the Grove Avenue Specific Plan, including one wall sign on east elevation, 2-line copy, maximum 26 inches in height. Project also includes storefront fascia change out to be submitted to Building Department as part of plan check process.

### **PSGN18-096:**

**Submitted by Perry Builders, Inc.**

A Sign Plan for the installation of signage for an existing AM/PM Gas Station located at 905 South Grove Avenue, within the Grove Avenue Specific Plan, including removal of existing storefront sign and installation of a new wall sign (13.18 SF).

### **PSGN18-097:**

**Submitted by Perry Builders, Inc.**

A Sign Plan for the installation of signage for an existing AM/PM Gas Station located at 2456 South Vineyard Avenue, Within the CC (Community Commercial) zoning district, including removal of existing storefront sign and installation of a new wall sign (13.18 SF).

### **PSPA18-006:**

**Submitted by Alrahman, LLC**

An amendment to the Tuscana Village Specific Plan to: [1] reconfigure and increase the size of the “Residential” land use district, from 7.9 to 13.9 acres of land, and increase the maximum allowed number of dwellings, from 200 DUs to 350 DUs; [2] reconfigure and reduce the size of the “Commercial” land use district, from 12.1 to 3.3 acres of land, and decrease the maximum building area from 522,076 SF to 17,120 SF; and [3] update the Land Use Plan, Land Use Summary Table 4-1, and other exhibits to reflect the proposed land use changes (APNs: 1083-361-01 and 1083-361-02).

## Monthly Activity Report—New Applications

Month of July 2018

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**PTUP18-045:**

**Submitted by Miguel's Jr.**

A Temporary Use Permit to allow a temporary trailer for a job hiring event located at 2250 South Haven Avenue. Event to be held 7/9/2018 through 8/9/2018.

**PTUP18-046:**

**Submitted by Victory Outreach Ontario**

A Temporary Use Permit for an outdoor fundraiser hosted by Victory Outreach Ontario, within the church parking lot located at 328 West B Street. Event to be held on 7/21/2018, from 12:00PM to 6:00PM.

**PTUP18-047:**

**Submitted by United Parcel Service Oasis Supply Corp.**

A Temporary Use Permit for a temporary modular office building for UPS, during construction activity at 3121 East Jurupa Street. Temporary building to be in place from 7/23/2018 through 7/23/2020.

**PTUP18-048:**

**Submitted by Quang Thien Buddhist Temple**

A Temporary Use Permit for an annual "Vulan Ceremony" hosted by the Quang Thien Buddhist Temple, located at 704 East E Street. Event will be held on 8/19/2018, from 10:00AM to 1:00PM.

**PTUP18-049:**

**Submitted by Firewater Bar**

A Temporary Use Permit for a summer music event hosted by Firewater Bar and Grill, located at 1528 West Holt Blvd, within the HDR-45 (High Density Residential) and ICC (Interim Community Commercial) Overlay zoning districts. Event to be held on 10/6/2018.

**PTUP18-050:**

**Submitted by Ontario Convention Center**

A Temporary Use Permit for the Route 66 Cruisin' Reunion, located on Euclid Avenue, between Holt Boulevard and 4th Street, and east and west on Lemon Avenue to Laurel Avenue. Event to be held on 9/21/2018 through 9/22/2018.

**PTUP18-051:**

**Submitted by Pixel Vault Games**

A Temporary Use Permit for an outdoor sales event located at 501 West Holt Boulevard. Event to be held on 8/5/2018, from 9:00AM to 4:00PM.

**PVAR18-005:**

**Submitted by Yong Jia**

A Variance to deviate from the minimum interior side setback, from 10 FT to 5 FT, to facilitate the construction of a multi-tenant commercial kitchen facility on 0.51 acres of land located at 1030 South Grove Avenue, within the Business Park land use district of the Grove Avenue Specific Plan (APN: 1049-392-04). Related File: PDEV18-011.

**PVER18-032:**

**Submitted by Laura Lynch**

A Zoning Verification for 3120 East Mission Boulevard (APN: 0211-275-33).

# Monthly Activity Report—New Applications

Month of July 2018

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**PVER18-033:**

**Submitted by Jose Martinez**

A Zoning Verification for 319 North Miramonte Avenue (APN: 1048-533-06).

**PVER18-034:**

**Submitted by Marilee Van**

A Zoning Verification for 630 South Oaks Avenue (APN: 1011-221-03).