

# CITY OF ONTARIO PLANNING COMMISSION/ HISTORIC PRESERVATION MEETING AGENDA

September 28, 2021

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**

Anderson \_\_ Dean \_\_ DeDiemar \_\_ Gage \_\_ Lampkin \_\_ Ricci \_\_ 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 August 24, 2021, approved as written.

**A-02. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP TIME**

**EXTENSION REVIEW FOR FILE NO. PMTT18-007 (TTM 20198):** A one-year Time Extension for a previously approved Tentative Tract Map, File No. PMTT18-007 (TTM 20198), to subdivide 9.57 acres of land into 18 single-family residential lots on property located at 1103 South Benson Avenue, within the AR-2 (Residential-Agriculture - 0 to 2.0 DUs/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4, Minor Alterations to Land) 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: 1011-431-01) **submitted by Mr. Ray Tsai.**

**A-03. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP TIME**

**EXTENSION REVIEW FOR FILE NO. PMTT18-008 (TTM 20144):** A one-year Time Extension for Tentative Tract Map No. 20144, previously approved by Planning Commission on April 23, 2019, subdividing one-acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15: Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-532-04) **submitted by Barton 88 Investment, LLC.**

**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, unless there are a number of person's wishing to speak and then the Chairperson will allow only three (3) minutes, to accommodate for more persons. The Planning/Historic Preservation 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 ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-002:** A Tentative Parcel Map (File No. PMTT21-002/TPM 20278) to subdivide 15.94 acres of land into 3 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application 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: 1083-361-07) **submitted by Orbis Real Estate Partners.**
- C. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT21-003:** A Tentative Parcel Map (File No. PMTT21-003/TPM 20274) to subdivide 9.72 acres of land into 4 parcels located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial and Community Commercial zoning districts. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application 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: 1083-361-04) **submitted by Orbis Real Estate Partners.**
- D. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-007:** A Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located on the southwest corner of the State Route 60 Freeway and Milliken Avenue within the Light Industrial zoning district. The environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) for File Nos. PGPA19-007, PSPA19-010 and PZC19-002. This application 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: 1083-361-04 and 1083-361-07) **submitted by Orbis Real Estate Partners.**

**1. CEQA Determination**

No action necessary – use of previous Addendum to an EIR

**2. File No. PMTT21-002 (TPM 20278) (Tentative Parcel Map)**

Motion to Approve/Deny

**3. File No. PMTT21-003 (TPM 20274) (Tentative Parcel Map)**

Motion to Approve/Deny

**4. File No. PDEV21-007 (Development Plan)**

Motion to Approve/Deny

**E. ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP, AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PMTT21-005 AND PDEV21-009: A**

**Tentative Tract Map (TTM 20379) for common interest subdivision purposes, subdividing 1.23 acres of land into common and private area, and a Development Plan for the construction of 39 residential condominium units (9 buildings total), located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) 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. 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: 1010-521-28) **submitted by Tipping Development.****

**1. CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section § 15332

**2. File No. PMTT21-005 (TTM 20379) (Tentative Tract Map)**

Motion to Approve/Deny

**3. File No. PDEV21-009 (Development Plan)**

Motion to Approve/Deny

**F. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NOS. PDEV19-069 AND PCUP19-030: A**

**Development Plan (File No. PDEV19-069) to construct a convenience store with fuel sales, and car wash, in conjunction with a Conditional Use Permit (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), on 0.87-acre of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, Infill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1050-491-08) **submitted by Ramila Patel.****

**1. CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section § 15332

**2. File No. PDEV19-069 (Development Plan)**

Motion to Approve/Deny

**3. File No. PCUP19-030 (Conditional Use Permit)**

Motion to Approve/Deny

- G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CODE AMENDMENT REVIEW FOR FILE NO. PDCA20-002:** A Development Code Amendment revising certain provisions addressing public hearing notifications, allowed uses within the CS (Corner Store) zoning district, common active open space areas, and off-street parking requirements for small lot infill subdivisions. The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061(b)(3) of the CEQA Guidelines. The proposed Development Code Amendment affects property 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). Additionally, the Development Code Amendment is 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; **City Initiated. City Council action is required.**

**1. CEQA Determination**

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

**2. File No. PDCA20-002 (Development Code Amendment)**

Motion to recommend Approval/Denial

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

- 1) Old Business
  - Reports From Subcommittees
    - Historic Preservation (Standing): Did not meet this month.
    - General Plan Consistency: Met on September 16, 2021.
- 2) New Business
- 3) Nominations for Special Recognition

**DIRECTOR'S REPORT**


- 1) Monthly Activity Report

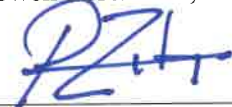
*If you wish to appeal any decision of the Planning/Historic Preservation Commission, you must do so within ten (10) days of the Commission action. Please contact the Planning Department for information regarding the appeal process.*

*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 **September 24, 2021**, 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

  
Rudy Zeledon, Planning Director  
Planning/Historic Preservation  
Commission Secretary

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

**MINUTES**

**August 24, 2021**

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

**MINUTES**

**August 24, 2021**

**REGULAR MEETING:** City Hall, 303 East B Street  
Called to order by Chairman Gage at 6:34 PM

**COMMISSIONERS**

**Present:** Chairman Gage, Anderson, Dean, DeDiemar, Lampkin, and Ricci

**Absent:** Vice-Chairman Willoughby

**OTHERS PRESENT:** Planning Director Zeledon, City Attorney Leishman, Principal Planner Mercier, Associate Planner Antuna, Transportation Manager Bautista and Planning Secretary Berendsen

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Lampkin.

**ANNOUNCEMENTS**

Mr. Zeledon introduced Mr. Leishman as the city attorney for tonight's meeting.

Mr. Lampkin stated the Commissioners received Emergency Preparedness training, from Mr. Patel the City's Emergency Manager. He also stated that September will be Emergency Preparedness month and it's a good time for residents to receive information on how they should prepare for the next major disaster. He stated the emergency preparedness guide is out and available to the public on the city website at [www.ontarioca.gov/alertontario](http://www.ontarioca.gov/alertontario). He stated the Lampkin Foundation will be holding a blood drive on September 11<sup>th</sup>, available to residents and then on September 9<sup>th</sup> they will be hosting the California Insurance Commissioner, who will be discussing insurance policies for renters and homeowners and how they are effected in a major disaster. He also stated the City of Ontario will be participating in the Great Shake Out on October 21<sup>st</sup> and information on how you can participate reference the city website and ask your employer about their participation in this event.

**PUBLIC COMMENTS**

No one from the public wished to speak.

**CONSENT CALENDAR ITEMS**

**A-01. MINUTES APPROVAL**

Planning/Historic Preservation Commission Minutes of July 27, 2021, approved as written.

**A-02. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-003:** A Development Plan to construct a 26,000-square-foot industrial building on 1.28 acres of land located at 1486 East Holt Boulevard, within the BP (Business Park) 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. 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: 0110-121-04 & 0110-121-05) **submitted by M & M Development.**

- A-03. ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT18-010:** A one-year Time Extension for Tentative Parcel Map No. 20087, previously approved by Planning Commission on July 23, 2019, subdividing 17.92 acres of land into two parcels located at 4900 East Fourth Street, within the Commercial/Office land use district of the Ontario Mills (formerly California Commerce Center North) Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15: Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0238-014-05) **submitted by Retail Properties of America Inc.**

*It was moved by DeDiemar, seconded by Lampkin, to approve the Consent Calendar including the Planning Commission Minutes of July 27, 2021, as written, the Development Plan, File No. PDEV21-003, and the Time Extension, File No. PMTT18-010, subject to the conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, and Ricci; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

#### **PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT21-007 (TTM 20399):** A Tentative Tract Map to subdivide 24.51 acres of land into 30 number lots and 6 letter lots, for property located at the southeast corner of Archibald Avenue and Ontario Ranch Road, within the High Density Residential (18.0-25.0 du/ac) land use district (Planning Areas 7 & 8) of the Grand Park Specific Plan. The environmental impacts of this project were previously analyzed in the Grand Park Specific Plan (PSP12-001) Environmental Impact Report (State Clearinghouse No. 2012061057), certified by City Council on January 21, 2014. This application introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). The project site is also located within the Airport Influence area of Chino Airport and is consistent with the 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: 218-241-32) **submitted by Ronald & Kristine Pietersma Family Trust & Loyola Properties I, L.P.**

Principal Planner Mercier, presented the staff report. He described the location and the surrounding area and the history of the property. He described the proposed subdivision for the future development of 362 multiple-family dwellings and presented a conceptual site plan, including park areas and typical plotting. He stated that staff is recommending the Planning Commission approve File No. PMTT21-007, pursuant to the facts and reasons contained in the staff report and attached resolution, and subject to the conditions of approval.

No one responded.

### **PUBLIC TESTIMONY**

The applicant, Jason Lee was present and thanked staff for their help getting the project to this point and stated this is the most straight forward city to work with.

Mr. Ricci wanted to clarify if they were only having a pocket park or if there will be a clubhouse,

Mr. Lee stated the tract map was submitted prior to having a buyer and now there is a buyer and there will be a full development plan proposed, which will include a rec center with a pool in the large park area.

Mr. Lampkin wanted to clarify that the park will change.

Mr. Lee stated yes.

Mr. Lampkin wanted to know if there will be security features around the rec center, like fencing.

Mr. Lee stated they are approving the tract map tonight and the development plan will be coming from the buyer, at a later time, with more detail.

Mr. Gage stated this area is north of the Great Park and he wanted to know if there will be crosswalks on Grand Park Street.

Mr. Lee stated at this point there will be only two crosswalks, one at Archibald and the second at the roundabout. He stated that after meeting with traffic the idea is to funnel people down to the roundabout and cross there, as there will be flowing traffic and no stop signs, and they didn't want people crossing in the middle of the street.

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

Mr. Gage stated it is great to have this as part of a larger development which makes this area very nice.

### **PLANNING COMMISSION ACTION**

*It was moved by Lampkin, seconded by Ricci, to adopt a resolution to approve the Tentative Tract Map, File No., PMTT21-007, subject to conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, and Ricci; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

- C. **ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP, AND VARIANCE REVIEW FOR FILE NOS. PMTT21-008 AND PVAR21-002:** A Tentative Parcel Map (File No. PMTT21-008/TPM 20376) to subdivide 0.998-acre of land into 2 parcels in conjunction with a Variance (File No. PVAR21-002) to reduce the corner lot width dimension from 120 feet to 117.8 feet, located at the northwest corner of Oaks Avenue and Spruce Court, at 2112 South Oaks Avenue, within the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitation) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-561-30) **submitted by Paul Kien.**

Associate Planner Antuna, presented the staff report. She described the location and surrounding area, and

the history of the property and the current structures on the property. She described the parcel subdivision and the need for the variance. She described the conditions of approval for the project and the comments received. She stated that staff is recommending the Planning Commission approve File Nos. PVAR21-002 and PMTT21-008, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval.

No one responded.

### **PUBLIC TESTIMONY**

The applicant, Paul Kein was present and available for questions.

Mr. Lampkin wanted to know if the property is currently occupied by renters or owners.

Mr. Kein stated yes, currently by renters and the owner in one of the residences.

Mr. Lampkin wanted to know if they were aware of the project.

Mr. Kein stated yes.

Mr. Gage asked the applicant if he agrees with staff report and all the conditions.

Mr. Kein stated yes.

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

Mr. Gage stated there is a variety of lots in Ontario and asking for a 2.2 foot variance is not significant enough to not approve.

Mr. Lampkin stated there are historic properties in Ontario, that are in poor condition and the people there are doing well at keeping it up.

Mr. Ricci stated it is a good plan and it matches the other properties in the neighborhood and setback is negligible.

Mr. Gage stated that this item did go before the Historic Preservation Subcommittee, and they gave the approval to move forward.

### **PLANNING COMMISSION ACTION**

*It was moved by Ricci, seconded by Dean, to adopt a resolution to approve the Variance, File No., PVAR21-002, and the Tentative Parcel Map, File No., PMTT21-008, subject to the conditions of approval. Roll call vote: AYES, Anderson, Dean, DeDiemar, Gage, Lampkin, and Ricci; NOES, none; RECUSE, none; ABSENT, Willoughby. The motion was carried 6 to 0.*

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

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

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

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

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

**New Business**

Mr. Gage announced the Subcommittee Appointments.

Ms. DeDiemar invited everyone to the 2021 Festival of the Arts that will be held on October 16, 2021.

**NOMINATIONS FOR SPECIAL RECOGNITION**

None at this time.

**DIRECTOR'S REPORT**

Mr. Zeledon stated the Monthly Activity Reports are included in their packet. He stated that the planning team will be doing TOP outreach at the Concerts in the Park, at Town Square on Wednesday, August 25 and then again on Thursday at Celebration Park, to get input from residents, so if the Commissioners are at these event, please send residents over to the TOP booth.

**ADJOURNMENT**

Mr. Ricci motioned to adjourn the meeting, seconded by Ms. Anderson. The meeting was adjourned at 7:07 PM to the next meeting on September 28, 2021.

\_\_\_\_\_  
Secretary Pro Tempore

\_\_\_\_\_  
Chairman, Planning Commission

**FILE NO:** PMTT18-007 (TTM 20198) – Time Extension

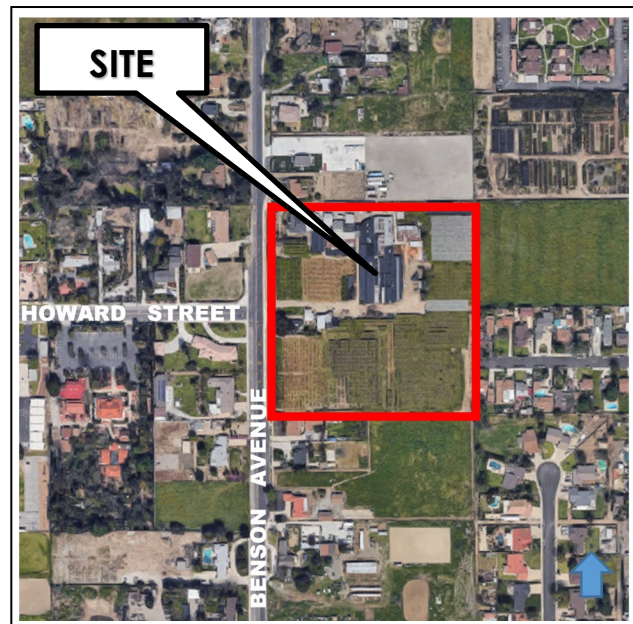
**SUBJECT:** A one-year Time Extension of the expiration date of previously approved Tentative Tract Map No. 20198, subdividing 9.57 acres of land into 18 single-family residential lots on property located at 1103 South Benson Avenue, within the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district; (APN: 1011-431-01) **submitted by Ray Tsai.**

**PROPERTY OWNER:** Ray Tsai, Kai Tsai, Shu Tsai & Becky Tsai


**RECOMMENDED ACTION:** That the Planning Commission consider and approve a one-year Time Extension of the expiration date for the approval for File No. PMTT18-007 (TTM 20198).

**PROJECT SETTING:** The project site is comprised of 9.57 acres of land located on the east side of Benson Avenue, at the easterly terminus of Howard Street, on property located at 1103 South Benson Avenue, within the AR-2 (Residential-Agriculture – 0 to 2.0 du/acre) zoning district, and is developed with single-family homes (see Figure 1: Project Location). The property to the north, east, and south of the project site are within the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district and are developed with a mix of single-family homes and includes vacant lands. The property to the west is within an unincorporated portion of San Bernardino County and is developed with single-family homes.

The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.



**Figure 1: Project Location**

Case Planner:	Luis E. Batres
Planning Director Approval:	
Submittal Date:	7/2/2021

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	09/28/21		Final
CC			

**PROJECT ANALYSIS:** On September 24, 2019, the Planning Commission approved Tentative Tract Map No. 20198, File No. PMTT18-007, proposing to subdivide 9.57 acres of land into 18 single-family residential lots within the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district. A Development Plan application for the development of the homes has not been submitted for review and approval; however, when the application is submitted, it will be subject to Development Advisory Board and Planning Commission review and action.

Under the State Subdivision Map Act, a tentative tract map approval may be extended up to five years beyond its initial approval. The Applicant is now requesting a one-year Time Extension of the expiration date for Tentative Tract Map, No. 20198, pursuant to the requirements of Development Code Section 2.02.025.B (Time Extensions). According to the Applicant, financing for the project was pulled with the onset of the Covid-19 pandemic. The Time Extension will allow the Applicant time to secure new financing to move forward with the Project. The approved Tentative Tract Map is due to expire on September 24, 2021. If approved, the requested one-year Time Extension would extend the Tentative Tract Map expiration date to September 24, 2022.

**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.

**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.

➤ H2-5 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.
- CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.
- CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.
- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.
- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.
  - Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
- CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.
- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

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

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

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

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

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Class 4, Minor Alterations to Land) of the CEQA Guidelines, which consists of minor public or private alterations in the condition of land, water, and/or vegetation such as grading on land with a slope less than 10 percent.

**TECHNICAL APPENDIX:**

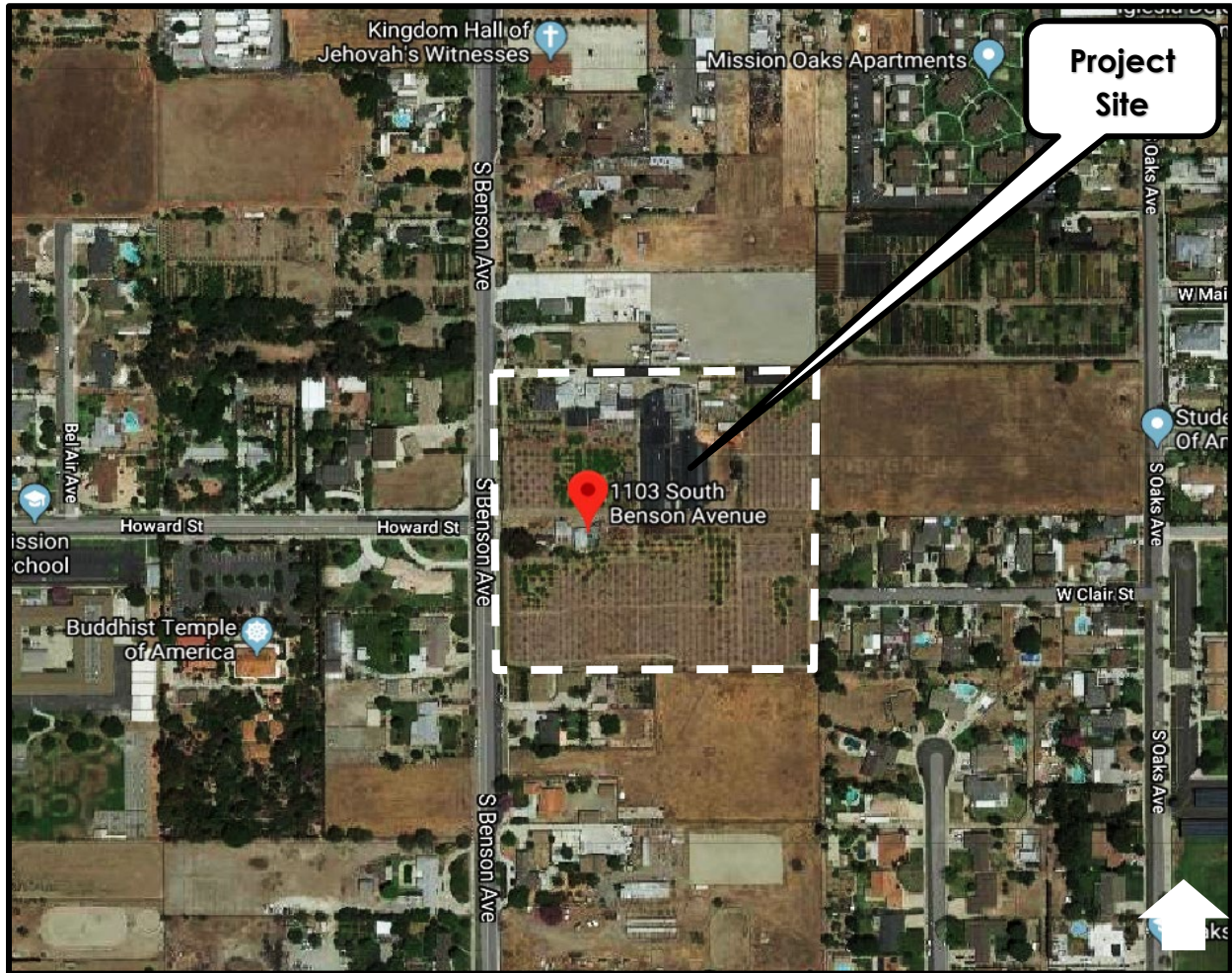
**Surrounding Zoning and Land Use:**

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan
Site	Single-Family Home and Nursery	RR (Rural Residential)	AR-2 (Residential-Agriculture-0- 2.0 du/acre)	n/a
North	Single-Family Home	RR (Rural Residential)	AR-2 (Residential-Agriculture-0- 2.0 du/acre)	n/a
South	Single-Family Home and Vacant Land	RR (Rural Residential)	AR-2 (Residential-Agriculture-0- 2.0 du/acre)	n/a
East	Single-Family Home and Vacant Land	RR (Rural Residential)	AR-2 (Residential-Agriculture-0- 2.0 du/acre)	n/a
West	Single-Family Homes (City of Chino)	City of Chino	City of Chino	n/a

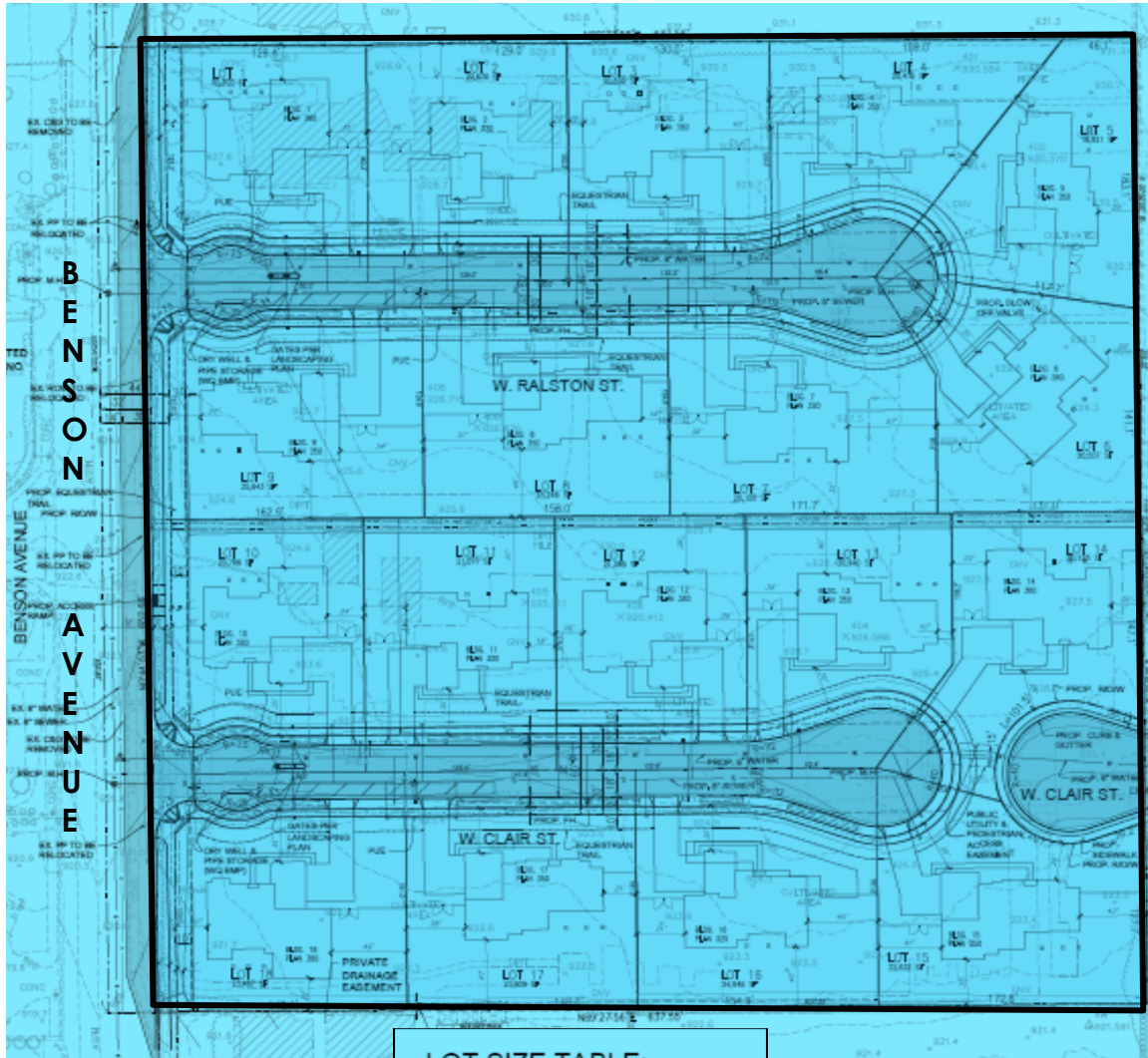
**General Site & Building Statistics**

Item	Proposed	Min./Max. Standard	Meets Y/N
<b>Project Area:</b> 9.57 Acres	18-Lots	18,000 sq. ft. per lot	Y
<b>Lot/Parcel Size:</b>			Y
▪ Parcel 1	20,303 sq. ft.		
▪ Parcel 2	20,679 sq. ft.		
▪ Parcel 3	20,839 sq. ft.		
▪ Parcel 4	20,475 sq. ft.		
▪ Parcel 5	18,921 sq. ft. (smallest)		
▪ Parcel 6	20,507 sq. ft.		
▪ Parcel 7	26,155 sq. ft. (largest)		
▪ Parcel 8	25,246 sq. ft.		
▪ Parcel 9	25,643 sq. ft.		
▪ Parcel 10	20,768 sq. ft.		
▪ Parcel 11	21,077 sq. ft.		
▪ Parcel 12	21,085 sq. ft.		
▪ Parcel 13	20,940 sq. ft.		
▪ Parcel 14	20,128 sq. ft.		
▪ Parcel 15	22,632 sq. ft.		
▪ Parcel 16	24,946 sq. ft.		
▪ Parcel 17	23,809 sq. ft.		
▪ Parcel 18	23,467 sq. ft.		

**Exhibit A—AERIAL PHOTOGRAPH**



**Exhibit B—TENTATIVE TRACT MAP NO. 20198**

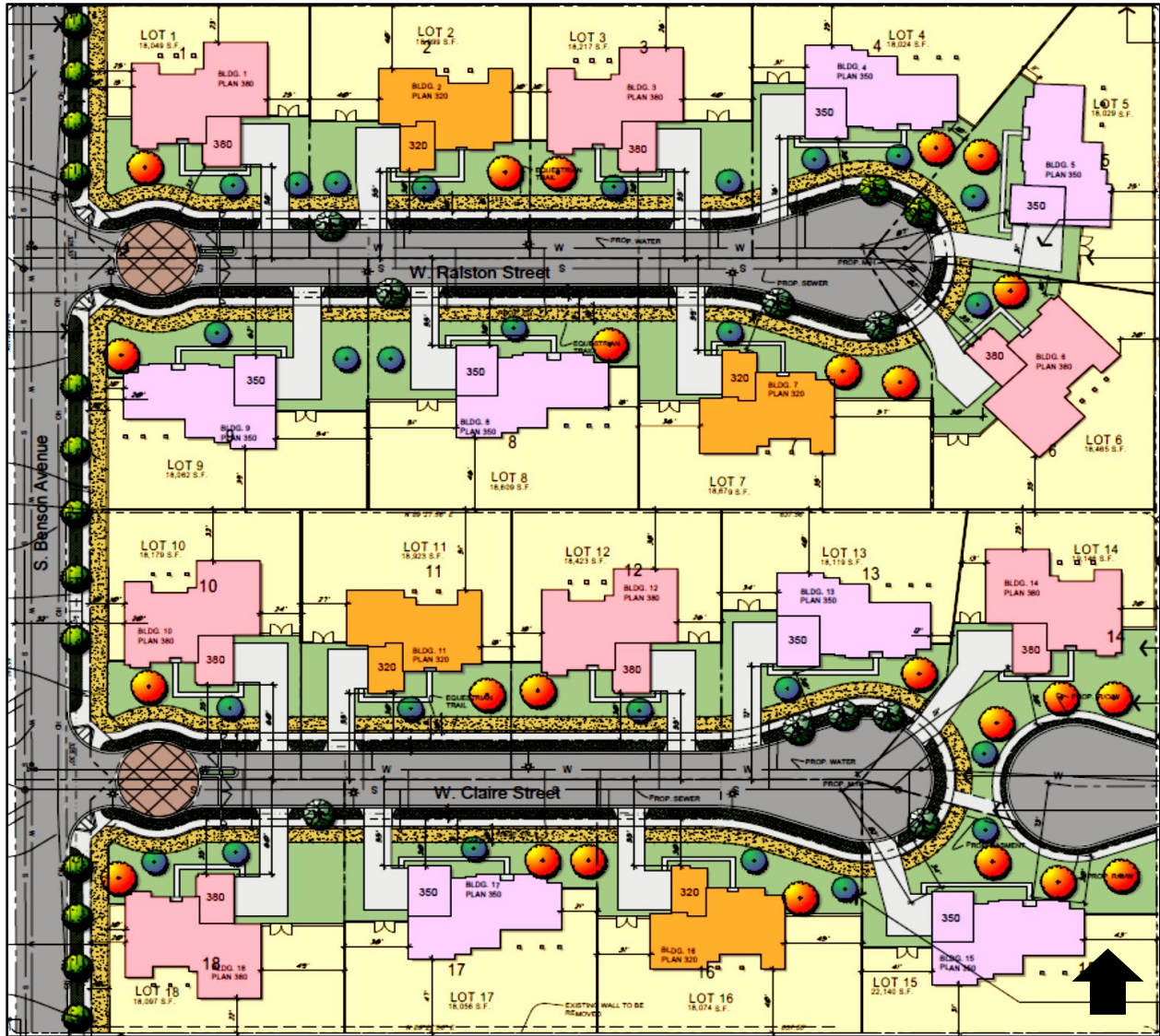


**LOT SIZE TABLE:**

#	AREA (SF)	AREA (AC)
1	20,303	0.466
2	20,679	0.475
3	20,839	0.478
4	20,475	0.470
5	18,921	0.434
6	20,507	0.471
7	26,155	0.600
8	25,246	0.580
9	25,643	0.589
10	20,768	0.477
11	21,077	0.484
12	21,085	0.484
13	20,940	0.481
14	20,128	0.462
15	22,632	0.520
16	24,946	0.573
17	23,809	0.547
18	23,467	0.539

MIN. 18,921 SQ. FT./0.434 AC  
 MAX. 26,155 SQ. FT./0.600 AC

**Exhibit C—CONCEPTUAL SITE PLAN**



## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION OF THE EXPIRATION DATE OF PREVIOUSLY APPROVED TENTATIVE TRACT MAP, FILE NO. PMTT18-007 (TTM 20198), TO SUBDIVIDE 9.57 ACRES OF LAND INTO 18 SINGLE-FAMILY RESIDENTIAL LOTS ON PROPERTY LOCATED AT 1103 SOUTH BENSON AVENUE, WITHIN THE AR-2 (RESIDENTIAL-AGRICULTURE 0 TO 2.0 DU/ACRE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1011-431-01.

WHEREAS, Mr. Ray Tsai ("Applicant") has filed an Application for the approval of a one-year Time Extension, File No. PMTT18-007 (TTM 20198), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 9.57 acres of land generally located on the east side of Benson Avenue, at the easterly terminus of Howard Street, on property located at 1103 South Benson Avenue, within the AR-2 (Residential-Agriculture – 0 to 2.0 du/acre) zoning district, and is developed with single-family homes; and

WHEREAS, the property to the north of the project site is within the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district and is developed with single-family homes. The property to the east is within the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district and is developed with single-family homes and vacant land. The property to the south is within the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district and is developed with a single-family home and vacant land. The property to the west is within an unincorporated portion of San Bernardino County and is developed with single-family homes; and

WHEREAS, on July 2, 2021, the Applicant applied requesting approval of a one-year Time Extension for a previously approved Tentative Tract Map, File No. PMTT18-007(TTM 20198). The approved subdivision proposes to subdivide 9.57 acres into 18 traditional single-family lots situated around two gated private cul-de-sac streets (West Ralston Privado and West Clair Privado), which incorporates a 10-foot wide equestrian trail along each project's street frontage. The proposed subdivision will facilitate the future development of one single-family dwelling on each lot; and

WHEREAS, on September 4, 2019, 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. DAB19-051, recommending the Planning Commission approve the Application; and



WHEREAS, on September 24, 2019, the Planning Commission conducted a hearing to consider the Project, and concluded said hearing on that date, voting to adopt Resolution No. PC19-077, approving the Tentative Tract Map subject to conditions; and

WHEREAS, under the State Subdivision Map Act, tentative tract maps may be extended up to five years beyond their initial approval. The Applicant is now requesting a one-year Time Extension of the expiration date for the Tentative Tract Map approval, pursuant to the requirements of the Ontario Development Code Section 2.02.025.B (Time Extensions). According to the Applicant, funding for the project was pulled when Covid-19 hit the State of California. The Time Extension will allow the applicant time to secure new funding to move forward with the project; and

WHEREAS, the approved Tentative Tract Map is due to expire on September 24, 2021. The requested one-year Time Extension will extend the Tentative Tract Map expiration date to September 24, 2022; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 28, 2021, 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 authority 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 15304 (Class 4, Minor Alterations to Land) of the CEQA Guidelines, which consists of minor public or private alterations in the condition of land, water, and/or vegetation such as grading on land with a slope less than 10 percent; and

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

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

**SECTION 2: Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority 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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 authority 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 Sections 1 through 3, 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 RR (Rural Residential) land use district of the Policy Plan Land Use Map, and the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district. 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 RR (Rural Residential) land use district of the Policy Plan Land Use Map, and the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district. 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 18,000 square foot minimum lot area and dimensions of the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The minimum parcel size proposed is 18,921 square feet, and the largest parcel size is 26,155 square feet.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project meets the minimum 18,000 square foot lot area and dimensions of the AR-2 (Residential-Agriculture - 0 to 2.0 du/acre) zoning district and is physically suitable for the proposed density / intensity of development. The minimum parcel size proposed is 18,921 square feet, and the largest parcel size is 26,155 square feet.

(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 existing improvements 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 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 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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**FILE NO:** PMTT18-008 – Time Extension

**SUBJECT:** A one-year Time Extension for previously approved Tentative Tract Map No. 20144, subdividing one-acre of land into 5 numbered lots and 2 lettered lots, for property located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district (APN: 1014-532-04); **submitted by Barton 88 Investments, LLC**

**PROPERTY OWNER:** Barton 88 Investments, LLC

**RECOMMENDED ACTION:** That the Planning Commission consider and adopt a one-year Time Extension of the expiration date for the approval for File No. PMTT18-008 (TTM 20144), to April 23, 2022.

**PROJECT SETTING:** The project site is comprised of one-acre of land located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district, and is depicted in Figure 1: Project Location, below. The project site is currently undeveloped and surrounded by residential land uses to the north, south, east, and west. The site gently slopes from north to south and has some landscaping along the eastern side of the property, facing Palmetto Avenue. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.


**PROJECT ANALYSIS:**

(1) Background — On April 23, 2019, the Planning Commission approved a Tentative Tract Map (File No. PMTT18-008) to subdivide the Project site into 5 numbered lots and 2 lettered lots.

(2) Time Extension Request — Under the State Subdivision Map Act, tentative tract map approvals may be extended up to five years beyond their initial approval date. The Applicant is now



**Figure 1: Project Location**

Case Planner:	Jeanie Irene Aguilo
Planning Director Approval:	
Submittal Date:	08/13/2021

Hearing Body	Date	Decision	Action
DAB	N/A	N/A	N/A
PC	09/28/2021		Final
CC			



requesting a one-year time extension of the expiration date for Tentative Tract Map No. 20144, pursuant to the State Subdivision Map Act and the requirements of Ontario Development Code Section 2.02.025.B (Time Extensions). If approved, the requested one-year Time Extension would extend the Tentative Tract Map expiration date to April 23, 2022.

**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)

(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)

**Community Economics Element:**

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

➤ 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.

➤ 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 California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** The Tentative Tract Map (TTM 20144) will facilitate the development of five single family residential homes, by subdividing the one-acre lot into five single family residential lots. 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 infill development, meeting the following conditions:

- 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;
- The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;
- Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The Project site can be adequately served by all required utilities and public services

**TECHNICAL APPENDIX:**

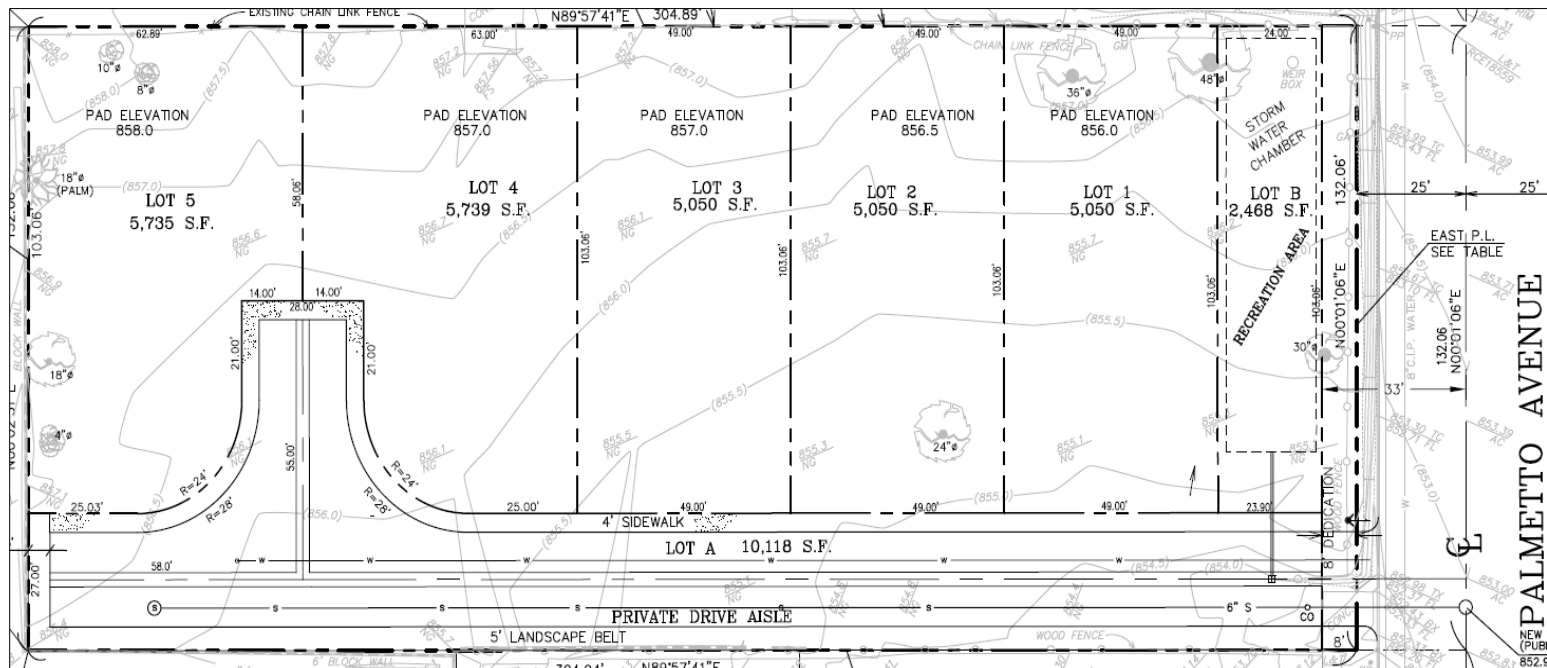
**Surrounding Zoning and Land Use:**

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site</i>	Vacant Land	LDR (Low Density Residential)	LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre)	N/A
<i>North</i>	Single Family Residential	LDR5 (Low Density Residential)	LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre)	N/A
<i>South</i>	Single Family Residential & Median Density Residential	LDR5 & MDR18	LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre) & MDR18 (11 to 18 DU/Acre)	N/A
<i>East</i>	Single Family Residential	LDR (Low Density Residential)	LDR5 (Low Density Residential – 2.1 to 5.0 DU/Acre)	N/A
<i>West</i>	Medium Density Residential	MDR (Medium Density Residential)	MDR18 (11 to 18 DU/Acre)	N/A

**General Site & Building Statistics**

<i>Item</i>	<i>Required Min./Max. Small Lot SF</i>	<i>Provided (Ranges)</i>	<i>Meets Y/N</i>
<i>Project area (in acres):</i>	1 Acre	1 Acre	Y
<i>Minimum lot size (in SF):</i>	4,000 SF	5,050 to 5,739 SF	Y
<i>Lot 1 (in SF)</i>	4,000 SF	5,050 SF	Y
<i>Lot 2 (in SF)</i>	4,000 SF	5,050 SF	Y
<i>Lot 3 (in SF)</i>	4,000 SF	5,050 SF	Y
<i>Lot 4 (in SF)</i>	4,000 SF	5,739 SF	Y
<i>Lot 5 (in SF)</i>	4,000 SF	5,735 SF	Y
<i>Minimum lot depth (in FT):</i>	100 FT	105 FT	Y
<i>Minimum lot width (in FT):</i>	40 FT	49 to 63 FT	Y

**Exhibit A—TENTATIVE TRACT MAP (TTM 20144)**



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED TENTATIVE TRACT MAP, FILE NO. PMTT18-008 (TTM 20144), A SUBDIVISION OF ONE-ACRE OF LAND INTO 5 NUMBERED LOTS AND 2 LETTERED LOTS, FOR PROPERTY LOCATED AT 2004 SOUTH PALMETTO AVENUE, WITHIN THE LDR-5 (LOW DENSITY RESIDENTIAL - 2.1 TO 5.0 DUS/ACRE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1014-532-04.

WHEREAS, BARTON 88 INVESTMENTS, LLC ("Applicant") has filed an Application for the approval of a one-year time extension for a Tentative Tract Map, File No. PMTT18-008 (TTM 20144), as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to one-acre of land, located at 2004 South Palmetto Avenue, within the LDR-5 (Low Density Residential - 2.1 to 5.0 DUs/Acre) zoning district, and is presently vacant; and

WHEREAS, on April 23, 2019, the Planning Commission approved Tentative Tract Map 20144 (File No. PMTT18-008) to subdivide one-acre of land into 5 numbered lots and 2 lettered lots; and

WHEREAS, under the State Subdivision Map Act, tentative tract maps may be extended up to five years beyond their initial approval. The Applicant is now requesting a one-year time extension of the expiration date for Tentative Tract Map approval pursuant to the requirements of Ontario Development Code Section 2.02.025.B (Time Extensions); and

WHEREAS, the one-year Time Extension request would extend the Tentative Tract Map approval from April 23, 2021, to April 23, 2022; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "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 (hereinafter referred to as “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 April 15, 2019, 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. DAB19-012, recommending the Planning Commission approve the Application; and

WHEREAS, on April 23, 2019, the Planning Commission of the City of Ontario conducted a hearing to consider the Project, and concluded said hearing on that date, voting to issue Resolution No. PC19-017; and

WHEREAS, on September 28, 2021, the Planning Commission of the City of Ontario conducted a hearing to consider the Tentative Tract Map Time Extension request, 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 authority 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 administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Ontario Local CEQA Guidelines; and 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 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 authority 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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 authority 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 Sections 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) ***The proposed Tentative Tract 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 LDR (Low Density Residential) land use district of the Policy Plan Land Use Map, and the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district. 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 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 LDR (Low Density Residential) land use district of the Policy Plan Land Use Map, and the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district. 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; 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 LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The minimum lot size for each parcel is 5,000 square feet and the applicant is proposing five lots ranging from 5,050 to 5,700 square feet, which exceeds the minimum requirements.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site meets the minimum lot area and dimensions of the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions. The minimum

lot size for each parcel is 5,000 square feet and the applicant is proposing five lots ranging from 5,050 to 5,700 square feet, which exceed the minimum requirements.

(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 overall right-of-way 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. In addition, there are no 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 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 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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gwen Berendsen  
Secretary Pro Tempore

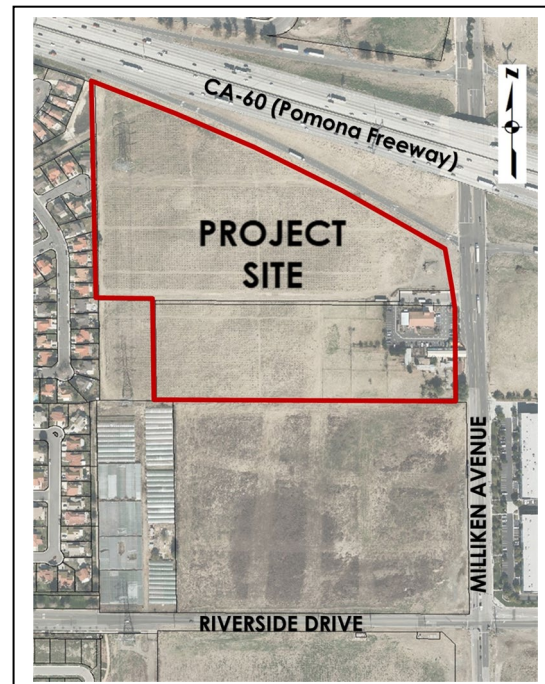
**FILE NOS:** PMTT21-002, PMTT21-003 and PDEV21-007

**SUBJECT:** A request for approval of the following entitlements: [1] a Tentative Parcel Map (File No. PMTT21-002/TPM 20278) to subdivide 15.94 acres of land into 3 parcels; [2] a Tentative Parcel Map (File No. PMTT21-003/TPM 20274) to subdivide 9.72 acres of land into 4 parcels; and [3] a Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land. The Project site is located on the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial), UC (Utilities Corridor) and the CC (Community Commercial) zoning districts; (APNs:1083-361-04 and 1083-361-07) **submitted by Orbis Real Estate Partners.**


**PROPERTY OWNER:** Cardinal Realty Partners LLC., and Galleano, Bernard, Estate Trust

**RECOMMENDED ACTION:** That the Planning Commission consider and approve File Nos. PMTT21-002 (TPM 20278), PMTT21-003 (TPM 20274) and PDEV21-007, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

**PROJECT SETTING:** The Project site is comprised of 25.66 acres of land located at southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue, within the IL (Light Industrial), UC (Utilities Corridor) and the CC (Community Commercial) zoning district, and is depicted in Figure 1: Project Location, below. The Project site is comprised of two lots. The northern parcel is undeveloped and has been historically used for agricultural purposes (vineyard). The southern parcel is developed with a wine shop (San Antonio Winery), restaurant, church, small animal farm, and vineyard. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.



**Figure 1: Project Location**

Case Planner:	Lorena Mejia
Planning Director Approval:	
Submittal Date:	2/18/2021

Hearing Body	Date	Decision	Action
DAB	9/20/2021	Approval	Recommend
PC	9/28/2021		Final
CC			

## PROJECT ANALYSIS:

(1) Background — On November 17, 2020, the City Council approved a General Plan Amendment (File No. PGPA19-007) to change the land use designation on the subject site, from Mixed Use to Industrial, and a Zone Change (File No. PZC19-002), changing the zoning designation on the subject site from SP (Specific Plan) to IL (Light Industrial), in conjunction with the adoption of an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140), certified by City Council on January 27, 2010, in conjunction with File No. PGPA06-00.

On October 27, 2020, the Planning Commission approved Tentative Parcel Map No. 20177 (File No. PMTT19-018), located south of the Project site, to facilitate the development of industrial and commercial land uses. The Tentative Parcel Map established the alignment of internal public and private streets (Stefano Court and Maddalena Privado, respectively) to serve the immediate area, including the Project site.

On February 18, 2021, the Applicant submitted the following applications for concurrent processing:

- Tentative Parcel Map No. 20278 (File No. PMTT21-002), subdividing 15.94 acres of land into 3 parcels located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) and UC (Utilities Corridor) zoning districts.
- Tentative Parcel Map No. 20274 (File No. PMTT21-003), subdividing 9.72 acres of land into 4 parcels located south of the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) and CC (Community Commercial) zoning districts.
- A Development Plan (File No. PDEV21-007) to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) zoning district

(2) Tentative Parcel Map No. 20278 (File No. PMTT21-002) — The proposed Tentative Parcel Map will subdivide the Project site into 3 numbered lots (see Exhibit B—Tentative Parcel Map, attached) to facilitate the construction of two industrial buildings totaling 234,002 square feet. Parcel 1 (3.78 ac) is zoned UC (Utilities Corridor), and Parcels 2 (8.5 ac) and 3 (3.63 ac) are zoned IL (Light Industrial). Parcels 2 and 3 exceed the 10,000-square-foot (0.23 ac) minimum lot size established for the IL zoning district (See Tentative Parcel Map Summary Table, below).

<b>Tentative Parcel Map No. 20278 Summary Table</b>				
<b>Parcel No.</b>	<b>General Plan Land Use Designation</b>	<b>Zoning District</b>	<b>Development Plan File No. / Land Use</b>	<b>Acres</b>
1	OS-NR (Open Space – Non-Recreation)	UC (Utilities Corridor)	N/A Open Space	3.78
2	Industrial	IL (Light Industrial)	PDEV21-007 Industrial	8.5
3	Industrial	IL (Light Industrial)	PDEV21-007 Industrial	3.63
	Street Dedication (Stefano Court)			0.03
<b>Total</b>				<b>15.94</b>

(3) Tentative Parcel Map No. 20274 (File No. PMTT21-003) — The proposed Tentative Parcel Map (TPM 20274) will subdivide the Project site into 4 numbered lots (see Exhibit C—Tentative Parcel Map, attached) to facilitate the construction of two industrial buildings totaling 159,332 square feet, and future development and redevelopment of the San Antonio Winery. Parcels 1 (4.79 ac) and 2 (1.85 ac) are located within the IL (Light Industrial) zoning district and Parcels 3 (0.92 ac) and 4 (1.40 ac) are located within the CC (Community Commercial) zoning district. All parcels exceed the 10,000-square-foot (0.23 ac) minimum lot size required for the IL and CC zoning districts (See Tentative Parcel Map Summary Table, below).

<b>Tentative Parcel Map 20274 Summary Table</b>				
<b>Parcel No.</b>	<b>General Plan Land Use Designation</b>	<b>Zoning District</b>	<b>Development Plan File No. / Land Use</b>	<b>Acres</b>
1	Industrial	IL (Light Industrial)	PDEV21-007 Industrial	4.79
2	Industrial	IL (Light Industrial)	PDEV21-007 Industrial	1.85
3	General Commercial	CC (Community Commercial)	PDEV21-007 Industrial	0.92
4	General Commercial	CC (Community Commercial)	PDEV21-007 Industrial	1.40
	Street Dedication (Stefano Court)			0.77
<b>Total</b>				<b>15.94</b>

(4) Development Plan (File No. PDEV21-007) —

(a) **Site Design/Building Layout.** Proposed, is the construction of three industrial buildings totaling 393,334 square feet on four lots totaling 25.66 acres in area. The building sizes range from 44,630 to 169,962 square feet and the Project has an overall Floor Area



Ratio ("FAR") of 0.49. The proposed buildings occupy the north and west portions of the overall Project site.

Buildings 5 and 7 are located west of Stefano Court and Buildings 4 and 6 are located east of Stefano Court (see Exhibit D—Site Plan, attached). A description of each building is provided below.

- Building 4 (Tentative Parcel Map No. 20278, Parcel 3) is located at the northeast quadrant of the overall Project site and consists of a 64,040-square-foot warehouse/distribution building, having a FAR of 0.43. Building 4 is oriented east-west, with dock-high loading doors facing south. Office entries are located at the southwest and northeast corners of the proposed building.

The building is setback approximately 10 to 145 feet from the west property line, approximately 5 to 135 feet from the south property line, approximately 38 feet from the north property line, and approximately 66 to 160 feet from the east property line (Milliken Avenue). Building 4 parking lots are located along the east property line and at the northwest corner of the parcel.

The yard area will be screened from view of the SR-60 freeway to the north, by the proposed building. Street views from the south and east are mitigated by 14-foot-high screen walls with view-obstructing gates.

- Building 5 (Tentative Parcel Map No. 20278, Parcel 2) is located within the northwest quadrant of the overall Project site and consists of a 169,962-square-foot warehouse/distribution building, having a FAR of 0.46. Building 5 is oriented east to west, with dock high loading doors facing south. Office entries are located at the northwest and southeast corners of the proposed building.

The proposed building has a varying setback from the north property line of 70 to 250 feet (facing SR 60 FWY), an approximate 100-foot setback from the south property line, a varying setback from the west property line of 40 to 60 feet, and an approximate 50-foot setback from the east property line. Building 5 parking lots will be located east, north, and south of the building.

The yard area will be screened from view of CA-60 (the Pomina Freeway) on the north, by the proposed building and by 14-foot-high screen walls with view-obstructing gates to the east and west, and by Building 7 to the south.

- Building 6 (Tentative Parcel Map No. 20274, Parcel 2) is located at the northeast corner of Stefano Court and Maddalena Privado and consists of a 44,360-square-foot warehouse/distribution building, having a FAR of 0.55. Building 6 is oriented north to south, with dock high loading doors facing north. There is one office entry located at the southwest corner of the proposed building.

The proposed building is setback approximately 76 feet from the north property line, approximately 70 feet from the south property line (Maddalena Privado), approximately 10 feet from the west property line (Stefano Court), and 5 feet from the east property line. Building 6 parking lots will be located to the north and south of the building.

The yard area will be screened from view of public street on the south, by the proposed building, by 14-foot-high screen walls with view-obstructing gates to the north, east and west.

- Building 7 (Tentative Parcel Map No. 20274, Parcel 1) is located at the northwest corner of Stefano Court and Maddalena Privado and consists of a 114,972-square-foot warehouse/distribution building, having a FAR of 0.55. Building 7 is oriented east to west, with dock-high loading doors facing north. Office entries are located at the southwest and southeast corners of the proposed building.

The proposed building is setback approximately 70 feet from the north property line, 40 feet from the south property line, 10 feet from the east property line (Stefano Court), and a varying setback of 40 to 60 feet is provided from the west property line. Building 6 parking lots will be located to the north, west, and south of the building.

The yard area will be screened from view on the south, by the proposed building, by 14-foot-high screen walls with view-obstructing gates to the east and west, and Building 5 to the north.

(b) **Site Access/Circulation.** The approved Tentative Parcel Map (File No. PMTT19-018) facilitates the construction of internal public and private streets (Stefano Court and Maddalena Privado), which will serve the immediate area and the Project site. Stefano Court is a 40-foot-wide public street (66-foot right-of-way) that runs north-south, terminating in a cul-de-sac at the north end. Stefano Court will intersect with Riverside Drive, at a point approximately 600 feet west of Milliken Avenue.

Maddalena Privado, a private street will run east-west, and will intersect Milliken Avenue at a point approximately 800 feet north of Riverside Drive. Maddalena Privado intersects with Stefano Court and transitions into a drive-aisle, immediately west of Stefano Court. The Project site will take direct access from Stefano Court, Maddalena Privado, and Milliken Avenue.

(c) **Parking.** The Project has provided off-street parking pursuant to the "Warehouse and Distribution" parking standards specified in the Development Code. The Project requires a total of 248 parking spaces and 279 spaces have been provided, as shown in Table A: Parking Summary, below.

Table A: Parking Summary						
Bldg. No.	Type of Use	Building Area	Trailer Parking		Vehicle Spaces	
			Required	Provided	Required	Provided
4	Warehouse / Distribution	64,040 SF	2	2	47	55
5	Warehouse / Distribution	169,962 SF	5	10	95	113
6	Warehouse / Distribution	44,360 SF	1	1	39	39
7	Warehouse / Distribution	114,972 SF	4	4	67	72
<b>Parking Totals:</b>			12	17	<b>248</b>	<b>279</b>

(d) **Architecture.** The proposed buildings are of concrete tilt-up construction and integrates a contemporary architectural design theme that is consistent throughout the development, incorporating enhanced elements and treatments at office entries and along street facing elevations (see Exhibit E — Elevations, attached). Architectural elements for all buildings include smooth-painted concrete in white, grey, brown and tan tones, with horizontal and vertical reveals, storefronts with clear anodized aluminum mullions and blue glazing, metal canopies, arched windows at the main office entries, and recessed panel sections with contrasting colors. The mechanical equipment will be roof-mounted and obscured from public view by the parapet walls. Staff believes that the proposed Project illustrates the type of high-quality architecture promoted by the Development Code. This is exemplified through the use of:

- Articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas, recessed areas for future wall murals;
- Articulation in the building parapet/roof line, which serves to accentuate the building's entries and breaks up large expanses of building wall;
- Variations in building massing; and
- Incorporation of base and top treatments defined by changes in color and horizontal/vertical reveals.

(e) **Landscaping.** The Project provides an overall landscape coverage of 18 percent, consisting of 26 percent for Building 4, 22.2 percent for Building 5, 10.5 percent for Building 6 and 10.1 percent for Building 7. The Project provides substantial landscaping along Milliken Avenue, Stefano Court, and Maddalena Privado, at each office element, throughout the parking areas, and along the western and northern property lines (see Exhibit F—Landscape Plan, attached). The Project includes right-of-way improvements (street widening, curb, gutter, sidewalk, and parkway) along Milliken Avenue. The proposed on-site and off-site landscape improvements will assist towards creating a walkable safe area for pedestrians to access the Project site. A combination of 48-inch, 36-inch, 24-inch box, and 15-gallon accent and shade trees will be provided on the Project site, including a variety of shrubs, grasses, and groundcovers that are low water usage and drought tolerant, to be planted throughout the Project site. Moreover, each building will incorporate either one or two employee break areas, with benches, tables, and shade trees.

(f) **Signage.** The Project has been conditioned to submit a Sign Program application for the proposed Project that is integrated into the sign program located south of the Project site.

(g) **Utilities (drainage, sewer).** To serve the proposed industrial development, the Project will be required to construct infrastructure improvements. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes both Projects' 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 the use of underground stormwater infiltration system within the tractor-trailer courtyard areas of each building. Any overflow drainage will be conveyed to a storm drain connection located within Stefano Court.

(5) Community Meeting — The Planning Department conducted a virtual community meeting via Zoom on June 29, 2021, to discuss the proposed subject Applications. Ten members of community logged into the Zoom meeting and 5 residents provided comments/questions during the meeting. Below is a list of concerns raised by the community:

(a) Opposition to the construction of industrial buildings adjacent to the Creekside community and the lack of viable/substantial commercial uses to serve the surrounding community.

*In response to community comments, the buildings have been designed to have an office-like appearance and the western building elevations have been enhanced to provide an attractive view from the adjacent residential development. Large plant/trees will be used along the western property line to create a more visually appealing view from the residential community. The landscape planter along the western property line is approximately 5 feet wide. Additional landscape planters are provided directly adjacent to Buildings 5 and 7, approximately 5 to 29 feet wide. A retail market study was completed for the previously approved and related General Plan Amendment (File No. PGPA 19-007) and Zone Change (PZC 19-002). The retail market study was prepared by The Concord Group (Dated: December 19, 2019) and focused on achievable rental rates based on current and historical retail trends. The study looked at land uses, number of households, traffic within a 1, 3, and 5-mile radius from the Project site, and concluded that retail demand was insufficient and could not be supported at the overall Project site, due to lack of demand and an oversupply of retail space. Supported uses included a gas station and fast-food restaurants, due to traffic counts associated with the CA-60 (Pomona Freeway) on/off ramps located north of the Project site. Furthermore, 10 acres of future commercial land uses are planned on southwest corner of Haven Avenue and Riverside Drive that would better serve the immediate residential communities of Creekside and Edenglen.*

(b) Overall issues related to noise, air quality and truck traffic near existing residential neighborhoods.

*In response to community comments/concerns, the Project has been designed to minimize noise impacts to the residents. The truck yards for Buildings 5 and 7 have been oriented away from the western property line and faces north and south. This design feature, in conjunction with the 200-foot SCE utility corridor that separates the proposed Project from residential properties to the west, will substantially diminish any noise impacts to the adjacent residential community.*

*A noise study was completed by Urban Crossroads (May 2021) that analyzed operational noise impact increases along the eastern property line of the Creekside residential community (see Attachment A: Vine North Noise Impact Assessment Memorandum). Urban Crossroads measured existing noise levels on October 10, 2019 and modeled the increased noise that will be generated by the proposed operations at the property. The study concluded that the operation of a typical warehouse distribution center would be up to 39 dBA which is less than the City Standards (65 dBA daytime and 45 dBA nighttime). Furthermore, the placement of the buildings will assist in the reduction of traffic noise that currently exist from Milliken Avenue and help reduce wind and dust impacts on the existing residential community, from seasonal Santa Ana winds.*

(c) Inquiries were expressed regarding the proposed infrastructure, street and intersection improvements and the overall increase in general traffic and truck traffic.

*The street frontages along Riverside Drive and Milliken Avenue will be improved (curb, gutter, and sidewalk). The Project will also provide new public and private streets that with full right-of-way street improvements, including sidewalk/pedestrian paths, to the nearby San Antonio Winery.*

*The Project has been designed to have truck traffic enter and exit primarily onto Riverside Drive and Milliken Avenue. Milliken/Hamner Avenue is a designated Truck Route and truck traffic will primarily be coming onto the Project site from the nearby CA-60 (Pomona Freeway) and I-15 Freeway interchanges. Furthermore, the Project has been conditioned to have tractor-trailer trucks travel east towards Milliken/Hamner Avenue when exiting the site and shall not be allowed utilize Riverside Drive west of the Project site to access/exit the Project site.*

(d) Residents asked if the Project included a large-scale LED/billboard sign along the freeway frontage and expressed concerns about light pollution and visual impacts to the adjoining residential community.

*The Project does not include a large-scale LED/billboard sign along the freeway frontage.*

(e) Comments were made about requiring an Environmental Impact Report for the Project.

Staff explained that the environmental impacts associated with the proposed Project were evaluated in conjunction with an Addendum to The Ontario Plan Environmental Impact Report prepared for the previously approved and related General Plan Amendment (File No. PGPA19-007) and Zone Change (File No. PZC19-002).

(f) Comments were made questioning why the Applicant didn't process the proposed Project concurrently with the southern Orbis development that was approved at the end of 2020.

The developer explained that they did not previously own or have control of the Project site in 2020 when the southern portion of the site was being processed and subsequently approved.

(6) Health Risk Assessment — A Health Risk Assessment ("HRA") to determine whether the proposed Project would pose a health risk to the existing residential land uses was prepared in conjunction with the previously approved and related General Plan Amendment (File No. PGPA19-007) and Zone Change (File No. PZC19-002). The HRA was prepared by Urban Crossroads (dated: October 5, 2020) analyzed the cancer burden estimates as well as the Project operational Toxic Air Contaminants ("TACs") impact from Diesel Particulate Matter ("DPM") emissions. Both analyses concluded that these factors would be less than significant; therefore, no mitigation was required for the Project beyond that which was previously analyzed in The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140).

(7) DSF Habitat Assessment — A Delhi Sands Flower-Loving Fly (DSF) Habitat Suitability Assessment was prepared by ELMT Consulting, Inc. (Dated: October 2020) for the Project site (see Attachment B: DSF Habitat Suitability Assessment). The Assessment was conducted to determine if the soils on the site support clean Delhi sand soils capable of providing suitable habitat for DSF a federally endangered species. The Project site was rated as low quality and soils near the winery and a residence were rated as unsuitable. The Assessment concluded that it is unlikely that DSF occupy the site or can become occupied in the near future with DSF for the following reasons including:

- (a) The ratings of Delhi sand soils are considered unsuitable to low-quality;
- (b) There has been a general lack of DSF sightings in the general area of the City of Ontario;
- (c) There has been a recognized adverse change in soil chemistry of Delhi Sand soils on the Project site due to active cultivation of the vineyards; and
- (d) There were focused DSF presence/absence surveys conducted for five consecutive years (2004 to 2008) immediately south of the Project site that were all negative.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

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

(4) Policy Plan (General Plan)

**Land Use Element:**

- Goal LU1: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU1-1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, and foster the development of transit.

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

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

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

**Community Economics Element:**

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

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

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

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

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

**Safety Element:**

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

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

**Community Design Element:**



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

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

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

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

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

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

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

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

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

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

➤ CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

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

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

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

➤ CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.

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

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

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

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

**HOUSING ELEMENT COMPLIANCE:** 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 California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed Project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this Project were previously reviewed in conjunction with File Nos. PGPA19-007 and PZC19-002, a General Plan Amendment and Zone Change for which an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was approved for use by the City Council on November 17, 2020.

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

**TECHNICAL APPENDIX:**

**Surrounding Zoning and Land Use:**

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site	Vacant	Industrial/ OS-NR (Open Space – Non-Recreation)	Light Industrial/ UC (Utilities Corridor)	N/A
North	CA-60 (Pomona Freeway)	CA-60 (Pomona Freeway)	CA-60 (Pomona Freeway)	N/A
South	Vacant	Industrial/General Commercial	IL (Light Industrial)/CC (Community Commercial)	N/A
East	City of Eastvale Business Park	Business Park	IL (Industrial Park)	N/A
West	Single Family Residential Subdivision	Low Density Residential (2.1 – 5.0 du/ac)	SP (Specific Plan)	Creekside Village Specific Plan – Single Family Detached

**General Site & Building Statistics**

Item	Proposed	Min./Max. Standard	Meets Y/N
Project Area:	25.66 Acres	N/A	Y
Lot/Parcel Size:	0.92 – 8.5 Acres	10,000 SF (Min.)	Y
Floor Area Ratio:	0.49	0.55 (Max.)	Y
Building Height:	48 FT	55 FT (Max.)	Y

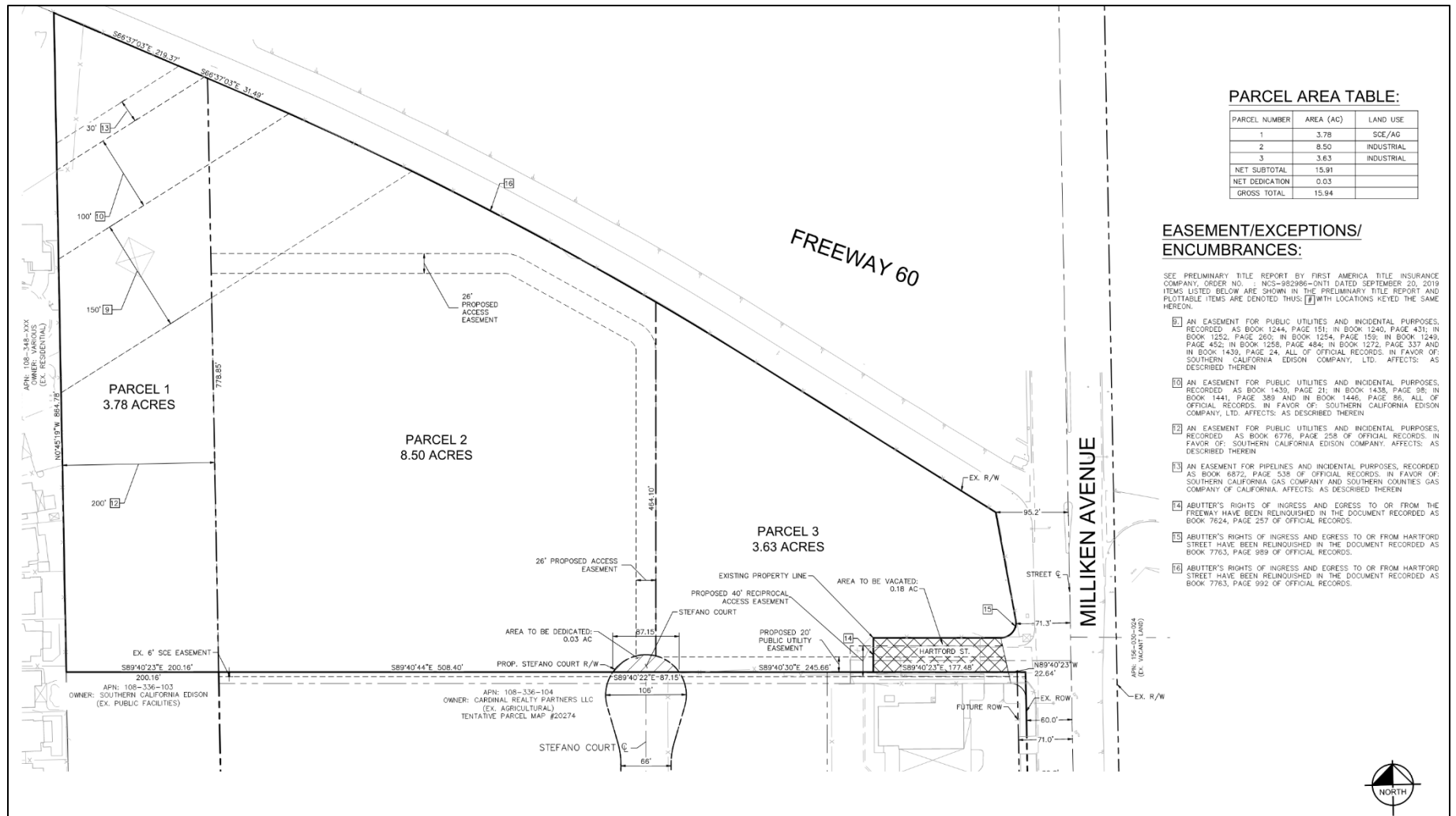
**Off-Street Parking:**

Bldg. No.	Type of Use	Building Area	Trailer Parking		Vehicle Spaces	
			Required	Provided	Required	Provided
4	Warehouse / Distribution	64,040 SF	2	2	47	55
5	Warehouse / Distribution	169,962 SF	5	10	95	113
6	Warehouse / Distribution	44,360 SF	1	1	39	39
7	Warehouse / Distribution	114,972 SF	4	4	67	72
<b>Parking Totals:</b>			<b>12</b>	<b>17</b>	<b>248</b>	<b>279</b>

**EXHIBIT A—PROJECT SITE**



**EXHIBIT B—TENTATIVE PARCEL MAP NO. 20278**



**PARCEL AREA TABLE:**

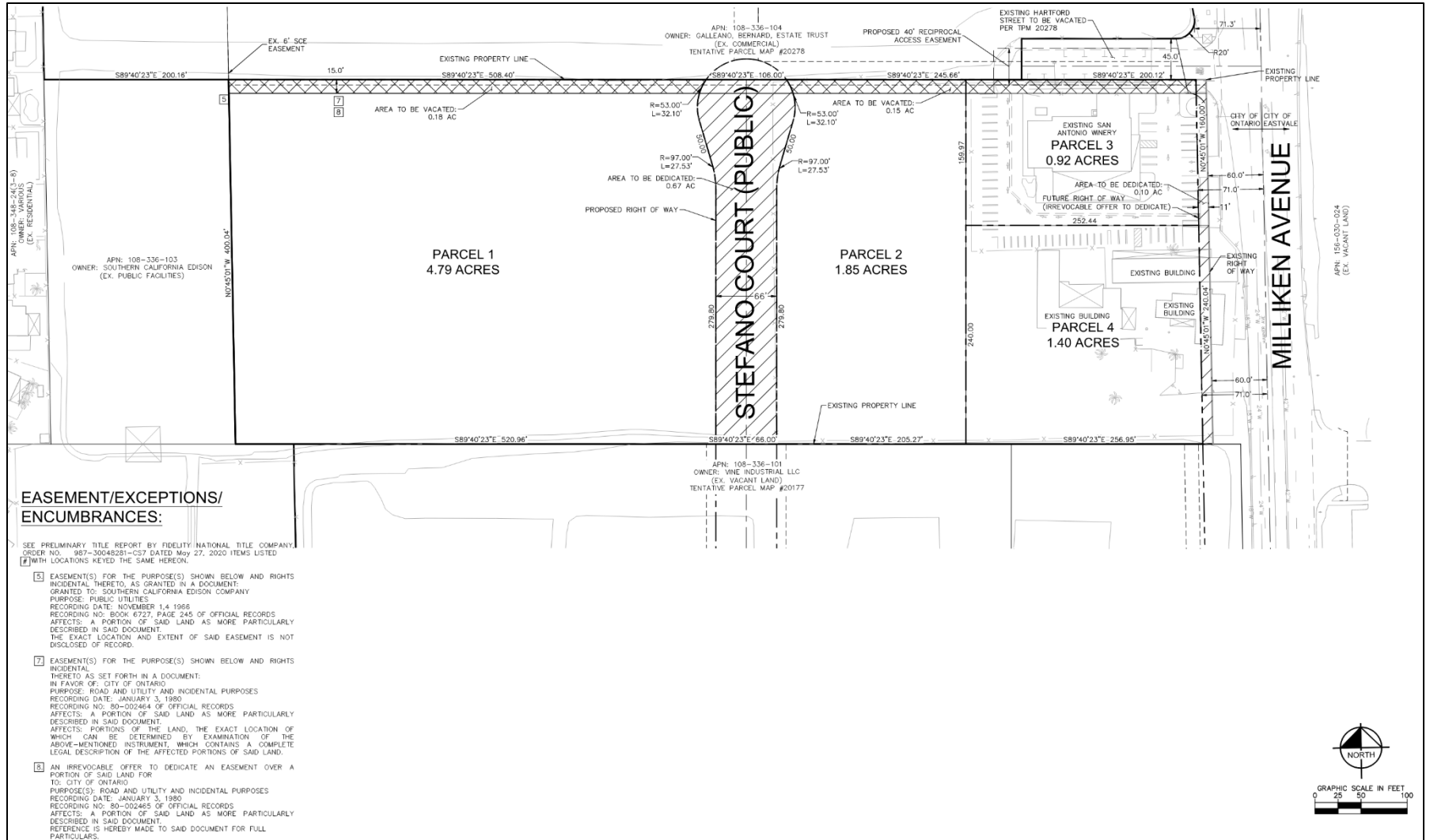
PARCEL NUMBER	AREA (AC)	LAND USE
1	3.78	SCE/AG
2	8.50	INDUSTRIAL
3	3.63	INDUSTRIAL
NET SUBTOTAL	15.91	
NET DEDICATION	0.03	
GROSS TOTAL	15.94	

**EASEMENT/EXCEPTIONS/  
ENCUMBRANCES:**

SEE PRELIMINARY TITLE REPORT BY FIRST AMERICA TITLE INSURANCE COMPANY, ORDER NO. NCS-982986-0N11 DATED SEPTEMBER 20, 2019. ITEMS LISTED BELOW ARE SHOWN IN THE PRELIMINARY TITLE REPORT AND PLOTTABLE ITEMS ARE DENOTED THUS: [ ] WITH LOCATIONS KEYED THE SAME HEREON.

- [1] AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED AS BOOK 1244, PAGE 151; IN BOOK 1240, PAGE 431; IN BOOK 1252, PAGE 260; IN BOOK 1254, PAGE 155; IN BOOK 1249, PAGE 452; IN BOOK 1258, PAGE 484; IN BOOK 1272, PAGE 337 AND IN BOOK 1439, PAGE 24. ALL OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, LTD. AFFECTS: AS DESCRIBED THEREIN.
- [9] AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED AS BOOK 1439, PAGE 21; IN BOOK 1438, PAGE 98; IN BOOK 1441, PAGE 389 AND IN BOOK 1446, PAGE 86. ALL OF OFFICIAL RECORDS IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY, LTD. AFFECTS: AS DESCRIBED THEREIN.
- [2] AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED AS BOOK 6776, PAGE 258 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY. AFFECTS: AS DESCRIBED THEREIN.
- [3] AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES, RECORDED AS BOOK 6872, PAGE 538 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA GAS COMPANY AND SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA. AFFECTS: AS DESCRIBED THEREIN.
- [4] ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM THE FREEWAY HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED AS BOOK 7624, PAGE 257 OF OFFICIAL RECORDS.
- [5] ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM HARTFORD STREET HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED AS BOOK 7763, PAGE 889 OF OFFICIAL RECORDS.
- [6] ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM HARTFORD STREET HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED AS BOOK 7763, PAGE 992 OF OFFICIAL RECORDS.

**EXHIBIT C—TENTATIVE PARCEL MAP NO. 20274**

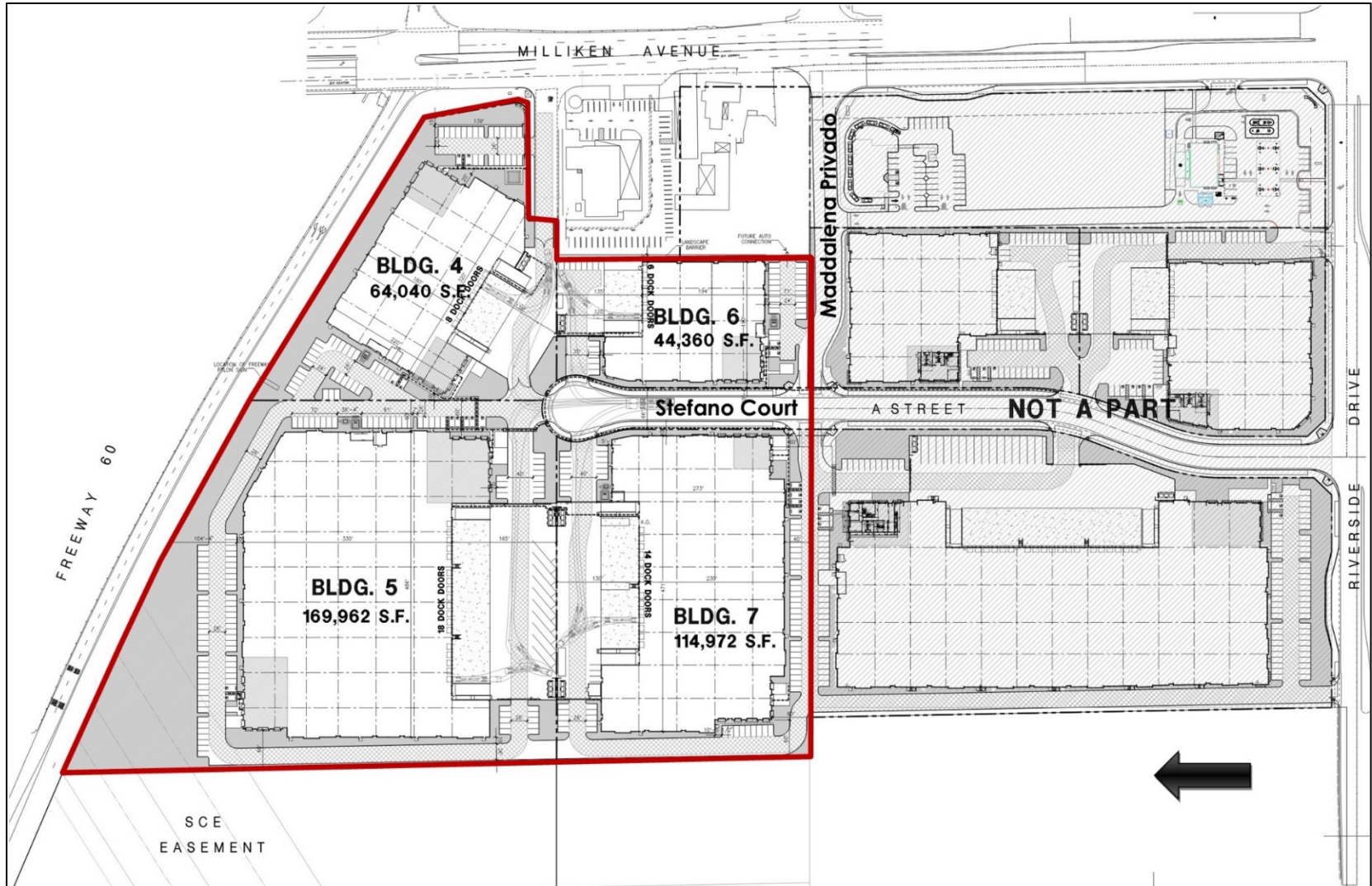


**EASEMENT/EXCEPTIONS/  
 ENCUMBRANCES:**

SEE PRELIMINARY TITLE REPORT BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. 987-30048201-C57 DATED MAY 27, 2020 ITEMS LISTED WITH LOCATIONS KEYS THE SAME HEREON.

- [5] EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
 GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY  
 PURPOSE: PUBLIC UTILITIES  
 RECORDING DATE: NOVEMBER 14, 1988  
 RECORDING NO.: BOOK 6727, PAGE 245 OF OFFICIAL RECORDS  
 AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT  
 THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.
- [7] EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:  
 IN FAVOR OF: CITY OF ONTARIO  
 PURPOSE: ROAD AND UTILITY AND INCIDENTAL PURPOSES  
 RECORDING DATE: JANUARY 3, 1980  
 RECORDING NO.: 80-002484 OF OFFICIAL RECORDS  
 AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT  
 AFFECTS: PORTIONS OF THE LAND, THE EXACT LOCATION OF WHICH CAN BE DETERMINED BY EXAMINATION OF THE ABOVE-MENTIONED INSTRUMENT, WHICH CONTAINS A COMPLETE LEGAL DESCRIPTION OF THE AFFECTED PORTIONS OF SAID LAND.
- [8] AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR  
 TO: CITY OF ONTARIO  
 PURPOSE(S): ROAD AND UTILITY AND INCIDENTAL PURPOSES  
 RECORDING DATE: JANUARY 3, 1980  
 RECORDING NO.: 80-002485 OF OFFICIAL RECORDS  
 AFFECTS: A PORTION OF SAID LAND AS MORE PARTICULARLY DESCRIBED IN SAID DOCUMENT  
 REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

**EXHIBIT D—SITE PLAN**





**EXHIBIT E—EXTERIOR ELEVATIONS (BUILDING 4)**



**EXHIBIT E—EXTERIOR ELEVATIONS (BUILDING 5)**



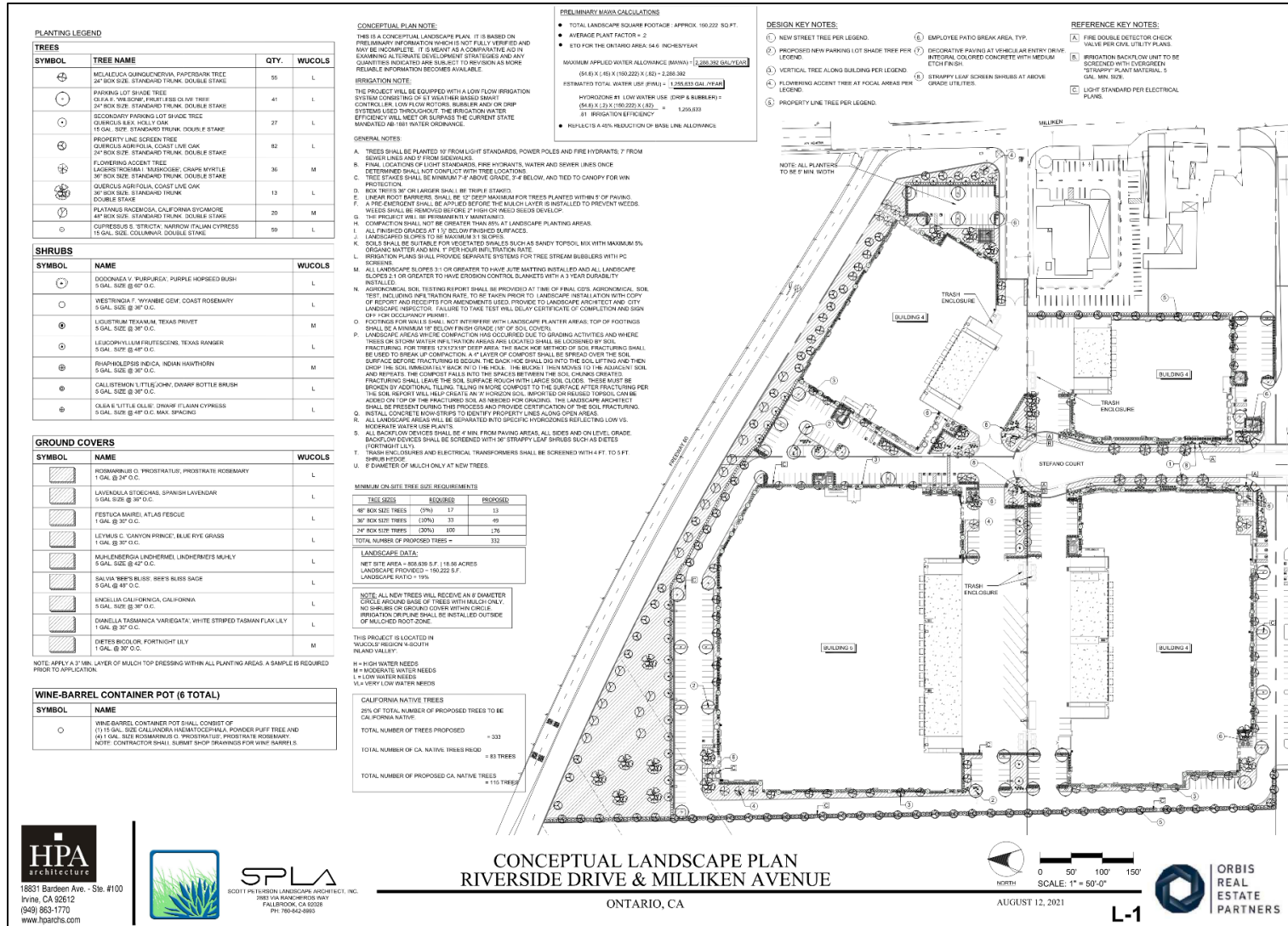
**EXHIBIT E—EXTERIOR ELEVATIONS (BUILDING 6)**



**EXHIBIT E—EXTERIOR ELEVATIONS (BUILDING 7)**



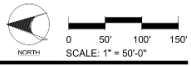
## EXHIBIT F—LANDSCAPE PLAN



SPLA  
 SCOTT PETERSON LANDSCAPE ARCHITECT, INC.  
 2083 VIA RANCHO RIZZO WAY  
 FALLBROOK, CA 92028  
 PH: 760-542-5883

### CONCEPTUAL LANDSCAPE PLAN RIVERSIDE DRIVE & MILLIKEN AVENUE

ONTARIO, CA



AUGUST 12, 2021



## Attachment A: Vine North Noise Impact Assessment Memorandum



260 E. Baker St. | Suite 200 | Costa Mesa, CA 92626 | (949) 660-1994  
[urbanxroads.com](http://urbanxroads.com)

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May 13, 2021

Mr. Ross Geller  
Applied Planning, Inc.  
11762 De Palma Road, 1-C 310  
Corona, CA 92883

**SUBJECT: VINE NORTH NOISE IMPACT ASSESSMENT MEMORANDUM**

Urban Crossroads, Inc. is pleased to provide the following Noise Impact Assessment Memorandum for the proposed Vine North Project (Addendum Project). The Addendum Project is located at the northwesterly corner of Milliken Avenue and East Riverside Drive in the City of Ontario, as shown on Exhibit A. The purpose of this work effort is to determine if the Addendum Project would result in new or substantially different noise impacts than those considered and addressed in The Ontario Plan EIR (Certified EIR).

### **ADDENDUM PROJECT SUMMARY**

The Addendum Project considered herein would implement up to approximately 674,000 square feet of light industrial uses; and up to approximately 26,700 square feet of commercial/retail/restaurant uses within the approximately 44-acre Project site. For purposes of this analysis and as reflected in preliminary site plans, the above-noted uses are assumed to be configured as follows:

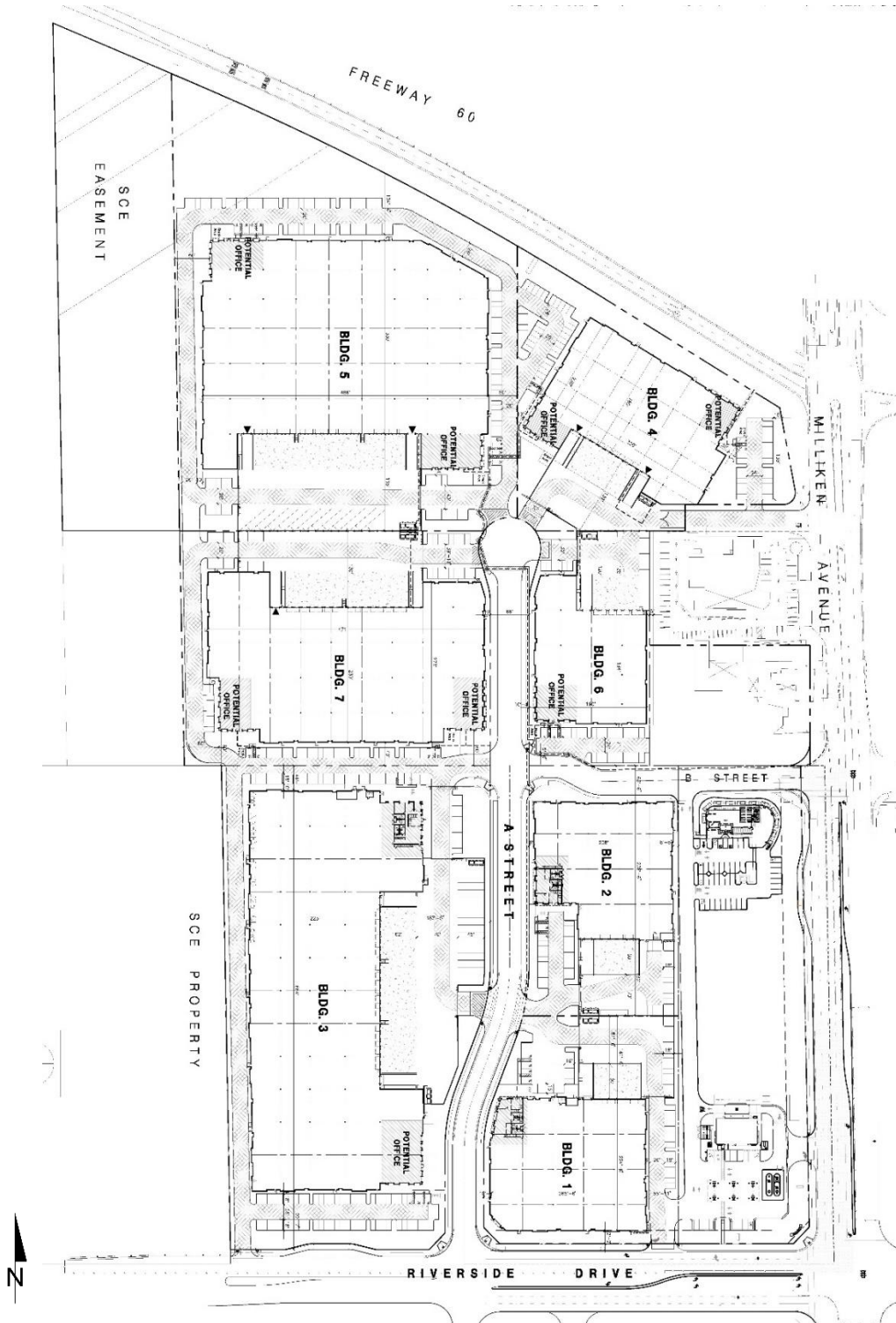
- 673,534 square feet of light industrial land use
- 14,691 square feet of retail uses
- 6,300 square feet of fast food restaurant land use with drive throughs
- 2,433 coffee shop with drive through window
- 3,215 square-foot market with a car wash and eight fuel pumps (16 fueling positions)

Within this analysis, likely maximum noise impacts of the above uses are evaluated. At the discretion of the City, uses differing from those evaluated here, and that could result in substantially different noise impacts than the uses evaluated, would be subject to additional CEQA environmental analysis. Ultimate scope and configuration of the Addendum Project uses would be as approved by the City. The Project site location is presented at Exhibit A. The Addendum Project Site Plan is presented at Exhibit B.

**EXHIBIT A: LOCATION MAP**



EXHIBIT B: SITE PLAN





## **PROPOSED LAND USE DESIGNATIONS**

### **PROJECT SITE**

The Project site existing Policy Plan Land Use designation and Zoning designation would be amended to allow for development and land uses proposed under the Addendum Project. More specifically, the existing Policy Plan Land Use designation of the Project site, “Mixed Use” (Area 12), would be amended to “Industrial” and General Commercial.” The Project site is currently zoned Specific Plan. As amended under the Addendum Project, Zoning of the Project site would be changed to “IL” (Light Industrial) and “CC” (Community Commercial).

### **ADJACENT PROPERTIES**

Policy Plan (General Plan) Land Use and Zoning designations of adjacent properties are summarized below. The Addendum Project would not affect Land Use and Zoning designations of adjacent properties.

*North* SR-60 (Pomona) freeway/Caltrans Right-of-Way.

*South* Policy Plan Land Use Designation: General Commercial  
Zoning: Specific Plan

*East* City of Eastvale General Plan: Business Park  
City of Eastvale Zoning: C-P-S - Scenic Highway Commercial (southerly adjacent to SR-60); I-P - Industrial Park (northerly of East Riverside Drive)

*West* Policy Plan Land Use Designation: Open Space – Non-Recreation  
Zoning: “UC” (Utilities Corridor)

## **EXISTING LAND USES**

### **PROJECT SITE**

A portion of the Project site is currently developed with two existing buildings. Information regarding the demolition quantities is not readily available. As such, the total building square footage of structures that would be demolished was conservatively estimated to be 27,491 square feet. It should be noted that this quantity is inclusive of demolition of other structures (i.e. sheds) and existing asphalt/pavement.

### **ADJACENT PROPERTIES**

Existing land uses of adjacent properties are summarized below. The Addendum Project would not affect adjacent property land uses.

*North* SR-60 (Pomona) freeway/Caltrans Right-of-Way

- South* Southerly of the Project site, across East Riverside Drive, properties are currently vacant and undeveloped but are approved for Specific Plan Community Commercial uses (Edenglen Specific Plan)
- East* Easterly of the Project site, across Milliken Avenue and adjacent to the southerly portions of the Project site properties are City of Eastvale properties developed with light industrial uses; adjacent to the northerly portions of the Project site are City of Eastvale properties are vacant and undeveloped.
- West* An existing SCE easement defines the westerly Project boundary. A commercial nursery is located within the SCE easement adjacent to the Project site southern 20 acres. Single family homes (Creekside) are located westerly of the SCE easement.

## **ONTARIO PLAN EIR NOISE/VIBRATION IMPACT SIGNIFICANCE FINDINGS**

The Ontario Plan EIR determined that development of the City pursuant to the Policy Plan would result in the following significant and unavoidable noise/vibration impacts:

- Transportation-Source Noise Impacts
- Construction-Source Noise Impacts
- Construction-Source Vibration Impacts
- Airport-Source Noise Impacts

Where impacts were determined to be significant and unavoidable, the EIR identifies mitigation that would reduce the impact(s) to the extent feasible. The Ontario Plan EIR further determined that all other noise/vibration impacts resulting from development of the City pursuant to the Policy Plan would not be potentially significant or would be reduced to levels that would be less-than-significant through implementation of the Ontario Plan EIR mitigation measures. Please refer also to Ontario Plan EIR, available at the following link: <http://www.ontarioplan.org/environmental-impact-report/>.

## **NOISE STANDARDS**

The potential noise impacts originating from stationary-source (operational) noise are evaluated against standards established under a City's Municipal Code. Although the Project site is located within the City of Ontario, potentially affected receivers in the adjacent City of Eastvale were also considered. However, a review of the area suggests that existing land uses east of Milliken Avenue in the City of Eastvale consist mostly of developed industrial land uses. Therefore, no noise sensitive receivers are identified in the City of Eastvale and all project related operational, construction and vibration impacts are considered *less than significant*.

## **CITY OF ONTARIO MUNICIPAL CODE STANDARDS**

The City of Ontario requires that noise from new stationary sources in the City comply with the City's Noise Ordinance, which limits the acceptable noise at the property line of the impacted property, to

reduce nuisances to sensitive land uses. Compliance with the City’s Noise Ordinance would result in noise levels that are acceptable to the City and would result in less than significant noise impacts from stationary sources. (1) The City of Ontario Municipal Code, Title 5, Chapter 29 noise standards are included in Appendix A. Section 5-29.04(a) identifies the allowable daytime and nighttime ambient exterior noise standards for each land use type. For Manufacturing and Industrial land uses (Noise Zone V), such as the Addendum Project, ambient exterior noise levels may not exceed 70 dBA Leq. For residential land uses (Noise Zone I), ambient exterior noise levels may not exceed 65 dBA Leq during the daytime hours (7:00 a.m. to 10:00 p.m.), and may not exceed 45 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.). (2) The lower noise level standard shall apply on the boundary between two (2) different noise zones. The maximum acceptable Project-related operational noise levels received at off-site land uses in the City of Ontario are identified on Table 1.

**TABLE 1: OPERATIONAL NOISE STANDARDS**

Noise Zone	Land Use	Exterior Noise Levels (dBA Leq) <sup>2</sup>	
		Daytime (7am-10pm)	Nighttime (10pm-7am)
I	Single-Family Residential	65	45
II	Multi-Family Residential	65	50
III	Commercial	65	60
IV	Residential Mixed-Use	70	70
V	Manufacturing and Industrial	70	70

<sup>1</sup> Source: Section 5-29.04 of the City of Ontario Municipal Code (Appendix A).

<sup>2</sup> Leq represents a steady state sound level containing the same total energy as a time varying signal over a given period.

**CONSTRUCTION NOISE STANDARDS**

The City of Ontario has set restrictions to control noise impacts associated with construction. Section 5-29.09 of the Municipal Code states: *No person, while engaged in construction, remodeling, digging, grading, demolition or any other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, on any weekday except between the hours of 7:00 a.m. and 6:00 p.m. or on Saturday or Sunday between the hours of 9:00 a.m. and 6:00 p.m.* (2) While the City establishes limits to the hours during which construction activity may take place, it does not identify specific noise level limits for construction noise levels at potentially affected receiver locations.

Construction noise would be considered significant if construction activities occurring outside of the hours specified (7:00 AM and 6:00 PM weekdays and 9:00 AM to 6:00 PM weekends, excluding federal holidays) or if construction activities substantially elevate the ambient noise environment at noise-sensitive uses for a substantial period. It is assumed that the Addendum Project construction activities would comply with the City approved hour of activity restrictions, thereby precluding construction

activities during noise-sensitive time periods. To present a conservative approach, this analysis nonetheless evaluates construction noise based on the 65 dBA  $L_{eq}$  exterior noise level limit for the neighboring residential land uses (Noise Zone I).

### **OPERATIONAL/CONSTRUCTION VIBRATION STANDARDS**

To analyze vibration impacts originating from the operation and construction of the Vine North, vibration-generating activities are appropriately evaluated against standards established under a City's Municipal Code, if such standards exist. However, the City of Ontario does not identify specific vibration level limits and instead relies on the Federal Transit Administration (FTA) methodology. The FTA provides guidelines for maximum-acceptable vibration criteria for different types of land uses. These guidelines allow 78 VdB for residential uses and buildings where people normally sleep during the daytime hours. (3) Construction activities can result in varying degrees of ground-borne vibration, depending on the equipment and methods used, distance to the affected structures and soil type. The FTA guidelines provide a substantiated basis for determining the relative significance of Project vibration impacts due to on-site construction activities.

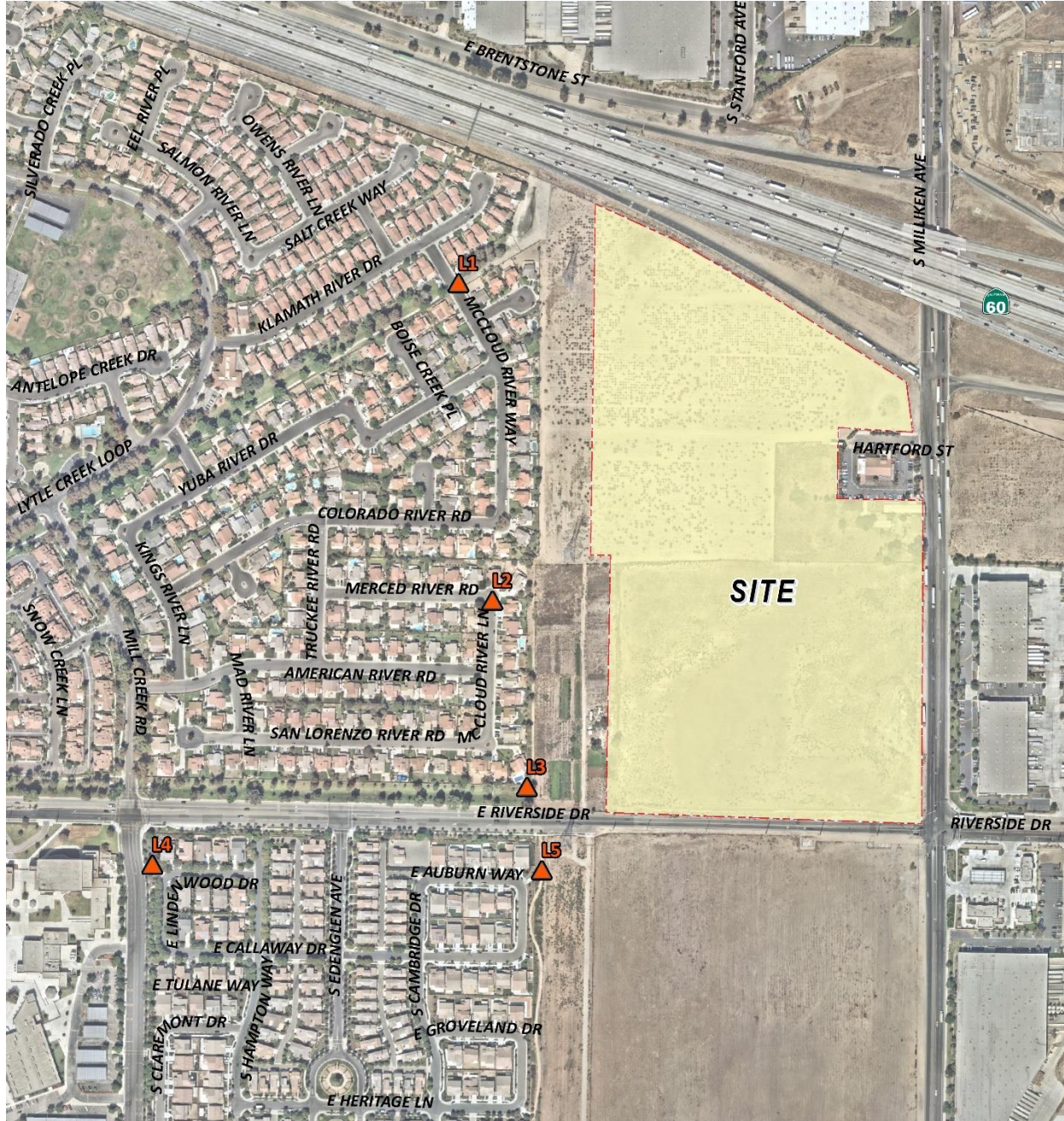
### **EXISTING NOISE LEVEL MEASUREMENTS**

To assess the existing noise level environment, five 24-hour noise level measurements were taken at noise sensitive receiver locations in the Addendum Project study area. The receiver locations were selected to describe and document the existing noise environment within the Addendum Project study area. Exhibit C provides the boundaries of the Addendum Project study area and the noise level measurement locations. To fully describe the existing noise conditions, noise level measurements were collected by Urban Crossroads, Inc. on Thursday, October 10, 2019. Appendix B includes study area photos.

### **MEASUREMENT PROCEDURE AND CRITERIA**

To describe the existing noise environment, the hourly noise levels were measured during typical weekday conditions over a 24-hour period. By collecting individual hourly noise level measurements, it is possible to describe the daytime and nighttime hourly noise levels and calculate the 24-hour CNEL. The long-term noise readings were recorded using Piccolo Type 2 integrating sound level meter and dataloggers. The Piccolo sound level meters were calibrated using a Larson-Davis calibrator, Model CAL 150. All noise meters were programmed in "slow" mode to record noise levels in "A" weighted form. The sound level meters and microphones were equipped with a windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013. (4)

**EXHIBIT C: NOISE MEASUREMENT LOCATIONS**



**LEGEND:**

▲ Measurement Locations

## **NOISE MEASUREMENT LOCATIONS**

The long-term noise level measurements were positioned as close to the nearest sensitive receiver locations as possible to assess the existing ambient hourly noise levels surrounding the Project site. Both Caltrans and the FTA recognize that it is not reasonable to collect noise level measurements that can fully represent any part of a private yard, patio, deck, or balcony normally used for human activity when estimating impacts for new development projects. This is demonstrated in the Caltrans general site location guidelines which indicate that, *sites must be free of noise contamination by sources other than sources of interest. Avoid sites located near sources such as barking dogs, lawnmowers, pool pumps, and air conditioners unless it is the express intent of the analyst to measure these sources.* (5) Further, FTA guidance states, *that it is not necessary nor recommended that existing noise exposure be determined by measuring at every noise-sensitive location in the project area. Rather, the recommended approach is to characterize the noise environment for clusters of sites based on measurements or estimates at representative locations in the community.* (6)

Based on recommendations of Caltrans and the FTA, it is not necessary to collect measurements at each individual building or residence, because each receiver measurement represents a group of buildings that share acoustical equivalence. In other words, the area represented by the receiver shares similar shielding, terrain, and geometric relationship to the reference noise source. Receivers represent a location of noise sensitive areas and are used to estimate the future noise level impacts. Collecting reference ambient noise level measurements at the nearby sensitive receiver locations allows for a comparison of the before and after Project noise levels and is necessary to assess potential noise impacts due to the Addendum Project's contribution to the ambient noise levels.

## **NOISE MEASUREMENT RESULTS**

The noise measurements presented below focus on the average or equivalent sound levels ( $L_{eq}$ ). The equivalent sound level ( $L_{eq}$ ) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. Table 2 identifies the hourly daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise levels at each noise level measurement location. Appendix C provides a summary of the existing ambient noise levels described below:

**TABLE 2: 24-HOUR AMBIENT NOISE LEVEL MEASUREMENTS**

Measurement Location <sup>1</sup>	Description	Energy Average Noise Level (dBA Leq) <sup>2</sup>	
		Daytime	Nighttime
L1	Located on McCloud River Lane behind an existing single-family home at 3968 Klamath River Drive.	55.8	52.8
L2	Located near the intersection of Merced River Road and McCloud River Lane in the nearby single-family residential neighborhood.	54.5	54.8
L3	Located north of East Riverside Drive and south of the single-family home at 2965 McCloud River Lane.	56.8	55.2
L4	Located near Mill Creek Avenue west of the single-family home at 3935 E Lindenwood Drive.	59.9	57.8
L5	Located south of East Riverside Drive and east of the single-family home at 4097 E Auburn Way.	55.1	54.8

<sup>1</sup> See Exhibit C for the noise level measurement locations.

<sup>2</sup> Energy (logarithmic) average levels. The long-term 24-hour measurement worksheets are included in Appendix C.

"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

## SENSITIVE RECEIVER LOCATIONS





To assess the potential for long-term operational and short-term construction impacts, five receiver locations, shown on Exhibit D, were identified as representative locations for analysis. Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include schools, hospitals, single-family dwellings, mobile home parks, churches, libraries, and recreation areas. Moderately noise-sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, out-patient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs. Land uses that are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals.

Other sensitive land uses in the Addendum Project study area that are located at greater distances than those identified in this noise study will experience lower noise levels than those presented in this report due to the additional attenuation from distance and the shielding of intervening structures.

**EXHIBIT D: SENSITIVE RECEIVER LOCATIONS**



**LEGEND:**

-  Receiver Locations
-  Distance from receiver to Project site boundary (in feet)
-  Existing Barrier Height (in feet)
-  Existing Barrier



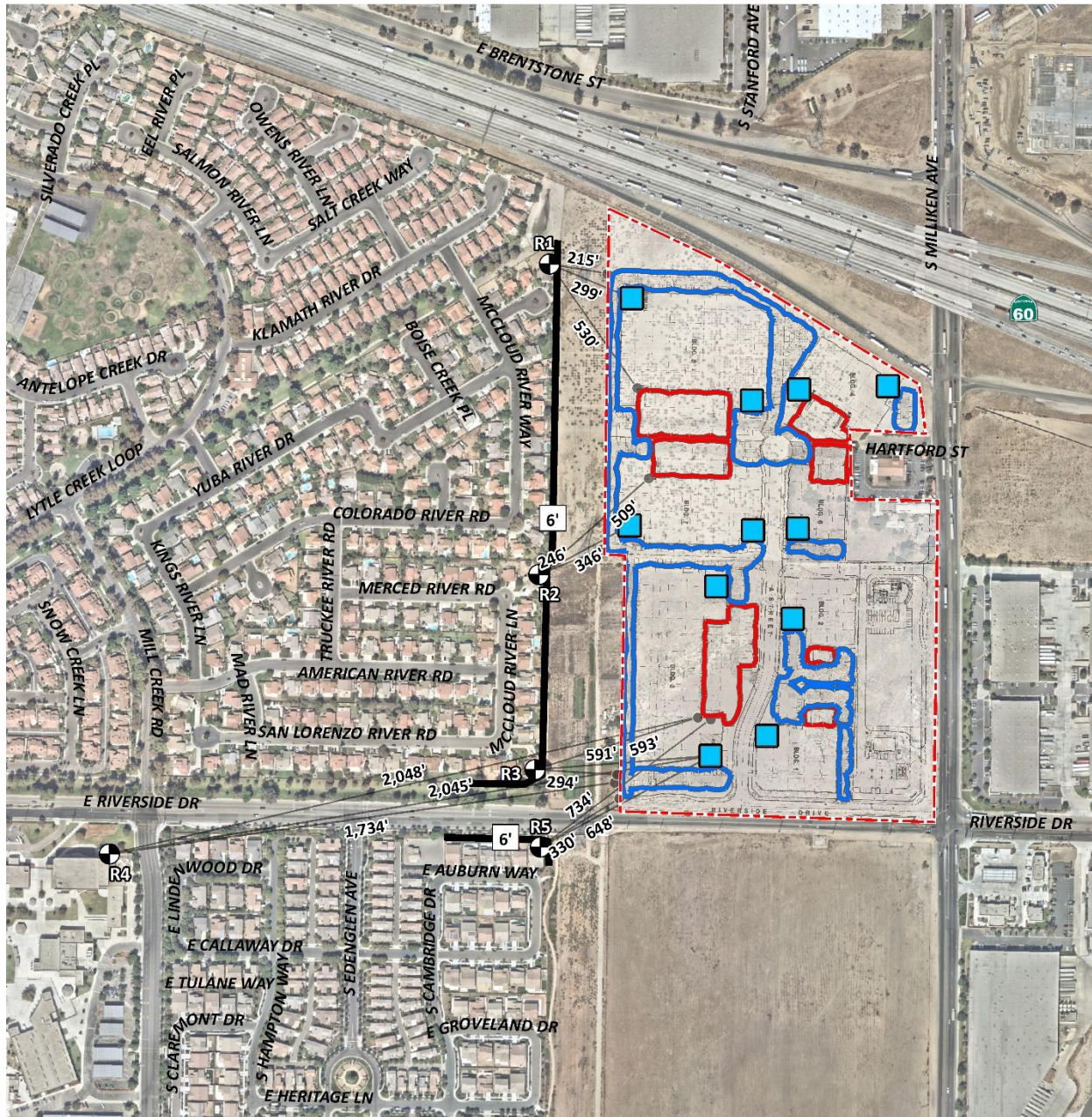
- R1: Located approximately 196 feet west of the Project site, R1 represents an existing residential home located at 3977 Yuba River Drive in the City of Ontario. A 24-hour noise level measurement was taken near this location, L1, to describe the existing ambient noise environment.
- R2: Location R2 represents the existing single-family residential home at 2913 McCloud River Lane located roughly 285 feet west of the Project site in the City of Ontario. A 24-hour noise level measurement was taken near this location, L2, to describe the existing ambient noise environment.
- R3: Located approximately 287 feet west of the Project site across the power transmission lines, R3 represents an existing residential home at 2965 McCloud River Lane in the City of Ontario. L3 represents the nearest 24-hour noise level measurement taken near this location to describe the existing ambient noise environment.
- R4: Location R4 represents the Colony High School located approximately 1,731 feet south west of the Project site at 3850 E Riverside Drive. The 24-hour noise level measurement location L4 is used to describe the existing ambient noise environment.
- R5: Located approximately 294 feet south of the Project site across E Riverside Drive, R5 represents an existing single-family residential home at 4097 E Auburn Way in the City of Ontario. A 24-hour noise level measurement was taken near this location, L5, to describe the existing ambient noise environment.

## **OPERATIONAL NOISE ASSESSMENT**

To present the potential worst-case noise conditions, this analysis assumes the Addendum Project would be operational 24 hours per day, seven days per week. The Addendum Project business operations would primarily be conducted within the enclosed buildings, except for traffic movement, parking, as well as loading and unloading of trucks at designated loading bays. The on-site Project-related noise sources are expected to include: idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods, roof-top air conditioning units, and parking lot vehicle movements.

This noise analysis is intended to describe noise level impacts associated with the expected typical activities at the Project site. The operational noise assessment is intended to describe the likely maximum noise impacts. However, at the discretion of the City, uses differing from those evaluated here, and that could result in substantially different noise impacts than the uses evaluated, would be subject to additional CEQA environmental analysis. Exhibit E shows the operational noise source locations and the closest sensitive receiver locations used in this analysis, previously shown on Exhibit D.

**EXHIBIT E: OPERATIONAL NOISE SOURCE LOCATIONS**



**LEGEND:**

- Receiver Locations
- Roof-Top Air Conditioning Unit
- Distribution/Warehouse Activity
- Existing Barrier Height (in feet)
- Parking Lot Vehicle Movements
- Distance from receiver to noise source (in feet)
- Existing Barrier

**REFERENCE NOISE LEVELS**

The Addendum Project’s operational noise levels were estimated based on reference noise level measurements of similar operational activities including: idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods, roof-top air conditioning units, and parking lot vehicle movements. To estimate the Addendum Project off-site operational noise impacts associated with the Vine North, the following reference noise level measurements were collected from existing logistics warehouse operations containing similar operational noise sources, shown on Table 3.

**TABLE 3: REFERENCE NOISE LEVEL MEASUREMENTS**

Noise Source	Duration (hh:mm:ss)	Distance From Source (Feet)	Noise Source Height (Feet)	Hourly Activity (Minutes) <sup>3</sup>	Noise Level (dBA L <sub>eq</sub> )	
					@ Ref. Distance	@ 50 Feet
Unloading/Docking Activity <sup>1</sup>	00:15:00	30'	8'	60	67.2	62.8
Roof-Top Air Conditioning Units <sup>2</sup>	96:00:00	5'	25'	39	77.2	57.2
Parking Lot Vehicle Movements <sup>3</sup>	01:00:00	10'	5'	60	52.2	41.7

<sup>1</sup> Reference noise level measurements were collected on 1/7/2015 from the existing operations of the Motivational Fulfillment & Logistics Services distribution facility located at 6810 Bickmore Avenue in the City of Chino.

<sup>2</sup> As measured by Urban Crossroads, Inc. on 7/27/2015 at the Santee Walmart located at 170 Town Center Parkway.

<sup>3</sup> As measured by Urban Crossroads, Inc. on 5/17/2017 at the Panasonic Avionics Corporation parking lot in the City of Lake Forest.

<sup>4</sup> Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site based on the reference noise level measurement activity.

Short-term reference noise level measurements were collected on Wednesday, January 7<sup>th</sup>, 2015, by Urban Crossroads, Inc. at the Motivational Fulfillment & Logistics Services distribution facility located at 6810 Bickmore Avenue in the City of Chino. The noise level measurements represent the typical weekday dry goods logistics warehouse operation in a single building with a loading dock area on the western side of the building façade. Up to ten trucks were observed in the loading dock area including a combination of track trailer semi-trucks, two-axle delivery trucks, and background forklift operations.

**IDLING, DELIVERY TRUCK ACTIVITIES, BACKUP ALARMS, & LOADING/UNLOADING OF DRY GOODS**

The unloading/docking activity noise level measurement was taken over a fifteen-minute period and represents multiple noise sources taken from the center of loading dock activities generating a reference noise level of 62.8 dBA L<sub>eq</sub> at a uniform reference distance of 50 feet. At this measurement location, the noise sources associated with employees unloading a docked truck container included the squeaking of the truck’s shocks when weight was removed from the truck, employees playing music over a radio, as well as a forklift horn and backup alarm. In addition, during the noise level measurement a truck entered the loading dock area and proceeded to reverse and dock in a nearby loading bay, adding truck engine and air brake noise.

While the specific noise levels at the Addendum Project site will depend on the actual tenant, the intensity and the daytime / nighttime hours of operation, a reference noise level of 62.8 dBA  $L_{eq}$  for the unloading/docking activity at a normalized reference distance of 50 feet is used to describe the peak Project operational noise activity since it represents similar operational characteristics. The reference noise level of 62.8 dBA  $L_{eq}$  at 50 feet is intended to describe the worst-case noise levels associated with the expected typical industrial operations at the Project site.

#### **ROOF-TOP AIR CONDITIONING UNITS**

To assess the impacts created by the roof-top air conditioning units at the Addendum Project buildings, reference noise levels measurements were taken at the Santee Walmart on July 27<sup>th</sup>, 2015. Located at 170 Town Center Parkway in the City of Santee, the noise level measurements describe mechanical roof-top air conditioning units on the roof of an existing Walmart store. The reference noise level represents Lennox SCA120 series 10-ton model packaged air conditioning units. Using the uniform reference distance of 50 feet, the reference noise level is 57.2 dBA  $L_{eq}$ . The operating conditions of the reference noise level measurement reflect peak summer cooling requirements with measured temperatures approaching 96 degrees Fahrenheit (°F) with average daytime temperatures of 82°F. The roof-top air condition units were observed to operate the most during the daytime hours, for a total of 39 minutes per hour, and are anticipated to operate during the daytime and nighttime hours at the Project site. The noise attenuation provided by a parapet wall is not reflected in this reference noise level measurement.

#### **PARKING LOT VEHICLE MOVEMENTS (AUTOS)**

To determine the noise levels associated with parking lot vehicle movements, Urban Crossroads collected reference noise level measurements over a 24-hour period on May 17<sup>th</sup>, 2017 at the parking lot for the Panasonic Avionics Corporation in the City of Lake Forest. The peak hour of activity measured over the 24-hour noise level measurement period occurred between 12:00 p.m. to 1:00 p.m., or the typical lunch hour for employees working in the area. The measured reference noise level at 50 feet from parking lot vehicle movements was measured at 41.7 dBA  $L_{eq}$ . The parking lot noise levels are mainly due to cars pulling in and out of spaces during peak lunch hour activity and employees talking. Noise associated with parking lot vehicle movements is expected to operate for the entire hour (60 minutes).

#### **ADDENDUM PROJECT OPERATIONAL (STATIONARY-SOURCE) NOISE LEVELS**

Using the reference noise levels to represent the proposed operations that include idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods, roof-top air conditioning units, and parking lot vehicle movements, the resulting Project operational-source noise levels are calculated at each of the sensitive receiver locations. The operational noise level calculations account for the distance attenuation provided due to geometric spreading when sound from a localized stationary source (i.e., a point source) propagates uniformly outward in a spherical pattern. With

geometric spreading, sound levels attenuate (or decrease) at a rate of 6 dB for each doubling of distance from a point source.

Table 4 presents the combined total Project-only operational noise level projections at the nearby sensitive receiver locations in comparison with the City of Ontario Municipal Code exterior noise level standards. The Addendum Project operational noise levels at the nearby sensitive receiver locations are shown to range from 26.0 to 39.3 dBA  $L_{eq}$ . Based on the results of this analysis, the Addendum Project operational noise levels associated with the Vine North will satisfy the City of Ontario Municipal Code 65 dBA  $L_{eq}$  daytime and 45 dBA  $L_{eq}$  nighttime exterior noise level standards at nearby noise sensitive single-family residential land use. Operational (stationary source) noise levels that comply with applicable standards do not comprise a substantial permanent increase in ambient noise levels, or a substantial temporary or periodic increase in ambient noise levels.

The operational noise level calculations are included in Appendix D. The Addendum Project operational noise levels shown on Table 4 do not include any additional attenuation from intervening structures (e.g., barriers or buildings) to present a conservative analysis. Based on the preceding, the potential for Addendum Project operational (stationary source) noise to: a) result in exposure of persons to or generation of noise levels in excess of standards; b) result in a substantial permanent increase in ambient noise levels; or c) result in a substantial temporary or periodic increase in ambient noise levels would be *less than significant*. The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in *less than significant* operational (stationary-source) noise impacts. Under the Addendum Project, operational (stationary-source) noise impacts would similarly be *less than significant*. On this basis, when compared to the Certified EIR findings, no new or substantially increased operational-source noise impacts would occur under the Addendum Project.

**TABLE 4: OPERATIONAL NOISE LEVEL COMPLIANCE**

Receiver Location <sup>1</sup>	Noise Sources <sup>2</sup>			Combined Operational Noise Levels (dBA $L_{eq}$ ) <sup>3</sup>	Noise Level Standard (dBA $L_{eq}$ ) <sup>4</sup>		Threshold Exceeded? <sup>5</sup>	
	Unloading/Docking Activity	Roof-Top Air Conditioning Unit	Parking Lot Vehicle Movements		Daytime	Nighttime	Daytime	Nighttime
R1	36.9	34.9	26.7	39.3	65	45	No	No
R2	37.2	33.6	25.8	39.0	65	45	No	No
R3	35.9	28.7	24.7	36.9	65	45	No	No
R4	25.0	17.7	13.1	26.0	65	45	No	No
R5	33.9	27.9	23.9	35.2	65	45	No	No

<sup>1</sup> See Exhibit E for the receiver and noise source locations.

<sup>2</sup> Reference noise sources as shown on Table 3.

<sup>3</sup> Calculations for each noise source are provided in Appendix B and do not account for any planned noise barriers in the Project study area.

<sup>4</sup> Exterior noise level standard as shown on Table 1.

<sup>5</sup> Do the estimated operational noise source activities exceed the noise level threshold?

### **ADDENDUM PROJECT OPERATIONAL VIBRATION LEVELS**

The operation of the Project site will include heavy trucks moving on site to and from the loading dock areas. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. Typical vibration levels for heavy trucks at normal traffic speeds do not exceed 65 VdB at 25 feet. (6) Therefore, given that delivery trucks would be traveling on-site at lower speeds, unmitigated Project-related operational vibration levels at the nearby receiver locations are anticipated to remain below 65 VdB. As such, unmitigated Project operational vibration levels would remain below the FTA vibration thresholds of 78 VdB at nearby sensitive receiver locations. On this basis, the operational vibration impacts resulting from transiting heavy trucks would be *less than significant*.

### **OFF-SITE TRAFFIC NOISE ASSESSMENT**

To describe the potential off-site traffic noise associated with the Project, Mountain Pacific, Inc. prepared a Trip Generation Analysis Comparison. (7) Trip generation for the Addendum Project was compared to trip generation that would occur under the development of the subject site envisioned under the Policy Plan. When compared to the Policy Plan land uses, the Addendum Project is forecast to result in approximately 6,892 fewer daily trips, which includes approximately 411 fewer AM peak hour trips and approximately 677 fewer PM peak hour trips. As indicated, the Addendum Project would generate fewer trips than anticipated under the Policy Plan and reflected in the Certified EIR. Reduced traffic generation under the Addendum Project would translate to diminished traffic noise impacts when compared to impacts identified in the Certified EIR. The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable transportation-source noise impacts. Under the Addendum Project, transportation-source noise impacts would be diminished when compared to impacts presented in the Certified EIR. On this basis, when compared to the Certified EIR findings, no new or substantially increased transportation-source noise impacts would occur under the Addendum Project.

### **CONSTRUCTION NOISE ASSESSMENT**

Noise generated by the Addendum Project construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can result in elevated noise levels. This construction noise analysis was prepared using reference noise level measurements taken by Urban Crossroads, Inc. to describe the typical construction activity noise levels. The construction reference noise level measurements represent a list of typical construction activity noise levels. Hard site conditions are used in the construction noise analysis which result in noise levels that attenuate (or decrease) at a rate of 6 dBA for each doubling of distance from a point source (i.e. construction equipment).

**CONSTRUCTION REFERENCE NOISE LEVELS**

To describe the Addendum Project construction noise levels, measurements were collected for similar activities at several construction sites. Table 5 provides a summary of the construction reference noise level measurements. Since the reference noise levels were collected at varying distances, all construction noise level measurements presented on Table 5 have been adjusted to describe a common reference distance of 50 feet.

**TABLE 5: CONSTRUCTION REFERENCE NOISE LEVELS**

ID	Noise Source	Reference Distance From Source (Feet)	Reference Noise Levels @ Reference Distance (dBA L <sub>eq</sub> )	Reference Noise Levels @ 50 Feet (dBA L <sub>eq</sub> )
1	Truck Pass-Bys & Dozer Activity <sup>1</sup>	30'	63.6	59.2
2	Dozer Activity <sup>1</sup>	30'	68.6	64.2
3	Construction Vehicle Maintenance Activities <sup>2</sup>	30'	71.9	67.5
4	Foundation Trenching <sup>2</sup>	30'	72.6	68.2
5	Dozer Pass-By <sup>3</sup>	30'	84.0	79.6
6	Concrete Mixer Truck Movements <sup>4</sup>	50'	71.2	71.2
7	Concrete Paver Activities <sup>4</sup>	30'	70.0	65.6
8	Concrete Mixer Pour Activities <sup>4</sup>	50'	67.7	67.7

<sup>1</sup> As measured by Urban Crossroads, Inc. on 10/14/15 at a business park construction site located at the northwest corner of Barranca Parkway and Alton Parkway in the City of Irvine.

<sup>2</sup> As measured by Urban Crossroads, Inc. on 10/20/15 at a construction site located in Rancho Mission Viejo.

<sup>3</sup> As measured by Urban Crossroads, Inc. on 10/30/15 during grading operations in the City of Ontario.

<sup>4</sup> Reference noise level measurements were collected from a nighttime concrete pour at an industrial construction site, located at 27334 San Bernardino Avenue in the City of Redlands, between 1:00 a.m. to 2:00 a.m. on 7/1/15.

**ADDENDUM PROJECT CONSTRUCTION-SOURCE NOISE LEVELS**

Based on the reference construction noise levels as shown, Table 6 presents the Addendum Project-related construction noise levels when the highest reference noise level is operating at a single point nearest the sensitive receiver location from primary construction activity would range from 43.8 to 62.7 dBA L<sub>eq</sub> at the sensitive receiver locations in the City of Ontario. As shown on Table 7, the construction noise levels will satisfy the City of Ontario Section 5-29.09 of the Municipal Code exterior noise level limit of 65 dBA L<sub>eq</sub> for the neighboring residential land uses (Noise Zone I). Construction-source noise levels that comply with applicable standards do not comprise a substantial permanent increase in ambient noise levels, or a substantial temporary or periodic increase in ambient noise levels.

The construction noise levels shown on Tables 6 and 7 include up to 5 dBA L<sub>eq</sub> of attenuation provided by existing structures (e.g., backyard noise barriers) in the Addendum Project study area based on Federal Transit Administration guidance. (6) The construction noise analysis shows that no new or

substantially increased construction-source noise impacts would occur under the Addendum Project. Based on the preceding, the potential for Addendum Project construction-source noise to: a) result in exposure of persons to or generation of noise levels in excess of standards; b) result in a substantial permanent increase in ambient noise levels; or c) result in a substantial temporary or periodic increase in ambient noise levels would be *less than significant*.

The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable noise impacts. Under the Addendum Project, construction-source noise impacts would be *less than significant*. On this basis, when compared to the Certified EIR findings, no new or substantially increased construction-source noise impacts would occur under the Addendum Project.

**TABLE 7: CONSTRUCTION NOISE LEVELS**

Reference Construction Activity <sup>1</sup>	Reference Noise Level @ 50 Feet (dBA L <sub>eq</sub> )
Truck Pass-Bys & Dozer Activity	59.2
Dozer Activity	64.2
Construction Vehicle Maintenance Activities	67.5
Foundation Trenching	68.2
Dozer Pass-By	79.6
Concrete Mixer Truck Movements	71.2
Concrete Paver Activities	65.6
Concrete Mixer Pour Activities	67.7
Highest Reference Noise Level at 50 Feet (dBA L <sub>eq</sub> ):	79.6

Receiver Location	Distance To Construction Activity (Feet) <sup>2</sup>	Distance Attenuation (dBA L <sub>eq</sub> ) <sup>3</sup>	Estimated Noise Barrier Attenuation (dBA L <sub>eq</sub> ) <sup>4</sup>	Construction Noise Level (dBA L <sub>eq</sub> )
R1	196'	-11.9	-5.0	62.7
R2	285'	-15.1	-5.0	59.5
R3	287'	-15.2	-5.0	59.4
R4	1,731'	-30.8	-5.0	43.8
R5	294'	-15.4	-5.0	59.2

<sup>1</sup> Reference construction noise level measurements taken by Urban Crossroads, Inc.

<sup>2</sup> Distance from the nearest point of construction activity to the nearest receiver (Exhibit D).

<sup>3</sup> Point (stationary) source drop off rate of 6.0 dBA per doubling of distance.

<sup>4</sup> Estimated barrier attenuation from existing barriers and buildings in the Addendum Project study area.



**TABLE 8: CONSTRUCTION EQUIPMENT NOISE LEVEL SUMMARY**

Receiver Location <sup>1</sup>	Construction Noise Levels (dBA L <sub>eq</sub> )		
	Highest Construction Noise Levels <sup>2</sup>	Threshold <sup>3</sup>	Threshold Exceeded? <sup>4</sup>
R1	62.7	65	No
R2	59.5	65	No
R3	59.4	65	No
R4	43.8	65	No
R5	59.2	65	No

<sup>1</sup> Noise receiver locations are shown on Exhibit D.

<sup>2</sup> Highest construction noise levels during peak operating conditions, as shown on Table 6.

<sup>3</sup> Construction noise level threshold if construction activities occur outside the permitted hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. weekends, excluding federal holidays.

<sup>4</sup> Do the estimated Project construction noise levels meet the construction noise level threshold?

## CONSTRUCTION VIBRATION ASSESSMENT

This analysis focuses on the potential ground-borne vibration associated with vehicular traffic and construction activities. Ground-borne vibration levels from vehicular traffic are generally overshadowed by vibration generated by heavy trucks that roll over the same uneven roadway surfaces. However, due to the rapid drop-off rate of ground-borne vibration and the short duration of the associated events, vehicular traffic-induced ground-borne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity.

However, while vehicular traffic is rarely perceptible, construction has the potential to result in varying degrees of temporary ground vibration, depending on the specific construction activities and equipment used. Ground vibration levels associated with various types of construction equipment are summarized on Table 9. Based on the representative vibration levels presented for various construction equipment types, it is possible to estimate the human response (annoyance) and potential for building damage using the following vibration assessment methods defined by the FTA. (6) To describe the potential vibration levels capable of causing building damage the FTA provides the following equation:

$$PPV_{\text{equip}} = PPV_{\text{ref}} \times (25/D)^{1.5}$$

**TABLE 8: VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT**

Equipment	Vibration Decibels (VdB) at 25 feet <sup>1</sup>
Small bulldozer	58
Jackhammer	79
Loaded Trucks	86
Large bulldozer	87

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, September 2018.

### **ADDENDUM PROJECT CONSTRUCTION VIBRATION LEVELS**

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that ground-borne vibration from Project construction activities would cause only intermittent, localized intrusion. The Addendum Project’s construction activities most likely to cause vibration impacts are:

- **Heavy Construction Equipment:** Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration, the vibration is usually short-term and is not of sufficient magnitude to cause building damage. It is not expected that heavy equipment such as large bulldozers would operate close enough to any residences to cause a vibration impact.
- **Trucks:** Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Ground-borne vibration levels resulting from construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). Construction activities that would have the potential to generate low levels of ground-borne vibration within the Project site include grading. Using the vibration source level of construction equipment provided on Table 8 and the construction vibration assessment methodology published by the FTA, it is possible to estimate the Addendum Project vibration impacts.

Table 9 shows the highest construction vibration levels are expected to approach 60.2 VdB at sensitive receiver locations (e.g., residential, school) and will satisfy the 78 VdB residential identified by the FTA, and as such, would result in *less than significant* impacts. Moreover, the impacts at the site of the closest sensitive receivers are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site perimeter.

**TABLE 9: CONSTRUCTION EQUIPMENT VIBRATION LEVELS**

Receiver Location <sup>1</sup>	Land Use	Distance to Construction Activity (Feet)	Receiver Vibration Levels (VdB) <sup>2</sup>					Threshold (VdB)	Threshold Exceeded? <sup>3</sup>
			Small Bulldozer	Jack-hammer	Loaded Trucks	Large Bulldozer	Highest Vibration Levels		
R1	Residential	196'	31.2	52.2	59.2	60.2	60.2	78	No
R2	Residential	285'	26.3	47.3	54.3	55.3	55.3	78	No
R3	Residential	287'	26.2	47.2	54.2	55.2	55.2	78	No
R4	School	1,731'	2.8	23.8	30.8	31.8	31.8	78	No
R5	Residential	294'	25.9	46.9	53.9	54.9	54.9	78	No

<sup>1</sup> Noise receiver locations are shown on Exhibit D.

<sup>2</sup> Based on the Vibration Source Levels of Construction Equipment included on Table 8.

<sup>3</sup> Does the vibration level exceed the FTA acceptable vibration level for the given land use?

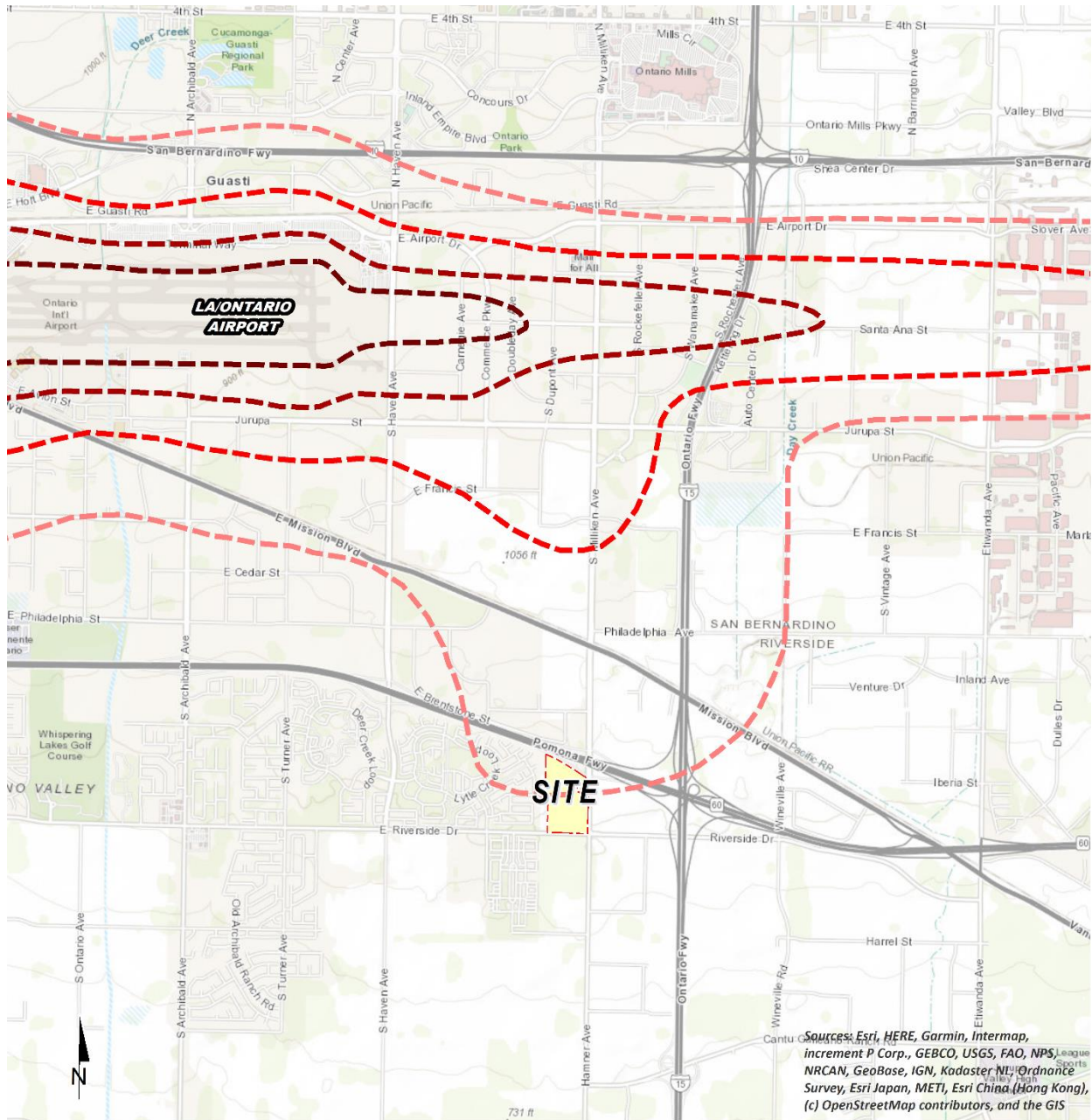
The Certified EIR concluded that development of land uses pursuant to the Policy Plan would result in significant and unavoidable construction-source vibration impacts. Under the Addendum Project, construction-source vibration impacts would be *less-than-significant*. On this basis, when compared to the Certified EIR findings, no new or substantially increased construction-source vibration impacts would occur under the Addendum Project.

## AIRPORT NOISE LEVEL ASSESSMENT

The Project site is located roughly two miles southeast of the Ontario International Airport (ONT). The *Ontario International Airport Land Use Compatibility Plan* was amended on July 2018 (8) to promote compatibility between airport and the land uses that surround it. As shown on Exhibit F, the Project site is located within the airport influence area exposing the site to exterior noise levels ranging from 60-65 dBA CNEL. The Table 2-3 Noise Criteria established within the *Ontario International Airport Land Use Compatibility Plan* would apply to the Addendum Project. (8)

Industrial land uses located within the 60-65 dBA CNEL noise level contours of LA/ONT, such as the Addendum Project, are considered *normally compatible land use* and must reduce interior noise levels to 50 dBA CNEL. Standard building construction practices required under the State of California Green Building Standards Code (CALGreen) typically provide up to 25 dBA CNEL of attenuation. With respect to noise generated by the ONT Airport facilities and activities, application of standard CALGreen construction practices would yield acceptable Project interior noise levels of approximately 35 to 40 dBA CNEL. The Addendum Project does not propose or require facilities or actions that would contribute to or exacerbate noise generated by ONT facilities and activities. Based on the preceding, the Addendum Project would not be adversely affected by airport/airfield noise, nor would the Addendum Project contribute to or result in adverse airport/airfield noise impacts.

**EXHIBIT F: AIRPORT NOISE CONTOUR BOUNDARIES**



Mr. Ross Geller  
Applied Planning, Inc.  
May 13, 2021  
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## CONCLUSIONS

Based upon the information provided in this Noise Impact Assessment Memorandum, the proposed Addendum Project would not result in any new or substantially increased construction-source or operational-source noise/vibration impacts, nor would the Addendum Project result in a substantial increase in the severity of any noise/vibration impacts previously considered and addressed in the Certified EIR. Further, the Addendum Project would not be exposed to or contribute to potentially significant airport noise impacts. This Noise Impact Assessment Memorandum substantiates that the Addendum Project would in no instance result in potentially significant noise/vibration impacts. If you have any questions, please contact me directly at (949) 584-3148.

Respectfully submitted,

URBAN CROSSROADS, INC.



Bill Lawson, P.E., INCE  
Principal

## REFERENCES

1. **City of Ontario.** *The Ontario Plan Draft EIR.* April 2009.
2. —. *Municipal Code, Title 5, Chapter 29 - Noise.*
3. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment.* May 2006.
4. **American National Standards Institute (ANSI).** *Specification for Sound Level Meters ANSI S1.4-2014/IEC 61672-1:2013.*
5. **California Department of Transportation Environmental Program.** *Technical Noise Supplement - A Technical Supplement to the Traffic Noise Analysis Protocol.* Sacramento, CA : s.n., September 2013.
6. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment.* September 2018.
7. **Mountain Pacific, Inc.** *Trip Generation Analysis Comparison for Toscana Square, Ontario, CA.* October, 2019.
8. **City of Ontario.** *Ontario International Airport Land Use Compatibility Plan.* July 2018.

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## **APPENDIX A**

### **CITY OF ONTARIO MUNICIPAL CODE NOISE STANDARDS**



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**CHAPTER 29: NOISE**

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- 5-29.01 Declaration of findings and policy
- 5-29.02 Definitions
- 5-29.03 Designated noise zones
- 5-29.04 Exterior noise standards
- 5-29.05 Interior noise standards
- 5-29.06 Exemptions
- 5-29.07 Loud and disturbing noise
- 5-29.08 Real property maintenance noise regulations
- 5-29.09 Construction activity noise regulations
- 5-29.10 Other public agency exceptions
- 5-29.11 Schools, day care centers, churches, libraries, museums, health care institutions; Special provisions
- 5-29.12 Sound amplifying equipment
- 5-29.13 Amplified sound
- 5-29.14 Motor vehicles
- 5-29.15 Noise level measurement
- 5-29.16 Prima facie violation
- 5-29.17 Penalty
- 5-29.18 Enforcement and administration
- 5-29.19 City Manager waiver
- 5-29.20 Noise abatement program

**Sec. 5-29.01. Declaration of findings and policy.**

It is hereby found and declared that:

- (a) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the City is a condition that has existed for some time, however, the extent and volume of such noises is increasing;
- (b) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises that are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City; and
- (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the residents of the City.

(§ 2, Ord. 2888, eff. March 6, 2008)

**Sec. 5-29.02. Definitions.**

As used in this chapter, specific words and phrases are defined as follows:

- (a) "Ambient noise level" shall mean the all-encompassing noise level associated with a given environment and is a composite of sounds from all sources, excluding the alleged offensive noise or excessive sound, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- (b) "Applicable (noise) zone" shall mean the noise zone category based on the actual use of the property, provided that the actual use is a legal use in the City.
- (c) "A-weighted sound level" shall mean the sound pressure level in decibels (dBAs) as measured with a sound level meter using the A-weighted filter network (scale) at slow response and at a pressure of twenty (20) micropascals. The A-weighted filter de-emphasizes the very low and a very high frequency component of sound in a manner similar to the response of the human ear, and is a numerical method of rating human judgment of loudness.
- (d) "Decibel (dBA)" shall mean a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of pressure of the sound measured to the reference pressure of twenty (20) micropascals.
- (e) "Equivalent sound or noise level (Leq)" shall mean the International Electrotechnical Commission (IEC) 60804 Standard for measurement, or the most recent revision thereof, for the sound level corresponding to a steady state noise level over a given sample period with the same amount of acoustic energy as the actual time varying noise level or the energy average noise level during the sample period. The measurement period for the purposes of this chapter is fifteen (15) minutes.
- (f) "Impulsive noise" shall mean a noise of short duration usually less than one (1) second and of high intensity, with an abrupt onset and rapid decay. Such objectionable noises may also be repetitive.
- (g) "Intrusive noise" shall mean that noise that intrudes over and above the ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence and tonal information content, as well as the prevailing ambient noise level.
- (h) "Maintenance" shall mean the upkeep, repair or preservation of existing property or structures.
- (i) "Noise" shall mean any unwanted sound or sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing or is otherwise annoying.
- (j) "Noise level (sound level)" shall mean the weighted sound pressure level obtained by use of a sound level meter having a standard frequency filter for attenuating part of the sound spectrum. For purposes of this chapter, all noise levels (sound levels) shall be A-weighted sound pressure level.
- (k) "Noise (sound) level meter" shall mean an instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement and determination of noise and sound levels. For the purposes of this chapter, the sound level meter must meet the International Electrotechnical Commission (IEC) 60651 and 60804 Standards, or the most recent revisions thereof, for Type 1 sound level meters or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(§ 2, Ord. 2888, eff. March 6, 2008)

**Sec. 5-29.03. Designated noise zones.**

The properties hereinafter described shall be assigned to the following noise zones:

Noise Zone I:	All single-family residential properties;
Noise Zone II:	All multi-family residential properties and mobile home parks;
Noise Zone III:	All commercial property;

Noise Zone IV:	The residential portion of mixed use properties;
Noise Zone V:	All manufacturing or industrial properties and all other uses.

The actual use of the property, and not necessarily its zoning designation, shall be the determining factor in establishing whether a property is in Noise Zone I, II, III, IV or V, provided that the actual use is a legal use within the applicable zone.

(§ 2, Ord. 2888, eff. March 6, 2008)

**Sec. 5-29.04. Exterior noise standards.**

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

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

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

(2) Measurements for compliance are made on the affected property pursuant to § 5-29.15.

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

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

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

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

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

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

**Sec. 5-29.05. Interior noise standards.**

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

<b>Allowable Interior Noise Level (1)</b>		<b>Allowed Equivalent Noise Level, Leq. (2)</b>	
<b>Noise Zone</b>	<b>Type of Land Use</b>	<b>7 a.m. to 10 p.m.</b>	<b>10 p.m. to 7 a.m.</b>
I	Single-Family Residential	45 dBA	40 dBA
II	Multi-Family Residential, Mobile Home Parks	45 dBA	40 dBA
IV	Residential Portion of Mixed Use	45 dBA	40 dBA

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

(2) Measurements for compliance are made on the affected property pursuant to § 5-29.15.

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

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

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

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

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

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

**Sec. 5-29.06. Exemptions.**

The following activities shall be exempted from the provisions of this chapter:

(a) Any activity conducted on public property, or on private property with the consent of the owner, by any public entity or its officers, employees, representatives, agents, subcontractors, permittees, licensees or lessees that the public entity has authorized are exempt from the provisions of this chapter. This includes, without limitation, sporting and recreational activities that are sponsored, co-sponsored, permitted or allowed by the City or any school district within the City's jurisdictional boundaries. This also includes, without limitation, occasional outdoor gatherings, public dances, shows or sporting and entertainment events, provided such events are conducted pursuant to an approval, authorization, contract, lease, permit or sublease by the appropriate public entity, specifically the planning commission or City Council.

(b) Occasional outdoor gatherings, public dances, show, sporting and entertainment events, provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;

(c) Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle, work or warning alarm or bell, provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within forty-five (45) minutes in any hour of its being activated;

(d) Noise sources associated with construction, repair, remodeling, demolition or grading of any real property. Such activities shall instead be subject to the provisions of § 5-29.09;

(e) Noise sources associated with construction, repair, remodeling, demolition or grading of public rights-of-way or during authorized seismic surveys;

(f) All mechanical devices, apparatus or equipment associated with agriculture operations provided that:

(1) Operations do not take place between 8:00 p.m. and 7:00 a.m.;

(2) Such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or

(3) Such operations and equipment are associated with agricultural pest control through pesticide application, provided the application is made in accordance with permits issued by or regulations enforced by the California Department of Agriculture;

(g) Noise sources associated with the maintenance of real property. Such activities shall instead be subject to the provisions of § 5-29.08;

(h) Any activity to the extent regulation thereof has been preempted by state or federal law;

(i) Any noise sources associated with people and/or music associated with a party at a residential property. Such noise shall be subject to the provisions of OMC § 5-29.07;

(j) Any noise source emanating from an ice cream truck within the City. Such noise shall be subject to the provisions of OMC § 4-18.04;

(k) Any noise sources associated with barking dogs or other intermittent noises made by animals on any property within the City. Such noise shall be subject to the provisions of OMC Chapter 1, Title 6;

(l) Noise sources related to uses approved by a permit or development agreement adopted prior to the date of adoption of this chapter and that contains acoustic or noise standard conditions of approval. This exemption shall only be applicable during the effective period of the City-approved permit or development agreement.

(§ 2, Ord. 2888, eff. March 6, 2008)

### **Sec. 5-29.07. Loud and disturbing noise.**

(a) It is unlawful for any person or property owner within the City to make, cause or allow to be made any loud, excessive, impulsive or intrusive noise, disturbance or commotion that disturbs the peace or quiet of any area or that causes discomfort or annoyance to any reasonable person of normal sensitivities in the area, after a Police or Code Enforcement Officer has first requested that the person or property owner cease and desist from making such noise. The types of loud, disturbing, excessive, impulsive or intrusive noise may include, but shall not be limited to, yelling, shouting, hooting, whistling, singing, playing a musical instrument, or emitting or transmitting any loud music or noise from any mechanical or electrical sound making or sound-amplifying device.

(b) The factors, standards, and conditions that may be considered in determining whether a violation of the provisions of this section has been committed, included, but not limited to, the following:

(1) The level of the noise;

(2) The level and intensity of the background (ambient) noise, if any;

(3) The proximity of the noise to residential or commercial sleeping areas;

(4) The nature and zoning of the area within which the noise emanates;

(5) The density of inhabitation of the area within which the noise emanates;

(6) The time of day and night the noise occurs;

(7) The duration of the noise;

(8) Whether the noise is constant, recurrent or intermittent;

(9) Whether the noise is produced by a commercial or noncommercial activity; and

(10) Whether the use is lawful under the provisions of Title 5 of this Code and whether the noise is one that could reasonably be expected from the activity or allowed use.

(§ 2, Ord. 2888, eff. March 6, 2008)

### **Sec. 5-29.08. Real property maintenance noise regulations.**

(a) No person, while engaged in maintenance of real property, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, except between the hours of 8:00 a.m. and 6:00 p.m.

(b) Trimming or pruning that requires the use of chainsaws or mulching machines shall only be allowed between the hours of 8:00 a.m. and 6:00 p.m. on a weekday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturday or Sunday.

(c) The use of electrical or gasoline powered blowers, such as commonly used by gardeners or other persons for cleaning lawns, yards, driveways, gutters and other property shall only be allowed between the hours of 8:00 a.m. and 6:00 p.m. on a weekday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturday or Sunday.

(d) No landowner, gardener, property maintenance service, contractor, subcontractor or employer shall permit or allow any person or persons working under his or her direction or control to operate any tool, equipment or machine in violation of the provisions of this section.

(e) Exceptions. The provisions of this section shall not apply to the following:

(1) Emergency property maintenance required by the building official;

(2) The maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

(i) The City Manager or department head determines that the maintenance, repair or improvement is immediately necessary to maintain public service,

(ii) The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours, or

(iii) The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes maintenance during hours of the day that would otherwise be prohibited pursuant to this section; and

(3) Any maintenance that complies with the noise limits specified in § 5-29.04.

(§ 2, Ord. 2888, eff. March 6, 2008)

### **Sec. 5-29.09. Construction activity noise regulations.**

(a) No person, while engaged in construction, remodeling, digging, grading, demolition or any other related building activity, shall operate any tool, equipment or machine in a manner that produces loud noise that disturbs a person of normal sensitivity who works or resides in the vicinity, or a Police or Code Enforcement Officer, on any weekday except between the hours of 7:00 a.m. and 6:00 p.m. or on Saturday or Sunday between the hours of 9:00 a.m. and 6:00 p.m.

(b) No landowner, construction company owner, contractor, subcontractor, or employer shall permit or allow any person or persons working under their direction and control to operate any tool, equipment or machine in violation of the

provisions of this section.

(c) Exceptions.

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

(2) The maintenance, repair or improvement of any public work or facility by public employees, by any person or persons acting pursuant to a public works contract, or by any person or persons performing such work or pursuant to the direction of, or on behalf of, any public agency; provided, however, this exception shall not apply to the City, or its employees, contractors or agents, unless:

(i) The City Manager or a department head determines that the maintenance, repair or improvement is immediately necessary to maintain public services,

(ii) The maintenance, repair or improvement is of a nature that cannot feasibly be conducted during normal business hours, or

(iii) The City Council has approved project specifications, contract provisions, or an environmental document that specifically authorizes construction during hours of the day that would otherwise be prohibited pursuant to this section; and

(3) Any construction that complies with the noise limits specified in §§ 5-29.04 or 5-29.05.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.10. Other public agency exceptions.**

The provisions of this chapter shall not be construed to prohibit any work at different hours by or under the direction of any other public agency or public or private utility companies in cases of necessity or emergency.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.11. Schools, day care centers, churches, libraries, museums, health care institutions; Special provisions.**

It is unlawful for any person to create any noise that causes the outdoor noise level at any school, day care center, hospital or similar health care institution, church, library or museum while the same is in use, to exceed the noise standards specified in § 5-29.04 prescribed for the assigned Noise Zone I.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.12. Sound amplifying equipment.**

Loudspeakers, sound amplifiers, public address systems or similar devices used to amplify sounds shall be subject to the provisions of § 5-29.13. Such sound amplifying equipment shall not be construed to include electronic devices, including but not limited to, radios, tape players, tape recorders, compact disc players, MP3 players, electric keyboards, music synthesizers, record players or televisions, which are designed and operated for personal use, or used entirely within a building and are not designed or used to convey the human voice, music or any other sound to an audience outside such building, or which are used in vehicles and heard only by occupants of the vehicle in which installed.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.13. Amplified sound.**

(a) The City Council enacts the following legislation for the sole purpose of securing and promoting the public health, comfort, safety and welfare for its citizenry. While recognizing that the use of sound amplifying equipment may be entitled to certain protection by the constitutional rights of freedom of speech and assembly, the City Council finds that in order to protect the public safety and the correlative rights of the citizens of this community to privacy and freedom from public  
Items B, C, & D 59 of 251



nuisance of loud and unnecessary noise, reasonable regulation of the time, place and manner of the use of amplifying equipment is necessary. In no event shall approval or authorization required herein be withheld by reason of the constitutionally protected content of any material proposed to be broadcast through amplifying equipment.

(b) It is unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use or operate a loudspeaker or sound amplifying device in a fixed or movable position or mounted upon any vehicle within the City for the purpose of giving instructions, directions, talks, addresses or lectures to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without a permit to do so from the Police Chief or his or her designee. Notwithstanding any other provision of this chapter, the provisions of this section shall also apply to the use of sound amplifying equipment upon public or private property when used in connection with outdoor or indoor public or private events, whether or not admission is charged or food or beverages are sold, when such activity is to be attended by more than one hundred (100) persons and the noise emanating from the event will be audible at the property plane, or in the case of a street dance or concert on the nearest residential property. Those activities listed in § 5-29.06(a) are exempt from the requirements of this section.

(c) The Police Chief or his or her designee is authorized to approve and issue permits under this section.

(d) An application for a permit required by this section shall be filed with the Police Chief at least sixteen (16) days and no more than one hundred twenty (120) days prior to the date on which the sound amplifying equipment is intended to be used. Applications for events covered by the First Amendment of the United States Constitution are exempt from the time requirements of this section if it is shown that circumstances require a shorter filing period and the event will not constitute an unsafe condition. The application shall contain the following information:

(1) The name, address and telephone number of both the owner and the user of the sound amplifying equipment;

(2) The license number, if a sound truck is to be used;

(3) A general description of the sound amplifying equipment which is to be used;

(4) Whether sound amplifying equipment will be used for commercial or noncommercial purpose;

(5) The dates and times upon and within which, and the streets or property over or upon which, the equipment is proposed to be operated;

(6) The name or names of one (1) or more persons who will be present during the conduct of any activities for which registration is sought and who will have authority to reduce the volume of any sound amplifying equipment during the course of the activities if required pursuant to this chapter and, otherwise, to insure compliance with the provisions of this chapter;

(7) A statement by the applicant that he or she is willing and able to comply with the provisions of this chapter and the conditions of the permit; and

(8) A sketch of the area or facilities within which the activities are to be conducted, with approximate dimensions and illustration of the location and orientation of all sound-amplifying equipment.

(e) The Police Chief shall deny the permit application or revoke any permit if the chief finds any of the following:

(1) The application contains materially false or intentionally misleading information;

(2) The use of sound amplifying equipment at an event or activity proposed will be located in or upon a premises, building or structure that is hazardous to the health or safety of the employees or patrons of the premises, business, activity, or event, or the general public, under the standards established by the Uniform Building or Fire Codes, or other applicable codes, as set forth in OMC Titles 4 and 8;

(3) The use of sound amplifying equipment at an event or activity proposed in or upon a premises, building or structure that lacks adequate on-site parking for participants attending the proposed event or activity under the applicable standards set forth in OMC Title 9;

(4) The conditions of any motor vehicle movement are such that, in his or her opinion, the use of the equipment would constitute an unreasonable interference with traffic safety;

(5) The conditions of pedestrian movement are such that the use of the equipment would constitute a detriment to traffic safety;

(6) The application submitted by the applicant reveals that the applicant would violate the provisions of this section or any other provision of federal, state and/or local law;

(7) The applicant is unwilling or unable to comply with the provisions of this chapter or any conditions imposed upon any permit issued;

(8) There had already been a permitted event at the intended location, or within a two hundred (200) yard radius of the intended location and the prior permitted event was located on residentially zoned property or on a street, alley, public parking lot or neighborhood park within three (3) months prior to the intended event. Community parks are exempt from this subsection (8); or

(9) The applicant or location has had previous violations within the past calendar year, and in the judgment of the Police Chief, issuance would be contrary to the intent of this section.

(f) In determining whether the use of the equipment would constitute an unreasonable interference with or detriment to traffic safety, the Police Chief shall consider, but shall not necessarily be limited to:

(1) The volumes, patterns and speed of vehicular and pedestrian traffic in the proposed area of use;

(2) The relationship of the proposed use of equipment and potential impacts upon traffic patterns;

(3) Availability of sufficient room for the operation of the equipment without significantly interfering with the traffic patterns;

(4) Proximity to schools, playgrounds and similar facilities where use of such equipment might attract children into traffic patterns; or

(5) Proximity to busy intersections or other potentially hazardous conditions where use of such equipment might constitute a hazard by reason of its tendency to distract drivers of vehicles or pedestrians.

(g) Issuance or denial.

(1) If the application is approved, the Police Chief shall return an approved copy of the application to the applicant and shall issue a permit. The permit shall constitute permission for the use of the sound amplifying equipment as requested.

(2) Any application filed shall be either approved or disapproved within five (5) days of the filing thereof.

(3) If the application is disapproved, the Police Chief shall return a disapproved copy forthwith to the applicant with a written statement on the reason for disapproval.

(i) Any person aggrieved by a decision of the Police Chief or his or her designee may file an appeal to the City Manager. A complete and proper appeal shall be filed with the City Clerk within ten (10) calendar days of the action that is the subject of the appeal. If the applicant fails to file an appeal within the ten (10) day filing period provided herein, denial shall take effect immediately upon expiration of such filing period. All appeals shall be in writing and shall contain the following information: (a) name(s) of the person filing the appeal, (b) a brief statement in ordinary and concise language of the relief sought, and (c) the signatures of all parties named as appellants and their mailing addresses. After receiving the appeal, the City Clerk shall immediately forward the matter to the City Manager for handling.

(ii) The City Manager shall, upon receipt of the appeal, set the matter for hearing before the City Manager or a hearing officer. Any hearing officer shall be a licensed attorney or recognized mediator designated by the City Manager. The hearing shall be set for not more than ten (10) calendar days after the receipt of the appeal unless a longer time is requested or consented to by the appellant. Notice of such hearing shall be given in writing and mailed at least five (5) calendar days prior to the date of the hearing, by U.S. mail, with a proof of service attached, addressed to the address listed on the permit application, or the written appeal if different from the permit application. The notice shall state the grounds of the complaint or reason for the denial and shall state the time and place where such hearing will be held.

(iii) The City Manager or hearing officer shall, within ten (10) calendar days following the conclusion of the hearing, make a written finding and decision, which shall be delivered to the City and the appellant by first class mail. Notwithstanding any provision in this Code, the decision of the City Manager or hearing officer shall be the final administrative decision of the City. Any party dissatisfied with the decision of the City Manager or hearing officer may seek review of such decision under the provisions of Code Civil Procedure, §§ 1094.5 and 1094.8, as amended from time to time.

(h) In addition to any other provisions of this Code, the use of sound-amplifying equipment and sound trucks in the City shall be subject to the following regulations:

(1) The only sounds permitted are music and human speech;

(2) Sound shall not be emitted within one hundred (100) yards of hospitals, churches, schools and City Hall;

(3) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment or sound truck, and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the range of allowed audibility; or

(4) The sound amplifying equipment or sound truck shall not be used between the hours of 8:00 p.m. and 8:00 a.m.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.14. Motor vehicles.**

The use of any motor vehicle in such a condition as to create excessive, impulsive or intrusive noises is prohibited. The discharge into the open air of the exhaust of any internal combustion engine, stationary or mounted on wheels, motorboat or motor vehicle, including motor cycle, whether or not discharged through a muffler or other similar device, which discharge creates excessive, unusual, impulsive or intrusive noise is prohibited. Motor vehicles shall comply with the noise regulations of the California Vehicle Code.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.15. Noise level measurement.**

(a) The location selected for measuring exterior noise levels in a residential area shall be at any part of a private yard, patio, deck or balcony normally used for human activity and identified by the owner or, if occupied by someone other than the owner, the occupant of the affected property as suspected of exceeding the noise level standard. This location may be the closest point in the private yard or patio, or on the deck or balcony, to the noise source, but should not be located in nonhuman activity areas such as trash container storage areas, planter beds, above or contacting a property line fence, or other areas not normally used as part of the yard, patio, deck or balcony. The location selected for measuring exterior noise levels in a nonresidential area shall be at the closest point to the noise source. The measurement microphone height shall be five (5) feet above finish elevation or, in the case of a deck or balcony, the measurement microphone height shall be five (5) feet above the finished floor level.

(b) The location selected for measuring interior noise levels shall be made within the affected residential unit. The measurements shall be made at a point at least four (4) feet from the wall, ceiling or floor, or within the frame of a window opening, nearest the noise source. The measurements shall be made with windows in an open position.

(c) Any decibel measurement made pursuant to the provisions of this chapter shall be measured in decibels (dBAs) as measured with a sound level meter using the A-weighted sound pressure level.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.16. Prima facie violation.**

Any noise exceeding the noise level standard as specified in §§ 5-29.04 and 5-29.05, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.17. Penalty.**

(a) Any person who negligently or knowingly violates any provision of this chapter shall be guilty of an infraction and upon conviction shall be punishable by a fine specified in OMC § 1-2.01. Each day a violation occurs shall constitute a separate offense and shall be punishable as such.

(b) Any person who negligently or knowingly violates any provision of this chapter may also be subject to fine(s) specified in the administrative citation schedule of fines set forth in OMC § 1-5.04. The manner of issuing administrative citations shall comply with all the procedures specified in OMC Chapter 5, Title 1.

(c) As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter, which operation or maintenance causes or creates sound levels exceeding the allowable

standards as specified in this chapter, shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(d) Any violation of this chapter is declared to be a public nuisance and may be abated in accordance with law. The expense of enforcing this chapter is declared to be public nuisance and may be by resolution of the City Council declared to be a lien and special assessment against the property on which such nuisance is maintained, and any such charge shall also be a personal obligation of the property owner.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.18. Enforcement and administration.**

(a) It shall be the responsibility of Police or Code Enforcement Officers to enforce the provisions of this chapter and to perform all other functions required by this chapter. Such duties shall include, but not be limited to investigating potential violations, issuing warning notices and citations, and providing evidence to the City prosecutor for legal action.

(b) For violations of § 5-29.07, Police or Code Enforcement Officers shall obtain a declaration under penalty of perjury from two (2) declarants living in separate households within a sixty (60) day period stating in detail all of the following:

(1) That the declarant is a resident of a residential neighborhood located within two hundred (200) yards of the noise source; and

(2) Within the past month declarant has heard noise for substantially long periods to the extreme annoyance of the declarant.

(3) Declarations from two (2) declarants are required to prove a violation of § 5-29.07, but are not required to prove that a person has violated any other provision of this chapter.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.19. City Manager waiver.**

The City Manager is authorized to grant a temporary waiver to the provisions of this chapter for a period of time necessary to correct the violations of this chapter, if such temporary waiver would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary waiver is sought. This time period may include a commitment to a program that includes placing necessary orders and entering into necessary contracts within thirty (30) days for repair or installation.

(§ 2, Ord. 2888, eff. March 6, 2008)

#### **Sec. 5-29.20. Noise abatement program.**

(a) In circumstances where adopted community-wide noise standards and policies prove impractical in controlling noise generated from a specific source, the City Council may establish a noise abatement program that recognizes the characteristics of the noise source and affected property and that incorporates specialized mitigation measures.

(b) Noise abatement programs shall set forth in detail the approved terms, conditions and requirements for achieving maximum compliance with noise standards and policies. Said terms, conditions and requirements may include, but shall not be limited to, limitations, restrictions, or prohibitions on operating hours, location of operations, and the types of equipment.

(§ 2, Ord. 2888, eff. March 6, 2008)

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## **APPENDIX B**

### **STUDY AREA PHOTOS**

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JN: 12648 Study Area Photos



L1\_E

34, 1' 25.870000", 117, 33' 49.010000"



L1\_N

34, 1' 25.870000", 117, 33' 48.980000"



L1\_S

34, 1' 25.870000", 117, 33' 48.980000"



L1\_W

34, 1' 25.870000", 117, 33' 49.010000"



L2\_E

34, 1' 15.370000", 117, 33' 47.550000"



L2\_N

34, 1' 15.280000", 117, 33' 47.580000"



JN: 12648 Study Area Photos



L2\_S

34, 1' 15.370000", 117, 33' 47.550000"



L2\_W

34, 1' 15.380000", 117, 33' 47.470000"



L3\_E

34, 1' 9.150000", 117, 33' 46.100000"



L3\_N

34, 1' 8.540000", 117, 33' 50.910000"



L3\_S

34, 1' 9.230000", 117, 33' 46.020000"



L3\_W

34, 1' 9.120000", 117, 33' 46.020000"

JN: 12648 Study Area Photos



L4\_E  
34, 1' 6.170000", 117, 34' 0.820000"



L4\_N  
34, 1' 6.110000", 117, 34' 0.820000"



L4\_S  
34, 1' 6.110000", 117, 34' 0.820000"



L4\_W  
34, 1' 6.170000", 117, 34' 0.820000"



L5\_G  
34, 1' 6.440000", 117, 33' 45.410000"



L5\_N  
34, 1' 5.930000", 117, 33' 48.600000"

JN: 12648 Study Area Photos



L5\_S

34, 1' 6.480000", 117, 33' 45.380000"



L5\_W

34, 1' 6.450000", 117, 33' 45.380000"

## **APPENDIX C**

### **NOISE LEVEL MEASUREMENT WORKSHEETS**

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## 24-Hour Noise Level Measurement Summary

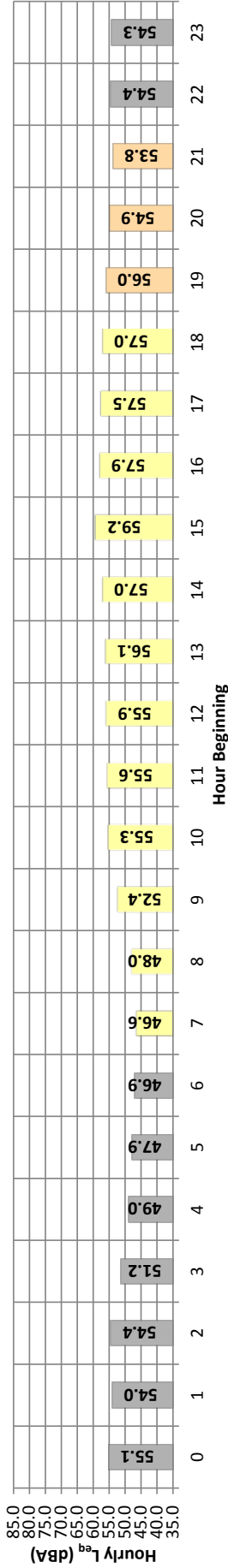
Date: Thursday, October 10, 2019  
Project: Tuscana

Location: L1 - Located along McCloud River Ln behind single family home at 3968 Klamath River Dr.

Meter: Piccolo I

JN: 12648  
Analyst: P. Mara

Hourly  $L_{eq}$  dBA Readings (unadjusted)



Timeframe	Hour	$L_{eq}$	$L_{max}$	$L_{min}$	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	$L_{eq}$	Adj.	Adj. $L_{eq}$	
Night	0	55.1	73.1	45.0	68.0	64.0	58.0	55.0	52.0	50.0	48.0	47.0	46.0	55.1	10.0	65.1	
	1	54.0	73.7	45.2	63.0	60.0	56.0	54.0	51.0	50.0	48.0	47.0	46.0	54.0	10.0	64.0	
	2	54.4	76.8	47.9	64.0	61.0	57.0	55.0	52.0	51.0	49.0	49.0	48.0	54.4	10.0	64.4	
	3	51.2	60.4	47.1	57.0	56.0	55.0	54.0	52.0	49.0	47.0	47.0	47.0	51.2	10.0	61.2	
	4	49.0	54.2	46.8	52.0	52.0	51.0	50.0	49.0	48.0	47.0	47.0	47.0	49.0	10.0	59.0	
	5	47.9	58.2	46.4	53.0	51.0	49.0	49.0	47.0	47.0	47.0	47.0	46.0	47.9	10.0	57.9	
	6	46.9	64.0	46.3	47.0	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	10.0	56.9	
Day	7	46.6	48.3	46.3	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.6	0.0	46.6	
	8	48.0	71.4	46.3	48.0	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	48.0	0.0	48.0	
	9	52.4	64.1	46.7	59.0	58.0	56.0	55.0	53.0	52.0	50.0	47.0	47.0	52.4	0.0	52.4	
	10	55.3	68.7	51.0	59.0	58.0	57.0	57.0	55.0	54.0	53.0	52.0	52.0	55.3	0.0	55.3	
	11	55.6	64.2	51.6	59.0	58.0	57.0	57.0	56.0	55.0	53.0	53.0	52.0	55.6	0.0	55.6	
	12	55.9	72.2	51.3	60.0	59.0	58.0	57.0	56.0	55.0	53.0	53.0	52.0	55.9	0.0	55.9	
	13	56.1	73.0	52.2	59.0	58.0	57.0	57.0	56.0	55.0	53.0	53.0	53.0	56.1	0.0	56.1	
Evening	14	57.0	78.8	52.5	62.0	60.0	58.0	58.0	56.0	56.0	54.0	54.0	53.0	57.0	0.0	57.0	
	15	59.2	71.1	53.6	68.0	67.0	63.0	61.0	58.0	57.0	55.0	55.0	54.0	59.2	0.0	59.2	
	16	57.9	72.1	53.8	66.0	64.0	60.0	59.0	57.0	56.0	55.0	55.0	54.0	57.9	0.0	57.9	
	17	57.5	73.7	54.0	62.0	60.0	59.0	58.0	57.0	57.0	55.0	55.0	54.0	57.5	0.0	57.5	
	18	57.0	69.6	53.1	61.0	60.0	58.0	58.0	57.0	56.0	55.0	55.0	54.0	57.0	0.0	57.0	
	19	56.0	71.3	51.7	60.0	59.0	57.0	57.0	56.0	55.0	54.0	53.0	53.0	56.0	5.0	61.0	
	20	54.9	72.8	47.7	58.0	57.0	56.0	56.0	55.0	54.0	52.0	52.0	51.0	54.9	5.0	59.9	
Night	21	53.8	65.1	49.0	58.0	57.0	56.0	55.0	54.0	53.0	51.0	50.0	49.0	53.8	5.0	58.8	
	22	54.4	76.3	46.7	61.0	58.0	56.0	55.0	53.0	52.0	50.0	49.0	48.0	54.4	10.0	64.4	
	23	54.3	73.2	45.9	66.0	62.0	55.0	54.0	52.0	50.0	48.0	47.0	47.0	54.3	10.0	64.3	
	<b>Timeframe</b>	<b>Hour</b>	<b><math>L_{eq}</math></b>	<b><math>L_{max}</math></b>	<b><math>L_{min}</math></b>	<b>L1%</b>	<b>L2%</b>	<b>L5%</b>	<b>L8%</b>	<b>L25%</b>	<b>L50%</b>	<b>L90%</b>	<b>L95%</b>	<b>L99%</b>	<b><math>L_{eq}</math> (dBA)</b>		
	Day	Min	46.6	48.3	46.3	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0	24-Hour	Daytime	Nighttime
	Energy Average	Average:	56.0	78.8	54.0	68.0	67.0	63.0	61.0	58.0	57.0	55.0	55.0	54.0	<b>54.9</b>	<b>55.8</b>	<b>52.8</b>
	Evening	Min	53.8	65.1	47.7	58.0	57.0	56.0	55.0	54.0	53.0	52.2	51.9	51.3	<b>24-Hour CNEL (dBA)</b>		
Energy Average	Average:	55.0	72.8	51.7	60.0	59.0	57.0	57.0	56.0	54.0	54.0	53.0	53.0	<b>60.2</b>			
Night	Min	46.9	54.2	45.0	47.0	47.0	46.0	46.0	46.0	46.0	46.0	46.0	46.0				
Energy Average	Average:	52.8	76.8	47.9	68.0	64.0	58.0	55.0	53.0	52.0	50.0	49.0	48.0				



**24-Hour Noise Level Measurement Summary**

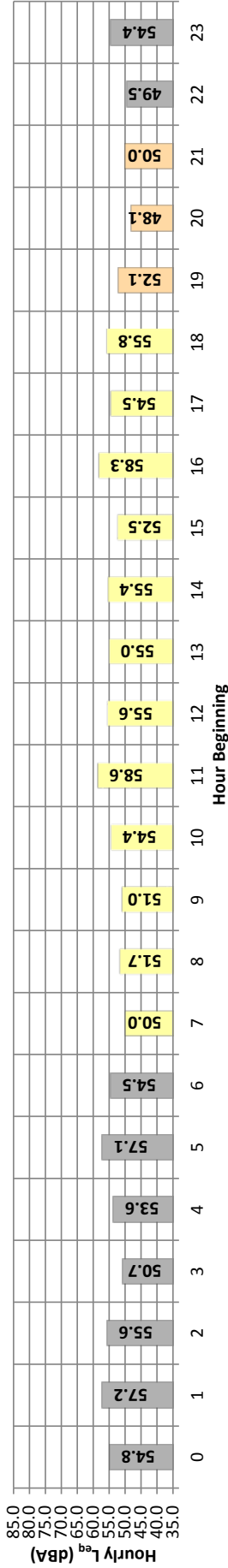
Date: Wednesday, October 09, 2019  
Project: Toscana

Location: L2 - Located in the intersection of Merced River Rd. and McCloud River Ln.

Meter: Piccolo I

JN: 12648  
Analyst: P. Mara

Hourly L<sub>eq</sub> dBA Readings (unadjusted)



Timeframe	Hour	L <sub>eq</sub>	L <sub>max</sub>	L <sub>min</sub>	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L <sub>eq</sub>	Adj.	Adj. L <sub>eq</sub>	
Night	0	54.8	77.9	43.9	67.0	60.0	53.0	50.0	49.0	48.0	46.0	46.0	45.0	54.8	10.0	64.8	
	1	57.2	74.9	38.6	70.0	67.0	64.0	61.0	45.0	42.0	40.0	39.0	38.0	57.2	10.0	67.2	
	2	55.6	75.8	45.8	66.0	64.0	59.0	56.0	52.0	48.0	47.0	47.0	46.0	55.6	10.0	65.6	
	3	50.7	66.9	45.8	59.0	59.0	55.0	52.0	49.0	48.0	48.0	46.0	46.0	50.7	10.0	60.7	
	4	53.6	71.0	47.6	64.0	61.0	56.0	54.0	52.0	49.0	49.0	48.0	48.0	53.6	10.0	63.6	
	5	57.1	75.3	45.9	68.0	65.0	62.0	61.0	55.0	55.0	50.0	47.0	47.0	57.1	10.0	67.1	
	6	54.5	72.7	45.5	67.0	65.0	59.0	57.0	50.0	48.0	48.0	47.0	46.0	54.5	10.0	64.5	
Day	7	50.0	65.7	45.2	60.0	58.0	54.0	52.0	48.0	47.0	46.0	46.0	46.0	50.0	0.0	50.0	
	8	51.7	72.0	45.3	60.0	59.0	56.0	54.0	51.0	49.0	47.0	46.0	46.0	51.7	0.0	51.7	
	9	51.0	69.0	46.3	60.0	58.0	55.0	53.0	50.0	48.0	47.0	47.0	47.0	51.0	0.0	51.0	
	10	54.4	77.0	46.3	66.0	61.0	57.0	55.0	50.0	48.0	47.0	47.0	46.0	54.4	0.0	54.4	
	11	58.6	85.2	45.4	70.0	65.0	58.0	55.0	51.0	49.0	47.0	46.0	46.0	58.6	0.0	58.6	
	12	55.6	80.8	45.2	66.0	63.0	58.0	55.0	49.0	48.0	48.0	46.0	45.0	55.6	0.0	55.6	
	13	55.0	79.3	46.0	68.0	61.0	56.0	54.0	50.0	49.0	47.0	47.0	47.0	55.0	0.0	55.0	
	14	55.4	79.3	46.6	65.0	60.0	57.0	56.0	51.0	48.0	48.0	47.0	47.0	55.4	0.0	55.4	
	15	52.5	70.9	48.6	59.0	57.0	55.0	54.0	52.0	50.0	50.0	49.0	49.0	52.5	0.0	52.5	
	16	58.3	77.8	49.0	72.0	69.0	60.0	58.0	55.0	52.0	51.0	50.0	50.0	58.3	0.0	58.3	
	17	54.5	76.7	48.8	62.0	60.0	57.0	56.0	53.0	50.0	50.0	50.0	49.0	54.5	0.0	54.5	
	18	55.8	74.9	47.4	67.0	64.0	60.0	59.0	52.0	49.0	49.0	49.0	48.0	55.8	0.0	55.8	
	Evening	19	52.1	73.8	47.1	61.0	58.0	54.0	53.0	50.0	49.0	48.0	48.0	47.0	52.1	5.0	57.1
		20	48.1	62.2	44.1	54.0	52.0	51.0	49.0	48.0	47.0	45.0	45.0	44.0	48.1	5.0	53.1
		21	50.0	66.6	42.8	63.0	60.0	54.0	50.0	46.0	45.0	44.0	43.0	43.0	50.0	5.0	55.0
	Night	22	49.5	72.0	40.7	60.0	52.0	47.0	46.0	45.0	44.0	42.0	42.0	41.0	49.5	10.0	59.5
		23	54.4	75.8	40.5	69.0	63.0	52.0	47.0	43.0	42.0	41.0	41.0	40.0	54.4	10.0	64.4
		24-Hour	L <sub>eq</sub> (dBA)														54.6
Day	Min	50.0	65.7	45.2	59.0	57.0	54.0	52.0	48.0	47.0	46.0	46.0	45.0	50.0	54.6	54.5	54.8
	Max	58.6	85.2	49.0	72.0	69.0	60.0	60.0	59.0	53.0	52.0	50.0	49.0	58.6	54.6	54.5	54.8
	Energy Average	55.1	Average:		64.6	61.3	56.9	54.8	50.8	47.8	47.5	47.1	47.1	47.1	54.6	54.5	54.8
Evening	Min	48.1	62.2	42.8	54.0	52.0	51.0	49.0	46.0	45.0	44.0	43.0	43.0	48.1	54.6	54.5	54.8
	Max	52.1	73.8	47.1	63.0	60.0	54.0	53.0	50.0	49.0	48.0	48.0	47.0	52.1	54.6	54.5	54.8
	Energy Average	50.4	Average:		59.3	56.7	53.0	50.7	48.0	47.0	45.7	44.7	44.7	47.0	54.6	54.5	54.8
Night	Min	49.5	66.9	38.6	59.0	52.0	47.0	46.0	43.0	42.0	40.0	39.0	38.0	49.5	54.6	54.5	54.8
	Max	57.2	77.9	47.6	70.0	67.0	64.0	61.0	55.0	51.0	49.0	48.0	48.0	57.2	54.6	54.5	54.8
	Energy Average	54.8	Average:		65.6	61.8	56.3	53.8	48.9	47.1	45.2	44.7	44.0	44.0	54.6	54.5	54.8



## 24-Hour Noise Level Measurement Summary

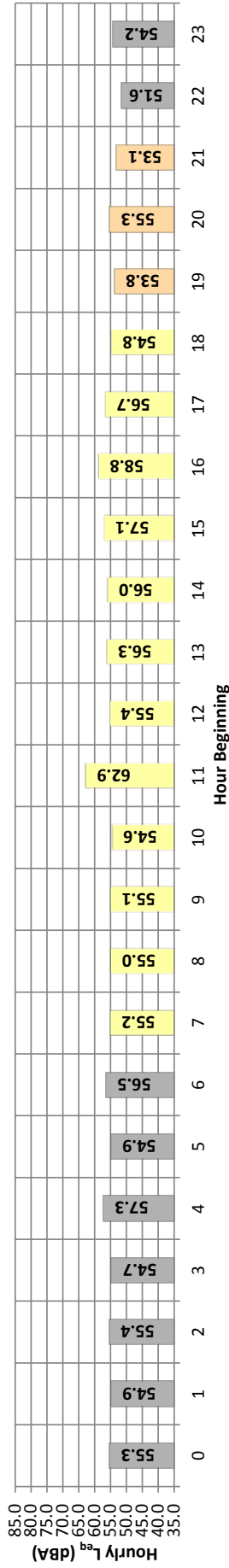
Date: Wednesday, October 09, 2019  
Project: Tuscana

Location: L3 - Located north of East Riverside Dr. and south of single family home at 2965 McCloud River Ln.

Meter: Piccolo I

JN: 12648  
Analyst: P. Mara

*Hourly L<sub>eq</sub> dBA Readings (unadjusted)*



Timeframe	Hour	L <sub>eq</sub>	L <sub>max</sub>	L <sub>min</sub>	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L <sub>eq</sub>	Adj.	Adj. L <sub>eq</sub>	
																	Hour Beginning
Night	0	55.3	75.5	45.1	67.0	64.0	59.0	56.0	51.0	49.0	47.0	46.0	46.0	55.3	10.0	65.3	
	1	54.9	73.0	38.2	66.0	65.0	62.0	60.0	47.0	43.0	40.0	40.0	39.0	54.9	10.0	64.9	
	2	55.4	73.6	47.4	64.0	63.0	59.0	57.0	54.0	52.0	49.0	48.0	48.0	55.4	10.0	65.4	
	3	54.7	74.9	45.3	64.0	63.0	60.0	59.0	51.0	49.0	47.0	46.0	46.0	54.7	10.0	64.7	
	4	57.3	74.2	48.6	67.0	65.0	62.0	60.0	56.0	53.0	50.0	49.0	49.0	57.3	10.0	67.3	
	5	54.9	67.2	47.0	63.0	62.0	60.0	59.0	55.0	51.0	48.0	48.0	47.0	54.9	10.0	64.9	
	6	56.5	73.5	46.5	64.0	63.0	61.0	60.0	57.0	54.0	48.0	48.0	47.0	56.5	10.0	66.5	
Day	7	55.2	73.7	45.6	64.0	62.0	60.0	59.0	55.0	51.0	47.0	47.0	46.0	55.2	0.0	55.2	
	8	55.0	71.6	46.1	63.0	62.0	59.0	58.0	55.0	52.0	48.0	47.0	47.0	55.0	0.0	55.0	
	9	55.1	74.1	46.3	64.0	62.0	60.0	59.0	54.0	51.0	48.0	47.0	47.0	55.1	0.0	55.1	
	10	54.6	71.4	45.2	64.0	62.0	59.0	58.0	54.0	51.0	47.0	46.0	46.0	54.6	0.0	54.6	
	11	62.9	89.9	44.7	72.0	67.0	62.0	60.0	55.0	51.0	47.0	46.0	45.0	62.9	0.0	62.9	
	12	55.4	68.5	44.9	63.0	62.0	60.0	59.0	56.0	52.0	47.0	46.0	45.0	55.4	0.0	55.4	
	13	56.3	73.7	44.2	65.0	63.0	60.0	59.0	56.0	53.0	47.0	46.0	45.0	56.3	0.0	56.3	
Evening	14	56.0	72.0	44.9	65.0	63.0	61.0	59.0	56.0	52.0	47.0	46.0	45.0	56.0	0.0	56.0	
	15	57.1	75.4	46.3	65.0	64.0	61.0	60.0	57.0	54.0	48.0	48.0	47.0	57.1	0.0	57.1	
	16	58.8	78.7	46.2	70.0	68.0	63.0	61.0	58.0	55.0	48.0	48.0	47.0	58.8	0.0	58.8	
	17	56.7	72.2	47.3	65.0	63.0	61.0	60.0	57.0	54.0	49.0	48.0	47.0	56.7	0.0	56.7	
	18	54.8	77.2	45.8	62.0	61.0	59.0	58.0	55.0	51.0	47.0	47.0	46.0	54.8	0.0	54.8	
	19	53.8	70.1	44.6	63.0	61.0	58.0	57.0	54.0	49.0	46.0	45.0	45.0	53.8	5.0	58.8	
	20	55.3	81.9	42.1	63.0	60.0	58.0	57.0	53.0	48.0	44.0	43.0	43.0	55.3	5.0	60.3	
Night	21	53.1	76.4	41.3	62.0	60.0	58.0	57.0	52.0	46.0	43.0	42.0	42.0	53.1	5.0	58.1	
	22	51.6	72.4	39.9	63.0	59.0	56.0	54.0	47.0	44.0	42.0	42.0	41.0	51.6	10.0	61.6	
	23	54.2	72.3	40.8	68.0	65.0	58.0	56.0	46.0	43.0	42.0	41.0	41.0	54.2	10.0	64.2	
	<b>Day</b>	Min	54.6	68.5	44.2	62.0	61.0	59.0	58.0	54.0	51.0	47.0	46.0	45.0			
		Max	62.9	89.9	47.3	72.0	68.0	63.0	61.0	58.0	55.0	49.0	48.0	47.0			
	<b>Evening</b>	Min	53.1	70.1	41.3	62.0	60.0	58.0	57.0	52.0	46.0	43.0	42.0	42.0			
		Max	55.3	81.9	44.6	63.0	61.0	58.0	57.0	54.0	49.0	46.0	45.0	45.0			
<b>Night</b>	Min	54.2	72.3	40.8	62.7	60.3	58.0	57.0	53.0	47.7	44.3	43.3	43.3				
	Max	55.2	75.5	48.6	65.1	63.2	59.7	57.9	51.6	48.7	45.9	45.2	44.9				
<b>Energy Average</b>	Average:	57.3	Average:	41.3	65.2	63.3	60.4	59.2	55.7	52.3	47.5	46.8	46.1				
<b>24-Hour</b>														<b>56.3</b>	<b>56.8</b>	<b>55.2</b>	
<b>24-Hour CNEL (dBA)</b>																	
<b>62.1</b>																	





## 24-Hour Noise Level Measurement Summary

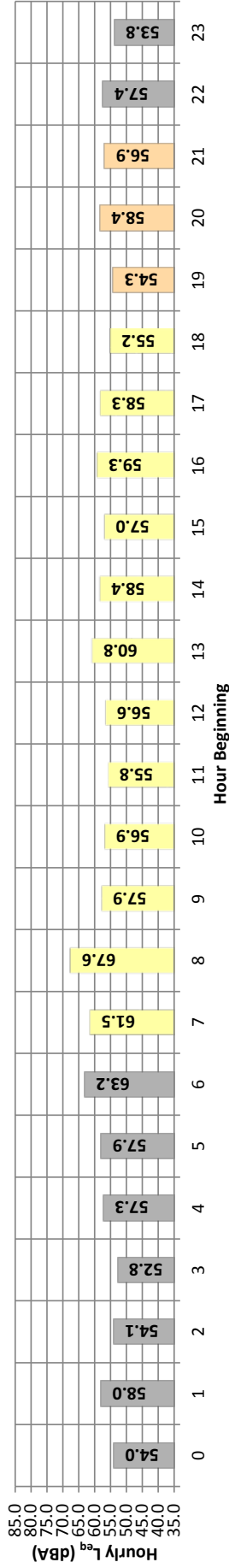
Date: Wednesday, October 09, 2019  
Project: Tuscana

Location: L4 - Located along Mill Creek Ave. west of the single family home a at 3935 E Lindenwood Dr.

Meter: Piccolo I

JN: 12648  
Analyst: P. Mara

Hourly  $L_{eq}$  dBA Readings (unadjusted)



Timeframe	Hour	$L_{eq}$	$L_{max}$	$L_{min}$	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	$L_{eq}$	Adj.	Adj. $L_{eq}$	
Night	0	54.0	77.0	43.3	66.0	59.0	53.0	51.0	47.0	46.0	44.0	44.0	44.0	54.0	10.0	64.0	
	1	58.0	78.8	45.8	70.0	67.0	64.0	60.0	52.0	49.0	47.0	47.0	46.0	58.0	10.0	68.0	
	2	54.1	75.3	47.0	62.0	59.0	56.0	54.0	50.0	49.0	48.0	47.0	47.0	54.1	10.0	64.1	
	3	52.8	71.4	46.5	62.0	60.0	56.0	54.0	52.0	50.0	48.0	47.0	47.0	52.8	10.0	62.8	
	4	57.3	76.8	48.6	67.0	64.0	61.0	61.0	54.0	52.0	50.0	49.0	49.0	57.3	10.0	67.3	
	5	57.9	71.6	53.0	64.0	63.0	61.0	61.0	58.0	58.0	56.0	54.0	54.0	53.0	57.9	10.0	67.9
	6	63.2	82.1	58.9	70.0	69.0	66.0	65.0	62.0	62.0	61.0	60.0	59.0	59.0	63.2	10.0	73.2
Day	7	61.5	74.5	59.4	69.0	67.0	63.0	62.0	61.0	60.0	60.0	59.0	59.0	61.5	0.0	61.5	
	8	67.6	89.5	46.3	79.0	75.0	71.0	69.0	63.0	59.0	49.0	48.0	47.0	67.6	0.0	67.6	
	9	57.9	75.4	45.2	68.0	66.0	64.0	63.0	56.0	52.0	47.0	46.0	46.0	57.9	0.0	57.9	
	10	56.9	74.0	48.0	65.0	63.0	61.0	60.0	57.0	53.0	49.0	49.0	48.0	56.9	0.0	56.9	
	11	55.8	74.1	44.5	67.0	65.0	61.0	59.0	54.0	51.0	48.0	47.0	46.0	55.8	0.0	55.8	
	12	56.6	72.1	45.6	66.0	65.0	62.0	60.0	55.0	52.0	48.0	47.0	46.0	56.6	0.0	56.6	
	13	60.8	78.8	45.8	71.0	69.0	66.0	64.0	58.0	55.0	50.0	48.0	48.0	60.8	0.0	60.8	
	14	58.4	77.7	48.5	68.0	66.0	63.0	61.0	58.0	54.0	50.0	50.0	49.0	58.4	0.0	58.4	
	15	57.0	80.7	48.2	64.0	62.0	60.0	59.0	56.0	53.0	51.0	50.0	49.0	57.0	0.0	57.0	
	16	59.3	77.5	47.3	70.0	68.0	64.0	62.0	58.0	58.0	55.0	50.0	49.0	48.0	59.3	0.0	59.3
	17	58.3	86.4	48.2	66.0	63.0	60.0	59.0	55.0	52.0	50.0	48.0	48.0	58.3	0.0	58.3	
18	55.2	71.9	46.4	64.0	62.0	59.0	58.0	55.0	52.0	50.0	48.0	47.0	55.2	0.0	55.2		
Evening	19	54.3	71.7	45.6	62.0	60.0	58.0	57.0	54.0	51.0	47.0	47.0	46.0	54.3	5.0	59.3	
	20	58.4	84.4	42.9	65.0	64.0	64.0	64.0	52.0	49.0	45.0	44.0	43.0	58.4	5.0	63.4	
	21	56.9	71.5	40.3	64.0	64.0	64.0	64.0	53.0	49.0	43.0	42.0	40.0	56.9	5.0	61.9	
Night	22	57.4	74.4	40.2	65.0	64.0	64.0	64.0	53.0	47.0	41.0	41.0	40.0	57.4	10.0	67.4	
	23	53.8	72.8	38.6	67.0	65.0	60.0	57.0	46.0	42.0	40.0	40.0	39.0	53.8	10.0	63.8	
Day	Min	55.2	71.9	44.5	64.0	62.0	59.0	58.0	54.0	51.0	47.0	46.0	46.0	55.2	5.0	60.2	
	Max	67.6	89.5	59.4	79.0	75.0	71.0	69.0	63.0	60.0	60.0	59.0	59.0	67.6	5.0	72.6	
	Average	60.5	71.5	40.3	68.1	65.9	62.8	61.3	57.3	54.0	49.9	49.2	48.4	60.5	5.0	65.5	
Evening	Min	54.3	71.5	40.3	62.0	60.0	58.0	57.0	52.0	49.0	43.0	42.0	40.0	54.3	5.0	59.3	
	Max	58.4	84.4	45.6	65.0	64.0	64.0	64.0	54.0	51.0	47.0	47.0	46.0	58.4	5.0	63.4	
	Average	56.8	71.4	38.6	63.7	62.7	62.0	61.7	53.0	49.7	45.0	44.3	43.0	56.8	5.0	61.8	
Night	Min	52.8	71.4	38.6	62.0	59.0	53.0	51.0	46.0	42.0	40.0	40.0	39.0	52.8	5.0	57.8	
	Max	63.2	82.1	58.9	70.0	69.0	66.0	65.0	62.0	61.0	60.0	59.0	59.0	63.2	5.0	68.2	
	Average	57.8	71.4	40.3	65.9	63.3	60.1	58.6	52.7	50.2	47.9	47.7	47.1	57.8	5.0	62.8	
<b>24-Hour CNEL (dBA)</b>														<b>59.2</b>	<b>59.9</b>	<b>57.8</b>	
<b>64.7</b>																	



## 24-Hour Noise Level Measurement Summary

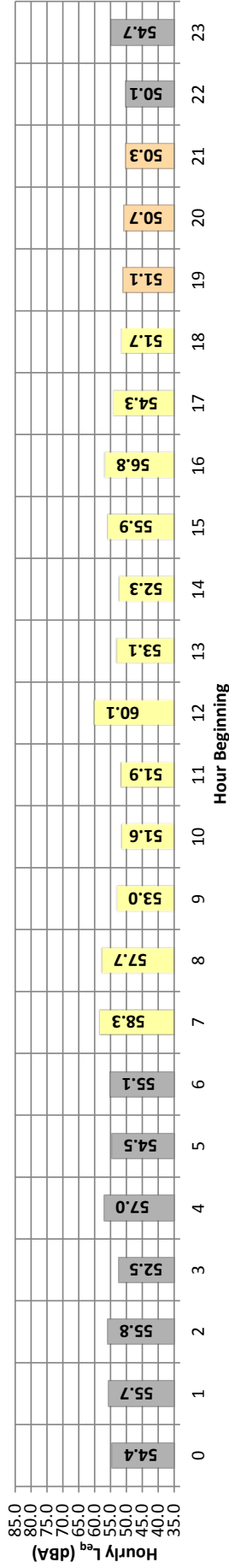
Date: Wednesday, October 09, 2019  
Project: Tuscana

Location: L5 - Located south of East Riverside Dr. and east of single family home at 4097 E Auburn Way.

Meter: Piccolo I

JN: 12648  
Analyst: P. Mara

Hourly  $L_{eq}$  dBA Readings (unadjusted)



Timeframe	Hour	$L_{eq}$	$L_{max}$	$L_{min}$	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	$L_{eq}$	Adj.	Adj. $L_{eq}$
Night	0	54.4	76.4	45.3	66.0	61.0	56.0	54.0	50.0	48.0	47.0	46.0	46.0	54.4	10.0	64.4
	1	55.7	73.4	39.3	68.0	66.0	63.0	60.0	47.0	42.0	41.0	40.0	39.0	55.7	10.0	65.7
	2	55.8	73.0	47.9	65.0	63.0	59.0	57.0	54.0	52.0	50.0	49.0	48.0	55.8	10.0	65.8
	3	52.5	72.8	47.4	59.0	57.0	55.0	54.0	52.0	50.0	49.0	48.0	48.0	52.5	10.0	62.5
	4	57.0	73.1	49.6	67.0	65.0	59.0	58.0	56.0	54.0	52.0	51.0	50.0	57.0	10.0	67.0
	5	54.5	70.5	48.0	62.0	60.0	57.0	56.0	54.0	54.0	52.0	50.0	49.0	49.0	10.0	64.5
	6	55.1	68.9	47.9	62.0	60.0	58.0	57.0	55.0	53.0	53.0	50.0	50.0	48.0	10.0	65.1
Day	7	58.3	72.7	47.1	67.0	66.0	64.0	63.0	57.0	53.0	49.0	48.0	47.0	58.3	0.0	58.3
	8	57.7	69.8	47.6	68.0	66.0	64.0	62.0	57.0	53.0	49.0	48.0	48.0	57.7	0.0	57.7
	9	53.0	65.9	47.8	60.0	58.0	57.0	56.0	53.0	50.0	49.0	48.0	48.0	53.0	0.0	53.0
	10	51.6	68.3	46.3	59.0	57.0	55.0	54.0	52.0	49.0	47.0	47.0	46.0	51.6	0.0	51.6
	11	51.9	69.9	45.6	60.0	58.0	55.0	54.0	52.0	49.0	47.0	46.0	46.0	51.9	0.0	51.9
	12	60.1	74.5	46.1	70.0	68.0	67.0	66.0	58.0	53.0	48.0	47.0	47.0	60.1	0.0	60.1
	13	53.1	70.5	46.2	60.0	58.0	56.0	55.0	53.0	51.0	49.0	48.0	48.0	53.1	0.0	53.1
	14	52.3	68.3	45.6	59.0	58.0	56.0	55.0	52.0	50.0	47.0	46.0	46.0	52.3	0.0	52.3
	15	55.9	72.6	46.6	65.0	63.0	60.0	59.0	55.0	52.0	48.0	48.0	48.0	55.9	0.0	55.9
	16	56.8	74.2	47.3	70.0	66.0	59.0	57.0	54.0	52.0	49.0	48.0	48.0	56.8	0.0	56.8
	17	54.3	68.9	47.8	61.0	59.0	58.0	57.0	54.0	54.0	53.0	50.0	49.0	48.0	0.0	54.3
	18	51.7	65.2	46.1	58.0	56.0	55.0	54.0	52.0	50.0	50.0	48.0	47.0	46.0	0.0	51.7
	19	51.1	69.0	45.2	58.0	56.0	54.0	54.0	51.0	49.0	46.0	46.0	46.0	51.1	5.0	56.1
	20	50.7	74.6	43.1	58.0	56.0	54.0	53.0	50.0	47.0	44.0	44.0	43.0	50.7	5.0	55.7
	21	50.3	67.8	42.3	61.0	59.0	54.0	53.0	49.0	45.0	43.0	43.0	42.0	50.3	5.0	55.3
	22	50.1	70.7	41.1	60.0	55.0	52.0	50.0	46.0	44.0	43.0	42.0	42.0	50.1	10.0	60.1
	23	54.7	73.9	41.9	69.0	66.0	58.0	53.0	46.0	46.0	43.0	42.0	42.0	54.7	10.0	64.7
	<b>Timeframe</b>	<b>Hour</b>	<b><math>L_{eq}</math></b>	<b><math>L_{max}</math></b>	<b><math>L_{min}</math></b>	<b>L1%</b>	<b>L2%</b>	<b>L5%</b>	<b>L8%</b>	<b>L25%</b>	<b>L50%</b>	<b>L90%</b>	<b>L95%</b>	<b>L99%</b>	<b><math>L_{eq}</math> (dBA)</b>	
Day	Min	51.6	65.2	45.6	58.0	56.0	55.0	54.0	52.0	49.0	47.0	46.0	46.0	24-Hour	Daytime	Nighttime
	Max	60.1	74.5	47.8	70.0	68.0	67.0	66.0	58.0	53.0	50.0	49.0	48.0	<b>55.0</b>	<b>55.1</b>	<b>54.8</b>
Evening	Min	50.3	67.8	42.3	63.1	61.1	58.8	57.7	54.1	51.3	48.3	47.5	47.0	24-Hour CNEL (dBA)		
	Max	51.1	74.6	45.2	61.0	59.0	54.0	54.0	51.0	49.0	46.0	46.0	46.0	<b>55.0</b>	<b>55.1</b>	<b>54.8</b>
Energy Average	Min	50.7	68.9	45.2	59.0	57.0	54.0	53.3	50.0	47.0	44.3	44.3	43.7			
	Max	54.8	76.4	49.6	64.2	61.4	57.4	55.4	51.1	48.8	47.1	46.3	45.8	<b>61.3</b>		
Night	Min	50.1	68.9	39.3	59.0	55.0	52.0	50.0	46.0	42.0	41.0	40.0	39.0			
	Max	57.0	76.4	49.6	69.0	66.0	63.0	60.0	56.0	54.0	52.0	51.0	50.0			
Energy Average	Min	54.8	76.4	49.6	64.2	61.4	57.4	55.4	51.1	48.8	47.1	46.3	45.8			
	Max	54.8	76.4	49.6	64.2	61.4	57.4	55.4	51.1	48.8	47.1	46.3	45.8			



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## APPENDIX D

### OPERATIONAL NOISE LEVEL CALCULATIONS

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**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R1**

Source: Unloading/Docking Activity  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	530.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	520.0 feet	<i>Noise Source Height:</i>	8.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	530.0	-24.9	-24.9	-24.9	-24.9	-24.9	-24.9
Shielding (Barrier Attenuation)	520.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		36.9	-30.3	-30.3	-30.3	-30.3	-30.3
<b>60 Minute Hourly Adjustment</b>		<b>36.9</b>	<b>-30.3</b>	<b>-30.3</b>	<b>-30.3</b>	<b>-30.3</b>	<b>-30.3</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R1**

Source: Roof-Top Air Conditioning Unit  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	299.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	289.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	30.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	299.0	-35.5	-35.5	-35.5	-35.5	-35.5	-35.5
Shielding (Barrier Attenuation)	289.0	-4.9	-4.9	-4.9	-4.9	-4.9	-4.9
Raw (Distance + Barrier)		36.8	-40.4	-40.4	-40.4	-40.4	-40.4
<b>39 Minute Hourly Adjustment</b>		<b>34.9</b>	<b>-42.3</b>	<b>-42.3</b>	<b>-42.3</b>	<b>-42.3</b>	<b>-42.3</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R1**

Source: Parking Lot Vehicle Movements  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	215.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	205.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	15.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	215.0	-20.0	-20.0	-20.0	-20.0	-20.0	-20.0
Shielding (Barrier Attenuation)	205.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		26.7	-25.5	-25.5	-25.5	-25.5	-25.5
<b>60 Minute Hourly Adjustment</b>		<b>26.7</b>	<b>-25.5</b>	<b>-25.5</b>	<b>-25.5</b>	<b>-25.5</b>	<b>-25.5</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R2**

Source: Unloading/Docking Activity  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	509.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	499.0 feet	<i>Noise Source Height:</i>	8.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	509.0	-24.6	-24.6	-24.6	-24.6	-24.6	-24.6
Shielding (Barrier Attenuation)	499.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		37.2	-30.0	-30.0	-30.0	-30.0	-30.0
<b>60 Minute Hourly Adjustment</b>		<b>37.2</b>	<b>-30.0</b>	<b>-30.0</b>	<b>-30.0</b>	<b>-30.0</b>	<b>-30.0</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R2**

Source: Roof-Top Air Conditioning Unit  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	346.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	336.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	30.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	346.0	-36.8	-36.8	-36.8	-36.8	-36.8	-36.8
Shielding (Barrier Attenuation)	336.0	-4.9	-4.9	-4.9	-4.9	-4.9	-4.9
Raw (Distance + Barrier)		35.5	-41.7	-41.7	-41.7	-41.7	-41.7
<b>39 Minute Hourly Adjustment</b>		<b>33.6</b>	<b>-43.6</b>	<b>-43.6</b>	<b>-43.6</b>	<b>-43.6</b>	<b>-43.6</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R2**

Source: Parking Lot Vehicle Movements  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	246.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	236.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	15.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	246.0	-20.9	-20.9	-20.9	-20.9	-20.9	-20.9
Shielding (Barrier Attenuation)	236.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		25.8	-26.4	-26.4	-26.4	-26.4	-26.4
<b>60 Minute Hourly Adjustment</b>		<b>25.8</b>	<b>-26.4</b>	<b>-26.4</b>	<b>-26.4</b>	<b>-26.4</b>	<b>-26.4</b>



**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R3**

Source: Unloading/Docking Activity  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	593.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	583.0 feet	<i>Noise Source Height:</i>	8.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	593.0	-25.9	-25.9	-25.9	-25.9	-25.9	-25.9
Shielding (Barrier Attenuation)	583.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		35.9	-31.3	-31.3	-31.3	-31.3	-31.3
<b>60 Minute Hourly Adjustment</b>		<b>35.9</b>	<b>-31.3</b>	<b>-31.3</b>	<b>-31.3</b>	<b>-31.3</b>	<b>-31.3</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R3**

Source: Roof-Top Air Conditioning Unit  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	591.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	581.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	30.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	591.0	-41.5	-41.5	-41.5	-41.5	-41.5	-41.5
Shielding (Barrier Attenuation)	581.0	-5.1	-5.1	-5.1	-5.1	-5.1	-5.1
Raw (Distance + Barrier)		30.6	-46.6	-46.6	-46.6	-46.6	-46.6
<b>39 Minute Hourly Adjustment</b>		<b>28.7</b>	<b>-48.5</b>	<b>-48.5</b>	<b>-48.5</b>	<b>-48.5</b>	<b>-48.5</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R3**

Source: Parking Lot Vehicle Movements  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	294.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	284.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	15.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	294.0	-22.0	-22.0	-22.0	-22.0	-22.0	-22.0
Shielding (Barrier Attenuation)	284.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		24.7	-27.5	-27.5	-27.5	-27.5	-27.5
<b>60 Minute Hourly Adjustment</b>		<b>24.7</b>	<b>-27.5</b>	<b>-27.5</b>	<b>-27.5</b>	<b>-27.5</b>	<b>-27.5</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R4**

Source: Unloading/Docking Activity  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	2,048.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	2,038.0 feet	<i>Noise Source Height:</i>	8.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	2,048.0	-36.7	-36.7	-36.7	-36.7	-36.7	-36.7
Shielding (Barrier Attenuation)	2,038.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		25.0	-42.2	-42.2	-42.2	-42.2	-42.2
<b>60 Minute Hourly Adjustment</b>		<b>25.0</b>	<b>-42.2</b>	<b>-42.2</b>	<b>-42.2</b>	<b>-42.2</b>	<b>-42.2</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R4**

Source: Roof-Top Air Conditioning Unit  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

Noise Distance to Observer:	2,045.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
Noise Distance to Barrier:	2,035.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	30.0 feet	Drop Off Coefficient:	20.0
Barrier Elevation:	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	2,045.0	-52.2	-52.2	-52.2	-52.2	-52.2	-52.2
Shielding (Barrier Attenuation)	2,035.0	-5.4	-5.4	-5.4	-5.4	-5.4	-5.4
Raw (Distance + Barrier)		19.6	-57.6	-57.6	-57.6	-57.6	-57.6
<b>39 Minute Hourly Adjustment</b>		<b>17.7</b>	<b>-59.5</b>	<b>-59.5</b>	<b>-59.5</b>	<b>-59.5</b>	<b>-59.5</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R4**

Source: Parking Lot Vehicle Movements  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

Noise Distance to Observer:	1,734.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
Noise Distance to Barrier:	1,724.0 feet	Noise Source Height:	5.0 feet
Barrier Distance to Observer:	10.0 feet	Observer Height:	5.0 feet
Observer Elevation:	0.0 feet	Barrier Type (0-Wall, 1-Berm):	0
Noise Source Elevation:	0.0 feet	Drop Off Coefficient:	15.0
Barrier Elevation:	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

Noise Level	Distance (feet)	Leq	L50	L25	L8	L2	Lmax
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	1,734.0	-33.6	-33.6	-33.6	-33.6	-33.6	-33.6
Shielding (Barrier Attenuation)	1,724.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		13.1	-39.1	-39.1	-39.1	-39.1	-39.1
<b>60 Minute Hourly Adjustment</b>		<b>13.1</b>	<b>-39.1</b>	<b>-39.1</b>	<b>-39.1</b>	<b>-39.1</b>	<b>-39.1</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R5**

Source: Unloading/Docking Activity  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	734.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	724.0 feet	<i>Noise Source Height:</i>	8.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	30.0	67.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	734.0	-27.8	-27.8	-27.8	-27.8	-27.8	-27.8
Shielding (Barrier Attenuation)	724.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		33.9	-33.3	-33.3	-33.3	-33.3	-33.3
<b>60 Minute Hourly Adjustment</b>		<b>33.9</b>	<b>-33.3</b>	<b>-33.3</b>	<b>-33.3</b>	<b>-33.3</b>	<b>-33.3</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R5**

Source: Roof-Top Air Conditioning Unit  
Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	648.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	638.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	30.0 feet	<i>Drop Off Coefficient:</i>	20.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	5.0	77.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	648.0	-42.3	-42.3	-42.3	-42.3	-42.3	-42.3
Shielding (Barrier Attenuation)	638.0	-5.1	-5.1	-5.1	-5.1	-5.1	-5.1
Raw (Distance + Barrier)		29.8	-47.4	-47.4	-47.4	-47.4	-47.4
<b>39 Minute Hourly Adjustment</b>		<b>27.9</b>	<b>-49.3</b>	<b>-49.3</b>	<b>-49.3</b>	<b>-49.3</b>	<b>-49.3</b>

**STATIONARY SOURCE NOISE PREDICTION MODEL**

5/13/2021

**Observer Location: R5**

Source: Parking Lot Vehicle Movements  
 Condition: Operational

Project Name: Toscana Square

Job Number: 12648  
 Analyst: B. Lawson

**NOISE MODEL INPUTS**

<i>Noise Distance to Observer</i>	330.0 feet	<b>Barrier Height:</b>	<b>6.0 feet</b>
<i>Noise Distance to Barrier:</i>	320.0 feet	<i>Noise Source Height:</i>	5.0 feet
<i>Barrier Distance to Observer:</i>	10.0 feet	<i>Observer Height:</i>	5.0 feet
<i>Observer Elevation:</i>	0.0 feet	<i>Barrier Type (0-Wall, 1-Berm):</i>	0
<i>Noise Source Elevation:</i>	0.0 feet	<i>Drop Off Coefficient:</i>	15.0
<i>Barrier Elevation:</i>	0.0 feet		

20 = 6 dBA per doubling of distance  
 15 = 4.5 dBA per doubling of distance

**NOISE MODEL PROJECTIONS**

<i>Noise Level</i>	<i>Distance (feet)</i>	<i>Leq</i>	<i>L50</i>	<i>L25</i>	<i>L8</i>	<i>L2</i>	<i>Lmax</i>
Reference (Sample)	10.0	52.2	0.0	0.0	0.0	0.0	0.0
Distance Attenuation	330.0	-22.8	-22.8	-22.8	-22.8	-22.8	-22.8
Shielding (Barrier Attenuation)	320.0	-5.5	-5.5	-5.5	-5.5	-5.5	-5.5
Raw (Distance + Barrier)		23.9	-28.3	-28.3	-28.3	-28.3	-28.3
<b>60 Minute Hourly Adjustment</b>		<b>23.9</b>	<b>-28.3</b>	<b>-28.3</b>	<b>-28.3</b>	<b>-28.3</b>	<b>-28.3</b>

# TOSCANA SQUARE PROJECT SITE

CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA

## Delhi Sands Flower-Loving Fly Habitat Suitability Assessment

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Prepared For:

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951.285.6014

October 2020

# TOSCANA SQUARE PROJECT SITE

CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA

## Delhi Sands Flower-Loving Fly Habitat Suitability Assessment

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.



Travis J. McGill  
Biologist  
Natural Resources



Thomas J. McGill, Ph.D.  
Vice President  
Natural Resources

October 2020

# Executive Summary

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This report contains the findings of a habitat suitability assessment for the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) (DSF), a federally endangered species, for the proposed Toscana Square Project Site located in the City of Ontario, San Bernardino County, California. The purpose of this assessment is to characterize existing site conditions and assess the quality of Delhi sand soils on the project site that are known to support DSF. The habitat suitability assessment was conducted by ELMT Consulting (ELMT) biologists Thomas J. McGill, Ph.D. and Travis J. McGill on October 23, 2019 and updated by Thomas J. McGill, Ph.D. on September 18, 2020.

The entire project site has been mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey as being composed of Delhi sand soils. Since Delhi sand soils are wind deposited (aeolian), the boundaries established by the USDA are not exact and change over time. Due to surrounding development, the Delhi sand soils on the project site are no longer subject to aeolian processes.

The southern half of the project site supports Delhi sand soils that is no longer clean due to extensive contamination with organic material from disking and weed abatement activities. This area totals 20 acres that were rated as very-low quality with a habitat quality rating of 2. Focused DSF presence/absence surveys were conducted on the southern half of the project site for five (5) consecutive years from 2004 to 2008 and were all negative.

Soils surrounding the existing winery and residence along the eastern boundary of the site were rated either as unsuitable with a habitat quality rating of 1 due the lack of clean Delhi sand soils, impervious surfaces, heavily vegetated habitat with nonnative plants, and loose gravel. The area is 7 acres in size.

The northern half of the project site has been and continues to be an active vineyard. The surface Delhi sand soils within the vineyard have been contaminated by weed abatement activities. Clean Delhi Sand soils is available at depth but may not be accessible by DSF during breeding season. The overall suitability of the Delhi Sand soils habitat in the northern half of the project site was rated as low quality with a habitat quality rating of 3.

Given the above ratings of Delhi sand soils, from unsuitable to low-quality, the general lack of DSF sightings in this area of Ontario (south of the State Route 60), and the previous five years of negative DSF surveys in the southern portion of this site, it is unlikely that the site is occupied or that the site can become occupied in the future.



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## **APPENDIX**

Appendix A	Site Photographs
Appendix B	DSF Presence/Absence Surveys

# Section 1 Introduction

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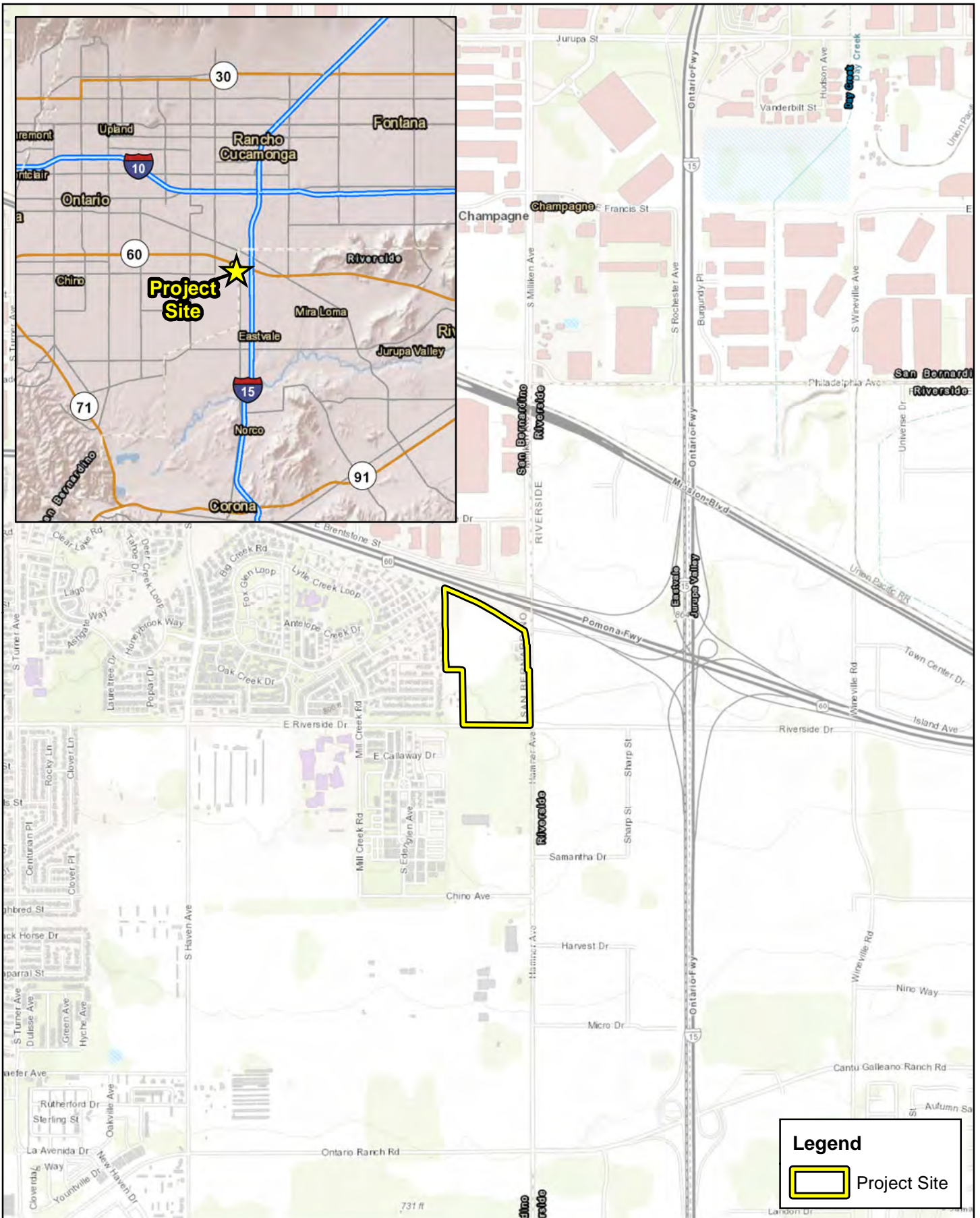
ELMT Consulting (ELMT) prepared this Delhi Sands Flower-Loving Fly (DSF) Habitat Suitability Assessment for the proposed Toscana Square Project Site (project site or site) located in the City of Ontario, San Bernardino County, California. ELMT biologists Thomas J. McGill, Ph.D., and Travis McGill inventoried and evaluated the condition of the habitat on October 23, 2019. This assessment was conducted to determine if the soils on the site support clean Delhi sand soils capable of providing suitable habitat for DSF.

## 1.1 PROJECT LOCATION

The project site is generally located south of State Route 60, west of Interstate 15, north of the Santa Ana River, and east of State Route 83 in the City of Ontario, San Bernardino County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Guasti quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 1 of Township 2 South, Range 7 West. Specifically, the project site is bordered by State Route 60 to the north, Hamner Avenue to the east, Riverside Drive to the south, and an existing residential development to the west (Exhibit 2, *Project Site*).

## 1.2 PROJECT DESCRIPTION

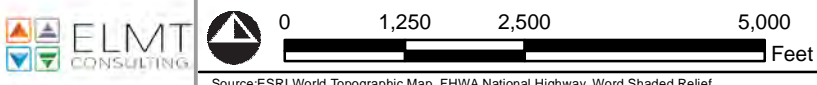
The Toscana Square Project proposes construction and operation of up to 359,730 square feet of industrial uses and up to 85,578 square feet of commercial uses within the southerly 20-acres of an approximately 49-acre site. As requested by the city, this includes the northerly 29 acres; although, there are no current plans to develop these parcels.



**Legend**  
 Project Site

TOSCANA SQUARE PROJECT SITE  
 DSF SUITABILITY ASSESSMENT

# Site Vicinity



Source: ESRI World Topographic Map, FHWA National Highway, Word Shaded Relief



60

San Antonio Winery Center

Hammer Ave

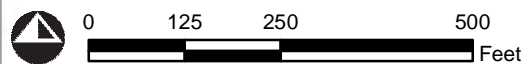
E Riverside Dr

**Legend**

 Project Site

TOSCANA SQUARE PROJECT SITE  
DSF SUITABILITY ASSESSMENT

**Project Site**



Source: ESRI Aerial Imagery, San Bernardino County

## Section 2 Background

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It has been generally acknowledged that DSF occur in Delhi sand soils, particularly clean dune formations composed of Aeolian sands. Conversely, soils and sands deposited by fluvial processes from the surrounding alluvial fans do not support DSF. These alluvial soils are composed of coarse sands, cobble and gravel (Tujunga soils) or coarse sands, silts and clays (Cieneba soils). In this part of San Bernardino County, the separation of soil types has been lost due to the mixing and cross contamination from years of agricultural activities, development, and other man-made disturbances.

Depending on the extent of mixing and contamination, some areas formally mapped in 1970 as Delhi sand soils no longer have potential to support DSF populations. Conversely, some areas formally mapped as Cieneba soils may now be composed of Delhi sand soils and have potential to support DSF. Six DSF experts (Ken Osborne, Greg Ballmen, Rudy Matoni, Karen Cleary-Rose, Alison Anderson and Tom McGill) used this criterion, the relative abundance of clean Delhi sand soils versus the amount of Cienba or other alluvial soils, to rate the suitability of the habitat to support DSF (Michael Brandman Associates, 2003). Soils high in gravel and alluvial materials, or high in fine materials such as silts and clays, were rated low, while soils that appear to be high in Aeolian deposited sands were rated high. This qualitative assessment of DSF habitat was further refined by considering the relative degree of soil compaction. Alluvial soils have a tendency to solidify to a hard surface pavement, while Aeolian soils are easier to penetrate and provide good substrate for DSF.

Although it has been common to attribute the presence of four common plant species California buckwheat (*Eriogonum fasciculatum*), California croton (*Croton californicus*), deer weed (*Acmispon glaber*), and telegraph weed (*Heterotheca grandiflora*) as indicators of habitat suitability, for the assessment, vegetation composition was not given much weight in making this habitat evaluation. These dominant plant species, and plant species composition of habitats, may not be directly relevant to larval development (due to likely predatory or parasitic habitat of DSF larvae) (Osborne, et al. 2003). The known immature life histories of the nine asiloid fly families, including that to which the DSF is classified, are primarily predatory and/or parasitic on other invertebrate species (mainly insects) and the presence or absence of plant species appears not to be relevant to the life history of these flies.

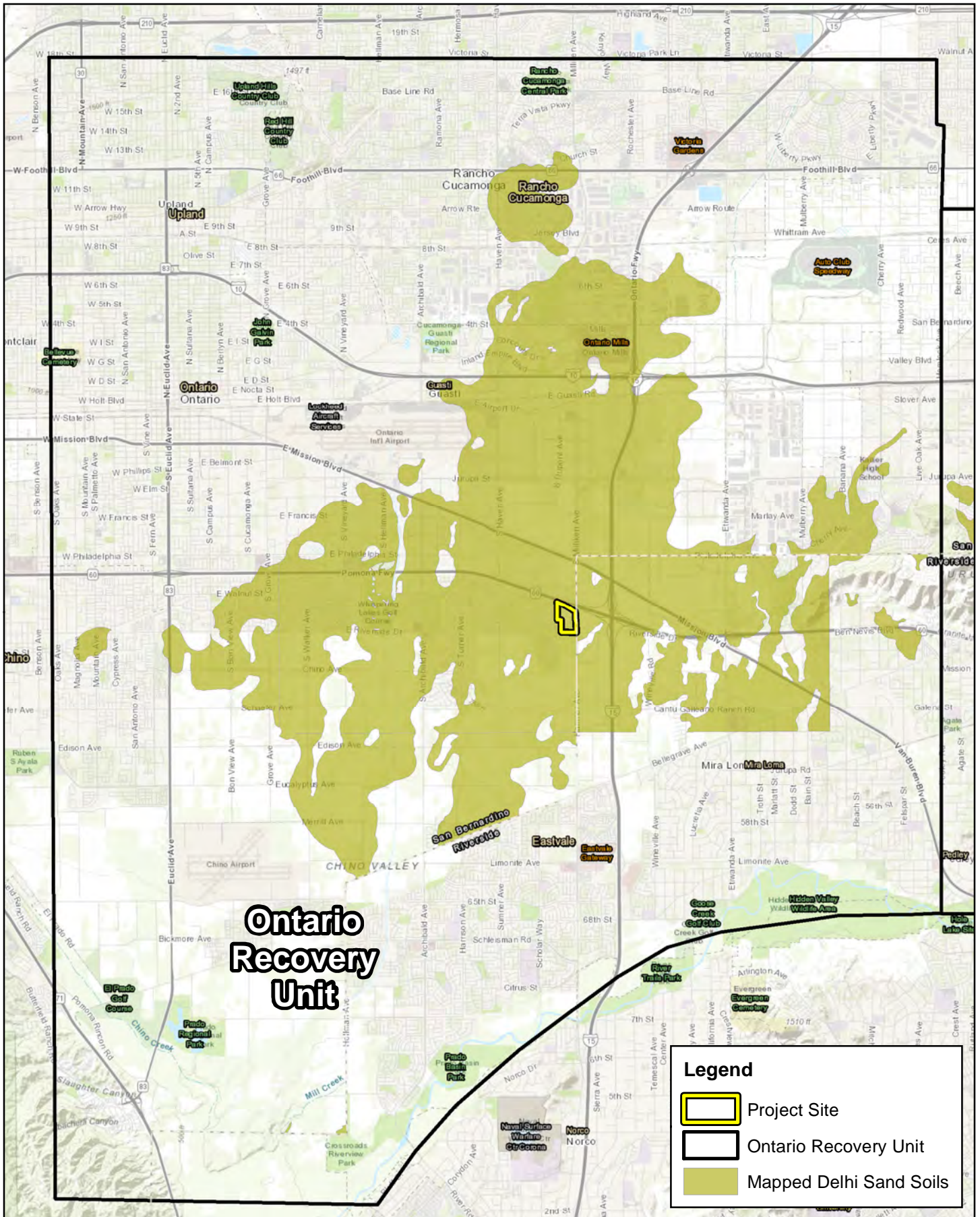
Land with suitable DSF habitat include those areas with open, undisturbed Delhi Series soils that have not been permanently altered by residential, commercial, or industrial development, or other human actions. Areas known to contain Delhi sand soils and/or to be occupied by DSF have been divided by USFWS into three recovery units (Colton, Jurupa, and Ontario Recovery Units (USFWS, 1997)). These recovery units are defined as large geographic areas based on

geographic proximity, similarity of habitat, and potential genetic exchange. Within these three recovery units, are areas that have been previously protected by conservation easements:

- Colton: Eight sites have been permanently protected in the Colton recovery unit. In the USFWS five-year review of the DSF Recovery Plan (USFWS, 2008) the USFWS acknowledge that 8 sites had been identified as supporting DSF within the Colton Recovery Unit. These sites have been permanently protected in the Colton Recovery Unit. Within the Colton Recovery unit, the Slover/Pepper population is partially protected through the establishment of a 7.5-acre Colton Transmission Facility Reserve at the eastern terminus of Santa Ana Ave in Colton and 150-acre Conservation Bank. There are about 160-acres of undeveloped DSF habitat contiguous with these conservation areas (USFWS, 2008).
- Jurupa: Approximately 21 ha (52-acres) of DSF habitat have been protected for this population along the Jurupa Hills. Approximately 12 ha (30-acres) are protected under a conservation easement within Riverside County (“I-15/Galena” Biological Opinion; FWS-WRIV-774). An additional 9 ha (22-acres) will be placed under a conservation easement and managed in San Bernardino County as a result of interagency consultation between the USFWS and the U. S. Army Corps of Engineers (Corps) (“Fontana Business Center” Biological Opinion; FWS-SB-1788.9), in accordance with section 7 of the Endangered Species Act.
- Ontario: In 2000, 4 ha (10-acres) of DSF habitat near the intersection of Greystone and Milliken Avenues in the City of Ontario, San Bernardino County, were acquired for conservation and an additional 1.2 ha (3-acres) of contiguous habitat was avoided, but not permanently conserved. At that time, these properties were surrounded by undeveloped land with some characteristics of DSF habitat, and the USFWS anticipated that a larger DSF reserve would be created that could sustain a robust DSF population. However, most of the surrounding property has subsequently been developed for commercial or industrial uses, and it is unlikely that the existing population can be sustained over the long term.

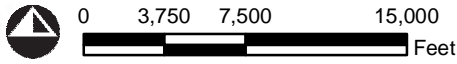
The project site is located within the Ontario Recovery Unit, within TBD miles of the previously conserved habitat protected under a conservation easement (Exhibit 3, *DSF Recovery Units*). In the USFWS five-year review of the DSF Recovery Plan (USFWS, 2008), the USFWS acknowledged the habitat conditions have changed that preclude long-term conservation goals in the Ontario Recovery unit. Even though the recovery unit contains Delhi sand soils, the over lack of occupied habitat was thought to preclude the unit from having long-term conservation value (USFWS, 2008). However, in 2019 an Amendment was issued to the

Recovery Plan documenting that several flies had been detected in the Ontario Recovery Unit near a small, conserved parcel. As a result, DSF is no longer presumed to be absent from the Ontario Recovery Unit.



TOSCANA SQUARE PROJECT SITE  
DSF SUITABILITY ASSESSMENT

# DSF Recovery Units



Source: ESRI World Topographic Map, San Bernardino County



## Section 3 Methodology

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The criteria discussed in detail below were used to rate the relative abundance of clean Delhi sand soils versus the amount of Cieneba, Tujunga, or other alluvial soils, to rate the suitability of the habitat to support DSF. Soils high in gravel and alluvial materials, or high in fine materials such as silts and clays, were rated low, while soils that appear to be high in Aeolian deposited sands were rated high. This qualitative assessment of DSF habitat was further refined by considering the relative degree of soil compaction. Alluvial soils have a tendency to solidify to a hard surface pavement, while Aeolian soils are easier to penetrate and provide good substrate for DSF.

### 3.1 SOIL

On-site and adjoining soils were researched prior to the field visit using the United States Department of Agricultural (USDA) Natural Resources Conservation Survey (NRCS) Soil Survey for San Bernardino County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes the project site has undergone. In particular, the USDA NRCS was reviewed to determine the location of mapped Delhi sand soils on or within the immediate vicinity of the project site.

### 3.2 HABITAT SUITABILITY ASSESSMENT

ELMT biologists Thomas J. McGill, Ph.D., and Travis J. McGill surveyed the project site on October 23, 2019. The habitat suitability assessment was updated by Dr. McGill on September 18, 2020 and consisted of a visual and tactile inspection of all areas on the project site that contain Delhi sand soils. Based on the USDA NRCS Soil Survey, all surface soils within the project site are comprised of Delhi fine sands (Exhibit 4, *Soils*). Since the project site as a whole was mapped as supporting Delhi sand soils, the site was evaluated for the quality or purity and for its potential to support DSF. Areas were assigned one or more ratings ranging between 1 and 5, with 5 being the best quality and most suitable habitat:

1. Soils dominated by heavy deposits of alluvial material including coarse sands and gravels with little or no Delhi sand soils and evidence of soil compaction. Developed areas, non-Delhi sands soils with high clay, silt, and/or gravel content. Delhi sands extensively and deeply covered by dumping of exotic soils, rubble, trash or organic debris. *Unsuitable*.
2. Delhi sand soils are present, but the soil characteristics include a predominance of alluvial materials (Tujunga Soils and Hilmar loamy sand), or predominance of other foreign contamination. Sever and frequent disturbance (such as maintenance yard or high use roadbed). *Very Low Quality*.

3. Although not clean, sufficient Delhi sand soils are present to prevent soil compaction. Moderately contaminated Delhi sands. Delhi sands with moderate to high disturbance (such as annual disking). Sufficient Delhi sands are present to prevent soil compaction (related to contamination by foreign soils). Some sandy soils exposed on the surface due to fossorial animal activity. *Low Quality*.
4. Abundant clean Delhi sand soils with little or no foreign soils (such as alluvial material, Tujunga soils or Hilmar loamy sand) present. Moderate abundance of exposed sands on the soil surface. Low vegetative cover. Evidence of moderate degree of fossorial animal activity by vertebrates and invertebrates. May represent high quality habitat with mild or superficial disturbance. *Moderate Quality*.
5. Sand dune habitat with clean Delhi sand soils. High abundance of exposed sands on the soil surface. Low vegetative cover. Evidence (soil surface often gives under foot) of high degree of fossorial animal activity by vertebrates and invertebrates. Sand associated plant and arthropod species may be abundant. *High Quality*.

It should be noted that habitat qualities often vary spatially within a site so that conditions on a site fall within a range of qualities. Further, overall habitat quality is affected by the connectivity of the site to other areas with suitable DSF habitat and the overall habitat value of the site.



TOSCANA SQUARE PROJECT SITE  
DSF SUITABILITY ASSESSMENT

**Soils**

## Section 4 Results

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### 4.1 EXISTING CONDITIONS

The approximately 49-acre project site is located within a developed area in the City of Ontario, immediately south of State Route 60 and west of Interstate 15. The project site is relatively flat with no areas of significant topographic relief. Onsite surface elevation ranges from approximately 811 feet above mean sea level (msl) on the northwestern boundary to 979 feet above msl on the southern boundary of the project site generally slopes from north to south. The project site occurs in an area surrounded by land that has undergone a conversion from agricultural land uses into industrial, commercial, and residential land uses. The project site is bordered by an existing residential development to the west, State Route 60 and industrial developments to the north, Hamner Avenue, vacant land and industrial developments to the east, and Riverside Drive and vacant land to the south.

The project site has been heavily disturbed from disking activities on the southern half of the project site, agricultural activities associated with the active vineyard on the northern half of the project site, and disturbances associated within the developments on the northeast portion of the project site. Developments on the north eastern portion of the project site consist of the San Antonio Winery, a church, a restaurant, and parking lot.

One (1) vegetation community was observed on the project site during the survey, non-native grassland/disturbed. In addition, the project site supports three (3) land cover types that would be classified as vineyard, disturbed, and developed.

#### *Non-native Grassland/Disturbed*

The southern half of the project site supports a mixture of disturbed areas and non-native grasslands. Disturbed areas are not developed but support minimal vegetation that are dominated by non-native species and do not support naturally occurring plant communities. These areas often present when activities such as weed abatement and disking have ceased and fast-growing non-native plants are allowed to spread. Non-native grassland is dominated by non-native and invasive grasses and may contain a variety of native and other non-native species mixed within. Despite any presence of native plant species, heavy domination by non-native grasses remove naturally occurring plant communities. The fast-growing grasses that dominate this community can present as a result of disking and often lead to areas being devoid of living vegetation for portions of the year. The 2019 Habitat Assessment report refers to these areas as semi-natural herbaceous.

On the project site, the non-native grassland/disturbed areas are associated with areas that are subject to routine disking activities. Areas that had recent disking were devoid of living

vegetation or were sparsely vegetated. There was evidence, based on dead plants, that the sparser areas were dominated by brome (*Bromus* spp.) and wild oats (*Avena fatua*) earlier in the spring, prior to disking. The more vegetated areas were dominated by Russian thistle (*Salsola tragus*) and puncture vine (*Tribulus terrestris*). Other species present included golden crownbeard (*Verbesina encelioides*), short-podded mustard (*Hirschfeldia incana*), common fiddleneck (*Amsinckia intermedia*), telegraph weed (*Heterotheca grandiflora*), western ragweed (*Ambrosia psilostachya*), coyote melon (*Cucurbita californica*), and Jimson weed (*Datura stramonium*).

#### *Vineyard*

The northern portion of the site supports an active vineyard. Some weedy species occurred along the edges and intermixed throughout the vineyard. These included puncture vine, Bermuda grass (*Cynodon dactylon*), and brome grass species (*Bromus* spp.).

#### *Disturbed*

The northeast corner of the project site, north of the existing buildings has been heavily disturbed and used as an overflow parking lot with loose gravel spread throughout.

#### *Developed*

The northeast portion of the project site supports the San Antonio Winery buildings, a church, restaurant, parking lot, and ornamental landscaping.

## **4.2 HABITAT SUITABILITY ASSESSMENT**

Per USDA NRCS Soil Survey results, Delhi sand soils have been mapped across the entire project site (refer to Exhibit 4). In addition, mapped Delhi sand soils extend north, south, east, and west of the project site in areas that primarily consists of industrial, commercial and residential developments.

The southern half of the project site supports Delhi sand soils that is no longer clean due to extensive contamination with organic material from disking and other weed abatement activities. This area totals 20 acres that were rated as very-low quality with a habitat quality rating of 2. Focused DSF presence/absence surveys were conducted on the southern half of the project site for five (5) consecutive years from 2004 to 2008 and were all negative.

Soils surrounding the existing winery and residence along the eastern boundary of the site were developed and/or heavily disturbed. These areas lack clean Delhi sand soils and consisted of heavily compacted/consolidated soils or have impervious surfaces or have been covered with loose gravel to stabilize the survey. This area is unsuitable DSF habitat and was assigned a habitat quality rating of 1. The area is 7 acres in size.

The northern half of the project site has been and continues to be used as an active vineyard. The surface Delhi sand soils within the vineyard have been contaminated by weed abatement activities. Contaminated Delhi Sand soils are available below the surface with sufficient concentration of sands to prevent soil compaction. However, these unconsolidated soils but may not be accessible by DSF during breeding season. The overall suitability of the Delhi Sand soils habitat in the northern half of the project site was rated as low quality with a habitat quality rating of 3. It should be noted that the northern portion, that supports an active vineyard, is routinely treated with fertilizers and pesticide application. These maintenance activities adversely affect the chemistry of the surface soils, significantly lowering the overall quality of the habitat for DSF, despite the unconsolidated condition of the Delhi Sand soils.

Table 1 provides a summary of the habitat quality and quantity for each of the three habitat quality designations. Exhibit 5, *DSF Habitat Suitability* shows the location of each of the habitat suitability ratings across the project site.

**Table 1: Habitat Quality/Suitability Rating**

	Unsuitable Rating of 1	Very Low Quality Rating of 2	Low Quality Rating of 3
Northern Portion	–	–	22
Southern Portion	–	20	--
Northeast Portion	7 acres		–
<b>TOTALS</b>	<b>7 Acres</b>	<b>20 Acres</b>	<b>22 acres</b>

Given the above ratings of Delhi sand soils, from unsuitable to low-quality, the general lack of DSF sightings in this area of Ontario (south of the Pomona Freeway), the recognized adverse changes in soil chemistry of Delhi Sand soils in areas subjected to active cultivation as vineyards and the previous five years of negative DSF surveys for this southern portion of this site, it is unlikely that the site is occupied or that the site can become occupied in the near future.



**Legend**

- Project Site
- Habitat Suitability Rating - 1 (7 acres)  
Unsuitable
- Habitat Suitability Rating - 2 (20 acres)  
Very Low Quality
- Habitat Suitability Rating - 3 (22 acres)  
Low Quality

TOSCANA SQUARE PROJECT SITE  
DSF SUITABILITY ASSESSMENT

**DSF Habitat Suitability**



Source: ESRI Aerial Imagery, San Bernardino County

## **Section 5 Conclusion and Recommendations**

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The majority of the project site is underlain with Delhi sand soils with varying levels of contamination. The southern half of the project site was rated as very low quality with a habitat quality rating of 2. Focused presence/absence surveys were conducted on the southern half of the project site for five (5) consecutive years from 2004 to 2008, and were all negative. Soils near the northeast portion of the project site, associated with the winery and a residence were rated as unsuitable with a habitat quality rating of 1. The northern half of the project site was rated as low quality with a habitat quality rating of 3.

Given the above ratings of Delhi sand soils, from unsuitable to low-quality, the general lack of DSF sightings in this area of Ontario (south of State Route 60), the recognized adverse changes in soil chemistry of Delhi Sand soils in areas subjected to active cultivation as vineyards and the previous five years of negative DSF surveys for this southern portion of this site, it is unlikely that the site is occupied or that the site can become occupied in the near future.



## Section 6      References

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- Osborne, K.H. 2002a. Focused surveys for the Delhi Sand giant flower-loving fly (*Rhaphiomidas terminatus abdominalis*) on a 125-acre portion of the Fontana Business Center site. Submitted to USFWS October 15, 2002.
- Osborne, K.H. Greg B. Rudi M. and Thomas McGill. 2003. Delhi Sands Flower-loving Fly Habitat Assessment for the Fontana Business Center.
- U.S. Department of Agriculture, Natural Resources Conservation Service. 2018. *Web Soil Survey*. Online at <http://websoilsurvey.nrcs.usda.gov/app/>.
- U.S. Fish and Wildlife Services. 1996. Habitat Conservation Plan in support of the issuance of a Section 10(a) permit for incidental take of the endangered Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) in connection with the completion of the Cantara residential project in the City of Colton, California.
- U.S. Fish and Wildlife Services. 1997. Final Recovery Plan for Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) U.S. Fish and Wildlife Services, Portland, Or. 51 pages.
- U.S. Fish and Wildlife Service. 2019. Recovery Plan Amendment for Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*).
- U.S. Fish and Wildlife Services. 2008. Delhi Sands Flower-Loving Fly (*Rhaphiomidas terminatus abdominalis*) 5-Year Review: Summary and Evaluation. Carlsbad, California. March 2008.

## **Appendix A      Site Photographs**

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**Photograph 1:** Overview of the non-native grassland/disturbed habitat on the southern portion of the project site.



**Photograph 2:** Looking south across the southern portion of the project site.



**Photograph 3:** Very low quality (Habitat Suitability Rating of 2) DSF habitat on the southern portion of the project site.



**Photograph 4:** Unsuitable habitat with loose gravel on the northeast corner of the project site.



**Photograph 5:** Looking east from the western boundary of the project site at the interface between the northern and southern portions of the project site.



**Photograph 6:** View of the active vineyard on the northern portion of the project site.



**Photograph 7:** Looking northeast from the center of the northern portion of the project site at the active vineyard.



**Photograph 8:** Low quality (Habitat Suitability Rating of 3) DSF habitat on the northern portion of the project site.

## **Appendix B      DSF Presence/Absence Surveys**

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- **2004 Presence/Absence Survey, “*Rivermill Property*”**
- **2005 Presence/Absence Survey, “*Rivermill Property*”**
- **2006 Presence/Absence Survey, “*Rivermill Property*”**
- **2007 Presence/Absence Survey, “*Rivermill Property*”**
- **2008 Presence/Absence Survey, “*Rivermill Property*”**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT21-002, A TENTATIVE PARCEL MAP (TPM 20278) TO SUBDIVIDE 15.94 ACRES OF LAND INTO 3 PARCELS LOCATED AT THE SOUTHWEST CORNER OF THE CA-60 (POMONA FREEWAY) AND MILLIKEN AVENUE, WITHIN THE UC (UTILITIES CORRIDOR) AND IL (LIGHT INDUSTRIAL) ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1083-361-07.

WHEREAS, ORBIS REAL ESTATE PARTNERS ("Applicant") has filed an Application for the approval of a Tentative Parcel Map (TPM 20278), File No. PMTT21-002, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 15.94 acres of land generally located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue, within the IL (Light Industrial) and UC (Utilities Corridor), and is presently vacant; and

WHEREAS, the property to the north of the Project site is the CA-60 (Pomona Freeway). The properties to the east are within the City of Eastvale, Industrial Park zoning district, and are developed with Business Park/Industrial land uses. The property to the south is within the CC (Community Commercial) and IL (Light Industrial) zoning districts and are developed with a wine shop (San Antonio Winery), restaurant, church, small animal farm and vineyard. The properties to the west are within the Single-Family Detached land use district of the Creekside Village Specific Plan and are developed with single-family residential homes; and

WHEREAS, the proposed Tentative Parcel Map will subdivide the Project site into 3 numbered lots to facilitate the construction of two industrial buildings totaling 234,002 square feet. Parcel 1 (3.78 ac) is zoned UC (Utilities Corridor), and Parcels 2 (8.5 ac) and 3 (3.63 ac) are zoned IL (Light Industrial). Parcels 2 and 3 exceed the 10,000 (0.23 ac) square foot minimum lot size established for the IL zoning district; and

WHEREAS, on October 27, 2020, the Planning Commission approved Tentative Parcel Map 20177 (File No. PMTT19-018) which subdivided 20 acres of land, south of the Project site, into 7 parcels. Tentative Parcel Map 20177 (File No. PMTT19-018) will facilitate the construction of internal public and private streets (Stefano Court and Maddalena Privado), which will serve the immediate area and the Project site. The Project site will take direct access from both Stefano Court and Milliken Avenue; and

WHEREAS, the Planning Department conducted a virtual community meeting via Zoom on June 29, 2021, to discuss the proposed subject Applications. Ten members of



community logged into the Zoom meeting and 5 residents provided comments/questions during the meeting; and

WHEREAS, a Tentative Parcel Map and Development Plan, File Nos. PMTT21-003 and PDEV21-007, respectively, were filed in conjunction with the proposed Tentative Parcel Map. The two applications consist of: [1] a Tentative Parcel Map No. 20274, subdividing 9.72 acres of land into 4 parcels located south of the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) and CC (Community Commercial) zoning districts; and [2] a Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) zoning district; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) that was approved by the City Council on November 17, 2020, in conjunction with File Nos. PGPA19-007 and PZC19-002, in which development and use of the Project site was discussed, 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, 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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 20, 2021, 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. DAB21-045, recommending the Planning Commission approve the Application; and

WHEREAS, on September 28, 2021, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Addendum to the Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Addendum to the 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 Nos. PGPA19-007 and PZC19-002, a General Plan Amendment and Zone Change for which an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was approved by the City Council on November 17, 2020.

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

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

(4) The previous Addendum to the 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 Addendum to the Certified EIR, and all mitigation measures previously adopted with the Addendum to 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 authority 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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed Tentative Parcel Map is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and applicable area and specific plans, and planned unit developments.*** The proposed Tentative Parcel Map is located within the Industrial and OS-NR (Open Space – Non-Recreation) land use districts of the Policy Plan Land Use Map, and the IL (Light Industrial) and UC (Utilities Corridor) zoning districts. 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 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 Industrial and OS-NR (Open Space – Non-Recreation) land use districts of the Policy Plan Land Use Map, and the IL (Light Industrial) and UC (Utilities Corridor) zoning districts. 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 the IL (Light Industrial) and UC (Utilities Corridor) zoning districts and is physically suitable for the type of industrial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the intensity of development proposed.*** The Project site is proposed for industrial development at a floor area ratio of 0.49. The Project site meets the minimum lot area and dimensions of the IL (Light Industrial) zoning district and is physically suitable for this proposed 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 right-of-way improvements proposed on the project site, are not likely to cause serious public health problems, as The project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(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 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

**SECTION 8: Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located

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

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

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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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore



**ATTACHMENT A:**

**File No. PMTT21-002 (TPM 20278)  
Departmental Conditions of Approval**

*(Departmental conditions of approval to follow this page)*



## LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

**Date Prepared:** 9/20/2021

**File No:** PMTT21-002/TPM 20278

**Related Files:** PMTT21-003/TPM 20274 and PDEV21-007

**Project Description:** A Tentative Parcel Map (TPM 20278) to subdivide 15.94 acres of land into 3 parcels located at the southwest corner of CA-60 (Pomona Freeway) and Milliken Avenue, within the IL (Light Industrial) and UC (Utilities Corridor) zoning districts; (APN: 1083-361-07); **submitted by Orbis Real Estate Partners.**

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

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

**(c)** Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

**(a)** 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.

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

**2.4** 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.

## **2.5** 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.

## **2.6** Environmental Review.

**(a)** The environmental impacts of this project were previously reviewed in conjunction with File Nos. PGPA19-007 and PZC19-002, a General Plan Amendment and Zone Change for which an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was previously adopted by the City Council on 11/17/2020. 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.

**2.7** 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 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.

**2.8** 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.

**2.1** Tribal Consultation Conditions.

**(a)** The project developer shall retain a Native American Monitor of Gabrieleño Ancestry (the "Tribe" or the "Consulting Tribe" that was consulted on this project pursuant to Assembly Bill A52 - SB18) to conduct a Native American Indian Sensitivity Training for construction personnel prior to commencement of any excavation activities. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry and the general steps the Monitor would follow in conducting a salvage investigation.

**(b)** The project developer shall retain a Native American Monitor of Gabrieleño Ancestry (the "Tribe" or the "Consulting Tribe" that was consulted on this project pursuant to Assembly Bill A52 - SB18) to be on-site during all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. A copy of the executed contract shall be submitted to the City of Ontario Planning Department prior to the issuance of any grading permit (any ground-disturbing activity). At their discretion, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil, but not at the developers' expense.

**(c)** A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry (the "Tribe" or the "Consulting Tribe" that was consulted on this project pursuant to Assembly Bill A52 - SB18) shall evaluate all archaeological resources unearthed by project construction activities. If the resources are Native American in origin, the Tribe shall coordinate with the developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If archeological features are discovered, the archeologist shall report such findings to the Ontario Planning Director. If the archeological resources are found to be significant, the archeologist shall determine the appropriate actions, in cooperation with the City that shall be taken for exploration and/or salvage in compliance with CEQA Guidelines Section 15064.5(f).

**(d)** Prior to the start of ground disturbing activities, the developer shall arrange a designated site location within the footprint of the project for the respectful reburial of Tribal human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. All construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American. The discovery shall be confidential and secure to prevent further disturbance. If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Tribe shall make every effort to recommend diverting the project and keep the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC.

**(e)** There shall be no Scientific study or the utilization of any invasive diagnostics on any Native American human remains.

**(f)** If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> <b>OTHER</b>	<input checked="" type="checkbox"/> <b>PARCEL MAP</b> <input type="checkbox"/> <b>TRACT MAP</b> <input type="checkbox"/> <b>FOR CONDOMINIUM PURPOSES</b>
<b>PROJECT FILE NO. PM-20278</b>  <b>RELATED FILE NO(S). PMTT21-002, PDEV21-007</b>	
<input checked="" type="checkbox"/> <b>ORIGINAL</b> <input type="checkbox"/> <b>REVISED: __/__/__</b>	

**CITY PROJECT ENGINEER & PHONE NO:** Michael Bhatanawin, P.E. (909) 395-2130

**CITY PROJECT PLANNER & PHONE NO:** Lorena Mejia (909) 395-2276

**DAB MEETING DATE:** September 20, 2021

**PROJECT NAME / DESCRIPTION:** PM-20278, a Tentative Parcel Map to subdivide 15.94 acres of land into three (3) parcels within the CC/OSR zoning district

**LOCATION:** Southwest corner of Milliken Avenue and the 60 Freeway

**APPLICANT:** Orbis Real Estate Partners

**REVIEWED BY:**  9/15/21  
Raymond Lee, P.E. Date  
Assistant City Engineer

**APPROVED BY:**  9-16-21  
Khoi Do, P.E. Date  
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.**

1. PRIOR TO PARCEL MAP APPROVAL, APPLICANT SHALL:		Check When Complete
<input checked="" type="checkbox"/>	<b>1.01 Dedicate to the City of Ontario, the right-of-way, described below:</b> A. Stefano Ct to the ultimate full street right-of-way width of 66 feet from cul-de-sac to Maddalena Privado (private)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>1.02 Dedicate to the City of Ontario, the following easement(s):</b> A. 20 feet wide easement for public utility purposes along Parcel 3 from Stefano Ct to Milliken Ave. See COA 2.29B. B. Traffic signal easement for the traffic signal pole at the northwest corner of Milliken Ave and Maddalena Privado (private). Location and dimensions shall be determined during the plan check process.	<input type="checkbox"/>
<input type="checkbox"/>	1.03 Restrict vehicular access to the site as follows: _____	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>1.04 Vacate the following street(s) and/or easement(s):</b> A. Hartford St along the project frontage of PM 20278. B. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	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. Additionally, the CC&Rs shall cover the project area of PM-20274, PMTT21-003. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	<input type="checkbox"/>
<input type="checkbox"/>	1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <a href="http://tceplumecleanup.com/">http://tceplumecleanup.com/</a> ), 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 <a href="http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658">http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658</a> .	<input type="checkbox"/>





- 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 Financial Services Department at (909) 395-2124 regarding this requirement.
- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- 1.09 Prepare a fully executed Deferred Improvement Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements. Deferred Improvement Agreement shall cover the following:
- A. All required public improvements for Stefano Ct and Milliken Ave as outlined under COA 2.17.
- B. Ultimate public improvements on Milliken Ave along the frontage of PM 20274.
- i. The ultimate public improvements include but are not limited to, pavement widening, curb, gutter, sidewalk, signing/stripping, street lights, parkway landscaping and irrigation, undergrounding of overhead utilities and traffic signal modification at Milliken Ave & Maddalena Privado (private). See COA 2.17.
- ii. Prior to the issuance of the second building permit of PDEV21-007, the following items shall be completed:
1. Improvement plans for these ultimate public improvements are approved
  2. Encroachment permit for these ultimate public improvements has been issued
  3. Construction contract for these ultimate public improvements has been awarded
  4. Received non-interference letter from the property owner of APN: 1083-361-04 for the construction of these ultimate public improvements. Letter shall include but not be limited to the removal of existing structures encroaching into the Milliken Ave right-of-way.
- iii. Once construction begins reasonable progress on completing these ultimate public improvements must be shown to the satisfaction of the City Engineer in order to issue additional building permits and certificate of occupancy release of additional buildings for PDEV21-007 and PM 20278.
- iv. Construction of these ultimate public improvements are to be completed prior to the certificate of occupancy release of the last building for PDEV21-007.
- 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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. Obtain all off-site rights-of-way/easements necessary to construct the required public improvements identified in Section 2 of these Conditions of Approval.
  - B. Provide private easements for utilities, cross lot drainage, blanket emergency access and reciprocal access across all parcels in favor off all parcels (as needed).
  - C. Provide a private access easement across Parcel 2 in favor of Parcel 1 for SCE access via Stefano Ct.

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

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

- 2.01 Record Parcel Map No. 20278 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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) – for sidewalk and any improvements encroaching into their right-of-way**
- 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:**
  - **City of Eastvale – for any improvements (i.e. median, pavement, etc.) encroaching into their right-of-way**
  - **Southern California Edison (SCE) – for any improvements encroaching into their easements**

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 \$271,591, 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	Stefano Court	Milliken Avenue – Interim (D)	Milliken Avenue – Ultimate	Maddalena Privado (private) (F)
<b>Curb and Gutter</b>	<input checked="" type="checkbox"/> New; 20 ft. from C/L (A) <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 checked="" type="checkbox"/> AC berm	<input checked="" type="checkbox"/> New; 51 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 checked="" type="checkbox"/> New; including pavm't transitions (A)	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Along existing dirt shoulder	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 4-30 additional feet varies along frontage, including pavm't transitions (B, C)	<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"/> 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>Sidewalk</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (G) <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>ADA Access Ramp</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Parkway</b>	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)



<b>Raised Landscaped Median</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New (B, C)</b> <input checked="" type="checkbox"/> <b>Trees (B, C)</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation) (B, C)</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Fire Hydrant</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Sewer (see Sec. 2.C)</b>	<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>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</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
<b>Recycled Water (see Sec. 2.E)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</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
<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 checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Modify existing</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <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"/> 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>Storm Drain (see Sec. 2G)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Lateral</b>	<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>Fiber Optics (see Sec. 2K)</b>	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<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	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
<b>Removal of Improvements</b>	_____	_____	_____	_____
<b>Other Improvements</b>	_____	_____	_____	_____



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

- A. From cul-de-sac to Maddalena Privado (private)
- B. A raised landscape median is required on the east side (City of Eastvale may require additional improvements).
- C. These improvements are partially in the City of Ontario and the City of Eastvale.
- D. The following interim street improvements on Milliken Ave will need to be installed to the satisfaction of the City Engineer prior to occupancy for any building for PDEV21-007:
  - i. Install signing and striping per Option 1 exhibit. See email from the City dated 8/3/2021.
  - ii. Pave existing dirt shoulder and install an AC berm along existing frontage of APN: 1083-361-04.
  - iii. Install traffic signal at the intersection of Milliken Ave & Maddalena Privado (private). Signal pole and equipment at the NWC will be required to be installed at its ultimate location. Ultimate curb will not be required.
- E. All master planned utilities shall be designed and installed to the ultimate condition. These improvements will be required if they were not installed by PM 20177.
- G. From southerly project boundary of PM 20278 to the 60 Freeway off-ramp. These improvements are within the Caltrans right-of-way and they may require additional improvements.

- 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 on Milliken Ave, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide  water service  sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 A \_\_\_\_\_ inch sewer main is available for connection by this project in \_\_\_\_\_ (Ref: Sewer plan bar code: \_\_\_\_\_)
- 2.24 Design and construct a sewer main extension on Stefano Ct. A sewer main is not available for direct connection. The closest main is approximately 250 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. Install an 8" sewer main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - B. If at the time of development of PM 20278, the sewer infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable sewer improvements set forth in the COA for PM 20177.



**D. WATER**

- 2.27 An 18-inch water main is available for connection by this project in Milliken Ave. (Ref: Water plan bar code: W12299)
- 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. Fire Service with Double Check Detector Assembly (DCDA): Provide and show one more fire service with DCDA for Building 5, totaling two, and looping them onsite.
  - B. Provide two points of connections by extending the 12" water main at the end of the cul-de-sac (Stefano Ct), easterly and connect into the existing water main in Milliken Ave. A public-utilities easement (PUE) will be required through Parcel 3 of PM 20278 (Building 4) to accommodate the extension of the water main.
  - C. Install a 12" domestic water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - D. If at the time of development of PM 20278, the domestic water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable domestic water improvements set forth in the COA for PM 20177.

**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) 395-2647 regarding this requirement.
- 2.34 Other conditions: 
  - A. Install an 8" recycled water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - B. If at the time of development of PM 20278, the recycled water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable recycled water improvements set forth in the COA for PM 20177.

**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. Restrict access to right-in/right-out at the driveway on Milliken Ave (Building 4), south





of the 60 Freeway Interchange, as required by the City of Ontario Traffic and Transportation Guidelines, Section 2.3 Median Breaks.

- i. For an 8-lane Principal Arterial Road Classification, median breaks may only occur at signal-controlled intersections.
- B. Design and construct proposed driveways onto Milliken Ave and the cul-de-sac in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway.
- C. Design and construct in-fill public street lights and a potential new service along its project frontage on Milliken Ave and Stefano Ct. Street lighting shall be LED-type and in accordance with City’s Traffic and Transportation Design Guidelines.
- D. Milliken Ave and Stefano Ct shall be signed “No Stopping Anytime” along property frontage.
- E. Design and construct the pavement and striping transitions from existing conditions to the widened portions along the Milliken Ave project frontage.
- F. Engineer-of-record shall meet with City Engineering staff prior to starting signing and striping, street lighting, and traffic signal design.
- G. If at the time of construction, the development for PM-20177 has not been constructed, the following will also apply:
  - i. The Applicant/Developer shall be responsible to design and construct a new traffic signal system at the project’s access on Milliken Ave (910’ N/O Riverside Dr) and Maddalena Privado (private) to the satisfaction of the City Engineer. The new traffic signal shall include, video detection, fiber optic cable and conduit, communication equipment, 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. Additional right-of-way for widening may be required for northbound left turn movement on to the project site.
  - ii. The Applicant/Developer shall be responsible to design and construct the proposed Maddalena Privado (private) from Stefano Ct to Milliken Ave, including the entire intersection of Maddalena Privado (private) and Stefano Ct. The Applicant/Developer shall also be responsible to design and construct Stefano Ct from Maddalena Privado (private) to the proposed cul-de-sac.

**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. Design and construct a 30” storm drain line on Stefano Ct from the cul-de-sac to the existing point of connection at PM 20177. The size of this line is subject to change depending on the hydrology study and drainage analysis for the project.
  - B. The existing 48” storm drain in Riverside Dr is currently not connected to the County Line Channel and the ultimate system in Mill Creek Avenue is not constructed at this time. In the interim, the Developer/Applicant shall design and construct a storm drain system for storm water detention on-site, to the satisfaction of the City Engineer. (See COA 2.40, above)
  - C. The storm water detention system shall be a private system. The Developer/Applicant shall be responsible for maintaining the system.
  - D. If at the time of development of PM 20278, the storm drain infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable storm drain improvements set forth in the COA for PM 20177.

**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.sbccounty.gov/dpw/land/npdes.asp>.**
- 2.46** Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47** Other conditions: \_\_\_\_\_

**J. SPECIAL DISTRICTS**

- 2.48** 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49** Other conditions: \_\_\_\_\_



**K. FIBER OPTIC**

- 2.50 A \_\_\_\_\_ fiber optic line is available for connection by this project in \_\_\_\_\_.  
(Ref: Fiber Optic plan bar code: \_\_\_\_\_)
- 2.51 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 holes at the northerly limits of PM 20177 on Milliken Ave and Stefano Ct and the hand hole on Milliken Ave s/o of the 60 Freeway off-ramp. Limits of work are generally located along the project frontages of Milliken Ave and Stefano Ct.
- 2.52 Refer to the City’s Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.
- 2.53 Other conditions: 
  - A. If at the time of development of PM 20278, the fiber optic infrastructure required for PM 20177 has not been constructed, this project is required to install fiber optic infrastructure along Stefano Ct from the cul-de-sac to Maddalena Privado (private), Maddalena Privado (private) from Stefano Ct to Milliken Ave and Milliken Ave from Maddalena Privado (private) to the nearest OntarioNet hand hole on Milliken Ave s/o of the 60 Freeway off-ramp.

**L. INTEGRATED WASTE**

- 2.54 Onsite solid waste shall be designed in accordance with the City’s Refuse & Recycling Planning Manual located at:   
  
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.55 Other conditions: 
  - A. Final Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, submit a final SWHP with the Precise Grading Plan for review and approval of the Integrated Waste Department (Public Works).
  - B. Integrated Waste Management Report (IWMR): Prior to approval of the Precise Grading Plan, submit to Integrated Waste Department (Public Works) – Blaine Ishii (bishii@ontarioca.gov) for review and approval, an Integrated Waste Management Report (IWMR) that complies with the IWMR Requirements.
  - C. Trash Enclosure (TE): Provide and show one more TE for Building 5, totaling two TEs, on the opposite end of the building near the proposed offices.

**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.).

#### 4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



## **EXHIBIT 'A'**

### **ENGINEERING DEPARTMENT First Plan Check Submittal Checklist**

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**Project Number: PMTT21-002, PDEV21-007, and/or Parcel Map No. 20278**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **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).**
7.  **Three (3) sets of Public Street improvement plan with street cross-sections**
8.  **Three (3) sets of Private Street improvement plan with street cross-sections**
9.  **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)**
10.  **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)**
11.  **Four (4) sets of Public Sewer improvement plan**
12.  **Five (5) sets of Public Storm Drain improvement plan**
13.  **Three (3) sets of Public Street Light improvement plan**
14.  **Three (3) sets of Signing and Striping improvement plan**
15.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
16.  **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)**
17.  **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.**
18.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
19.  **One (1) copy of Hydrology/Drainage study**
20.  **One (1) copy of Soils/Geology report**



- 21.  **Payment for Final Map/Parcel Map processing fee**
- 22.  **Three (3) copies of Final Map/Parcel Map**
- 23.  **One (1) copy of approved Tentative Map**
- 24.  **One (1) copy of Preliminary Title Report (current within 30 days)**
- 25.  **One (1) copy of Traverse Closure Calculations**
- 26.  **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.**
- 27.  **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 28.  **Other:** \_\_\_\_\_

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-002, PMTT21-003 & PDEV21-007

Address: SWC of Milliken Avenue & the 60 FWY

APN: 1083-361-04 & 07

Existing Land Use: Vacant/ winery and restuarant

Proposed Land Use: Development Plan to construct 4 industrial buildings totaling 808,639 SF

Site Acreage: 18.56 Proposed Structure Height: 45 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 4/5/2021

CD No.: 2021-012

PALU No.: n/a

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

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

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

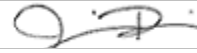
The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

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

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

**CONDITIONS OF APPROVAL**

**Sign Off**



07/09/21

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Planner**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV21-007, PMTT21-002, PMTT21-003

Case Planner:

Lorena Mejia

Project Name and Location:

The Vine Industrial Buildings  
 SW Corner of Milliken Ave and the 60 Freeway

Applicant/Representative:

Orbis Real Estate Partners  
 280 Newport Center Drive, Suite 300  
 Newport Beach, CA 92660



**A Preliminary Landscape Plan (dated 05/28/21) meets the Standard Conditions for New Development. It 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 before Preliminary Landscape Plan approval.**

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**

Landscape construction plans with plan check number may be emailed to: [landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)  
**DIGITAL SUBMITTALS MUST BE 10MB OR LESS.**

**Civil/ Site Plans**

1. Provide an arborist report and 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 to protect trees to remain. Replacement and mitigation for removed trees shall be equal to the trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15 gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box, or 24" to 36" box size.
  - d. Monetary value of the trees removed as identified in the "Guide for Plant Appraisal," approved certified arborist plant appraiser, or may be equal to the value of the installation cost of planting, fertilizing, staking, and irrigating 15-gallon trees (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Reduce drive aisles to 24' where space is needed for turning radius, it is ok to increase to 26'. Where landscape planters are adjacent to buildings and property lines reduce to allow for



additional landscape area.

4. Stormwater infiltration devices located in landscape areas shall be reviewed and plans approved by the Landscape Planning Division before permit issuance. Any stormwater devices in parkway areas shall not displace street trees.
5. Show transformers set back 5' from paving all sides. Coordinate with landscape plans.

#### Landscape Plans

6. Provide an arborist report and tree inventory as noted in #1.
7. Provide additional trees in the landscape area north of building 6.
8. Show backflow devices with 36" high strappy leaf shrub screening and trash enclosures and transformers, a 4'-5' high evergreen hedge screening. Do not encircle utility, show as masses, and duplicate masses in other locations at regular intervals.
9. Show landscaping in the perimeter planters and trees spaced 30' apart.
10. Street trees for this project are Platanus a. 'Bloodgood' (Milliken) per the Master Street Tree Plan. Use evergreen background trees and triangularly space between them.
11. Replace Lavender short-lived or only use in accent area.
12. Show 8' diameter of mulch only at new trees—detail irrigation dripline outside of mulched root zone.
13. 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.

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# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Official  
Khoi Do, City Engineer  
Jamie Richardson, Landscape Planning Division  
Ahmed Aly, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
Mike Gerken, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Robin Lucero, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Lorena Mejia, Senior Planner

DATE: February 23, 2021

SUBJECT: FILE #: PMTT21-002 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 .

- 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 (Tentative Parcel Map 20278) to subdivide 15.94 acres of land into 3 parcels located at the southwest corner of Milliken Avenue and the 60 Freeway, within the CC/OSR zoning district (APN(s): 1083-361-07). Related File(s): PDEV21-007, PMTT21-003

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

Broadband Operations  
Department

*Cameron Chadwick*  
Signature

Fiber Technician 03/03/2021  
Title Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Senior Planner  
Planning Department

**FROM:** Mike Gerken, Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** February 25, 2021

**SUBJECT:** PMTT21-002 - A Parcel Map (Tentative Parcel Map 20278) to subdivide 15.94 acres of land into 3 parcels located at the southwest corner of Milliken Avenue and the 60 Freeway, within the CC/OSR zoning district (APN(s): 1083-361-07). Related File(s): PDEV21-007, PMTT21-003

- 
- 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. 2019 CBC Type of Construction: Not Listed (Assumed IIIB)
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): Varies 41,040 Sq. Ft. to 118,482 Sq. Ft.
- D. Number of Stories: 1 with Mezzanines
- E. Total Square Footage: Various
- F. 2019 CBC Occupancy Classification(s): S

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario website at [www.ontarioca.gov/Fire/Prevention](http://www.ontarioca.gov/Fire/Prevention).
- ☒ 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.

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 3750 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300’) apart, per Engineering Department specifications.
- ☒ 3.4 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. 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.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT21-003, A TENTATIVE PARCEL MAP (TPM 20274) TO SUBDIVIDE 9.72 ACRES OF LAND INTO 4 PARCELS LOCATED AT THE SOUTHWEST CORNER OF THE CA-60 (POMONA FREEWAY) AND MILLIKEN AVENUE, WITHIN THE CC (COMMUNITY COMMERCIAL) AND IL (LIGHT INDUSTRIAL) ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1083-361-04.

WHEREAS, ORBIS REAL ESTATE PARTNERS ("Applicant") has filed an Application for the approval of a Tentative Parcel Map (TPM 20274), File No. PMTT21-003, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 9.72 acres of land generally located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue, within the IL (Light Industrial) and CC (Community Commercial), and is presently developed with a wine shop (San Antonio Winery), restaurant, church, small animal farm and vineyard; and

WHEREAS, the property to the north is within the IL (Light Industrial) zoning district and is presently vacant. The properties to the east are within the City of Eastvale, Industrial Park zoning district, and are developed with Business Park/Industrial land uses. The property to the south is within the CC (Community Commercial) and IL (Light Industrial) zoning districts and are presently vacant. The property to the west is within Utilities Corridor zoning district, and is developed with SCE power lines and transmission towers; and

WHEREAS, the proposed Tentative Parcel Map (TPM 20274) will subdivide the Project site into 4 numbered lots to facilitate the construction of two industrial buildings totaling 159,332 square feet and future development and redevelopment of the San Antonio Winery. Parcels 1 (4.79 ac) and 2 (1.85 ac) are located within IL (Light Industrial) zoning district and Parcels 3 (0.92 ac) and 4 (1.40 ac) are located within the CC (Community Commercial) zoning district. All parcels exceed the 10,000 (0.23 ac) square foot minimum lot size established for the IL and CC zoning districts; and

WHEREAS, on October 27, 2020, the Planning Commission approved Tentative Parcel Map 20177 (File No. PMTT19-018) which subdivided 20 acres of land, south of the Project site, into 7 parcels. Tentative Parcel Map 20177 (File No. PMTT19-018) will facilitate the construction of internal public and private streets (Stefano Court and Maddalena Privado), which will serve the immediate area and the Project site. The Project site will take direct access from both Stefano Court and Milliken Avenue; and

WHEREAS, the Planning Department conducted a virtual community meeting via Zoom on June 29, 2021, to discuss the proposed subject Applications. Ten members of community logged into the Zoom meeting and 5 residents provided comments/questions during the meeting; and

WHEREAS, a Tentative Parcel Map and Development Plan, File Nos. PMTT21-002 and PDEV21-007, respectively, were filed in conjunction with the proposed Tentative Parcel Map. The two applications consist of: [1] a Tentative Parcel Map No. 20278, subdividing 15.94 acres of land into 3 parcels located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) and UC (Utilities Corridor) zoning districts; and [2] a Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) zoning district; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to as "CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) that was approved by the City Council on November 17, 2020, in conjunction with File Nos. PGPA19-007 and PZC19-002, in which development and use of the Project site was discussed, 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, 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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 20, 2021, 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. DAB21-046, recommending the Planning Commission approve the Application; and

WHEREAS, on September 28, 2021, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Addendum to the Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Addendum to the 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 Nos. PGPA19-007 and PZC19-002, a General Plan Amendment and Zone Change for which an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was approved by the City Council on November 17, 2020.

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



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

(4) The previous Addendum to the 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 Addendum to the Certified EIR, and all mitigation measures previously adopted with the Addendum to 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 authority 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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

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

is located within the Industrial and General Commercial land use districts of the Policy Plan Land Use Map, and the IL (Light Industrial) and CC (Community Commercial) zoning districts. 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 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 Industrial and General Commercial land use districts of the Policy Plan Land Use Map, and the IL (Light Industrial) and CC (Community Commercial) zoning districts. 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 the IL (Light Industrial) and CC (Community Commercial) zoning districts and is physically suitable for the type of industrial development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the intensity of development proposed.*** The Project site is proposed for industrial development at a floor area ratio of 0.49. The Project site meets the minimum lot area and dimensions of the IL (Light Industrial) and CC (Community Commercial) zoning districts and is physically suitable for this proposed 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 right-of-way improvements proposed on the project site, are not likely to cause serious public health problems, as The project is not anticipated to involve the transport, use, or disposal of hazardous materials during either construction or project implementation, include the use of hazardous materials or volatile fuels, nor are there any known stationary commercial or industrial land uses within close proximity to the subject site that use/store hazardous materials to the extent that they would pose a significant hazard to visitors or occupants to the project site.

(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 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

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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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, 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. PMTT21-003 (TPM 20274)  
Departmental Conditions of Approval**

*(Departmental conditions of approval to follow this page)*

**Date Prepared:** 9/20/2021

**File No:** PMTT21-003/TPM 20274

**Related Files:** PMTT21-002/TPM 20278 and PDEV21-007

**Project Description:** A Tentative Parcel Map (TPM 20274) to subdivide 9.72 acres of land into 4 parcels located on the southwest corner of CA-60 (Pomona Freeway) and Milliken Avenue within the Light Industrial and Community Commercial zoning districts; (APN: 1083-361-04); **submitted by Orbis Real Estate Partners.**

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



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

**(c)** Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

**(a)** 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.

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

**2.4** 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.

## **2.5** 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.

## **2.6** Environmental Review.

**(a)** The environmental impacts of this project were previously reviewed in conjunction with File Nos. PGPA19-007 and PZC19-002, a General Plan Amendment and Zone Change for which an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was previously adopted by the City Council on 11/17/2020. 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.

**2.7** 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 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.

**2.8** 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.

**2.1** Tribal Consultation Conditions.

**(a)** The project developer shall retain a Native American Monitor of Gabrieleño Ancestry (the “Tribe” or the “Consulting Tribe” that was consulted on this project pursuant to Assembly Bill A52 - SB18) to conduct a Native American Indian Sensitivity Training for construction personnel prior to commencement of any excavation activities. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry and the general steps the Monitor would follow in conducting a salvage investigation.

**(b)** The project developer shall retain a Native American Monitor of Gabrieleño Ancestry (the “Tribe” or the “Consulting Tribe” that was consulted on this project pursuant to Assembly Bill A52 - SB18) to be on-site during all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. A copy of the executed contract shall be submitted to the City of Ontario Planning Department prior to the issuance of any grading permit (any ground-disturbing activity). At their discretion, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil, but not at the developers’ expense.

**(c)** A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry (the “Tribe” or the “Consulting Tribe” that was consulted on this project pursuant to Assembly Bill A52 - SB18) shall evaluate all archaeological resources unearthed by project construction activities. If the resources are Native American in origin, the Tribe shall coordinate with the developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If archeological features are discovered, the archeologist shall report such findings to the Ontario Planning Director. If the archeological resources are found to be significant, the archeologist shall determine the appropriate actions, in cooperation with the City that shall be taken for exploration and/or salvage in compliance with CEQA Guidelines Section 15064.5(f).

**(d)** Prior to the start of ground disturbing activities, the developer shall arrange a designated site location within the footprint of the project for the respectful reburial of Tribal human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. All construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American. The discovery shall be confidential and secure to prevent further disturbance. If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Tribe shall make every effort to recommend diverting the project and keep the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC.

**(e)** There shall be no Scientific study or the utilization of any invasive diagnostics on any Native American human remains.

**(f)** If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> <b>PARCEL MAP</b> <input type="checkbox"/> TRACT MAP  <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
<b>PROJECT FILE NO. PM-20274</b>  <b>RELATED FILE NO(S). PMTT21-003, PDEV21-007</b>	
<input checked="" type="checkbox"/> <b>ORIGINAL</b> <input type="checkbox"/> REVISED: __/__/__	

**CITY PROJECT ENGINEER & PHONE NO:** Michael Bhatanawin, P.E. (909) 395-2130

**CITY PROJECT PLANNER & PHONE NO:** Lorena Mejia (909) 395-2276

**DAB MEETING DATE:** September 20, 2021

**PROJECT NAME / DESCRIPTION:** PM-20274, a Tentative Parcel Map to subdivide 9.73 acres of land into four (4) parcels within the CC/OSR zoning district

**LOCATION:** Southwest corner of Milliken Avenue and the 60 Freeway

**APPLICANT:** Orbis Real Estate Partners

**REVIEWED BY:** Raymond Lee      9/15/21  
 Raymond Lee, P.E.      Date  
 Assistant City Engineer

**APPROVED BY:** Khoi Do      9-16-21  
 Khoi Do, P.E.      Date  
 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.**

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below: 
  - A. Stefano Ct to the ultimate full street right-of-way width of 66 feet from the cul-de-sac to Maddalena Privado (private)
  - B. Milliken Ave to the ultimate half street right-of-way width of 71 feet along the project frontage
  - C. Property line corner 'cut-back' required at all street intersection of Milliken Ave and Maddalena Privado (private).
- 1.02 Dedicate to the City of Ontario, the following easement(s): 
  - A. 20 feet wide easement for public utility purposes along Parcel 3 of PM 20278 from Stefano Ct to Milliken Ave. See COA 2.29B.
- 1.03 Restrict vehicular access to the site as follows: \_\_\_\_\_
- 1.04 Vacate the following street(s) and/or easement(s): 
  - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.
- 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. Additionally, the CC&Rs shall cover the project area of PM-20278, PMTT21-002. 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 Financial Services Department at (909) 395-2124 regarding this requirement.
- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- 1.09 Prepare a fully executed Deferred Improvement Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements. Deferred Improvement Agreement shall cover the following:
- A. All required public improvements for Stefano Ct and Milliken Ave as outlined under COA 2.17.
- B. Ultimate public improvements on Milliken Ave along the frontage of PM 20274.
- i. The ultimate public improvements include but are not limited to, pavement widening, curb, gutter, sidewalk, signing/stripping, street lights, parkway landscaping and irrigation, undergrounding of overhead utilities and traffic signal modification at Milliken Ave & Maddalena Privado (private). See COA 2.17.
- ii. Prior to the issuance of the second building permit of PDEV21-007, the following items shall be completed:
1. Improvement plans for these ultimate public improvements are approved
  2. Encroachment permit for these ultimate public improvements has been issued
  3. Construction contract for these ultimate public improvements has been awarded
  4. Received non-interference letter from the property owner of APN: 1083-361-04 for the construction of these ultimate public improvements. Letter shall include but not be limited to the removal of existing structures encroaching into the Milliken Ave right-of-way.
- iii. Once construction begins reasonable progress on completing these ultimate public improvements must be shown to the satisfaction of the City Engineer in order to issue additional building permits and certificate of occupancy release of additional buildings for PDEV21-007 and PM 20274.
- iv. Construction of these ultimate public improvements are to be completed prior to the certificate of occupancy release of the last building for Parcel Map No. 20274.
- 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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. Obtain all off-site rights-of-way/easements necessary to construct the required public improvements identified in Section 2 of these Conditions of Approval.
  - B. Provide private easements for utilities, cross lot drainage, blanket emergency access and reciprocal access across all parcels in favor off all parcels (as needed).

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

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

- 2.01 Record Parcel Map No. 20274 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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:**
    - **City of Eastvale – for any improvements (i.e. median, pavement, etc.) encroaching into their right-of-way**
    - **Southern California Edison (SCE) – for any improvements encroaching into their easements**
- 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 \$156,623, 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	Stefano Court	Milliken Avenue – Interim (C)	Milliken Avenue – Ultimate	Maddalena Privado (private) (E)
<b>Curb and Gutter</b>	<input checked="" type="checkbox"/> New; 20 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 checked="" type="checkbox"/> AC berm	<input checked="" type="checkbox"/> New; 51 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 checked="" type="checkbox"/> New; including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Along existing dirt shoulder	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 4-30 additional feet varies along frontage, including pavm't transitions (A, B)	<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"/> 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>Sidewalk</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>ADA Access Ramp</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Parkway</b>	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)



<b>Raised Landscaped Median</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New (A, B)</b> <input checked="" type="checkbox"/> <b>Trees (A, B)</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation) (A, B)</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Fire Hydrant</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Sewer (see Sec. 2.C)</b>	<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>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> <b>Service</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Recycled Water (see Sec. 2.E)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</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
<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 checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Modify existing</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <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"/> 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>Storm Drain (see Sec. 2G)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Lateral</b>	<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>Fiber Optics (see Sec. 2K)</b>	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<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	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
<b>Removal of Improvements</b>	_____	_____	_____	_____
<b>Other Improvements</b>	_____	_____	_____	_____



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

- A. A raised landscape median is required on the east side (City of Eastvale may require additional improvements).
- B. These improvements are partially in the City of Ontario and the City of Eastvale.
- C. The following interim street improvements on Milliken Ave will need to be installed to the satisfaction of the City Engineer prior to occupancy for any building for PDEV21-007:
  - i. Install signing and striping per Option 1 exhibit. See email from the City dated 8/3/2021.
  - ii. Pave existing dirt shoulder and install an AC berm along existing frontage of APN: 1083-361-04.
  - iii. Install traffic signal at the intersection of Milliken Ave & Maddalena Privado (private). Signal pole and equipment at the NWC will be required to be installed at its ultimate location. Ultimate curb will not be required.
- D. All master planned utilities shall be designed and installed to the ultimate condition.
- E. These improvements will be required if they were not installed by PM 20177.

- 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 on Milliken Ave, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide  water service  sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 A \_\_\_\_\_ inch sewer main is available for connection by this project in \_\_\_\_\_ (Ref: Sewer plan bar code: \_\_\_\_\_)
- 2.24 Design and construct a sewer main extension on Stefano Ct. A sewer main is not available for direct connection. The closest main is approximately 250 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. Install an 8" sewer main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - B. Extend the existing sewer main where PM 20177 ends (Maddalena Privado (private)) in Milliken Ave, north to Parcel 3 of PM 20274 northerly property line to service Parcels 3 and 4 of PM 20274.
  - C. If at the time of development of PM 20274, the sewer infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable sewer improvements set forth in the COA for PM 20177.



**D. WATER**

- 2.27 An 18-inch water main is available for connection by this project in Milliken Ave. (Ref: Water plan bar code: W12299)
- 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. Fire Service with Double Check Detector Assembly (DCDA): Provide and show one more fire service with DCDA for Building 7, totaling two, and looping them onsite.
  - B. Provide two points of connections by extending the 12" water main at the end of the cul-de-sac (Stefano Ct), easterly and connect into the existing water main in Milliken Ave. A public-utilities easement (PUE) will be required through Parcel 3 of PM 20278 (Building 4) to accommodate the extension of the water main.
  - C. Install a 12" domestic water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - D. Provide two water services (domestic and irrigation) with backflow devices for both Parcels 3 and 4 of PM 20274.
  - E. If at the time of development of PM 20274, the domestic water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable domestic water improvements set forth in the COA for PM 20177.

**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) 395-2647 regarding this requirement.
- 2.34 Other conditions: 
    - A. Install an 8" recycled water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
    - B. If at the time of development of PM 20274, the recycled water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable recycled water improvements set forth in the COA for PM 20177.

**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. Design and construct proposed driveways onto the cul-de-sac in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway.
- B. Design and construct in-fill public street lights and a potential new service along its project frontage on Milliken Ave and Stefano Ct. Street lighting shall be LED-type and in accordance with City's Traffic and Transportation Design Guidelines.
- C. Milliken Ave and Stefano Ct shall be signed "No Stopping Anytime" along property frontage.
- D. Design and construct the pavement and striping transitions from existing conditions to the widened portions along the Milliken Ave project frontage.
- E. Engineer-of-record shall meet with City Engineering staff prior to starting signing and striping, street lighting, and traffic signal design.
- F. If at the time of construction, the development for PM-20177 has not been constructed, the following will also apply:
  - i. The Applicant/Developer shall be responsible to design and construct a new traffic signal system at the project's access on Milliken Ave (910' N/O Riverside Dr) and Maddalena Privado (private) to the satisfaction of the City Engineer. The new traffic signal shall include, video detection, fiber optic cable and conduit, communication equipment, 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. Additional right-of-way for widening may be required for northbound left turn movement on to the project site.
  - ii. The Applicant/Developer shall be responsible to design and construct the proposed Maddalena Privado (private) from Stefano Ct to Milliken Ave, including the entire intersection of Maddalena Privado (private) and Stefano Ct. The Applicant/Developer shall also be responsible to design and construct Stefano Ct from Maddalena Privado (private) to the proposed cul-de-sac.

**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. Design and construct a 30" storm drain line on Stefano Ct from the northerly project limits of PM 20274 to the existing point of connection at PM 20177. The size of this line is subject to change depending on the hydrology study and drainage analysis for the project.
  - B. The existing 48" storm drain in Riverside Dr is currently not connected to the County Line Channel and the ultimate system in Mill Creek Avenue is not constructed at this time. In the interim, the Developer/Applicant shall design and construct a storm drain system for storm water detention on-site, to the satisfaction of the City Engineer. (See COA 2.40, above)
  - C. The storm water detention system shall be a private system. The Developer/Applicant shall be responsible for maintaining the system.
  - D. If at the time of development of PM 20274, the storm drain infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable storm drain improvements set forth in the COA for PM 20177.

**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 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 Other conditions: \_\_\_\_\_

**J. SPECIAL DISTRICTS**

- 2.48 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49 Other conditions: \_\_\_\_\_





**K. FIBER OPTIC**

- 2.50 A \_\_\_\_\_ fiber optic line is available for connection by this project in \_\_\_\_\_.  
 (Ref: Fiber Optic plan bar code: \_\_\_\_\_)
- 2.51 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 holes at the northerly limits of PM 20177 on Milliken Ave and Stefano Ct and the hand hole on Milliken Ave s/o of the 60 Freeway off-ramp. Limits of work are generally located along the project frontages of Milliken Ave and Stefano Ct.
- 2.52 Refer to the City’s Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.
- 2.53 Other conditions: 
  - A. If at the time of development of PM 20274, the fiber optic infrastructure required for PM 20177 has not been constructed, this project is required to install fiber optic infrastructure along Stefano Ct from northerly project limits of PM 20274 to Maddalena Privado (private), Maddalena Privado (private) from Stefano Ct to Milliken Ave and Milliken Ave from Maddalena Privado (private) to the nearest OntarioNet hand hole on Milliken Ave s/o of the 60 Freeway off-ramp.

**L. INTEGRATED WASTE**

- 2.54 Onsite solid waste shall be designed in accordance with the City’s Refuse & Recycling Planning Manual located at:   
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.55 Other conditions: 
  - A. Final Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, submit a final SWHP with the Precise Grading Plan for review and approval of the Integrated Waste Department (Public Works).
  - B. Integrated Waste Management Report (IWMR): Prior to approval of the Precise Grading Plan, submit to Integrated Waste Department (Public Works) – Blaine Ishii (bishii@ontarioca.gov) for review and approval, an Integrated Waste Management Report (IWMR) that complies with the IWMR Requirements.
  - C. Trash Enclosure (TE): Provide and show one more TE for Building 7, totaling two TEs, on the opposite end of the building near the proposed offices.

**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.).

#### 4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PMTT21-003, PDEV21-007, and/or Parcel Map No. 20274**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **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).**
7.  **Three (3) sets of Public Street improvement plan with street cross-sections**
8.  **Three (3) sets of Private Street improvement plan with street cross-sections**
9.  **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)**
10.  **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)**
11.  **Four (4) sets of Public Sewer improvement plan**
12.  **Five (5) sets of Public Storm Drain improvement plan**
13.  **Three (3) sets of Public Street Light improvement plan**
14.  **Three (3) sets of Signing and Striping improvement plan**
15.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
16.  **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)**
17.  **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.**
18.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
19.  **One (1) copy of Hydrology/Drainage study**
20.  **One (1) copy of Soils/Geology report**



21.  **Payment for Final Map/Parcel Map processing fee**
22.  **Three (3) copies of Final Map/Parcel Map**
23.  **One (1) copy of approved Tentative Map**
24.  **One (1) copy of Preliminary Title Report (current within 30 days)**
25.  **One (1) copy of Traverse Closure Calculations**
26.  **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.**
27.  **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
28.  **Other:** \_\_\_\_\_

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-002, PMTT21-003 & PDEV21-007  
 Address: SWC of Milliken Avenue & the 60 FWY  
 APN: 1083-361-04 & 07  
 Existing Land Use: Vacant/ winery and restuarant  
 Proposed Land Use: Development Plan to construct 4 industrial buildings totaling 808,639 SF  
 Site Acreage: 18.56 Proposed Structure Height: 45 FT  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Lorena Mejia  
 Date: 4/5/2021  
 CD No.: 2021-012  
 PALU No.: n/a

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

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

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

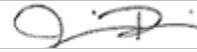
The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

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

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

**CONDITIONS OF APPROVAL**

**Sign Off**



07/09/21

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Planner**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV21-007, PMTT21-002, PMTT21-003

Case Planner:

Lorena Mejia

Project Name and Location:

The Vine Industrial Buildings  
 SW Corner of Milliken Ave and the 60 Freeway

Applicant/Representative:

Orbis Real Estate Partners  
 280 Newport Center Drive, Suite 300  
 Newport Beach, CA 92660



**A Preliminary Landscape Plan (dated 05/28/21) meets the Standard Conditions for New Development. It 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 before Preliminary Landscape Plan approval.**

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**

Landscape construction plans with plan check number may be emailed to: [landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)  
**DIGITAL SUBMITTALS MUST BE 10MB OR LESS.**

**Civil/ Site Plans**

1. Provide an arborist report and 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 to protect trees to remain. Replacement and mitigation for removed trees shall be equal to the trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15 gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box, or 24" to 36" box size.
  - d. Monetary value of the trees removed as identified in the "Guide for Plant Appraisal," approved certified arborist plant appraiser, or may be equal to the value of the installation cost of planting, fertilizing, staking, and irrigating 15-gallon trees (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Reduce drive aisles to 24' where space is needed for turning radius, it is ok to increase to 26'. Where landscape planters are adjacent to buildings and property lines reduce to allow for

additional landscape area.

4. Stormwater infiltration devices located in landscape areas shall be reviewed and plans approved by the Landscape Planning Division before permit issuance. Any stormwater devices in parkway areas shall not displace street trees.
5. Show transformers set back 5' from paving all sides. Coordinate with landscape plans.

#### Landscape Plans

6. Provide an arborist report and tree inventory as noted in #1.
7. Provide additional trees in the landscape area north of building 6.
8. Show backflow devices with 36" high strappy leaf shrub screening and trash enclosures and transformers, a 4'-5' high evergreen hedge screening. Do not encircle utility, show as masses, and duplicate masses in other locations at regular intervals.
9. Show landscaping in the perimeter planters and trees spaced 30' apart.
10. Street trees for this project are Platanus a. 'Bloodgood' (Milliken) per the Master Street Tree Plan. Use evergreen background trees and triangularly space between them.
11. Replace Lavender short-lived or only use in accent area.
12. Show 8' diameter of mulch only at new trees—detail irrigation dripline outside of mulched root zone.
13. 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.



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Official  
Khoi Do, City Engineer  
Jamie Richardson, Landscape Planning Division  
Ahmed Aly, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
Mike Gerken, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Robin Lucero, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Lorena Mejia, Senior Planner

DATE: February 23, 2021

SUBJECT: FILE #: PMTT21-003 Finance Acct#:

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

- 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 (Tentative Parcel Map 20274) to subdivide 9.73 acres of land into 4 parcels located at the southwest corner of Milliken Avenue and the 60 Freeway, within the LDR-5 zoning district (APN(s): 1083-361-07). Related File(s): PDEV21-007, PMTT21-002.

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

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

The plan does not adequately address the departmental concerns.

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

Broadband Operations  
Department

*Cameron Chadwick*  
Signature

Fiber Technician 03/03/2021  
Title Date





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Senior Planner  
Planning Department

**FROM:** Mike Gerken, Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** February 25, 2021

**SUBJECT:** PMTT21-003 - A Parcel Map (Tentative Parcel Map 20274) to subdivide 9.73 acres of land into 4 parcels located at the southwest corner of Milliken Avenue and the 60 Freeway, within the LDR-5 zoning district (APN(s): 1083-361-07). Related File(s): PDEV21-007, PMTT21-002.

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

### **SITE AND BUILDING FEATURES:**

- A. 2019 CBC Type of Construction: Not Listed (Assumed IIIB)
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): Varies 41,040 Sq. Ft. to 118,482 Sq. Ft.
- D. Number of Stories: 1 with Mezzanines
- E. Total Square Footage: Various
- F. 2019 CBC Occupancy Classification(s): S

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario website at [www.ontarioca.gov/Fire/Prevention](http://www.ontarioca.gov/Fire/Prevention).
- ☒ 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.

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 3750 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300’) apart, per Engineering Department specifications.
- ☒ 3.4 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. 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.

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV21-007, A DEVELOPMENT PLAN TO CONSTRUCT FOUR INDUSTRIAL BUILDINGS TOTALING 393,334 SQUARE FEET ON 25.66 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE CA-60 (POMONA FREEWAY) AND MILLIKEN AVENUE WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1083-361-04 AND 1083-361-07.

WHEREAS, ORBIS REAL ESTATE PARTNERS ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV21-007, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 25.66 acres of land generally located southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue, within the IL (Light Industrial), and is presently improved with a wine shop (San Antonio Winery), restaurant, church, small animal farm, vineyard, and portions of undeveloped land; and

WHEREAS, the property to the north of the Project site is the CA-60 (Pomona Freeway). The properties to the east are within the City of Eastvale, Industrial Park zoning district, and are developed with Business Park/Industrial land uses. The property to the south is within the CC (Community Commercial) and IL (Light Industrial) zoning districts and are presently vacant. The properties to the west are within Utilities Corridor zoning district and the Single-Family Detached land use district of the Creekside Village Specific Plan, and are developed with SCE power lines/transmission towers and single-family residential homes; and

WHEREAS, proposed, is the construction of three industrial buildings totaling 393,334 square feet on four lots totaling 25.66 acres in area. The building sizes range from 44,630 to 169,962 square feet and the Project has an overall Floor Area Ratio ("FAR") of 0.49. The proposed buildings occupy the north and west portions of the overall Project site. Buildings 5 and 7 are located west of Stefano Court and Buildings 4 and 6 are located east of Stefano Court; and

WHEREAS, Building 4 (Tentative Parcel Map No. 20278, Parcel 3) is located at the northeast quadrant of the overall Project site and consists of a 64,040 square foot warehouse/distribution building, having a FAR of 0.43; and

WHEREAS, Building 5 (Tentative Parcel Map No. 20278, Parcel 2) is located within the northwest quadrant of the overall Project site and consists of a 169,962 square foot warehouse/distribution building, having a FAR of 0.46; and

WHEREAS, Building 6 (Tentative Parcel Map No. 20274, Parcel 2) is located at the northeast corner of Stefano Court and Maddalena Privado and consists of a 44,360-square-foot warehouse/distribution building, having a FAR of 0.55; and

WHEREAS, Building 7 (Tentative Parcel Map No. 20274, Parcel 1) is located at the northwest corner of Stefano Court and Maddalena Privado and consists of a 114,972-square-foot warehouse/distribution building, having a FAR of 0.55; and

WHEREAS, the approved Tentative Parcel Map (File No. PMTT19-018) facilitates the construction of internal public and private streets (Stefano Court and Maddalena Privado), which will serve the immediate area and the Project site. Stefano Court is a 40-foot-wide public street (66-foot right-of-way) that runs north-south, terminating in a cul-de-sac at the north end. Stefano Court will intersect with Riverside Drive, at a point approximately 600 feet west of Milliken Avenue. Maddalena Privado, a private street will run east-west, and will intersect Milliken Avenue at a point approximately 800 feet north of Riverside Drive. Maddalena Privado intersects with Stefano Court and transitions into a drive-aisle, immediately west of Stefano Court. The Project site will take direct access from Stefano Court, Maddalena Privado, and Milliken Avenue; and

WHEREAS, the Project has provided off-street parking pursuant to the "Warehouse and Distribution" parking standards specified in the Development Code. The Project requires a total of 248 parking spaces and 279 spaces have been provided; and

WHEREAS, the proposed buildings are of concrete tilt-up construction and integrates a contemporary architectural design theme that is consistent throughout the development, incorporating enhanced elements and treatments at office entries and along street facing elevations. Architectural elements for all buildings include smooth-painted concrete in white, grey, brown and tan tones, with horizontal and vertical reveals, storefronts with clear anodized aluminum mullions and blue glazing, metal canopies, arched windows at the main office entries, and recessed panel sections with contrasting colors; and

WHEREAS, the Project provides an overall landscape coverage of 18 percent, consisting of 26 percent for Building 4, 22.2 percent for Building 5, 10.5 percent for Building 6 and 10.1 percent for Building 7. The Project provides substantial landscaping along Milliken Avenue, Stefano Court, and Maddalena Privado, at each office element, throughout the parking areas, and along the western and northern property lines; and

WHEREAS, to serve the proposed industrial development, the Project will be required to construct infrastructure improvements. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes both Projects' 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 the use of underground stormwater infiltration system within the tractor-trailer courtyard areas of each building. Any overflow drainage will be conveyed to a storm drain connection located within Stefano Court; and

WHEREAS, the Planning Department conducted a virtual community meeting via Zoom on June 29, 2021, to discuss the proposed subject Applications. Ten members of community logged into the Zoom meeting and 5 residents provided comments/questions during the meeting; and

WHEREAS, a Health Risk Assessment (“HRA”) to determine whether the proposed Project would pose a health risk to the existing residential land uses was prepared in conjunction with the previously approved and related General Plan Amendment (File No. PGPA19-007) and Zone Change (File No. PZC19-002). The HRA was prepared by Urban Crossroads (dated: October 5, 2020) analyzed the cancer burden estimates as well as the Project operational Toxic Air Contaminants (“TACs”) impact from Diesel Particulate Matter (“DPM”) emissions. Both analyses concluded that these factors would be less than significant; therefore, no mitigation was required for the Project beyond that which was previously analyzed in The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140); and

WHEREAS, a Delhi Sands Flower-Loving Fly (DSF) Habitat Suitability Assessment was prepared by ELMT Consulting, Inc. (Dated: October 2020) for the Project site. The Assessment was conducted to determine if the soils on the site support clean Delhi sand soils capable of providing suitable habitat for DSF a federally endangered species. The Project site was rated as low quality and soils near the winery and a residence were rated as unsuitable. The Assessment concluded that it is unlikely that DSF occupy the site or can become occupied in the near future with DSF; and

WHEREAS, two Tentative Parcel Maps, File Nos. PMTT21-002 and PMTT21-003, respectively, were filed in conjunction with the proposed Development Plan. The two applications consist of: [1] a Tentative Parcel Map No. 20278, subdividing 15.94 acres of land into 3 parcels located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) and UC (Utilities Corridor) zoning districts; and [2] a Tentative Parcel Map No. 20274, subdividing 9.72 acres of land into 4 parcels located south of the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue within the IL (Light Industrial) and CC (Community Commercial) zoning districts; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act — Public Resources Code Section 21000 et seq. — (hereinafter referred to

as "CEQA") and an initial study has been prepared to determine possible environmental impacts; and

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) that was approved by the City Council on November 17, 2020, in conjunction with File Nos. PGPA19-007 and PZC19-002, in which development and use of the Project site was discussed, 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, 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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 20, 2021, 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. DAB21-047, recommending the Planning Commission approve the Application; and

WHEREAS, on September 28, 2021, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the previous Addendum to the Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Addendum to the 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 Nos. PGPA19-007 and PZC19-002, a General Plan Amendment and Zone Change for which an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was approved by the City Council on November 17, 2020.

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

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

(4) The previous Addendum to the 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 Addendum to the Certified EIR, and all mitigation measures previously adopted with the Addendum to 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 authority 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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as "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 authority for the Project, the Planning Commission has reviewed and considered the facts and information contained in the Application and supporting documentation against the ALUCP compatibility factors, including [1] Safety Criteria (ALUCP Table 2-2) and Safety Zones (ALUCP Map 2-2), [2] Noise Criteria (ALUCP Table 2-3) and Noise Impact Zones (ALUCP Map 2-3), [3] Airspace protection Zones (ALUCP Map 2-4), and [4] Overflight Notification Zones (ALUCP Map 2-5). As a result, the PLANNING COMMISSION, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Industrial land use district of the Policy Plan Land Use Map, and the IL (Light Industrial) 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.

(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 IL (Light Industrial) zoning district, including standards relative to the particular land use proposed (industrial warehouse), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions.

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Development Advisory Board has required

certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the 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.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed ([insert land use]). As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

**SECTION 6: Planning Commission Action.** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as “Attachment A,” and incorporated herein by this reference.

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

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

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

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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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, 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. PDEV21-007  
Departmental Conditions of Approval**

*(Departmental conditions of approval to follow this page)*

**Date Prepared:** 9/20/2021

**File No:** PDEV21-007

**Related Files:** PMTT21-002/TPM 20278 and PMTT21-003/TPM 20274

**Project Description:** A Development Plan to construct four industrial buildings totaling 393,334 square feet on 25.66 acres of land located at the southwest corner of the CA-60 (Pomona Freeway) and Milliken Avenue, within the IL (Light Industrial) zoning district; (APN: 1083-361-04 and 1083-361-07) **submitted by Orbis Real Estate Partners.**

**Prepared By:** Lorena Mejia, Senior Planner  
Phone: 909.395.2276 (direct)  
Email: lmejia@ontarioca.gov

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

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

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

**2.1** Time Limits.

**(a)** Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

**2.3** Landscaping.

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

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

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

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

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

**2.5** Parking, Circulation and Access.

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

**(b)** All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

**(c)** Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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



(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

## 2.6 Outdoor Loading and Storage Areas.

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

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

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

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

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

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

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

<b>Screen Wall Height</b>	<b>Minimum Gate Height</b>
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

## 2.7 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

**(b)** Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

**2.8** Mechanical and Rooftop Equipment.

**(a)** All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

**(b)** All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

**2.10** Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations). A comprehensive sign program shall be submitted for all parcels associated with PMTT19-018, PMTT21-002 and PMTT21-003. A comprehensive sign program will incorporate a vineyard/winery theme to complement and commemorate the winery/vineyards located on-site and within the immediate area.

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

**2.12** Environmental Review.

**(a)** The environmental impacts of this project were previously reviewed in conjunction with File Nos. PGPA19-007 and PZC19-002, a General Plan Amendment and Zone Change for which an Addendum to The Ontario Plan Environmental Impact Report (State Clearinghouse No. 2008101140) was previously adopted by the City Council on 11/17/2020. 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.

**2.13** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**2.14** Additional Fees.

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

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

**2.1** Tribal Consultation Conditions.

**(a)** The project developer shall retain a Native American Monitor of Gabrieleño Ancestry (the “Tribe” or the “Consulting Tribe” that was consulted on this project pursuant to Assembly Bill A52 - SB18) to conduct a Native American Indian Sensitivity Training for construction personnel prior to commencement of any excavation activities. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry and the general steps the Monitor would follow in conducting a salvage investigation.

**(b)** The project developer shall retain a Native American Monitor of Gabrieleño Ancestry (the “Tribe” or the “Consulting Tribe” that was consulted on this project pursuant to Assembly Bill A52 - SB18) to be on-site during all project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils to a maximum depth of 30 feet below ground surface. A copy of the executed contract shall be submitted to the City of Ontario Planning Department prior to the issuance of any grading permit (any ground-disturbing activity). At their discretion, a Native American Monitor of Gabrieleño Ancestry can be present during the removal of dairy manure to native soil, but not at the developers' expense.

**(c)** A qualified archaeologist and a Native American Monitor of Gabrieleño Ancestry (the “Tribe” or the “Consulting Tribe” that was consulted on this project pursuant to Assembly Bill A52 - SB18) shall evaluate all archaeological resources unearthed by project construction activities. If the resources are Native American in origin, the Tribe shall coordinate with the developer regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If archeological features are discovered, the archeologist shall report such findings to the Ontario Planning Director. If the

archeological resources are found to be significant, the archeologist shall determine the appropriate actions, in cooperation with the City that shall be taken for exploration and/or salvage in compliance with CEQA Guidelines Section 15064.5(f).

**(d)** Prior to the start of ground disturbing activities, the developer shall arrange a designated site location within the footprint of the project for the respectful reburial of Tribal human remains and/or ceremonial objects. All human skeletal material discoveries shall be reported immediately to the County Coroner. The Native American Monitor shall immediately divert work a minimum of 50 feet from the discovery site and place an exclusion zone around the burial. The Native American Monitor shall notify the construction manager who shall contact the San Bernardino County Coroner. All construction activity shall be diverted while the San Bernardino County Coroner determines if the remains are Native American. The discovery shall be confidential and secure to prevent further disturbance. If Native American, the San Bernardino County Coroner shall notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside working hours. The Tribe shall make every effort to recommend diverting the project and keep the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. If data recovery is approved by the Tribe, documentation shall be taken, which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or means necessary to ensure complete recovery of all material. If the discovery of human remains includes four (4) or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC.

**(e)** There shall be no Scientific study or the utilization of any invasive diagnostics on any Native American human remains.

**(f)** If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains.

**(g)** Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

## **2.2** Additional Requirements.

**(a)** The Ontario Climate Action Plan (CAP) requires new development to be 25% more efficient. The applicant has elected to utilize the Screening Tables provided in the CAP instead of preparing separate emissions calculations. By electing to utilize the Screening Tables

the applicant shall be required to garner a minimum of 100 points to be consistent with the reduction quantities outlined in the CAP. The applicant shall identify on the construction drawings the items identified in the Screening Tables.

~~(b) Tractor trailer (Semi-trailer) trucks shall enter and exit the site from the designated truck route on Milliken Avenue. Tractor trailer (Semi-trailer) trucks shall not travel westbound on Riverside Drive; trucks shall travel eastbound toward Hamner/Milliken Avenue when exiting the driveways located along Riverside Drive. Tractor trailer (Semi-trailer) trucks entering the project site on Riverside Drive shall travel westbound from Hamner/Milliken Avenue, trucks shall not travel eastbound on Riverside Drive to access the project site.~~ Riverside Drive is not a designated truck route; as such, tractor trailer (semi-trailer) trucks shall not travel on Riverside Drive west of the project site. When exiting the project site, tractor trailer (semi-trailer) trucks must travel eastbound on Riverside Drive to Hamner/Milliken Avenue. Additionally, all tractor trailer (semi-trailer) trucks must enter the project site by traveling westbound from Hamner/Milliken Avenue. No tractor trailer (semi-trailer) trucks shall enter the project site by traveling eastbound on Riverside Avenue west of the project site.

(c) Each employee break area shall include seating and a shade tree.

(d) The landscape plan and overall plant palette shall incorporate design features/elements that pay tribute to the winery industry and existing winery.

(e) Building 4 break area, landscaping, and decorative trellis design (located south of the main building entrance facing Milliken Avenue) shall incorporate a winery/vineyard theme, the applicant shall work with the Planning Department and Landscape Division to finalize the design.

(f) Hartford Street has been conditioned to be vacated and shall be improved as a drive aisle, with enhanced paving. Existing gates on Hartford Street shall be removed and street/driveway shall be repaved as part of Building 4 construction improvements. Building 4 shall also be responsible to improve areas adjacent to the Hartford Street/driveway including walkway and landscaping that is designed to be integrated into the site plan for Building 4. Pedestrian access to Building 4 shall also be designed to be integrated and connect to Milliken Avenue sidewalk that are part of required Milliken Avenue ultimate right of way improvements. Screen walls shall also be located on both sides of the new gated entrance located at the end of the Hartford Street/drive aisle.

~~(g) Screen walls (14 foot high) shall be constructed on west facing truck court areas.~~ Screen walls (14 feet high) shall be constructed on west facing truck court areas, or as otherwise determined based on a line-of-sight analysis.

(h) All proposed Building 6 murals shall require Planning review and approval.

~~(i) The applicant shall enter into a landscape and maintenance agreement with Caltrans to improve the Milliken Avenue off-ramp street frontage and corner with landscaping, street trees and sidewalk improvements. In addition, the Caltrans landscape edge along the northern boundary of the project site should be improved with new landscaping. The applicant shall work with staff to obtain a landscape and maintenance agreement with Caltrans for the landscape improvements.~~ The applicant shall coordinate with Caltrans and the City on the landscape design, installation (including landscaping, irrigation, street trees and sidewalk

improvements), and ongoing maintenance of the eastbound Caltrans off ramp right-of-way landscape edge adjacent to the northern boundary of the project site and along Milliken Avenue. If the applicant is unable to obtain Caltrans' consent and/or reach an agreement from Caltrans in writing and present it to the City of Ontario Planning Department this condition shall be null and void.



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> <b>OTHER</b>	<input checked="" type="checkbox"/> <b>PARCEL MAP</b> <input type="checkbox"/> <b>TRACT MAP</b> <input type="checkbox"/> <b>FOR CONDOMINIUM PURPOSES</b>
<b>PROJECT FILE NO. PM-20278</b>  <b>RELATED FILE NO(S). PMTT21-002, PDEV21-007</b>	
<input checked="" type="checkbox"/> <b>ORIGINAL</b> <input type="checkbox"/> <b>REVISED: __/__/__</b>	

**CITY PROJECT ENGINEER & PHONE NO:** Michael Bhatanawin, P.E. (909) 395-2130

**CITY PROJECT PLANNER & PHONE NO:** Lorena Mejia (909) 395-2276

**DAB MEETING DATE:** September 20, 2021

**PROJECT NAME / DESCRIPTION:** PM-20278, a Tentative Parcel Map to subdivide 15.94 acres of land into three (3) parcels within the CC/OSR zoning district

**LOCATION:** Southwest corner of Milliken Avenue and the 60 Freeway

**APPLICANT:** Orbis Real Estate Partners

**REVIEWED BY:**  9/15/21  
Raymond Lee, P.E. Date  
Assistant City Engineer

**APPROVED BY:**  9-16-21  
Khoi Do, P.E. Date  
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.**

1. PRIOR TO PARCEL MAP APPROVAL, APPLICANT SHALL:		Check When Complete
<input checked="" type="checkbox"/>	<b>1.01 Dedicate to the City of Ontario, the right-of-way, described below:</b> A. Stefano Ct to the ultimate full street right-of-way width of 66 feet from cul-de-sac to Maddalena Privado (private)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>1.02 Dedicate to the City of Ontario, the following easement(s):</b> A. 20 feet wide easement for public utility purposes along Parcel 3 from Stefano Ct to Milliken Ave. See COA 2.29B. B. Traffic signal easement for the traffic signal pole at the northwest corner of Milliken Ave and Maddalena Privado (private). Location and dimensions shall be determined during the plan check process.	<input type="checkbox"/>
<input type="checkbox"/>	1.03 Restrict vehicular access to the site as follows: _____	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>1.04 Vacate the following street(s) and/or easement(s):</b> A. Hartford St along the project frontage of PM 20278. B. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	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. Additionally, the CC&Rs shall cover the project area of PM-20274, PMTT21-003. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	<input type="checkbox"/>
<input type="checkbox"/>	1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <a href="http://tceplumecleanup.com/">http://tceplumecleanup.com/</a> ), 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 <a href="http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658">http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658</a> .	<input type="checkbox"/>





- 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 Financial Services Department at (909) 395-2124 regarding this requirement.
- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- 1.09 Prepare a fully executed Deferred Improvement Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements. Deferred Improvement Agreement shall cover the following:
- A. All required public improvements for Stefano Ct and Milliken Ave as outlined under COA 2.17.
- B. Ultimate public improvements on Milliken Ave along the frontage of PM 20274.
- i. The ultimate public improvements include but are not limited to, pavement widening, curb, gutter, sidewalk, signing/stripping, street lights, parkway landscaping and irrigation, undergrounding of overhead utilities and traffic signal modification at Milliken Ave & Maddalena Privado (private). See COA 2.17.
- ii. Prior to the issuance of the second building permit of PDEV21-007, the following items shall be completed:
1. Improvement plans for these ultimate public improvements are approved
  2. Encroachment permit for these ultimate public improvements has been issued
  3. Construction contract for these ultimate public improvements has been awarded
  4. Received non-interference letter from the property owner of APN: 1083-361-04 for the construction of these ultimate public improvements. Letter shall include but not be limited to the removal of existing structures encroaching into the Milliken Ave right-of-way.
- iii. Once construction begins reasonable progress on completing these ultimate public improvements must be shown to the satisfaction of the City Engineer in order to issue additional building permits and certificate of occupancy release of additional buildings for PDEV21-007 and PM 20278.
- iv. Construction of these ultimate public improvements are to be completed prior to the certificate of occupancy release of the last building for PDEV21-007.
- 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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. Obtain all off-site rights-of-way/easements necessary to construct the required public improvements identified in Section 2 of these Conditions of Approval.
  - B. Provide private easements for utilities, cross lot drainage, blanket emergency access and reciprocal access across all parcels in favor off all parcels (as needed).
  - C. Provide a private access easement across Parcel 2 in favor of Parcel 1 for SCE access via Stefano Ct.

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

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

- 2.01 Record Parcel Map No. 20278 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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) – for sidewalk and any improvements encroaching into their right-of-way**
- 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:**
  - **City of Eastvale – for any improvements (i.e. median, pavement, etc.) encroaching into their right-of-way**
  - **Southern California Edison (SCE) – for any improvements encroaching into their easements**

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 \$271,591, 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	Stefano Court	Milliken Avenue – Interim (D)	Milliken Avenue – Ultimate	Maddalena Privado (private) (F)
<b>Curb and Gutter</b>	<input checked="" type="checkbox"/> New; 20 ft. from C/L (A) <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 checked="" type="checkbox"/> AC berm	<input checked="" type="checkbox"/> New; 51 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 checked="" type="checkbox"/> New; including pavm't transitions (A)	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Along existing dirt shoulder	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 4-30 additional feet varies along frontage, including pavm't transitions (B, C)	<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"/> 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>Sidewalk</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (G) <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>ADA Access Ramp</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Parkway</b>	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)



<b>Raised Landscaped Median</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New (B, C)</b> <input checked="" type="checkbox"/> <b>Trees (B, C)</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation) (B, C)</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Fire Hydrant</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Sewer (see Sec. 2.C)</b>	<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>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</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
<b>Recycled Water (see Sec. 2.E)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</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
<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 checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Modify existing</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <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"/> 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>Storm Drain (see Sec. 2G)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Lateral</b>	<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>Fiber Optics (see Sec. 2K)</b>	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<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	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
<b>Removal of Improvements</b>	_____	_____	_____	_____
<b>Other Improvements</b>	_____	_____	_____	_____



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

- A. From cul-de-sac to Maddalena Privado (private)**
- B. A raised landscape median is required on the east side (City of Eastvale may require additional improvements).**
- C. These improvements are partially in the City of Ontario and the City of Eastvale.**
- D. The following interim street improvements on Milliken Ave will need to be installed to the satisfaction of the City Engineer prior to occupancy for any building for PDEV21-007:**
  - i. Install signing and striping per Option 1 exhibit. See email from the City dated 8/3/2021.**
  - ii. Pave existing dirt shoulder and install an AC berm along existing frontage of APN: 1083-361-04.**
  - iii. Install traffic signal at the intersection of Milliken Ave & Maddalena Privado (private). Signal pole and equipment at the NWC will be required to be installed at its ultimate location. Ultimate curb will not be required.**
- E. All master planned utilities shall be designed and installed to the ultimate condition. These improvements will be required if they were not installed by PM 20177.**
- G. From southerly project boundary of PM 20278 to the 60 Freeway off-ramp. These improvements are within the Caltrans right-of-way and they may require additional improvements.**

- 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 on Milliken Ave, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide  water service  sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 A \_\_\_\_\_ inch sewer main is available for connection by this project in \_\_\_\_\_ (Ref: Sewer plan bar code: \_\_\_\_\_)
- 2.24 Design and construct a sewer main extension on Stefano Ct. A sewer main is not available for direct connection. The closest main is approximately 250 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. Install an 8" sewer main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).**
  - B. If at the time of development of PM 20278, the sewer infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable sewer improvements set forth in the COA for PM 20177.**



**D. WATER**

- 2.27 An 18-inch water main is available for connection by this project in Milliken Ave. (Ref: Water plan bar code: W12299)
- 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. Fire Service with Double Check Detector Assembly (DCDA): Provide and show one more fire service with DCDA for Building 5, totaling two, and looping them onsite.
  - B. Provide two points of connections by extending the 12" water main at the end of the cul-de-sac (Stefano Ct), easterly and connect into the existing water main in Milliken Ave. A public-utilities easement (PUE) will be required through Parcel 3 of PM 20278 (Building 4) to accommodate the extension of the water main.
  - C. Install a 12" domestic water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - D. If at the time of development of PM 20278, the domestic water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable domestic water improvements set forth in the COA for PM 20177.

**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) 395-2647 regarding this requirement.
- 2.34 Other conditions: 
  - A. Install an 8" recycled water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - B. If at the time of development of PM 20278, the recycled water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable recycled water improvements set forth in the COA for PM 20177.

**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. Restrict access to right-in/right-out at the driveway on Milliken Ave (Building 4), south





of the 60 Freeway Interchange, as required by the City of Ontario Traffic and Transportation Guidelines, Section 2.3 Median Breaks.

- i. For an 8-lane Principal Arterial Road Classification, median breaks may only occur at signal-controlled intersections.
- B. Design and construct proposed driveways onto Milliken Ave and the cul-de-sac in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway.
- C. Design and construct in-fill public street lights and a potential new service along its project frontage on Milliken Ave and Stefano Ct. Street lighting shall be LED-type and in accordance with City's Traffic and Transportation Design Guidelines.
- D. Milliken Ave and Stefano Ct shall be signed "No Stopping Anytime" along property frontage.
- E. Design and construct the pavement and striping transitions from existing conditions to the widened portions along the Milliken Ave project frontage.
- F. Engineer-of-record shall meet with City Engineering staff prior to starting signing and striping, street lighting, and traffic signal design.
- G. If at the time of construction, the development for PM-20177 has not been constructed, the following will also apply:
  - i. The Applicant/Developer shall be responsible to design and construct a new traffic signal system at the project's access on Milliken Ave (910' N/O Riverside Dr) and Maddalena Privado (private) to the satisfaction of the City Engineer. The new traffic signal shall include, video detection, fiber optic cable and conduit, communication equipment, 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. Additional right-of-way for widening may be required for northbound left turn movement on to the project site.
  - ii. The Applicant/Developer shall be responsible to design and construct the proposed Maddalena Privado (private) from Stefano Ct to Milliken Ave, including the entire intersection of Maddalena Privado (private) and Stefano Ct. The Applicant/Developer shall also be responsible to design and construct Stefano Ct from Maddalena Privado (private) to the proposed cul-de-sac.

**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. Design and construct a 30” storm drain line on Stefano Ct from the cul-de-sac to the existing point of connection at PM 20177. The size of this line is subject to change depending on the hydrology study and drainage analysis for the project.
  - B. The existing 48” storm drain in Riverside Dr is currently not connected to the County Line Channel and the ultimate system in Mill Creek Avenue is not constructed at this time. In the interim, the Developer/Applicant shall design and construct a storm drain system for storm water detention on-site, to the satisfaction of the City Engineer. (See COA 2.40, above)
  - C. The storm water detention system shall be a private system. The Developer/Applicant shall be responsible for maintaining the system.
  - D. If at the time of development of PM 20278, the storm drain infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable storm drain improvements set forth in the COA for PM 20177.

**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** Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47** Other conditions: \_\_\_\_\_

**J. SPECIAL DISTRICTS**

- 2.48** 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49** Other conditions: \_\_\_\_\_



**K. FIBER OPTIC**

- 2.50 A \_\_\_\_\_ fiber optic line is available for connection by this project in \_\_\_\_\_.  
 (Ref: Fiber Optic plan bar code: \_\_\_\_\_)
- 2.51 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 holes at the northerly limits of PM 20177 on Milliken Ave and Stefano Ct and the hand hole on Milliken Ave s/o of the 60 Freeway off-ramp. Limits of work are generally located along the project frontages of Milliken Ave and Stefano Ct.
- 2.52 Refer to the City’s Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.
- 2.53 Other conditions: 
  - A. If at the time of development of PM 20278, the fiber optic infrastructure required for PM 20177 has not been constructed, this project is required to install fiber optic infrastructure along Stefano Ct from the cul-de-sac to Maddalena Privado (private), Maddalena Privado (private) from Stefano Ct to Milliken Ave and Milliken Ave from Maddalena Privado (private) to the nearest OntarioNet hand hole on Milliken Ave s/o of the 60 Freeway off-ramp.

**L. INTEGRATED WASTE**

- 2.54 Onsite solid waste shall be designed in accordance with the City’s Refuse & Recycling Planning Manual located at:   
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.55 Other conditions: 
  - A. Final Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, submit a final SWHP with the Precise Grading Plan for review and approval of the Integrated Waste Department (Public Works).
  - B. Integrated Waste Management Report (IWMR): Prior to approval of the Precise Grading Plan, submit to Integrated Waste Department (Public Works) – Blaine Ishii (bishii@ontarioca.gov) for review and approval, an Integrated Waste Management Report (IWMR) that complies with the IWMR Requirements.
  - C. Trash Enclosure (TE): Provide and show one more TE for Building 5, totaling two TEs, on the opposite end of the building near the proposed offices.

**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.).

**4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:**

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PMTT21-002, PDEV21-007, and/or Parcel Map No. 20278**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **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).**
7.  **Three (3) sets of Public Street improvement plan with street cross-sections**
8.  **Three (3) sets of Private Street improvement plan with street cross-sections**
9.  **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)**
10.  **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)**
11.  **Four (4) sets of Public Sewer improvement plan**
12.  **Five (5) sets of Public Storm Drain improvement plan**
13.  **Three (3) sets of Public Street Light improvement plan**
14.  **Three (3) sets of Signing and Striping improvement plan**
15.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
16.  **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)**
17.  **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.**
18.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
19.  **One (1) copy of Hydrology/Drainage study**
20.  **One (1) copy of Soils/Geology report**



- 21.  **Payment for Final Map/Parcel Map processing fee**
- 22.  **Three (3) copies of Final Map/Parcel Map**
- 23.  **One (1) copy of approved Tentative Map**
- 24.  **One (1) copy of Preliminary Title Report (current within 30 days)**
- 25.  **One (1) copy of Traverse Closure Calculations**
- 26.  **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.**
- 27.  **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 28.  **Other:** \_\_\_\_\_



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> <b>PARCEL MAP</b> <input type="checkbox"/> TRACT MAP  <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	
<b>PROJECT FILE NO. PM-20274</b>  <b>RELATED FILE NO(S). PMTT21-003, PDEV21-007</b>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__		

**CITY PROJECT ENGINEER & PHONE NO:** Michael Bhatanawin, P.E. (909) 395-2130

**CITY PROJECT PLANNER & PHONE NO:** Lorena Mejia (909) 395-2276

**DAB MEETING DATE:** September 20, 2021

**PROJECT NAME / DESCRIPTION:** PM-20274, a Tentative Parcel Map to subdivide 9.73 acres of land into four (4) parcels within the CC/OSR zoning district

**LOCATION:** Southwest corner of Milliken Avenue and the 60 Freeway

**APPLICANT:** Orbis Real Estate Partners

**REVIEWED BY:** Raymond Lee      9/15/21  
 Raymond Lee, P.E.      Date  
 Assistant City Engineer

**APPROVED BY:** Khoi Do      9-16-21  
 Khoi Do, P.E.      Date  
 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.**

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below: 
  - A. Stefano Ct to the ultimate full street right-of-way width of 66 feet from the cul-de-sac to Maddalena Privado (private)
  - B. Milliken Ave to the ultimate half street right-of-way width of 71 feet along the project frontage
  - C. Property line corner 'cut-back' required at all street intersection of Milliken Ave and Maddalena Privado (private).
- 1.02 Dedicate to the City of Ontario, the following easement(s): 
  - A. 20 feet wide easement for public utility purposes along Parcel 3 of PM 20278 from Stefano Ct to Milliken Ave. See COA 2.29B.
- 1.03 Restrict vehicular access to the site as follows: \_\_\_\_\_
- 1.04 Vacate the following street(s) and/or easement(s): 
  - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.
- 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. Additionally, the CC&Rs shall cover the project area of PM-20278, PMTT21-002. 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 Financial Services Department at (909) 395-2124 regarding this requirement. 
  - (1) \_\_\_\_\_
  - (2) \_\_\_\_\_
  
- 1.09 Prepare a fully executed Deferred Improvement Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements. Deferred Improvement Agreement shall cover the following: 
  - A. All required public improvements for Stefano Ct and Milliken Ave as outlined under COA 2.17.
  - B. Ultimate public improvements on Milliken Ave along the frontage of PM 20274.
    - i. The ultimate public improvements include but are not limited to, pavement widening, curb, gutter, sidewalk, signing/stripping, street lights, parkway landscaping and irrigation, undergrounding of overhead utilities and traffic signal modification at Milliken Ave & Maddalena Privado (private). See COA 2.17.
    - ii. Prior to the issuance of the second building permit of PDEV21-007, the following items shall be completed:
      - 1. Improvement plans for these ultimate public improvements are approved
      - 2. Encroachment permit for these ultimate public improvements has been issued
      - 3. Construction contract for these ultimate public improvements has been awarded
      - 4. Received non-interference letter from the property owner of APN: 1083-361-04 for the construction of these ultimate public improvements. Letter shall include but not be limited to the removal of existing structures encroaching into the Milliken Ave right-of-way.
    - iii. Once construction begins reasonable progress on completing these ultimate public improvements must be shown to the satisfaction of the City Engineer in order to issue additional building permits and certificate of occupancy release of additional buildings for PDEV21-007 and PM 20274.
    - iv. Construction of these ultimate public improvements are to be completed prior to the certificate of occupancy release of the last building for Parcel Map No. 20274.
  
- 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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. Obtain all off-site rights-of-way/easements necessary to construct the required public improvements identified in Section 2 of these Conditions of Approval.
  - B. Provide private easements for utilities, cross lot drainage, blanket emergency access and reciprocal access across all parcels in favor off all parcels (as needed).

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

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

- 2.01 Record Parcel Map No. 20274 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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:**
    - **City of Eastvale – for any improvements (i.e. median, pavement, etc.) encroaching into their right-of-way**
    - **Southern California Edison (SCE) – for any improvements encroaching into their easements**
- 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 \$156,623, 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	Stefano Court	Milliken Avenue – Interim (C)	Milliken Avenue – Ultimate	Maddalena Privado (private) (E)
<b>Curb and Gutter</b>	<input checked="" type="checkbox"/> New; 20 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 checked="" type="checkbox"/> AC berm	<input checked="" type="checkbox"/> New; 51 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 checked="" type="checkbox"/> New; including pavm't transitions	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Along existing dirt shoulder	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Widen 4-30 additional feet varies along frontage, including pavm't transitions (A, B)	<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"/> 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>Sidewalk</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>ADA Access Ramp</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Parkway</b>	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)



<b>Raised Landscaped Median</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New (A, B)</b> <input checked="" type="checkbox"/> <b>Trees (A, B)</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation) (A, B)</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Fire Hydrant</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Sewer (see Sec. 2.C)</b>	<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>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> <b>Service</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Recycled Water (see Sec. 2.E)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Service</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
<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 checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Modify existing</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>New</b> <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"/> 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>Storm Drain (see Sec. 2G)</b>	<input checked="" type="checkbox"/> <b>Main</b> <input checked="" type="checkbox"/> <b>Lateral</b>	<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>Fiber Optics (see Sec. 2K)</b>	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> <b>Conduit / Appurtenances</b>	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<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	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
<b>Removal of Improvements</b>	_____	_____	_____	_____
<b>Other Improvements</b>	_____	_____	_____	_____



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

- A. A raised landscape median is required on the east side (City of Eastvale may require additional improvements).
- B. These improvements are partially in the City of Ontario and the City of Eastvale.
- C. The following interim street improvements on Milliken Ave will need to be installed to the satisfaction of the City Engineer prior to occupancy for any building for PDEV21-007:
  - i. Install signing and striping per Option 1 exhibit. See email from the City dated 8/3/2021.
  - ii. Pave existing dirt shoulder and install an AC berm along existing frontage of APN: 1083-361-04.
  - iii. Install traffic signal at the intersection of Milliken Ave & Maddalena Privado (private). Signal pole and equipment at the NWC will be required to be installed at its ultimate location. Ultimate curb will not be required.
- D. All master planned utilities shall be designed and installed to the ultimate condition.
- E. These improvements will be required if they were not installed by PM 20177.

- 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 on Milliken Ave, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide  water service  sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892).
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 A \_\_\_\_\_ inch sewer main is available for connection by this project in \_\_\_\_\_ (Ref: Sewer plan bar code: \_\_\_\_\_)
- 2.24 Design and construct a sewer main extension on Stefano Ct. A sewer main is not available for direct connection. The closest main is approximately 250 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. Install an 8" sewer main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - B. Extend the existing sewer main where PM 20177 ends (Maddalena Privado (private)) in Milliken Ave, north to Parcel 3 of PM 20274 northerly property line to service Parcels 3 and 4 of PM 20274.
  - C. If at the time of development of PM 20274, the sewer infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable sewer improvements set forth in the COA for PM 20177.



**D. WATER**

- 2.27 An 18-inch water main is available for connection by this project in Milliken Ave. (Ref: Water plan bar code: W12299)
- 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. Fire Service with Double Check Detector Assembly (DCDA): Provide and show one more fire service with DCDA for Building 7, totaling two, and looping them onsite.
  - B. Provide two points of connections by extending the 12" water main at the end of the cul-de-sac (Stefano Ct), easterly and connect into the existing water main in Milliken Ave. A public-utilities easement (PUE) will be required through Parcel 3 of PM 20278 (Building 4) to accommodate the extension of the water main.
  - C. Install a 12" domestic water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
  - D. Provide two water services (domestic and irrigation) with backflow devices for both Parcels 3 and 4 of PM 20274.
  - E. If at the time of development of PM 20274, the domestic water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable domestic water improvements set forth in the COA for PM 20177.

**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) 395-2647 regarding this requirement.
- 2.34 Other conditions: 
    - A. Install an 8" recycled water main in Stefano Ct from the cul-de-sac to Maddalena Privado (private).
    - B. If at the time of development of PM 20274, the recycled water infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable recycled water improvements set forth in the COA for PM 20177.

**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. Design and construct proposed driveways onto the cul-de-sac in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway.
- B. Design and construct in-fill public street lights and a potential new service along its project frontage on Milliken Ave and Stefano Ct. Street lighting shall be LED-type and in accordance with City's Traffic and Transportation Design Guidelines.
- C. Milliken Ave and Stefano Ct shall be signed "No Stopping Anytime" along property frontage.
- D. Design and construct the pavement and striping transitions from existing conditions to the widened portions along the Milliken Ave project frontage.
- E. Engineer-of-record shall meet with City Engineering staff prior to starting signing and striping, street lighting, and traffic signal design.
- F. If at the time of construction, the development for PM-20177 has not been constructed, the following will also apply:
  - i. The Applicant/Developer shall be responsible to design and construct a new traffic signal system at the project's access on Milliken Ave (910' N/O Riverside Dr) and Maddalena Privado (private) to the satisfaction of the City Engineer. The new traffic signal shall include, video detection, fiber optic cable and conduit, communication equipment, 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. Additional right-of-way for widening may be required for northbound left turn movement on to the project site.
  - ii. The Applicant/Developer shall be responsible to design and construct the proposed Maddalena Privado (private) from Stefano Ct to Milliken Ave, including the entire intersection of Maddalena Privado (private) and Stefano Ct. The Applicant/Developer shall also be responsible to design and construct Stefano Ct from Maddalena Privado (private) to the proposed cul-de-sac.

**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. Design and construct a 30" storm drain line on Stefano Ct from the northerly project limits of PM 20274 to the existing point of connection at PM 20177. The size of this line is subject to change depending on the hydrology study and drainage analysis for the project.
  - B. The existing 48" storm drain in Riverside Dr is currently not connected to the County Line Channel and the ultimate system in Mill Creek Avenue is not constructed at this time. In the interim, the Developer/Applicant shall design and construct a storm drain system for storm water detention on-site, to the satisfaction of the City Engineer. (See COA 2.40, above)
  - C. The storm water detention system shall be a private system. The Developer/Applicant shall be responsible for maintaining the system.
  - D. If at the time of development of PM 20274, the storm drain infrastructure required for PM 20177 has not been constructed, this project shall construct all applicable storm drain improvements set forth in the COA for PM 20177.

**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 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 Other conditions: \_\_\_\_\_

**J. SPECIAL DISTRICTS**

- 2.48 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49 Other conditions: \_\_\_\_\_



**K. FIBER OPTIC**

- 2.50 A \_\_\_\_\_ fiber optic line is available for connection by this project in \_\_\_\_\_.  
(Ref: Fiber Optic plan bar code: \_\_\_\_\_)
- 2.51 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 holes at the northerly limits of PM 20177 on Milliken Ave and Stefano Ct and the hand hole on Milliken Ave s/o of the 60 Freeway off-ramp. Limits of work are generally located along the project frontages of Milliken Ave and Stefano Ct.
- 2.52 Refer to the City’s Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.
- 2.53 Other conditions: 
  - A. If at the time of development of PM 20274, the fiber optic infrastructure required for PM 20177 has not been constructed, this project is required to install fiber optic infrastructure along Stefano Ct from northerly project limits of PM 20274 to Maddalena Privado (private), Maddalena Privado (private) from Stefano Ct to Milliken Ave and Milliken Ave from Maddalena Privado (private) to the nearest OntarioNet hand hole on Milliken Ave s/o of the 60 Freeway off-ramp.

**L. INTEGRATED WASTE**

- 2.54 Onsite solid waste shall be designed in accordance with the City’s Refuse & Recycling Planning Manual located at:  
  
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.55 Other conditions: 
  - A. Final Solid Waste Handling Plan (SWHP): Prior to approval of any building permits, submit a final SWHP with the Precise Grading Plan for review and approval of the Integrated Waste Department (Public Works).
  - B. Integrated Waste Management Report (IWMR): Prior to approval of the Precise Grading Plan, submit to Integrated Waste Department (Public Works) – Blaine Ishii (bishii@ontarioca.gov) for review and approval, an Integrated Waste Management Report (IWMR) that complies with the IWMR Requirements.
  - C. Trash Enclosure (TE): Provide and show one more TE for Building 7, totaling two TEs, on the opposite end of the building near the proposed offices.

**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.).

#### 4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



## **EXHIBIT 'A'**

### **ENGINEERING DEPARTMENT First Plan Check Submittal Checklist**

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**Project Number: PMTT21-003, PDEV21-007, and/or Parcel Map No. 20274**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **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).**
7.  **Three (3) sets of Public Street improvement plan with street cross-sections**
8.  **Three (3) sets of Private Street improvement plan with street cross-sections**
9.  **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)**
10.  **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)**
11.  **Four (4) sets of Public Sewer improvement plan**
12.  **Five (5) sets of Public Storm Drain improvement plan**
13.  **Three (3) sets of Public Street Light improvement plan**
14.  **Three (3) sets of Signing and Striping improvement plan**
15.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
16.  **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)**
17.  **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.**
18.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
19.  **One (1) copy of Hydrology/Drainage study**
20.  **One (1) copy of Soils/Geology report**



21.  **Payment for Final Map/Parcel Map processing fee**
22.  **Three (3) copies of Final Map/Parcel Map**
23.  **One (1) copy of approved Tentative Map**
24.  **One (1) copy of Preliminary Title Report (current within 30 days)**
25.  **One (1) copy of Traverse Closure Calculations**
26.  **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.**
27.  **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
28.  **Other:** \_\_\_\_\_

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-002, PMTT21-003 & PDEV21-007  
 Address: SWC of Milliken Avenue & the 60 FWY  
 APN: 1083-361-04 & 07  
 Existing Land Use: Vacant/ winery and restuarant  
 Proposed Land Use: Development Plan to construct 4 industrial buildings totaling 808,639 SF  
 Site Acreage: 18.56 Proposed Structure Height: 45 FT  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Lorena Mejia  
 Date: 4/5/2021  
 CD No.: 2021-012  
 PALU No.: n/a

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

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

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6  
 Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Senior Planner

**FROM:** Officer Bill Lee, Police Department

**DATE:** March 29, 2021

**SUBJECT:** PDEV21-007- A DEVELOPMENT PLAN TO CONSTRUCT FOUR INDUSTRIAL BUILDINGS TOTALING 808,639 SQUARE FEET, LOCATED AT THE SOUTHWEST CORNER OF MILLKEN AVENUE AND THE 60 FREEWAY.

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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 all walkways, driveways, doorways, parking lots, hallways and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the buildings as stated in the Standard Conditions. The numbers shall be at a minimum 6 feet tall and 2 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street. Associated letters shall also be included.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

The Applicant is invited to contact Officer Bill Lee at (909) 408-1672 with any questions or concerns regarding these conditions.



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

**CONDITIONS OF APPROVAL**

**Sign Off**



07/09/21

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Planner**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV21-007, PMTT21-002, PMTT21-003

Case Planner:

Lorena Mejia

Project Name and Location:

The Vine Industrial Buildings  
 SW Corner of Milliken Ave and the 60 Freeway

Applicant/Representative:

Orbis Real Estate Partners  
 280 Newport Center Drive, Suite 300  
 Newport Beach, CA 92660



**A Preliminary Landscape Plan (dated 05/28/21) meets the Standard Conditions for New Development. It 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 before Preliminary Landscape Plan approval.**

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**

Landscape construction plans with plan check number may be emailed to: [landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)  
**DIGITAL SUBMITTALS MUST BE 10MB OR LESS.**

**Civil/ Site Plans**

1. Provide an arborist report and 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 to protect trees to remain. Replacement and mitigation for removed trees shall be equal to the trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15 gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box, or 24" to 36" box size.
  - d. Monetary value of the trees removed as identified in the "Guide for Plant Appraisal," approved certified arborist plant appraiser, or may be equal to the value of the installation cost of planting, fertilizing, staking, and irrigating 15-gallon trees (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Reduce drive aisles to 24' where space is needed for turning radius, it is ok to increase to 26'. Where landscape planters are adjacent to buildings and property lines reduce to allow for

additional landscape area.

4. Stormwater infiltration devices located in landscape areas shall be reviewed and plans approved by the Landscape Planning Division before permit issuance. Any stormwater devices in parkway areas shall not displace street trees.
5. Show transformers set back 5' from paving all sides. Coordinate with landscape plans.

#### Landscape Plans

6. Provide an arborist report and tree inventory as noted in #1.
7. Provide additional trees in the landscape area north of building 6.
8. Show backflow devices with 36" high strappy leaf shrub screening and trash enclosures and transformers, a 4'-5' high evergreen hedge screening. Do not encircle utility, show as masses, and duplicate masses in other locations at regular intervals.
9. Show landscaping in the perimeter planters and trees spaced 30' apart.
10. Street trees for this project are Platanus a. 'Bloodgood' (Milliken) per the Master Street Tree Plan. Use evergreen background trees and triangularly space between them.
11. Replace Lavender short-lived or only use in accent area.
12. Show 8' diameter of mulch only at new trees—detail irrigation dripline outside of mulched root zone.
13. 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.



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Official  
Khoi Do, City Engineer  
Jamie Richardson, Landscape Planning Division  
Ahmed Aly, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
Mike Gerken, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Robin Lucero, Code Enforcement (Copy of memo only)  
Jimmy Chang, IT Department

FROM: Lorena Mejia, Senior Planner

DATE: February 23, 2021

SUBJECT: FILE #: PDEV21-007 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 .

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

**PROJECT DESCRIPTION:** A Development Plan to construct four (4) industrial buildings totaling 808,639 square feet on 18.56 acres of land located at the southwest corner of Milliken Avenue and the 60 Freeway, within the CC/OSR zoning district (APN(s): 1083-361-07 & 1083-361-04). Related File(s): PMTT21-002 & PMTT21-003

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

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

The plan does not adequately address the departmental concerns.

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

**Broadband Operations**  
Department

*Cameron Chadwick*  
Signature

**Fiber Technician**  
Title

**03/03/2021**  
Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Lorena Mejia, Senior Planner  
Planning Department

**FROM:** Mike Gerken, Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** February 25, 2021

**SUBJECT:** PDEV21-007 - A Development Plan to construct four (4) industrial buildings totaling 808,639 square feet on 18.56 acres of land located at the southwest corner of Milliken Avenue and the 60 Freeway, within the CC/OSR zoning district (APN(s): 1083-361-07 & 1083-361-04). Related File(s): PMTT21-002 & PMTT21-003

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

### **SITE AND BUILDING FEATURES:**

- A. 2019 CBC Type of Construction: Not Listed (Assumed IIIB)
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): Varies 41,040 Sq. Ft. to 118,482 Sq. Ft.
- D. Number of Stories: 1 with Mezzanines
- E. Total Square Footage: Varies
- F. 2019 CBC Occupancy Classification(s): S

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontarioca.gov/Fire/Prevention](http://www.ontarioca.gov/Fire/Prevention).
- ☒ 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-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### 3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 3750 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### 4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and 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 13. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 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.
- ☒ 4.9 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.
- ☒ 5.4 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.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12’) feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6’) in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage

is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.



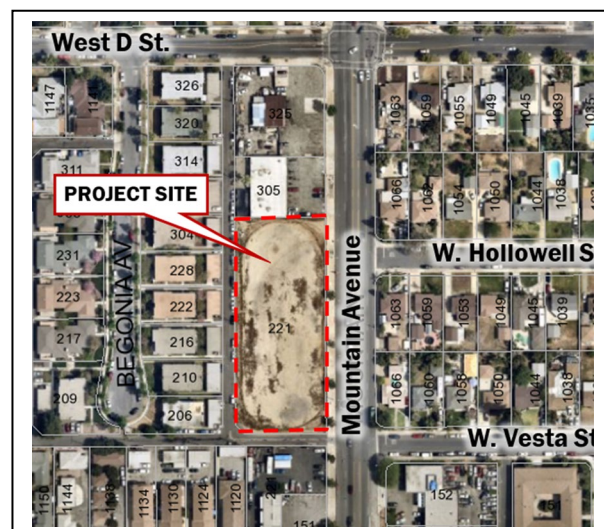
**FILE NOS:** PMTT21-005 (TTM 20379) and PDEV21-009

**SUBJECT:** A Tentative Tract Map (File No. PMTT21-005/TTM 20379) for common interest subdivision purposes, subdividing 1.23 acres of land into common and private area, and a Development Plan (File No. PDEV21-009) for the construction of 39 residential condominium units (9 buildings total) located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district; (APN: 1010-521-28) **submitted by Tipping Development.**


**PROPERTY OWNER:** City of Ontario

**RECOMMENDED ACTION:** That the Planning Commission consider and approve File Nos. PDEV21-009 and PMTT21-005 (TTM 20379), 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 1.23 acres of land located at 221 North Mountain Avenue, within the High Density Residential (HDR) Land Use District of the Policy Plan (General Plan) and the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district, and is depicted in Figure 1: Project Location. The Project site is bordered by a commercial property to the north and is within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) and ICC (Interim Community Commercial) Overlay zoning districts. The properties to the east, across Mountain Avenue, are within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district and are developed with single-family homes. The property to the south, across a public alley, is developed with commercial land uses and is within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) and ICC (Interim Community Commercial) Overlay zoning districts. The properties to the west, across a public alley, are within the MDR-25 (Medium-High Residential – 18.1 to 25.0 du/ac) zoning



**Figure 1: Project Location**

Case Planner:	Edmelynne V. Hutter, AICP
Planning Director Approval:	
Submittal Date:	March 2, 2021

Hearing Body	Date	Decision	Action
DAB	9/20/2021	Approval	Recommend
PC	9/28/2021		Final
CC			

district and are developed with residential apartments. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the “Surrounding Zoning & Land Uses” table located in the Technical Appendix of this report.

## PROJECT ANALYSIS:

(1) Background — The subject property is currently owned by the City of Ontario and has been a vacant property since 2010. On July 20, 2021, the City Council approved a Disposition and Development Agreement between the City and the Applicant for the development of the Project site, which includes requirements for the Applicant to adhere to certain deadlines for project entitlement and construction completion.

In anticipation of and adherence to the deadlines within the Disposition and Development Agreement, the Applicant submitted Tentative Tract Map 20379 (File No. PMTT21-005) and a Development Plan (File No. PDEV21-009) on March 2, 2021, to facilitate the construction of a residential condominium development with nine multiple-family buildings, containing 39 dwelling units, and associated community amenities on existing vacant land. The proposed Project is considered a Small-Lot Infill Subdivision and is subject to the development standards set forth in Development Code Section 6.01.010.G, which became effective on January 1, 2021. Furthermore, a City initiated Development Code Amendment (File No. PDCA20-002) is being processed concurrently with the subject applications that will establish specific parking requirements under the Small-Lot Infill Subdivision provisions.

The property is currently listed on the Housing Element Available Land Inventory, within the Mountain Corridor Planning Area, requiring development of the site with a minimum 32 units.

On September 20, 2021, the Development Advisory Board conducted a hearing to consider the Project, and concluded the hearing on that date, and unanimously voted to recommend that the Planning Commission approve the Applications.

(2) Tentative Tract Map (File No. PMTT21-005) — Proposed Tentative Tract Map No. 20379 will subdivide the Project site into one numbered lot for condominium purposes, to facilitate the construction of 39 multiple-family dwellings and associated recreation, landscape, and common interest amenities and facilities. The Tentative Tract Map is consistent with the minimum lot size and project area requirements of the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district and the standards for Small-Lot Infill Subdivisions.

(3) Development Plan (File No. PDEV21-009) —

(a) **Site Design/Building Layout.** The Project is designed as three-story-walk-up row town units, where the front entries face Mountain Avenue or common paseos. Garages are accessed at the rear of the units from private drives or a public alley and

living areas on the second and third levels are located above the respective garage for each dwelling. The Project includes three 3-plex, three 4-plex, and three 6-plex buildings, for a total of nine buildings.

The 3-plex buildings (Buildings 5, 6, and 7) are generally located in the center of the site. The 4-plex buildings (Buildings 2, 3, and 4) are located along the west property line, with a minimum setback of 12-FT between the building and property line. The 6-plex buildings (Buildings 1, 8, and 9) are located along the north and east Project boundaries. A minimum 10-foot building setback along Mountain Avenue is provided for Buildings 1, 8, and 9, which allows opportunities for landscaping and pedestrian paths between the edge and the front entries of the units.

Two floor plans are proposed. Plan 1 offers 775 square feet and direct access to a 1-car garage. Plan 2 provides 1,147 square feet and direct access to a 2-car garage. The dwelling unit breakdown by Building Type is as follows:

<b>BUILDING TYPE A – 3-PLEX</b>						
<b>Building No.</b>	<b>Plan Type</b>	<b>No. of Bedrooms / Bathrooms</b>	<b>Total Living (in SF)</b>	<b>Garage (in SF)</b>	<b>Private Open Space (in SF)</b>	<b>No. of Units</b>
5	2	2 BD / 2.5 BA	1,147	462	75	3
6	2	2 BD / 2.5 BA	1,147	462	75	3
7	2	2 BD / 2.5 BA	1,147	462	75	3
<b>TOTAL</b>						<b>9</b>

<b>BUILDING TYPE B – 4-PLEX</b>						
<b>Building No.</b>	<b>Plan Type</b>	<b>No. of Bedrooms / Bathrooms</b>	<b>Total Living (in SF)</b>	<b>Garage (in SF)</b>	<b>Private Open Space (in SF)</b>	<b>No. of Units</b>
2	1	1 BD / 1 BA	775	308	50	4
3	1	1 BD / 1 BA	775	308	50	4
4	1	1 BD / 1 BA	775	308	50	4
<b>TOTAL</b>						<b>12</b>

<b>BUILDING TYPE C – 6-PLEX</b>						
<b>Building No.</b>	<b>PLAN TYPE</b>	<b>NO. OF BEDROOMS / BATHROOMS</b>	<b>TOTAL LIVING (IN SF)</b>	<b>GARAGE (IN SF)</b>	<b>PRIVATE OPEN SPACE (IN SF)</b>	<b>NO. OF UNITS</b>
<b>1</b>	1	1 BD / 1 BA	775	308	50	2
	2	2 BD / 2.5 BA	1,147	462	75	4
<b>8</b>	1	1 BD / 1 BA	775	308	50	2
	2	2 BD / 2.5 BA	1,147	462	75	4
<b>9</b>	1	1 BD / 1 BA	775	308	50	2
	2	2 BD / 2.5 BA	1,147	462	75	4
<b>TOTAL</b>						<b>18</b>

Twelve units have front entries that face Mountain Avenue and 27 units have front entries along common pedestrian paseos located throughout the site. In addition, the Project provides three open space areas that offer outdoor recreation opportunities for residents. The primary recreation space for the Project is located near the west center of the development, between Buildings 2, 3, and 7. This area provides 2,700 square feet of open space, including a picnic shelter, tables and chairs, BBQ grills, cornhole games and open grass area. A minor recreation area offers a 230-square-foot patio that will have seating and landscaping, located between Buildings 3 and 4, along the main pedestrian paseo that runs north-south through the Project. Another minor recreation area is located in the southwest corner of the Project site and provides a 550-square-foot dog park.

(b) **Site Access/Circulation.** The Project provides several points to enter and/or exit the Project. Vehicular ingress is provided by a driveway approach located on Mountain Avenue, at the north end of the site, and is the only point of entry for the development. However, vehicles leaving the development have two exit options, using either the two-way Mountain Avenue driveway or an exit-only drive at the south end of the Project that connects to the existing public alley. The public alley exit will be gated to prevent vehicles from accessing the Project from this location.

Pedestrian access is provided at multiple locations throughout the Project. All units that front onto Mountain Avenue (Buildings 8 and 9) will have direct pedestrian access from the public sidewalk. Interior sidewalks within the paseos are connected to the public sidewalk at points near the Mountain Avenue driveway. In addition, residents have access to surface parking located along the public alleys via pedestrian gates at the south and west property lines.

(c) **Parking.** The Project provides 73 off-street parking spaces. The Project was designed at a ratio of minimum 1.2 parking spaces per bedroom, in accordance with the City initiated Development Code Amendment (File No. PCDA20-002).

<b>PARKING SUMMARY</b>			
<b>Total Number of Bedrooms</b>	<b>PARKING RATIO</b>	<b>SPACES REQUIRED</b>	<b>SPACES PROVIDED</b>
<b>60</b>	1.2 spaces per bedroom, including one space in a garage or carport (contingent on PDCA20-002)	72	60 (garage space) 13 (uncovered space)
<b>TOTAL</b>		72	73

As proposed and conditioned, the development will provide the required number of parking spaces on the Project site, including 60 garage spaces and 13 uncovered spaces. Each garage space has direct interior access to the residential unit and provides areas required for the required private storage space. Twelve uncovered parking spaces are accessed from the public alleys, along the Project perimeter. One uncovered parking space is located within the Project interior and is designated as the ADA-accessible parking space.

(d) **Architecture.** The architectural style proposed is a contemporary traditional design with a combination of gabled and shed roofs with exposed rafter tails and knee braces. The three-story buildings feature horizontal siding and stucco exterior finishes, with brick veneer accent material at the ground level. Two color schemes are proposed for each Building Type to provide variety. The Project illustrates the type of high-quality residential architecture promoted by the City's Development Code. This is exemplified through the use of:

- Articulation in the building footprints, incorporating vertical and horizontal changes in the exterior building walls (combination of recessed or projected wall areas and stepping-back of upper stories);
- Articulation in the building roof lines and placement of second story decks, which serve to break up large expanses of building wall; and
- Architectural details such as trellis or awning above the front entry areas to identify and enhance the dwelling entry.

(e) **Landscaping.** Perimeter landscaping in the front, side, and rear yards, and throughout the interior of the Project, provides for an overall landscape/open space coverage of 54 percent, meeting the Development Code requirements. The proposed on-site improvements will assist towards creating walkable, safe areas for pedestrians to access the Project site. The landscape plan incorporates a combination of 15-gallon, 24-inch, 36-inch, and 48-inch box trees throughout the site, which includes numerous tree species such as Crape Myrtle, Carolina Cherry, Lavender Trumpet Tree, Gold Medallion Tree, and others. A variety of shrubs and ground cover will be planted throughout the site

to create landscape areas that are aesthetically pleasing while having low or moderate water usage.

A total of 12,424 square feet of private/common open space is required for the Project and a total of 13,440 square feet has been provided, exceeding the minimum standard as shown in the Open Space Summary below.

<b>OPEN SPACE SUMMARY</b>		
<b>Open Space</b>	<b>Total Area Required (in SF)</b>	<b>Total Area Provided (in SF)</b>
<b>Common Open Space</b>	10,474	10,965 SF
<b>Private Open Space</b>	1,950	2,475 SF
<b>TOTAL</b>	<b>12,424</b>	<b>13,440</b>

Three recreational facilities to serve the Project will be constructed in the south and central areas of the Project. An approximate 550 square feet dog park is proposed near the southwest corner of the Project, and a patio seating area, approximately 230 square feet, is located along the main interior paseo, between Buildings 3 and 4. The patio seating and dog park areas are minor recreation facilities to serve the residents. A major recreation facility is proposed along the west Project boundary, south of Building 1. This area includes 2,700 square feet of open space area that offers tables and chairs, a picnic shelter, BBQ grill, cornhole game areas and turf area. (see Exhibit F—Landscape Plan and Exhibit G—Open Space Plan).

(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.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City’s Economy
- Operate in a Businesslike Manner

(2) 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.
  - LU2-1: Land Use Decisions: We minimize adverse impacts on adjacent properties when considering land use and zoning requests.
  - 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.

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

- H2-6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential development on underutilized residential and commercial sites.

- Goal H3: A City regulatory environment that balances the need for creativity and excellence in residential design, flexibility and predictability in the project approval process, and the provision of an adequate supply and prices of housing.

- H3-2 Flexible Standards. We allow flexibility in the application of residential and mixed-use development standards in order to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would otherwise be unrealized.

- H3-3 Development Review. We maintain a residential development review process that provides certainty and transparency for project stakeholders and the public, yet allows for the appropriate review to facilitate quality housing development.

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

- H5-2 Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation and other amenities.

### **Community Economics Element:**

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

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



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

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

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

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

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

**Safety Element:**

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

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

- S1-2 Entitlement and Permitting Process. We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

- Goal S4: An environment where noise does not adversely affect the public's health, safety, and welfare.

- S4-1 Noise Mitigation. We utilize the City's Noise Ordinance, building codes and subdivision and development codes to mitigate noise impacts.

- Goal S7: Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, and community involvement and a system of continuous monitoring.

- S7-4 Crime Prevention through Environmental Design (CPTED). We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.

**Community Design Element:**

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

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

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

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

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

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

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

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

➤ CD2-7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping and

buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials and construction techniques.

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

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

➤ CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

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

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

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.

➤ CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.

➤ CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.

- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
  - Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. 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 minimum number of dwelling units (39) and density (31.7 du/ac) specified in the Available Land Inventory.

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** The Project, as conditioned, 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, which consists of projects characterized as in-fill development meeting the following conditions: [a] the Project is consistent with the applicable general plan designation and all applicable

general plan policies and zoning designation and regulations; [b] the Project occurs within City limits on a site of no more than five acres substantially surrounded by urban uses; [c] the Project site has not value as habitat for endangered, rare or threatened species; [d] approval of the project would 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.

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

**TECHNICAL APPENDIX:**

**Surrounding Zoning and Land Use:**

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site	Vacant	HDR	HDR-45 (25.1 – 45 du/ac)	N/A
North	Retail	HDR	HDR-45 (Interim Community Commercial Overlay)	N/A
South	Service Commercial	HDR	HDR-45 (Interim Community Commercial Overlay)	N/A
East	Single-family Residential	LDR	LDR-5	N/A
West	Residential Apartments	MDR	MDR-25	N/A

**General Site & Building Statistics**

Item	Required Min./Max.	Provided (Ranges)	Meets Y/N
Project area (in acres):	N/A	1.23 acres	Y
Maximum project density (dwelling units/ac):	45.0 du/ac	31.7 du/ac	y
Maximum coverage (in %):	80%	35.7%	Y
Minimum lot size (in SF):	N/A	53,736 SF	Y
Minimum lot depth (in FT):	N/A	150 FT	Y
Minimum lot width (in FT):	N/A	359 FT	Y
Front yard setback (in FT):	10 FT Min.	10 FT	Y
Side yard setback (in FT):	5 FT Min.	8 FT to 10 FT-9 IN	Y
Rear yard setback (in FT):	10 FT Min.	12 FT to 14 FT	Y
Structure setbacks (in FT):	6 FT Min.	12 FT Min.	Y
Maximum height (in FT):	40 FT	35 FT-6 IN	Y
Parking: (Contingent on PDCA20-002)	72 spaces	73 spaces	Y
Open space – private:	50 SF / dwelling	50 SF to 75 SF	Y
Open space – common:	10,747 SF	10,965 SF	Y

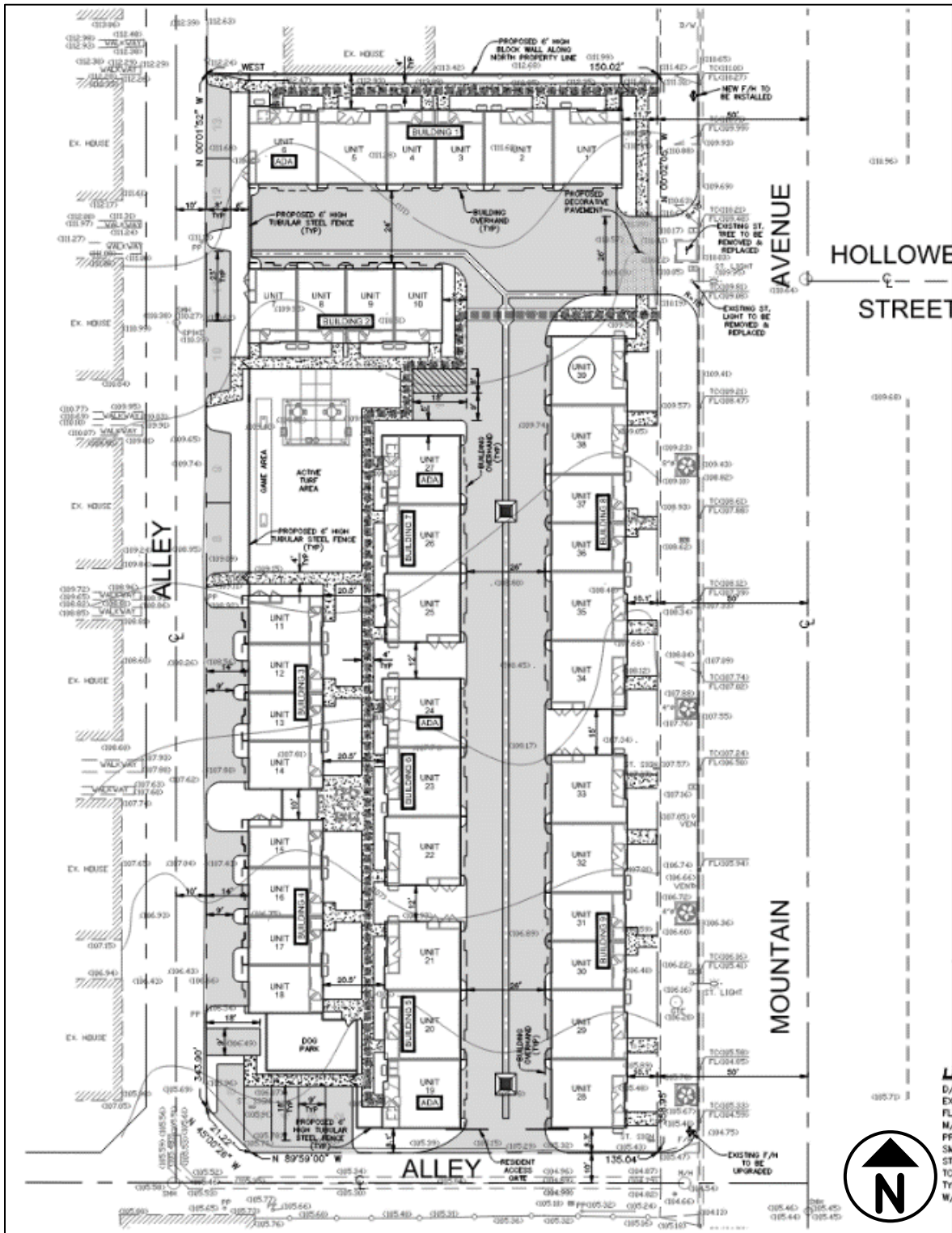
**Dwelling Unit Count:**

Item	Required Min./Max.	Provided (Ranges)	Meets Y/N
Total no. of units	32 units to 55 units	39 units	Y
Total no. of buildings	N/A	9	Y
No. units per building	6 units Max.	3 units to 6 units	Y

**Dwelling Unit Statistics:**

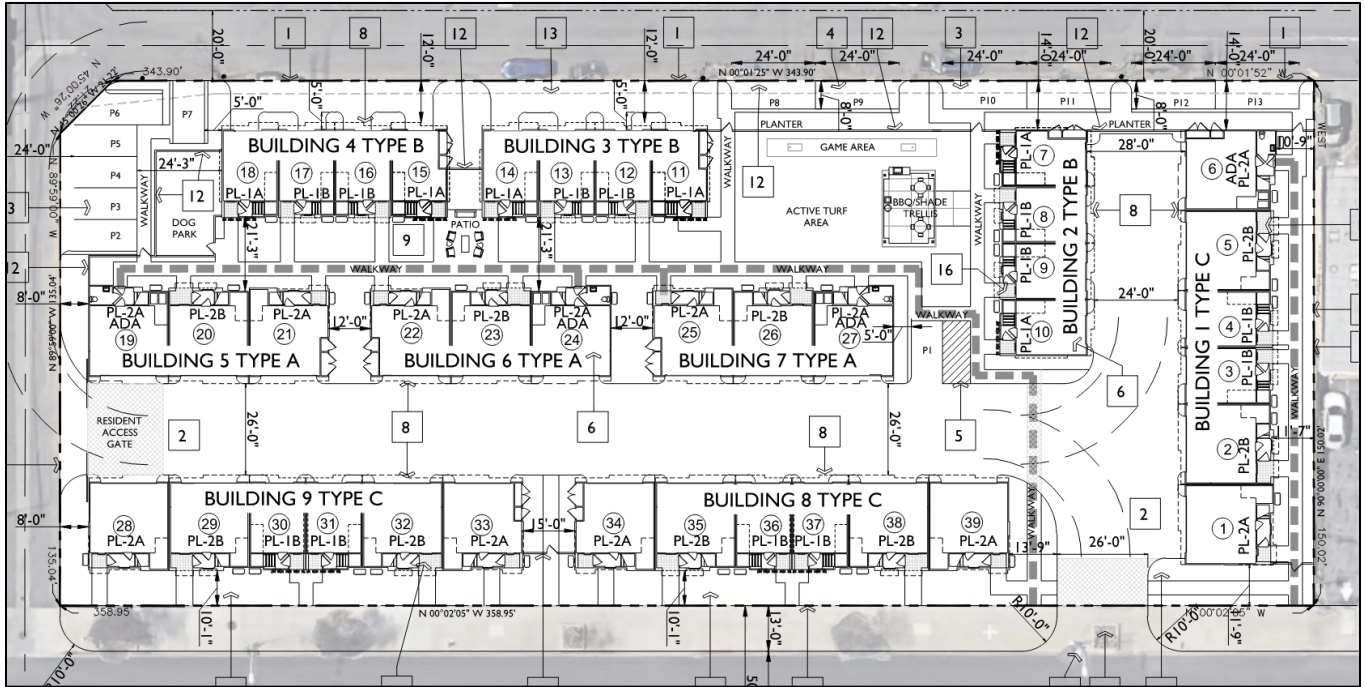
<i>Unit Type</i>	<i>Size (in SF)</i>	<i>No. Bedrooms</i>	<i>No. Bathrooms</i>	<i>No. Stories</i>	<i>Private Open Space (in SF)</i>
Plan 1	775 SF	1	1	3	50
Plan 2	1,147 SF	2	2.5	3	75

**Exhibit A—TENTATIVE TRACT MAP**

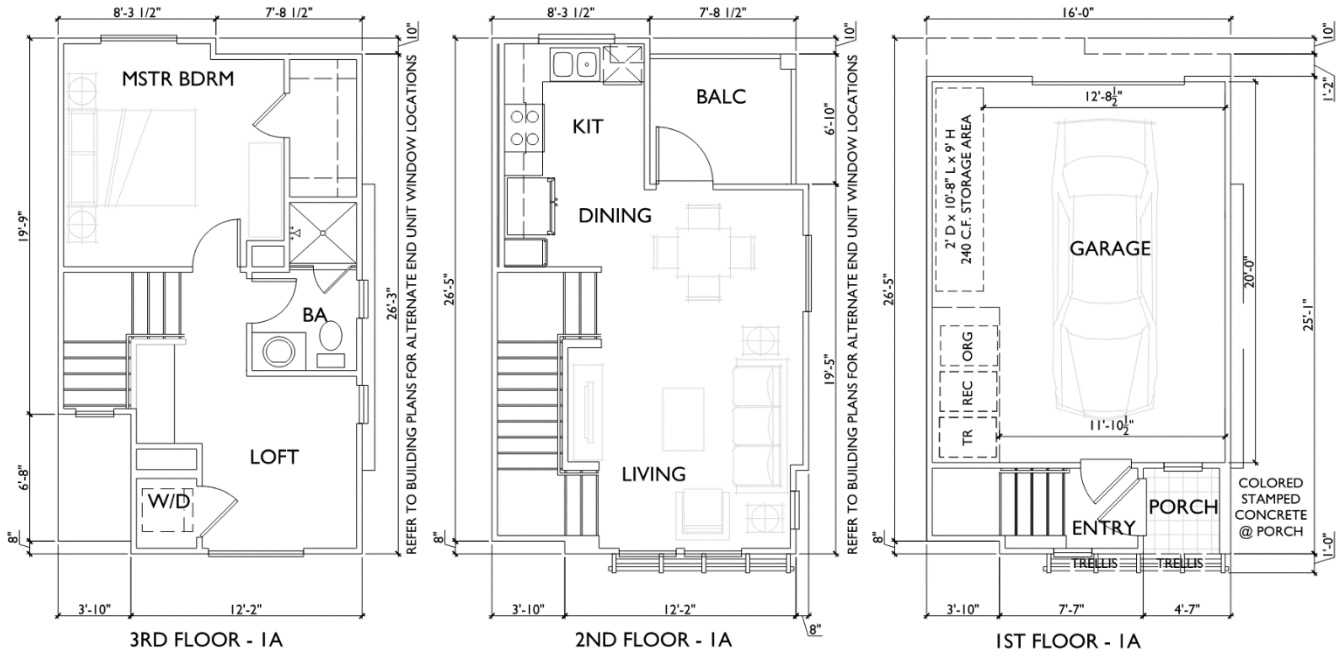




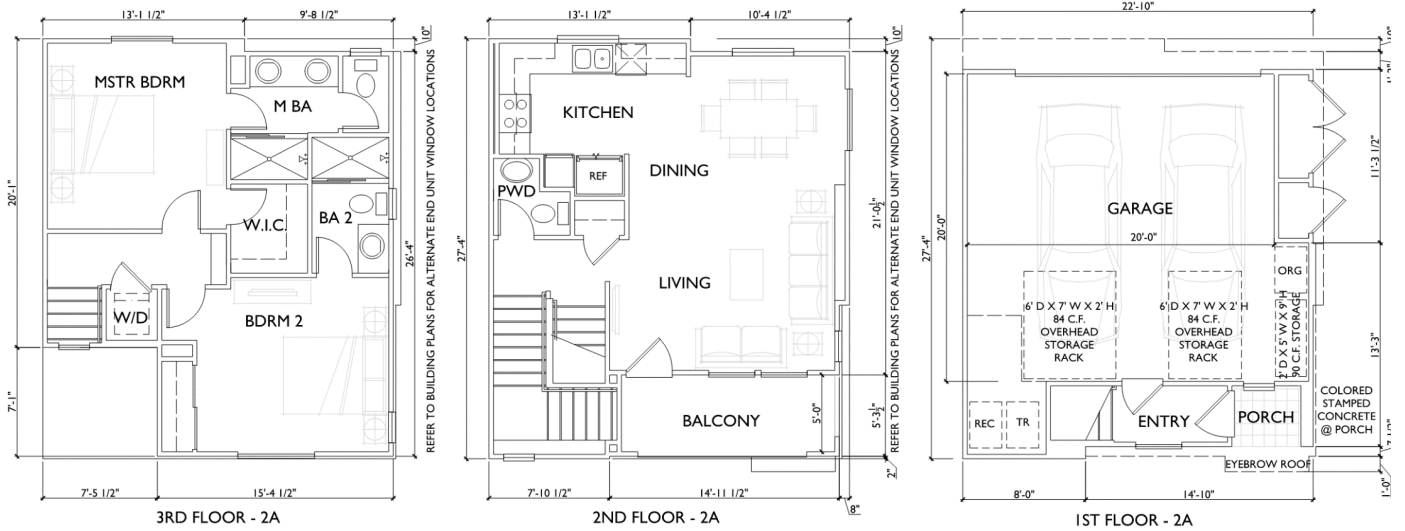
**Exhibit B—SITE PLAN**



**Exhibit C—FLOOR PLANS**



**Plan 1: 1 Bedroom, 1 Bath**



**Plan 2: 2 Bedroom, 2.5 Bath**

**Exhibit D—ELEVATIONS**



**3-PLEX**

**Exhibit D—ELEVATIONS (CONTINUED)**



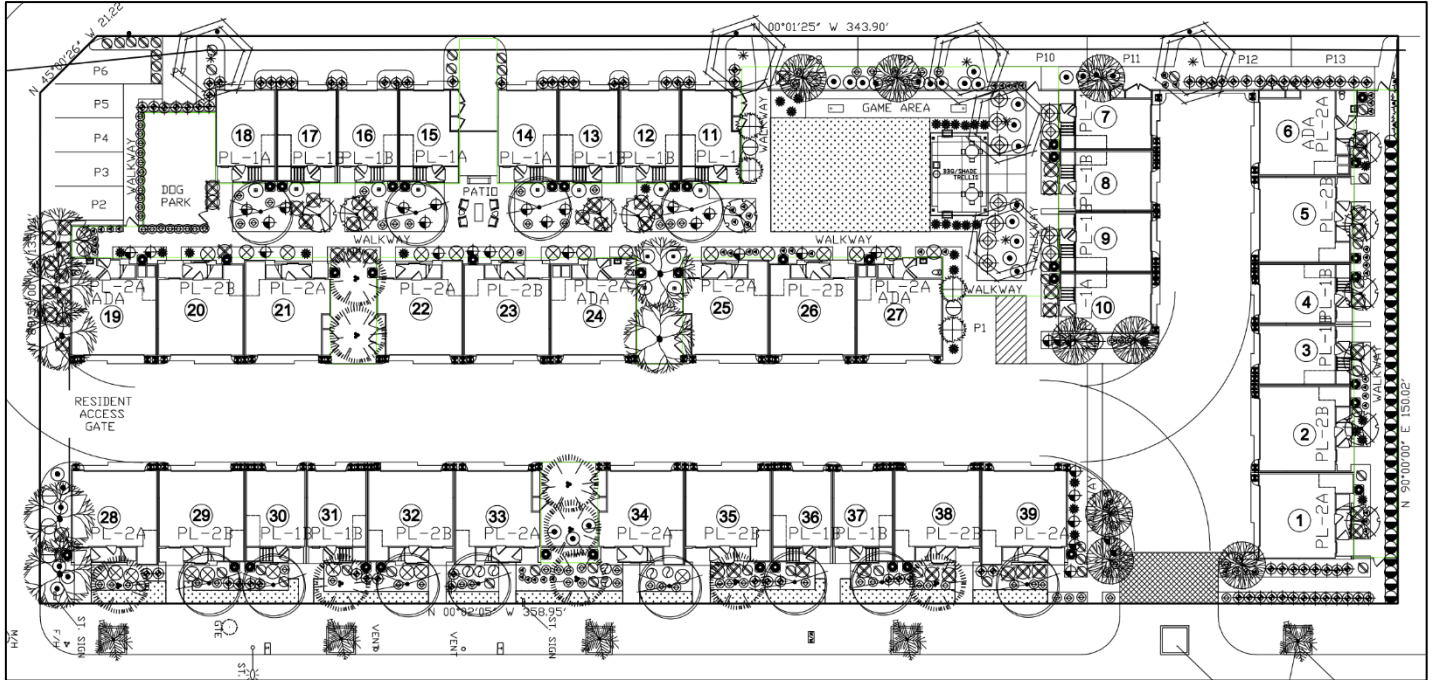
**4-PLEX**

**Exhibit D—ELEVATIONS (CONTINUED)**

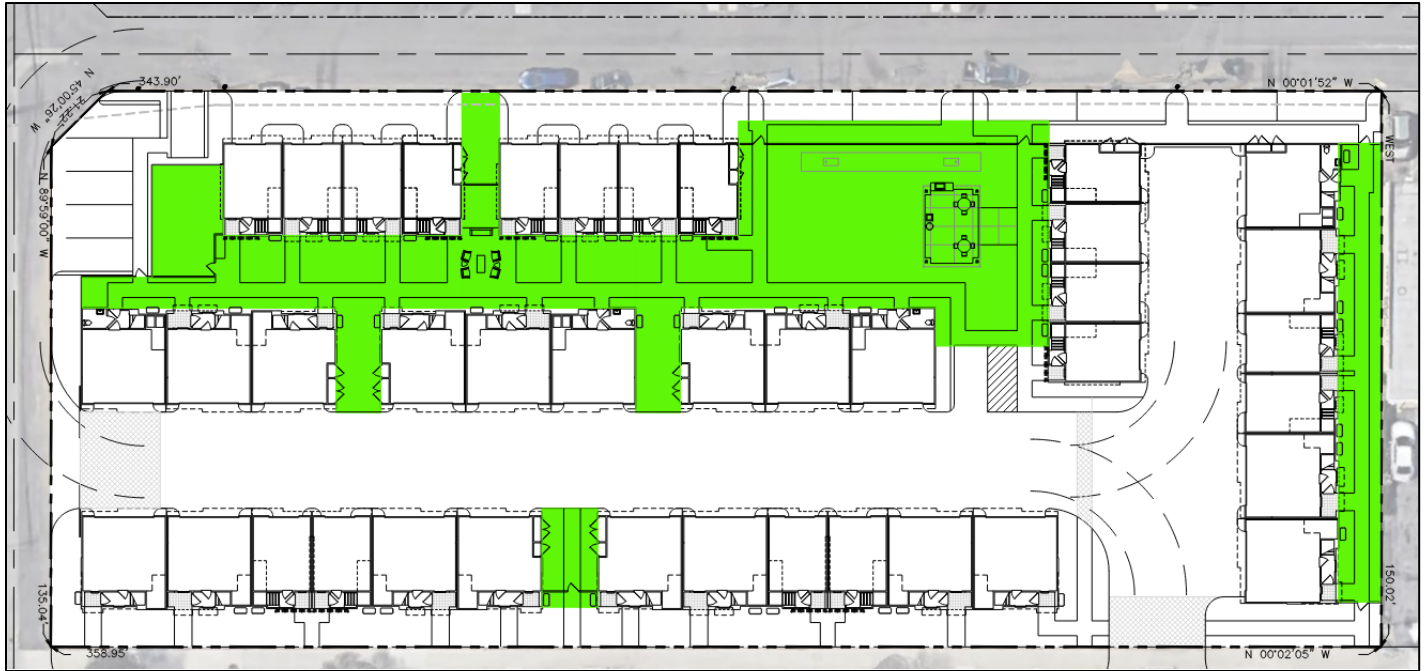



**6-PLEX**

**Exhibit E—LANDSCAPE PLAN**



**Exhibit F—OPEN SPACE PLAN**



<b>OPEN SPACE SUMMARY:</b>	
SITE AREA: 1.23 ACRES / 53,736 S.F.	
	OPEN SPACE = 10,965 S.F. (20.4% OF SITE AREA)
PRIVATE BALCONIES - 2,475 S.F. (50 SF MIN REQ'D)	
PLAN 1A/1B = 50 SF X 18 UNITS	
PLAN 2A/2B = 75 SF X 21 UNITS	
TOTAL OPEN SPACE PROVIDED = 13,440 S.F.	
BUILDING COVERAGE	19,167 S.F.
DRIVES/APRONS/PARKING AREAS	16,282 S.F.
REMAINING LANDSCAPE/WALKWAYS	18,287 S.F.



RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PMTT21-005, A TENTATIVE TRACT MAP (TTM 20379) FOR COMMON INTEREST SUBDIVISION PURPOSES TO SUBDIVIDE 1.23 ACRES OF LAND INTO COMMON AND PRIVATE AREAS TO FACILITATE THE CONSTRUCTION OF 39 RESIDENTIAL CONDOMINIUM UNITS ON A PROPERTY LOCATED AT 221 NORTH MOUNTAIN AVENUE, WITHIN HDR-45 (HIGH DENSITY RESIDENTIAL – 25.1 TO 45.0 DU/AC) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1010-521-28.

WHEREAS, Tipping Development ("Applicant") has filed an Application for the approval of Tentative Tract Map (TTM 20379), File No. PMTT21-005, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 1.23 acres of land generally located at the intersection of Mountain Avenue and Holloway Street, at 221 North Mountain Avenue within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district, and is presently vacant; and

WHEREAS, the Project site is bordered by a commercial property to the north and is within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) and ICC (Interim Community Commercial) Overlay zoning districts. The properties to the east, across Mountain Avenue, are within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district and are developed with single-family homes. The property to the south, across a public alley, is developed with commercial land uses and is within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) and ICC (Interim Community Commercial) Overlay zoning districts. The properties to the west, across a public alley, are within the MDR-25 (Medium-High Residential – 18.1 to 25.0 du/ac) zoning district and are developed with residential apartments; and

WHEREAS, the proposed Tentative Tract Map will subdivide a single parcel into a one-lot common interest subdivision; and

WHEREAS, the proposed Tentative Tract Map will facilitate the development of a 39-unit residential condominium complex; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "CEQA"); and



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

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

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

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

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

WHEREAS, on September 20, 2021, 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. DAB21-048, recommending that the Planning Commission approve the Application; and

WHEREAS, on September 28, 2021, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines, and meets each of the following conditions: (a) the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations, as conditioned; (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 is located on a site that can be adequately served by all required utilities and public services; and

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

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

**SECTION 2: Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority 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 number of dwelling units (39) and density (31.7 du/ac) specified in the Available Land Inventory.

**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 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 authority 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 Sections 1 through 3, 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 High Density Residential (HDR) land use district of the Policy Plan Land Use Map, and the HDR-45 (High Density Residential - 25.1 to 45.0 du/ac) zoning district. 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 High Density Residential (HDR) land use district

of the Policy Plan Land Use Map, and the HDR-45 (High Density Residential - 25.1 to 45.0 du/ac) zoning district. 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 HDR-45 (High Density Residential - 25.1 to 45.0 du/ac) zoning district, and is physically suitable for the type of residential development proposed in terms of zoning, land use and development activity proposed, and existing and proposed site conditions.

(4) ***The site is physically suitable for the density/intensity of development proposed.*** The project site is proposed for residential development at a density of 31.7 DUs/Acre. The project site meets the minimum lot area and dimensions of the HDR-45 (High Density Residential - 25.1 to 45.0 du/ac) zoning district, and is physically suitable for this proposed density / intensity of development.

(5) ***The design of the subdivision or the proposed improvements thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.*** The project site is not located in an area that has been identified as containing species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service, nor does the site contain any riparian habitat or other sensitive natural community, and no wetland habitat is present on site; therefore, the design of the subdivision, or improvements proposed thereon, are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife, or their habitat.

(6) ***The design of the subdivision, or the type of improvements thereon, are not likely to cause serious public health problems.*** The design of the proposed subdivision, and the residential 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 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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PMTT21-005  
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:** September 28, 2021

**File No:** PMTT21-005

**Related Files:** PDEV21-009

**Project Description:** A Tentative Tract Map (TTM20379) for common interest subdivision purposes, subdividing 1.23 acres of land into common and private area for the construction of 39 condominium units, located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/ac) zoning district (APN: 1010-521-28); **submitted by Tipping Development**

**Prepared By:** Edmelynn V. Hutter, Senior Planner  
Phone: 909.395.2429 (direct)  
Email: ehutter@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 parcel/tract map has been recorded, or a time extension has been approved by the Planning Commission pursuant to Development Code Section 2.02.025 (Time Limits and Extensions). This Permit does not supersede any individual time limits specified herein for performance of specific conditions or improvements.

**2.2** Subdivision Map.

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

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

(c) The subject Tentative Tract Map for condominium purposes shall require the recordation of a condominium plan (or 1<sup>st</sup> phase thereof) concurrent with the recordation of the Final Tract Map and CC&Rs.

(d) Pursuant to California Government Section 66474.9, the subdivider agrees that it will defend, indemnify, and hold harmless the City of Ontario or its agents, officers and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Ontario shall promptly notify the subdivider of any such claim, action or proceeding and the City of Ontario shall cooperate fully in the defense.

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

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

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

**2.4** 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 include provisions establishing and enforcing of the following:

- (i) Private use areas and common use areas;
- (ii) Parking requirements;
- (iii) No parking restrictions in front of garages; and
- (iv) Trash cart storage, placement location for pick-up, and approved time window when trash carts are allowed to be placed outside for pick-up;

(d) CC&Rs shall ensure common maintenance of:

- (i) Common Open Space Areas and community amenities such as, but not limited to, recreation facilities, site lighting, walls, fences, gates, and mailboxes;
- (ii) Landscaping and irrigation systems within common areas;
- (iii) 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;
- (iv) Shared parking facilities and access drives; and

(v) 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.

## 2.5 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) This tract is subject to roadway noise from Mountain Avenue and may be more severely impacted in the future.

## 2.6 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

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

2.7 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 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.

**2.8**     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.

(c)       At the time of CC&R submittal for City review, the Applicant shall submit payment of the applicable fee(s) at the rate established by resolution of the City Council.

**2.9**     Additional Requirements.

(a)       Approval of the subject Tentative Tract Map is contingent on City Council approval of Development Code Amendment (File No. PDCA20-002) regarding reduced parking requirements for Small Lot Infill Subdivision projects.



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
Matt Montieth, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
Mike Gerken, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department

**REVISION #1**

FROM: Edmelyne Hutter, Senior Planner

DATE: July 30, 2021

SUBJECT: FILE #: PMTT21-005

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 .

**PROJECT DESCRIPTION:** A Tentative Tract Map (TTM 20379) for common interest subdivision purposes, subdividing 1.23 acres of land into common and private area for the construction of 39 townhome units, located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zoning district (APN: 1010-521-28). Related File: PDEV21-009.

- 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 Division  
Department

Signature *J.P.*

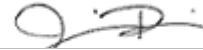
Title Landscape Planner

Date 9/2/2021

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

**TRACT MAP CORRECTIONS**

**Sign Off**



Jamie Richardson, Sr. Landscape Planner

09/02/2021

Date

Reviewer's Name:  
**Jamie Richardson, Sr. Landscape Planner**

Phone:  
**(909) 395-2615**

D.A.B. File No.:  
 PMTT21-005

Related Files:

Case Planner:  
 Edmelynn Hutter

Project Name and Location:  
 39 Townhome (9 Buildings)  
 221 North Mountain Ave.

Applicant/Representative:  
 Calland Engineering Inc./Peterzon Sy  
 576 E. Lambert Road  
 Brea, CA 92821



**A Tentative Tract Map (dated 07/30/2021) has been approved considering that the following conditions below be met upon submittal of the landscape construction documents.**



**A Tentative Tract Map (dated) has not been approved. Corrections noted below are required before DAB approval.**

**CORRECTIONS REQUIRED**

1. Parkway tree locations shall be shown on all plans. Show and note a 10' total space, 5' clearance each side of tree from any utility or hardscape including water, sewer, drain lines, and driveways; and 10' clear from streetlights.
2. Open space shall include amenities based on the marketed demographic; consider spaces for gathering and games such as permanent table tennis, bocce ball, shade structures, fire pits, BBQ. For families with children, provide unique, challenging play equipment for the playground. Consider Nature-inspired equipment from Landscape Structures, Play World, etc. Consider a small splash pad in the play area, if possible. Identify types of equipment; provide exhibits.

**On Grading or Utility Construction Plans:**

3. Note for compaction to not be greater than 85% at landscape areas; all finished grades 1 1/2" below finished surfaces; landscaped slopes to be max 3:1.
4. Show or note transformers shall be located in planter areas and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformers greater than 4' high. Locate on level grade. Coordinate with landscape plans.
5. Show or note backflow devices shall be located in planter areas and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans. Adjust utilities away from the center of the landscape area between Unit 33 and 24 to allow for landscape screening and trees.
6. Show light standards 15' away from required tree locations.
7. Wall footings shall not restrict landscape; max 12" in front of footing with 12" of cover.

8. Show on plans step-outs at parking spaces adjacent to planters; 12" wide monolithic curb, 12" compacted decomposed granite or pavers adjacent to the 6" curb.
9. Before installation, stormwater infiltration devices located in landscape areas shall be reviewed and approved by the Landscape Planning Division.
10. 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.



### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input checked="" type="checkbox"/> <b>TRACT MAP</b>
<b>PROJECT FILE NO. PMTT21-005/TM-20379 and PDEV21-009</b> <b>(Revised)</b> <b>RELATED FILE NO(S).</b> _____		
<input checked="" type="checkbox"/> <b>ORIGINAL</b> <input type="checkbox"/> <b>REVISED:</b> ___/___/___		

**CITY PROJECT ENGINEER & PHONE NO:** Eric Woosley, P.E. (909) 395-2134

**CITY PROJECT PLANNER & PHONE NO:** Edmelyne Hutter, AICP (909) 395-2429

**DAB MEETING DATE:** September 20, 2021

**PROJECT NAME / DESCRIPTION:** TM-20379, a Tentative Tract Map to subdivide 1.23 acres of land into common and private areas for the construction of 39 townhome units.

**LOCATION:** 221 North Mountain Avenue

**APPLICANT:** Tipping Development

**REVIEWED BY:**  9/20/21  
Raymond Lee, P.E. Date  
Assistant City Engineer

**APPROVED BY:**  9-20-21  
Khoi Do, P.E. Date  
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): A sidewalk easement for portions of the sidewalk behind the driveway approach encroaching onto private property along Mountain Avenue.**
- 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 Financial 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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 Tract Map No. 20379 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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): \_\_\_\_\_ 

\_\_\_\_\_
  
- 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 Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: \_\_\_\_\_



**B. PUBLIC IMPROVEMENTS**  
 (See attached Exhibit 'A' for plan check submittal requirements.)

2.17 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	Mountain Avenue	Southerly Alley (E-W)	Westerly Alley (N-S)	Street 4
<b>Curb and Gutter</b>	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> <b>Replace damaged</b> <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
<b>AC Pavement</b>	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> <b>Replacement</b> <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> <b>Replacement</b> <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"/> 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>Sidewalk</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Remove and replace broken panels</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
<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 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)
<b>Raised Landscaped Median</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>Fire Hydrant</b>	<input checked="" type="checkbox"/> <b>New / Upgrade</b> <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 checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<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 type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> New / Upgrade <input checked="" 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
<b>Fiber Optics (see Sec. 2K)</b>	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

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

- 2.18** Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s)/alley(s): the westerly alley (N-S) and southerly alley (E-W), **full-width, from street centerline to curb/gutter, from the northerly property limit of the westerly alley to the easterly property limit of the southerly alley and extending to the drive approach at Mountain Avenue.**



- 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 of the alleys. If the structural section is determined to be substandard, the limits of the reconstruction will from the northerly property limit of the westerly alley (N-S) to the easterly property limit of the southerly alley (E-W) and extending to the approach at Mountain Avenue, **full width of the alley, from street centerline to curb/gutter**. If the structural section is determined to be standard, condition 2.18 shall apply.
- 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 7-7.302.e of the City's Municipal Code.
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23** An 8-inch sewer main is available for connection by this project in Mountain Avenue. (Ref: Sewer plan bar code: S10635)
- 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. As part of the submittal package, provide a colored Final Utilities Systems Map (USM) that shows all existing and proposed Utilities (Potable Water, Recycled Water, Sewer, Storm Drain, and other utilities) including each of the City's public utilities' points of connection to the existing systems.
  2. All sewer lateral connections shall be connected to the public sewer main in Mountain Avenue; and not to the alley.

**D. WATER**

- 2.27** A 10-inch water main is available for connection by this project in Mountain Avenue. (Ref: Water plan bar code: W11152)
- 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. Construct a direct connection to the water main in Mountain Avenue with a master meter and back flow device for each building, and submetering for each individual unit onsite.
  2. Construct a separate direct irrigation service connection to the water main in Mountain Avenue, with a backflow device on private property within 5-feet of the proposed meters.
  3. Construct a separate direct fire service connection to the water main in Mountain Avenue, with a double check detector assembly (DCDA) on private property, immediately behind the property line.
  4. Construct one new fire hydrant on Mountain Avenue, fronting the project site and near



**the northerly project property line, and upgrade the existing fire hydrant located towards the southerly property line on Mountain Avenue.**

#### E. RECYCLED WATER

- 2.30 **No recycled water main is available for connection by this project.**  
**(Ref: Recycled Water plan bar code: N/A)**
  - 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) 395-2647 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:** 
  - 1. **Design and construct proposed driveways at Mountain Avenue in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway. Proposed driveway location onto Mountain Ave shall be consistent with turning exhibits approved by the City.**
  - 2. **The Applicant/Developer shall relocate the existing streetlight conflicting with the proposed driveway on Mountain Avenue per City of Ontario Standard Drawing No. 5104.**
  - 3. **The Applicant/Developer shall be responsible to replace any existing street light fixtures along its project frontage of Mountain Avenue with the current City approved LED equivalent fixture per the City of Ontario Approved Material List LED Luminaires.**
  - 4. **Parking within the alley shall be restricted along the property frontages at both alleys with R28(CA)(L) and R28(CA)(R) signs.**
  - 5. **Property frontage along Mountain Avenue shall be signed "No Parking Anytime".**

#### G. DRAINAGE / HYDROLOGY

- 2.38 **A 54-inch storm drain main is available to accept flows from this project in Mountain Avenue.**  
**(Ref: Storm Drain plan bar code: D11205)**





- 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 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 **Other conditions:** 
  - 1. **The underground water quality system shall be equipped with an adequately sized pretreatment device and shall be a device listed on the certified list of approved trash treatment control devices by the SWRCB. For a list of approved devices please visit the following website: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/certified\\_fcsdevicelist\\_16Feb2021.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/certified_fcsdevicelist_16Feb2021.pdf)**
  - 2. **Activities resulting in a land disturbance of one acre, or more is required to obtain coverage under the Construction General Permit (CGP). The site shall have a Stormwater Pollution Prevention Plan (SWPPP) developed and submitted through the SMARTS website at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>.**



**J. SPECIAL DISTRICTS**

- 2.48 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.50 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, currently located at the location of the proposed drive approach on Mountain Avenue. The hand hole will be required to be relocated north of the proposed drive approach. See Fiber Optic Exhibit herein.
- 2.51 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

**L. INTEGRATED WASTE**

- 2.52 Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:  
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.53 Other conditions: 
  1. Prior to approval of any building permits, submit a final Solid Waste Handling Plan (SWHP) with the Precise Grading Plan for review and approval by the Integrated Waste Department.
  2. The Developer/Applicant shall submit to the Ontario Municipal Utilities Company (OMUC) an Integrated Waste Management Report (IWMR) in accordance with the IWMR Requirements.

**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.).

**4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:**

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PDEV21-009 and Tract Map No.20379**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  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).
7.  Three (3) sets of Public Street improvement plan with street cross-sections
8.  Three (3) sets of Private Street improvement plan with street cross-sections
9.  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)
10.  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)
11.  Four (4) sets of Public Sewer improvement plan
12.  Five (5) sets of Public Storm Drain improvement plan
13.  **Three (3) sets of Public Street Light improvement plan**
14.  **Public Street Light improvement plan (DELTA to reflect LED upgrades)**
15.  Three (3) sets of Signing and Striping improvement plan
16.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
17.  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)
18.  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.
19.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
20.  One (1) copy of Hydrology/Drainage study

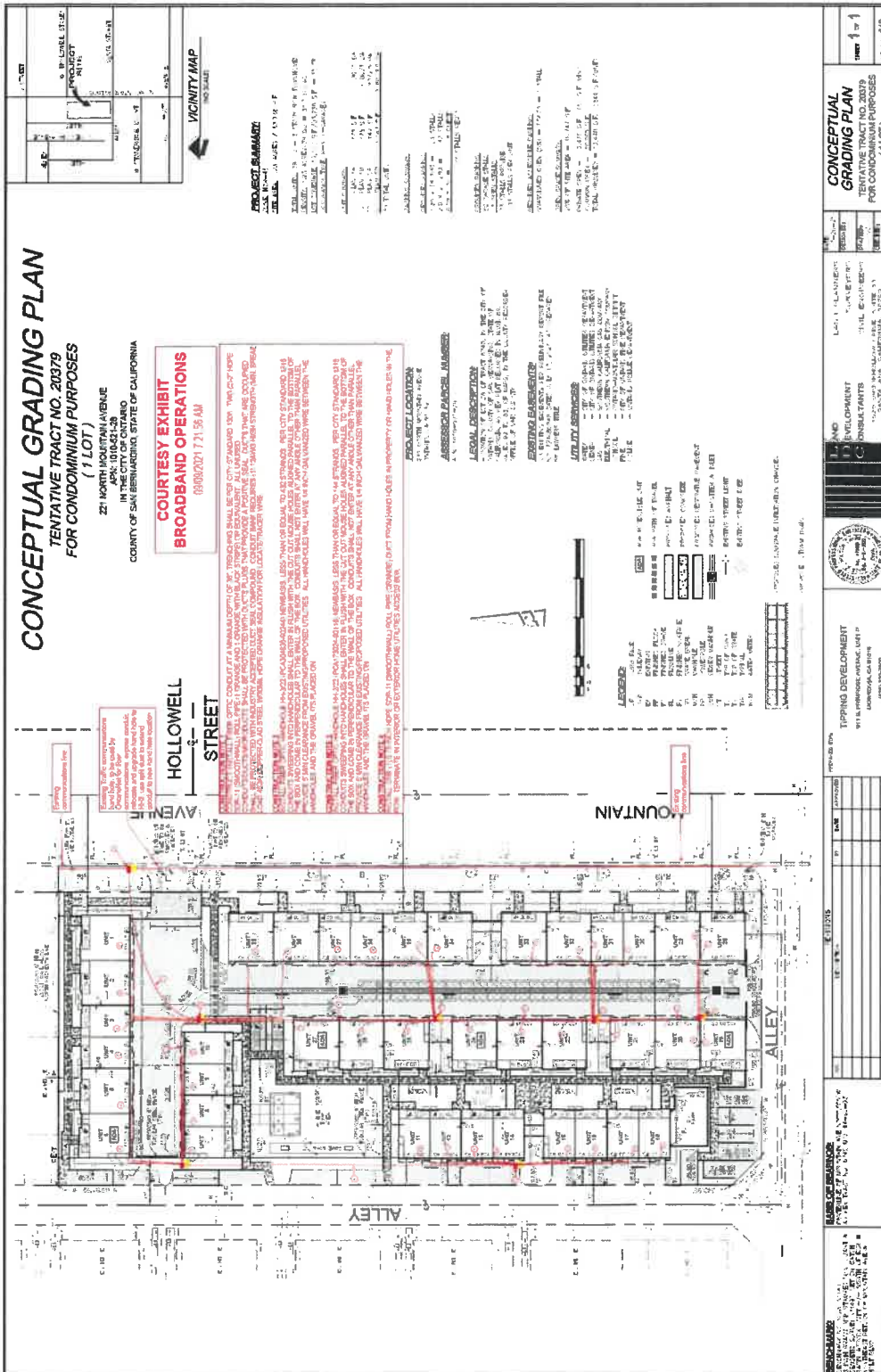


- 21.  One (1) copy of Soils/Geology report
- 22.  Payment for Final Map/Parcel Map processing fee
- 23.  Three (3) copies of Final Map/Parcel Map
- 24.  One (1) copy of approved Tentative Map
- 25.  One (1) copy of Preliminary Title Report (current within 30 days)
- 26.  One (1) copy of Traverse Closure Calculations
- 27.  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.
- 28.  Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use
- 29.  Other: \_\_\_\_\_



**EXHIBIT 'B'**

**BROADBAND OPERATIONS DEPARTMENT  
 Fiber Optic Exhibit**





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Edmelynne Hutter, Senior Planner  
Planning Department

**FROM:** Mike Gerken, Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** March 29, 2021

**SUBJECT:** PMTT21-005 - A Tentative Tract Map for condominium purposes to subdivide 1.23 acres of land into common and private area for the construction of 39 townhome units, located at 221 North Mountain Ave, within the HDR-45 (High Density Residential) zone. APN: 1010-521-28.  
**RELATED FILE:** PDEV21-009

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

### **SITE AND BUILDING FEATURES:**

- A. 2019 CBC Type of Construction: Type V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Varies, 9 Buildings
- D. Number of Stories: 3 Stories
- E. Total Square Footage: Not Listed for Buildings  
Varies – 775 Sq. Ft. – 1,147 Sq. Ft. Per Unit
- F. 2019 CBC Occupancy Classification(s): R-3, U-Garages

## **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 website at [www.ontarioca.gov/Fire/Prevention](http://www.ontarioca.gov/Fire/Prevention).
- ☒ 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-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300’) apart, per Engineering Department specifications.
- ☒ 3.4 The 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.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-005 & PDEV21-009  
 Address: 221 North Mountain Ave  
 APN: 1010-521-28  
 Existing Land Use: Vacant  
 Proposed Land Use: Tentative Tract Map to subdivide 1.23 acres for condominium purposes & Development Plan to construct 39 Multi-Family Residential Units  
 Site Acreage: 1.23 Proposed Structure Height: 36 FT  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Edmelynn Hutter  
 Date: 5/11/2021  
 CD No.: 2021-017  
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 160 FT	
<input type="radio"/> Zone 5			

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6

Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

See attached condition.

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

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2021-017  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

New Residential land uses 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.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV21-009, A DEVELOPMENT PLAN TO CONSTRUCT 39 RESIDENTIAL CONDOMINIUM UNITS (9 BUILDINGS TOTAL) ON 1.23 ACRES OF LAND, LOCATED AT 221 NORTH MOUNTAIN AVENUE, WITHIN THE HDR-45 (HIGH DENSITY RESIDENTIAL – 25.1 TO 45.0 DU/AC) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1010-521-28.

WHEREAS, Tipping Development ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV21-009, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 1.23 acres of land generally located at the intersection of Mountain Avenue and Holloway Street, at 221 North Mountain Avenue within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac), and is presently vacant; and

WHEREAS, the Project site is bordered by a commercial property to the north and is within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) and ICC (Interim Community Commercial) Overlay zoning districts. The properties to the east, across Mountain Avenue, are within the LDR-5 (Low Density Residential – 2.1 to 5.0 du/ac) zoning district and are developed with single-family homes. The property to the south, across a public alley, is developed with commercial land uses and is within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) and ICC (Interim Community Commercial) Overlay zoning districts. The properties to the west, across a public alley, are within the MDR-25 (Medium-High Residential – 18.1 to 25.0 du/ac) zoning district and are developed with residential apartments; and

WHEREAS, the Project will develop 1.23 acres of land with a 39-unit, three-story condominium development that includes on-site parking, approximate 3,500 square feet of recreation areas equipped with a picnic shelter, tables and chairs, BBQ grills, corn hole games, a lawn area, patio seating and a dog park; and

WHEREAS, the Project will construct 18 one-bedroom units (775 square feet in area) and 21 two-bedroom units (1,147 square feet in area) in a contemporary traditional style of architecture; and

WHEREAS, the Project will develop 60 garage spaces with direct access to the respective dwelling units and 13 surface parking spaces on the Project site; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "CEQA"); and

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

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

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

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

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

WHEREAS, on September 20, 2021, 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. DAB21-049, recommending that the Planning Commission approve the Application; and

WHEREAS, on September 28, 2021, 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 authority for the Project, the Planning Commission has reviewed and considered the information contained in the administrative record for the Project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows:

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

(2) The Project is categorically exempt from environmental review pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines, and meets each of the following conditions: (a) the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations, as conditioned; (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 is located on a site that can be adequately served by all required utilities and public services; and

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

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

**SECTION 2: Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority 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 number of dwelling units (39) and density (31.7 du/ac) specified in the Available Land Inventory.

**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 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 authority 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 Sections 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 High Density Residential (HDR) land use district of the Policy Plan Land Use Map, and the HDR-45 ((High Density Residential - 25.1 to 45.0 du/ac) 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.

(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 HDR-45 (High Density Residential - 25.1 to 45.0 du/ac) zoning district, including standards relative to the particular land use proposed (multiple-family residential), as-well-as building intensity,

building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions.

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the 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.

(4) ***The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.*** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (multiple-family residential). As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the 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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PDEV21-009  
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:** September 28, 2021

**File No:** PDEV21-009

**Related Files:** PMTT21-005

**Project Description:** A Development Plan to construct 39 condominium units (9 buildings total) on 1.23 acres of land, located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 DU/ac) zone (APN(s): 1010-521-28); **submitted by Tipping Development**

**Prepared By:** Edmelyne V. Hutter, Senior Planner  
Phone: 909.395.2429 (direct)  
Email: ehutter@ontarioca.gov

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

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

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

**2.1** Time Limits.

(a) Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

(c) The Applicant shall submit a Construction Phasing Plan for review and approval.

(d) 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** Common and Active Open Space.

(a) The developer shall update the Major Recreation Facility plan to further define and open space area and incorporate placemaking features. Enhancements should include, but are not limited to, a solid roof or lattice picnic shelter, pony walls, raised planters and accent materials.

(b) Recreation facilities shall be completed and available for resident use at the time of Certificate of Occupancy issuance for the first dwelling unit and in accordance with the Construction Phasing Plan.

**2.4** Landscaping.

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

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

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

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

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

**2.6** Parking, Circulation and Access.

(a) Approval of the subject Tentative Tract Map is contingent on City Council approval of Development Code Amendment (File No. PDCA20-002) regarding reduced parking requirements for Small Lot Infill Subdivision projects.

(b) 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).

(c) Striping of parking spaces, aisles, and driveways, and directional signs conforming to the provisions of Development Code Division 8.01 (Sign Regulations), shall be provided.

(d) The vehicle ingress and egress drives 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.

(e) 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.

(f) 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.

(g) 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).

(h) 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).

(i) The Applicant shall provide striping and/or signage informing residents and guests that parking in front of garages is not allowed.

#### **2.7** Outdoor Loading and Storage Areas.

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

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

#### **2.8** Indoor Storage Areas.

(a) Each dwelling unit shall be provided with 240-CF of storage space. Adequate lockable private storage shall be provided within a garage or storage building, or a space directly accessible from the dwelling. Exterior closes accessed from patios or balconies may be used if screened from public view.

(b) Storage space and/or mechanical equipment shall not take away from interior garage minimum required dimensions (10-FTx20-FT per space). Overhead or hung storage facilities at the front of a parking space shall not encroach more than 4-FT into the space and shall not reduce the parking space to less than 4.5 FT in height.

#### **2.9** Site Lighting.

(a) The design of light fixtures and their structural supports shall be architecturally compatible with the main structures on the site and architecturally integrated into the design of the structure. Site lighting shall be reviewed and approved by the Planning and Police Departments prior to the issuance of building permits.

(b) Along pedestrian movement corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps, ramps and seatwalls shall be illuminated wherever possible with built-in light fixtures.

(c) 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), 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.

(d) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

(e) The maximum height of luminaires shall be as follows:

(i) When a light source or luminaire has no cutoff (the point at which all light rays are completely shielded), the maximum permitted height of the luminaire shall be 14 FT.

(ii) When a light source or luminaire has no cutoff of light at an angle of 90 degrees or greater, the maximum permitted height of the luminaire shall be 24 FT.

(iii) When a light source or luminaire has no cutoff of light at an angle of less than 90 degrees, the maximum permitted height of the luminaire shall be 30 FT.

**2.10** 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.

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

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

**2.13** Sound Attenuation.

(a) 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).

(b) Pursuant to Exhibit S-3a (Future Roadway Noise Contour Map) of the Policy Plan Safety Element, the Project is within the 60 through 75 dBA CNEL noise contours of Mountain Avenue. An acoustical analysis shall be required showing compliance with City noise standards for interior and exterior conditions, including Balconies. The analysis shall be approved by the Planning Department prior to permit issuance.

(c) Construction documents shall be approved and signed by an acoustical engineer to certify that the noise abatement measures required in Condition 2.13(b) have been incorporated.

**2.14** 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 include provisions for establishing and enforcing of the following:

(i) Parking requirements;

(ii) No parking restrictions in front of garages; and

(iii) Trash cart storage, placement location for pick-up, and approved time window when trash carts are allowed to be placed outside for pick-up;

(d) CC&Rs shall ensure common maintenance of:

(i) Common Open Space Areas and community amenities such as, but not limited to, recreation facilities, site lighting, walls, fences, gates, and mailboxes;

(ii) Landscaping and irrigation systems within common areas;

(iii) 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;

(iv) Shared parking facilities and access drives; and

(v) 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.

#### **2.15** 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) This tract is subject to roadway noise from Mountain Avenue and may be more severely impacted in the future.

#### **2.16** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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



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

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

**2.17** 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.

**2.18** 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.

**2.19** Additional Requirements.

**(a)** Approval of the subject Tentative Tract Map is contingent on City Council approval of Development Code Amendment (File No. PDCA20-002) regarding reduced parking requirements for Small Lot Infill Subdivision projects.



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
Matt Montieth, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Gabriel Gutierrez, Police Department  
Mike Gerken, Deputy Fire Chief/Fire Marshal  
Jay Bautista, T. E., Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Eric Woosley, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department

FROM: Edmelyne Hutter, Senior Planner

**REVISION #1**

DATE: July 30, 2021

SUBJECT: FILE #: PDEV21-009

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 .

**PROJECT DESCRIPTION:** A Development Plan to construct 39 townhome units (9 buildings total) on 1.23 acres of land, located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential – 25.1 to 45.0 du/ac) zone (APN: 1010-521-28). Related File: PMTT21-005.

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 Division  
Department

*[Signature]*  
Signature

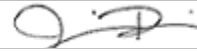
Landscape Planner  
Title

9/2/2021  
Date

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

**CONDITIONS OF APPROVAL**

**Sign Off**



09/02/2021

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Planner**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV21-009

Case Planner:

Edmelynne Hutter

Project Name and Location:

39 Townhome (9 Buildings)  
 221 North Mountain Ave.

Applicant/Representative:

Calland Engineering Inc./Peterzon Sy  
 576 E. Lambert Road  
 Brea, CA 92821



**A Preliminary Plan (dated 07/30/2021) meets the Standard Conditions for New Development. It has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.**



**A Preliminary Plans (dated) has not been approved. Corrections noted below are required before Preliminary Landscape Plan approval.**

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**  
 Landscape construction plans with plan check number may be emailed to: [landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)  
**DIGITAL SUBMITTALS MUST BE 10MB OR LESS.**

**Civil/Site Plans**

1. Provide an arborist report and 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 to protect trees to remain. Replacement and mitigation for removed trees shall equal the trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15 gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box, or 24" to 36" box size.
  - d. Monetary value of the trees removed as identified in the "Guide for Plant Appraisal," approved certified arborist plant appraiser, or may be equal to the value of the installation cost of planting, fertilizing, staking, and irrigating 15-gallon trees (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Callout decorative paving at entries.
4. Parkway tree locations shall be shown on all plans. Show and note a 10' total space, 5' clearance each side of the tree from any utility or hardscape, including water, sewer, drain lines, driveways, and 10' clear from streetlights.
5. Before permit issuance, stormwater infiltration devices located in landscape areas shall be reviewed

and plans approved by the Landscape Planning Division. Any stormwater devices in parkway areas shall not displace street trees.

6. Show transformers set back 5' from paving all sides. Coordinate with landscape plans.
7. Show backflow devices set back 4' from paving all sides. Locate on level grade
8. Locate utilities including light standards, fire hydrants, water, drain, and sewer lines to not conflict with required tree locations—coordinate civil plans with landscape plans. Adjust utilities away from the center of the landscape area between Unit 33 and 24 to allow for landscape screening and trees.
9. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.
10. Add Note to Grading and Landscape Plans: Landscape areas where compaction has occurred due to grading activities and where trees or stormwater infiltration areas are located shall be loosened by soil fracturing. For trees, a 12'x12'x18" deep area; for stormwater infiltration, the entire area shall be loosened. Add the following information on the plans: The backhoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The backhoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference, see Urban Tree Foundation – Planting Soil Specifications.

#### Landscape Plans

11. Provide an arborist report and tree inventory as noted in #1.
12. Provide details or exhibits for the open space areas, surfacing, paving, site furnishings, amenities, game area, etc.
13. Open space shall include amenities based on the marketed demographic; consider spaces for gathering and games such as permanent table tennis, bocce ball, shade structures, fire pits, BBQ. Identify types of equipment; provide exhibits.
14. Show backflow devices with 36" high strappy leaf shrub screening and trash enclosures and transformers, a 4'-5' high evergreen hedge screening. Do not encircle utility, show as masses and duplicate masses in other locations at regular intervals.
15. Locate light standards, fire hydrants, water, and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
16. Show all utilities on the landscape plans. Coordinate, so utilities are clear of tree locations.
17. Note on landscape plans: for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.
18. Show landscaping in the perimeter planters and trees spaced 30' apart.
19. Street trees for this project are *Cercis canadensis* 'Oklahoma' per the Master Street Tree Plan.
20. Turf areas less than 10' (in any direction) shall be irrigated with subsurface irrigation or a low-volume irrigation system.
21. Call out the type of proposed irrigation system (dripline and pop-up stream spray tree bubblers with PCS). Include preliminary MAWA calcs. Proposed water use must meet the water budget.
22. Show landscape hydrozones on plan or legend with plants per WUCOLS. Moderate water plants may be used for part shade north and east-facing locations, low water plants everywhere else.
23. Overhead spray systems shall be designed for plant material less than the height of the spray head.
24. Replace invasive, high water use, short-lived, high maintenance or poor performing plants: *Tulbaghia* (poor performing); consider *Dianella* 'Little Rev', *Phormium* (short-lived); consider *Diets*, Use *Hemrocallis* in accent areas only and identify an evergreen variety, use *Loropetalum* in shade areas and as a background shrub (gets 6' high and wide, avoid blocking windows or other plant

material), Bougainvillea (sensitive to frost); consider Distictis, Eriogonum (easily overwatered); consider Bulbine or Cistus.

25. Remove turf from the units along Mountain Ave. Use accent plants such as Festuca mareri or Dianella r. 'Little Rev.'
26. Identify tall, narrow screening trees appropriate for a 3' planter space along the northern perimeter planter; consider Hymenosporum flavum, Podocarpus henkelii, or Callistemon citrinus to match the entry.
27. Identify tall, narrow deciduous screening trees along the south and west perimeter planters; consider Platanus wrightii, Fraxinus o. 'Raywood,' or Koelreuteria.
28. Provide broad canopy shade trees in the open lawn area.
29. Tighten up spacing for shrubs and groundcovers. Plant material shall be designed to fill to 100%, shown at 2/3 mature diameter.
30. Show 8' diameter of mulch only at new trees—detail irrigation dripline outside of mulched root zone.
31. Designer or developer to provide agronomical soil testing and include a report on landscape construction plans.
32. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, etc.) in appropriate locations.
33. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
34. Provide phasing map for multi-phase projects.
35. 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.



### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	<input checked="" type="checkbox"/> <b>TRACT MAP</b>
<b>PROJECT FILE NO. PMTT21-005/TM-20379 and PDEV21-009</b> <b>(Revised)</b> <b>RELATED FILE NO(S).</b> _____		
<input checked="" type="checkbox"/> <b>ORIGINAL</b> <input type="checkbox"/> <b>REVISED:</b> ___/___/___		

**CITY PROJECT ENGINEER & PHONE NO:**      Eric Woosley, P.E.      (909) 395-2134

**CITY PROJECT PLANNER & PHONE NO:**      Edmelyne Hutter, AICP      (909) 395-2429

**DAB MEETING DATE:**      September 20, 2021

**PROJECT NAME / DESCRIPTION:**      TM-20379, a Tentative Tract Map to subdivide 1.23 acres of land into common and private areas for the construction of 39 townhome units.

**LOCATION:**      221 North Mountain Avenue

**APPLICANT:**      Tipping Development

**REVIEWED BY:**      Raymond Lee      9/20/21  
Raymond Lee, P.E.      Date  
Assistant City Engineer

**APPROVED BY:**      Khôi Do      9-20-21  
Khôi Do, P.E.      Date  
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): A sidewalk easement for portions of the sidewalk behind the driveway approach encroaching onto private property along Mountain Avenue.**
- 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 Financial 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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 Tract Map No. 20379 pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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): \_\_\_\_\_ 

\_\_\_\_\_
  
- 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 Final fee shall be determined based on the approved site plan.**
- 2.16 Other conditions: \_\_\_\_\_



**B. PUBLIC IMPROVEMENTS**  
 (See attached Exhibit 'A' for plan check submittal requirements.)

2.17 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	Mountain Avenue	Southerly Alley (E-W)	Westerly Alley (N-S)	Street 4
<b>Curb and Gutter</b>	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> <b>Replace damaged</b> <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
<b>AC Pavement</b>	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> <b>Replacement</b> <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> <b>Replacement</b> <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"/> 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>Sidewalk</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Remove and replace broken panels</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
<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 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)
<b>Raised Landscaped Median</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>Fire Hydrant</b>	<input checked="" type="checkbox"/> <b>New / Upgrade</b> <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 checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water (see Sec. 2.D)</b>	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping (see Sec. 2.F)</b>	<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 type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Street Light (see Sec. 2.F)</b>	<input checked="" type="checkbox"/> New / Upgrade <input checked="" 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
<b>Fiber Optics (see Sec. 2K)</b>	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

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

- 2.18** Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s)/alley(s): the westerly alley (N-S) and southerly alley (E-W), **full-width, from street centerline to curb/gutter,** from the northerly property limit of the westerly alley to the easterly property limit of the southerly alley and extending to the drive approach at Mountain Avenue.



- 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 of the alleys. If the structural section is determined to be substandard, the limits of the reconstruction will from the northerly property limit of the westerly alley (N-S) to the easterly property limit of the southerly alley (E-W) and extending to the approach at Mountain Avenue, **full width of the alley, from street centerline to curb/gutter**. If the structural section is determined to be standard, condition 2.18 shall apply.
- 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 7-7.302.e of the City's Municipal Code.
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23** An 8-inch sewer main is available for connection by this project in Mountain Avenue. (Ref: Sewer plan bar code: S10635)
- 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. As part of the submittal package, provide a colored Final Utilities Systems Map (USM) that shows all existing and proposed Utilities (Potable Water, Recycled Water, Sewer, Storm Drain, and other utilities) including each of the City's public utilities' points of connection to the existing systems.
  2. All sewer lateral connections shall be connected to the public sewer main in Mountain Avenue; and not to the alley.

**D. WATER**

- 2.27** A 10-inch water main is available for connection by this project in Mountain Avenue. (Ref: Water plan bar code: W11152)
- 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. Construct a direct connection to the water main in Mountain Avenue with a master meter and back flow device for each building, and submetering for each individual unit onsite.
  2. Construct a separate direct irrigation service connection to the water main in Mountain Avenue, with a backflow device on private property within 5-feet of the proposed meters.
  3. Construct a separate direct fire service connection to the water main in Mountain Avenue, with a double check detector assembly (DCDA) on private property, immediately behind the property line.
  4. Construct one new fire hydrant on Mountain Avenue, fronting the project site and near



**the northerly project property line, and upgrade the existing fire hydrant located towards the southerly property line on Mountain Avenue.**

#### E. RECYCLED WATER

- 2.30 **No recycled water main is available for connection by this project.**  
**(Ref: Recycled Water plan bar code: N/A)**
  - 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) 395-2647 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:** 
  - 1. **Design and construct proposed driveways at Mountain Avenue in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway. Proposed driveway location onto Mountain Ave shall be consistent with turning exhibits approved by the City.**
  - 2. **The Applicant/Developer shall relocate the existing streetlight conflicting with the proposed driveway on Mountain Avenue per City of Ontario Standard Drawing No. 5104.**
  - 3. **The Applicant/Developer shall be responsible to replace any existing street light fixtures along its project frontage of Mountain Avenue with the current City approved LED equivalent fixture per the City of Ontario Approved Material List LED Luminaires.**
  - 4. **Parking within the alley shall be restricted along the property frontages at both alleys with R28(CA)(L) and R28(CA)(R) signs.**
  - 5. **Property frontage along Mountain Avenue shall be signed "No Parking Anytime".**

#### G. DRAINAGE / HYDROLOGY

- 2.38 **A 54-inch storm drain main is available to accept flows from this project in Mountain Avenue.**  
**(Ref: Storm Drain plan bar code: D11205)**



- 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 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 **Other conditions:** 
  1. **The underground water quality system shall be equipped with an adequately sized pretreatment device and shall be a device listed on the certified list of approved trash treatment control devices by the SWRCB. For a list of approved devices please visit the following website: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/certified\\_fcsdevicelist\\_16Feb2021.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/certified_fcsdevicelist_16Feb2021.pdf)**
  2. **Activities resulting in a land disturbance of one acre, or more is required to obtain coverage under the Construction General Permit (CGP). The site shall have a Stormwater Pollution Prevention Plan (SWPPP) developed and submitted through the SMARTS website at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>.**



**J. SPECIAL DISTRICTS**

- 2.48 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.50 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, currently located at the location of the proposed drive approach on Mountain Avenue. The hand hole will be required to be relocated north of the proposed drive approach. See Fiber Optic Exhibit herein.
- 2.51 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

**L. INTEGRATED WASTE**

- 2.52 Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:  
  
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.53 Other conditions: 
  - 1. Prior to approval of any building permits, submit a final Solid Waste Handling Plan (SWHP) with the Precise Grading Plan for review and approval by the Integrated Waste Department.
  - 2. The Developer/Applicant shall submit to the Ontario Municipal Utilities Company (OMUC) an Integrated Waste Management Report (IWMR) in accordance with the IWMR Requirements.

**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.).**

**4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:**

- 4.01 **Complete all Conditions of Approval listed under Sections 1-3 above.**
- 4.02 **Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.**
- 4.03 **The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.**
- 4.04 **Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.**



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PDEV21-009 and Tract Map No.20379**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  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).
7.  Three (3) sets of Public Street improvement plan with street cross-sections
8.  Three (3) sets of Private Street improvement plan with street cross-sections
9.  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)
10.  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)
11.  Four (4) sets of Public Sewer improvement plan
12.  Five (5) sets of Public Storm Drain improvement plan
13.  **Three (3) sets of Public Street Light improvement plan**
14.  **Public Street Light improvement plan (DELTA to reflect LED upgrades)**
15.  Three (3) sets of Signing and Striping improvement plan
16.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
17.  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)
18.  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.
19.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
20.  One (1) copy of Hydrology/Drainage study

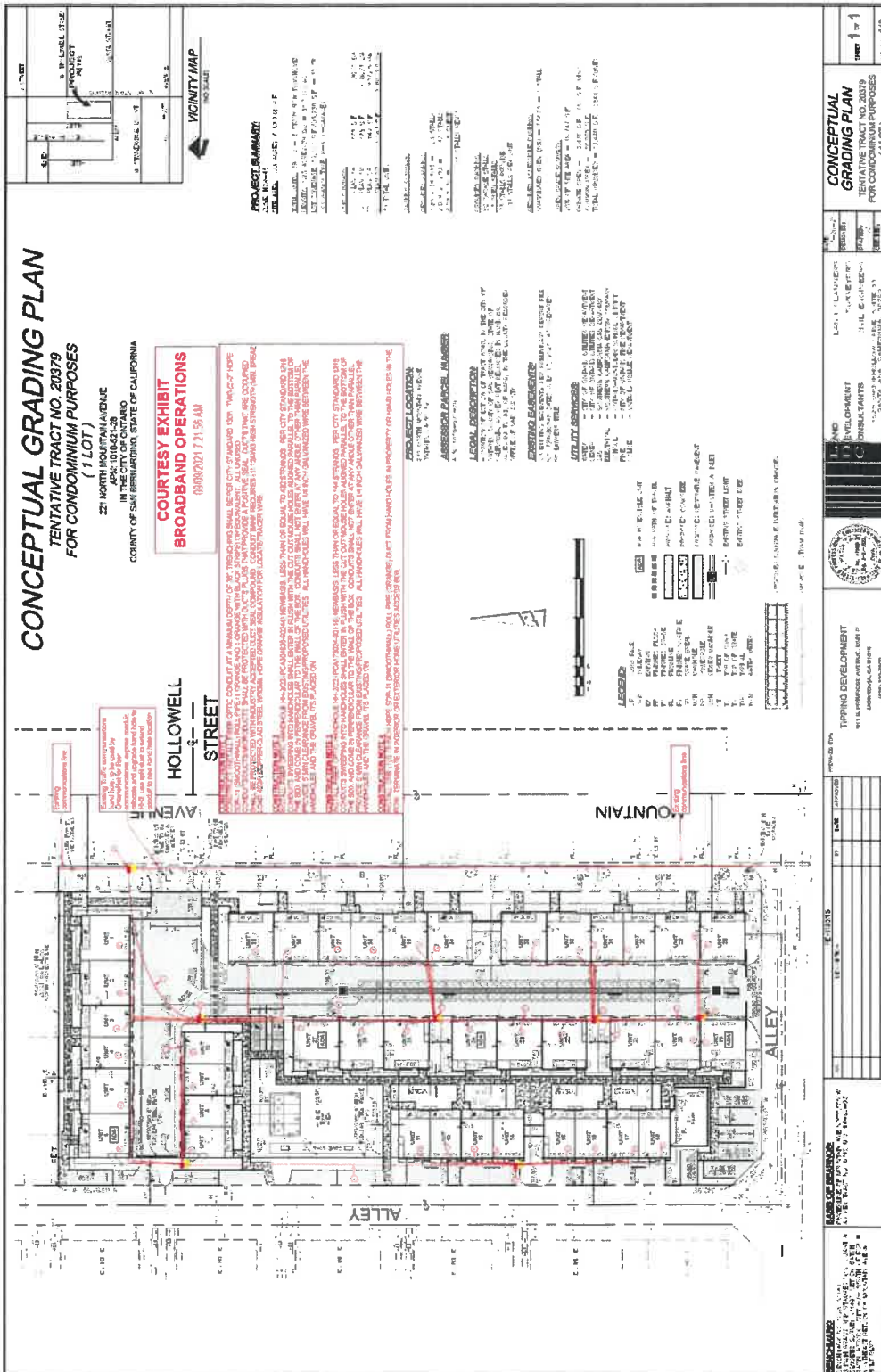


- 21.  One (1) copy of Soils/Geology report
- 22.  Payment for Final Map/Parcel Map processing fee
- 23.  Three (3) copies of Final Map/Parcel Map
- 24.  One (1) copy of approved Tentative Map
- 25.  One (1) copy of Preliminary Title Report (current within 30 days)
- 26.  One (1) copy of Traverse Closure Calculations
- 27.  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.
- 28.  Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use
- 29.  Other: \_\_\_\_\_



**EXHIBIT 'B'**

**BROADBAND OPERATIONS DEPARTMENT  
 Fiber Optic Exhibit**





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Edmelynne Hutter, Senior Planner  
Planning Department

**FROM:** Mike Gerken, Deputy Fire Chief/Fire Marshal  
Fire Department

**DATE:** March 29, 2021

**SUBJECT:** PDEV21-009 - A Development Plan to construct 39 townhome units (9 buildings total) on 1.23 acres of vacant land, located at 221 North Mountain Avenue, within the HDR-45 (High Density Residential) zone. APN: 1010-521-28. RELATED FILE: PMTT21-005

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

### **SITE AND BUILDING FEATURES:**

- A. 2019 CBC Type of Construction: Type V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Varies, 9 Buildings
- D. Number of Stories: 3 Story
- E. Total Square Footage: Not Listed For Buildings. Varies  
775 Sq. Ft. – 1,147 Sq. Ft. Per Unit
- F. 2019 CBC Occupancy Classification(s): R-3, U-Garages

## **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/Fire/Prevention](http://www.ontarioca.gov/Fire/Prevention).
- ☒ 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-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### **4.0 FIRE PROTECTION SYSTEMS**

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 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.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

### **5.0 BUILDING CONSTRUCTION FEATURES**

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.

- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- ☒ 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.





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Edmelyne Hutter, Senior Planner

**FROM:** Officer Bill Lee, Police Department

**DATE:** April 6, 2021

**SUBJECT:** PDEV21-009: A DEVELOPMENT PLAN TO A CONSTRUCT 39  
TOWNHOME UNITS AT 221 NORTH MOUNTAIN AVENUE. RELATED  
FILE: PMTT21-005.

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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 listed below.

- Areas outside apartments, duplexes, and condominiums, are to be provided with a photocell operated exterior lighting system, which switches on at sunset and switches off at sunrise. This is to include walkways, doorways, and other areas used by the public and common areas. Minimum 0.5 foot-candle of light shall be maintained in all common areas. Planned landscaping shall not obstruct lighting.
- During hours of darkness, all parking lots and carports shall be provided with minimum one foot-candle of light, measured on the parking surface. Lighting devices shall be fully protected with weather and vandalism resistant covers.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.

The Applicant is invited to call Bill Lee at (909) 408-1672 with any questions regarding these conditions.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PMTT21-005 & PDEV21-009

Address: 221 North Mountain Ave

APN: 1010-521-28

Existing Land Use: Vacant

Proposed Land Use: Tentative Tract Map to subdivide 1.23 acres for condominium purposes & Development Plan to construct 39 Multi-Family Residential Units

Site Acreage: 1.23 Proposed Structure Height: 36 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Edmelyne Hutter

Date: 5/11/2021

CD No.: 2021-017

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>160 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 condition.

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

*Lorena Mejia*

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2021-017  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

New Residential land uses 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.

**FILE NOS.:** PDEV19-069 and PCUP19-030

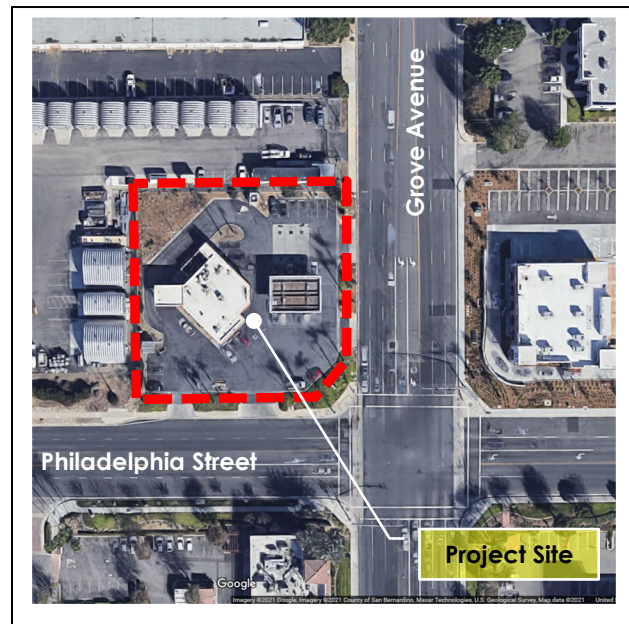
**SUBJECT:** A Development Plan (File No. PDEV19-069) to construct a convenience store with fuel sales, and car wash, in conjunction with a Conditional Use Permit (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), on 0.87-acre of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan; (APN: 1050-491-08) **submitted by Ramila Patel.**

**PROPERTY OWNER:** Trisha Petro, Inc.


**RECOMMENDED ACTION:** That the Planning Commission consider and approve File Nos. PDEV19-069 and PCUP19-030, pursuant to the facts and reasons contained in the staff report and attached resolutions, and subject to the conditions of approval contained in the attached departmental reports.

**PROJECT SETTING:** The Project site is comprised of 0.87-acre of land generally located at the northwest corner of Grove Avenue and Philadelphia Street, at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan (see Figure 1: Project Location) and is currently developed with a convenience store and fueling station, which will be razed to facilitate the proposed Project.

The property abutting the Project site on the north and west sides is within the Office/Commercial land use district Grove Avenue Specific Plan and is developed with a Caltrans material and equipment storage facility. The property to the south of the Project site, across Philadelphia Street is within the CC (Community Commercial) zoning district and is developed with multi-tenant commercial shopping center. The property to the east, across Grove Avenue, is within the Business



**Figure 1: Project Location**

Case Planner:	Charles Mercier
Planning Director Approval:	
Submittal Date:	12/10/2019

Hearing Body	Date	Decision	Action
DAB	9/20/2021	Approval	Recommend
PC	9/28/2021		Final
CC			

Park land use district of the Grove Avenue Specific Plan and is developed with a multi-tenant commercial building. The existing surrounding land uses, zoning, and general plan and specific plan land use designations are summarized in the "Surrounding Zoning & Land Uses" table located in the Technical Appendix of this report.

## PROJECT ANALYSIS:

(1) Background — On December 10, 2019, the Applicant submitted a request for Development Plan approval (File No. PDEV19-069) to raze an existing convenience store with fueling station, and construct a new convenience store, fueling station, and car wash on the subject site. In conjunction with the Development Plan, the Applicant submitted a request for Conditional Use Permit approval (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license) on the subject site.

On September 20, 2021, the Development Advisory Board conducted a hearing to consider the Project, and concluded the hearing on that date, and unanimously voted to recommend that the Planning Commission approve the Applications.

(2) Development Plan (File No. PDEV19-069) —

(a) **Site Design/Building Layout.** The proposed development project consists of a 3,850-square-foot convenience store (AM-PM) with an attached 1,440-square-foot automated carwash, and a 3,499-square-foot freestanding canopy that fully covers the fuel dispenser area. The convenience store/carwash building is located adjacent to the Project site's west property line (setback 5 feet) and is setback 44.3 feet from the south (Philadelphia Street) property line and approximately 58 feet from the north (interior) property line. The carwash is accessed by way of a looping drive aisle that is entered on the north side of the convenience store/carwash building and is exited on the south side of the building.

Passenger vehicle parking for the convenience store is located on the east side of the building, immediately in front of the store, and under the fuel dispenser canopy, at each fuel dispenser space. Parking for the carwash is located at the northeast corner of the Project site, which will be covered by a shade structure. Additionally, each parking space will be provided with a vacuum unit.

The fuel dispenser canopy is located between the convenience store and Grove Avenue, setback 53 feet from the north property line, 36.5 feet from the east (Grove Avenue property line), and 55.75 feet from the south (Philadelphia Street) property line. Additionally, there is a 52-foot separation provided between the convenience store and the fuel dispenser canopy.

(b) **Site Access/Circulation.** The Project site is currently accessed by two driveways along the Philadelphia Street frontage and two driveways along the Grove

Avenue frontage, which will be replaced by a single new driveway along each street frontage.

(c) **Parking.** The Grove Avenue Specific Plan refers to the City's Development Code for off-street parking requirements. The Project has provided off-street parking pursuant to the "Retail Trade," "Self-Serve and Full-Service Fueling Stations," and "Carwashes, Full-Service and Self-Service" off-street parking standards specified in Development Code Table 6.03-1 (Off-Street Parking Requirements). As shown in the table below, the proposed Project requires a total of 28 off-street parking spaces, which have been provided.

Type of Use	Building Area (in SF)	Parking Ratio	Spaces Required	Spaces Provided
Convenience Store	3,850	4 spaces per 1,000 SF (0.004/SF).	15	28**
Fueling Station	3,499	3 spaces minimum; plus, parking requirements for combination uses. Fueling stations operating in conjunction with other uses may be granted shared parking credit at the rate of one space for each fuel dispenser.	3	
Carwash (unmanned)	1,440	One space per employee, minimum 10 spaces.	10	
<b>TOTAL</b>			<b>28</b>	<b>28**</b>

\*\* The "Spaces Provided" calculation includes a 12-parking space credit for fuel dispenser spaces and a 4-parking space credit for the carwash queuing lane.

(d) **Architecture.** Architecturally, the proposed convenience store, fueling station, and carwash incorporate smooth-troweled stucco; stone veneer; prefabricated steel canopy elements covered with Alucobond aluminum composite panels, located above storefront glazing; canopy elements covered with Alucobond decorative panels and decorative hanging equipment screens above the carwash tunnel entrance and exit; decorative cornices treatments along the tops of parapet walls; and decorative tile accents (see Exhibit D—Elevations, attached). The mechanical equipment for the industrial warehouse building will be roof-mounted and obscured from public view by the parapet walls and, if necessary, additional equipment screens, which will incorporate design features consistent with the building architecture. Staff believes that the proposed project illustrates the type of high-quality architecture promoted by the Development Code. This is exemplified through the use of: (i) articulation in the building footprint, incorporating a recessed wall area; (ii) articulation in the building parapet/roof line, which serves to accentuate the building's entries and breaks up large expanses of building wall; (iii) a mix of exterior materials, finishes and fixtures; (iv) incorporation of base and top treatments defined by changes in color, materials, and recessed wall areas; and (v) the building was designed to ensure that its massing and proportion, along with its colors and architectural detailing, are consistent throughout all four building elevations.

(e) **Landscaping.** The project provides landscaping along the street frontages, the perimeter of the site, and throughout the parking lot. The Development Code requires

that the Project provide a minimum 13 percent landscape coverage and 27 percent has been provided. Moreover, a combination of 24-, 36-, and 48-inch box accent and shade trees will be provided throughout the project site, in addition to a variety of shrubs and groundcovers that are low water usage and drought tolerant. The proposed on-site and off-site landscape improvements will assist towards creating a walkable, safe area for pedestrians (see Exhibit E—Landscape Plan, attached).

(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 the use of a combination of on-site surface retention and infiltration trenches within landscaped areas and subsurface retention chambers. Any overflow drainage will be conveyed to the public street by way of parkway drains and culverts.

(3) Conditional Use Permit (File No. PCUP19-030) —

(a) **Proposed Operations.** The proposed hours of operations for the convenience store are 24 hours per day, 7 days per week. Alcoholic beverages will be displayed in close proximity to the cashier area, within permanently affixed coolers and at three locations on the end of shopping aisles, occupying a total of 58 square feet, equal to less than three percent of the convenience store's retail sales area.

In addition, pursuant to the Departmental Conditions of Approval, the Applicant will adopt security measures to ensure customers do not consume alcohol on-site and will provide policy signs to enforce no consumption of alcoholic beverages. Furthermore, the Police Department has conditioned the sale of alcoholic beverages to occur only between 6:00 AM to 2:00 AM, consistent with State law. All employees engaged in the sales of beer and wine will be required to complete a training program approved by the California Department of Alcoholic Beverage Control ("ABC") and the City of Ontario Police Department.

(b) **ABC License Concentrations.** ABC is the controlling State entity with authority to grant, renew, and revoke all ABC licenses. ABC determines how many on-sale and off-sale alcoholic beverage license types should be issued per Census Tract, based upon their populations. The project site is located within Census Tract 18.03, which is over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 2 off-sale alcohol licenses, and there are currently 5 active off-sale alcohol licenses within census tract 18.03; however, Development Code Section 5.03.025.F.4 grants the Approving Authority (the Planning Commission in this case) the authority to make a determination of Public Convenience or Necessity ("PCN"), thereby allowing the issuance of additional ABC licenses for off-premises alcoholic

beverage sales in census tracts that have been determined to be over concentrated with such ABC licenses

The PCN findings require that proposed retail alcohol licenses not be located within a high crime area. A high crime area is defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences. The surrounding area (one-half mile radius of project site) shall not exceed 20 percent greater calls for service than when compared to Citywide incidents. The City of Ontario had a total of 451 calls for service related to alcohol-related reports citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within a one-half mile radius of the project site, there were an average of two alcohol-related incidences per month in the past year, between August 1, 2020, to August 1, 2021, which is less than one percent for alcohol-related incidences and does not exceed the maximum 20 percent increase prescribed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed Conditional Use Permit location. Therefore, the Planning Commission may make a PCN determination and grant the requested Conditional Use Permit.

(c) **Land Use Compatibility.** A Conditional Use Permit is required for the retail sale of alcoholic beverages whether intended for consumption on or off the premises. A review is required to ensure the compatibility of adjacent uses by identifying potential nuisance activities associated with the proposed activity and establishing measures for appropriate mitigation. The introduction of alcoholic beverage sales at the proposed location, within the proposed convenience store, will provide further convenience to customers and will not intensify the land use. Therefore, staff believes that the recommended Conditions of Approval will mitigate any potential impacts that may be associated with the proposed alcoholic beverage sales for consumption off the premises. Additionally, nearby businesses within the immediate area surrounding the project site will not be exposed to any additional impacts resulting from the proposed Conditional Use Permit.

(4) Departmental Review — City agencies and departments have been provided the opportunity to review and comment on the subject applications and recommend conditions of approval to be imposed upon the applications. At the time of Decision preparation, recommended conditions of approval were provided and are included as Attachment A (Departmental Conditions of Approval) of this Decision.

(5) Public Notification — The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

(6) Correspondence — To date, the Planning Department staff has not received any written or verbal communications from the property owners surrounding the project site



or from the public in general, regarding the subject Development Plan and/or Conditional Use Permit.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

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

(4) Policy Plan (General Plan)

**Land Use Element:**

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

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

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

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

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

#### **Community Economics Element:**

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

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

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

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

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

#### **Safety Element:**

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

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

### **Community Design Element:**

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

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

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

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

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

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

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

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

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

- CD2-9 Landscape Design. We encourage durable landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.
- CD2-10 Surface Parking Areas. We require parking areas visible to or used by the public to be landscaped in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field.
- CD2-11 Entry Statements. We encourage the inclusion of amenities, signage and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.
- CD2-12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.
- CD2-13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.
  - Goal CD3: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.
- CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.
- CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways and plazas for pedestrians.
- CD3-3 Building Entrances. We require all building entrances to be accessible and visible from adjacent streets, sidewalks or public open spaces.
- CD3-5 Paving. We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public spaces.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.

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

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

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

**HOUSING ELEMENT COMPLIANCE:** 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 California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan ("ALUCP"), establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** 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 and meets each of the following conditions: (1) the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations, as conditioned; (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 is located on a site that 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:**

	Existing Land Use	General Plan Designation	Zoning Designation	Specific Plan Land Use
Site:	Fuel Sales and Convenience Store	Business Park	SP (Specific Plan)	Commercial Grove Avenue Specific Plan
North:	Caltrans Material and Equipment Storage	Business Park	SP (Specific Plan)	Office/Commercial Grove Avenue Specific Plan
South:	Multi-Tenant Retail Commercial and Fast-Food Restaurant	General Commercial	CC (Community Commercial)	N/A
East:	Fast-Food Restaurant	Business Park	SP (Specific Plan)	Business Park Grove Avenue Specific Plan
West:	Caltrans Material and Equipment Storage	Business Park	SP (Specific Plan)	Office/Commercial Grove Avenue Specific Plan

**General Site & Building Statistics:**

Item	Proposed	Min./Max. Standard	Meets Y/N
Project Area:	0.87-acre	N/A	Y
Building Area:	8,739 square feet	N/A	Y
Floor Area Ratio:	0.23	0.35 Max.	Y
Building Height:	24.5 feet	35 feet Max.	Y

**Off-Street Parking:**

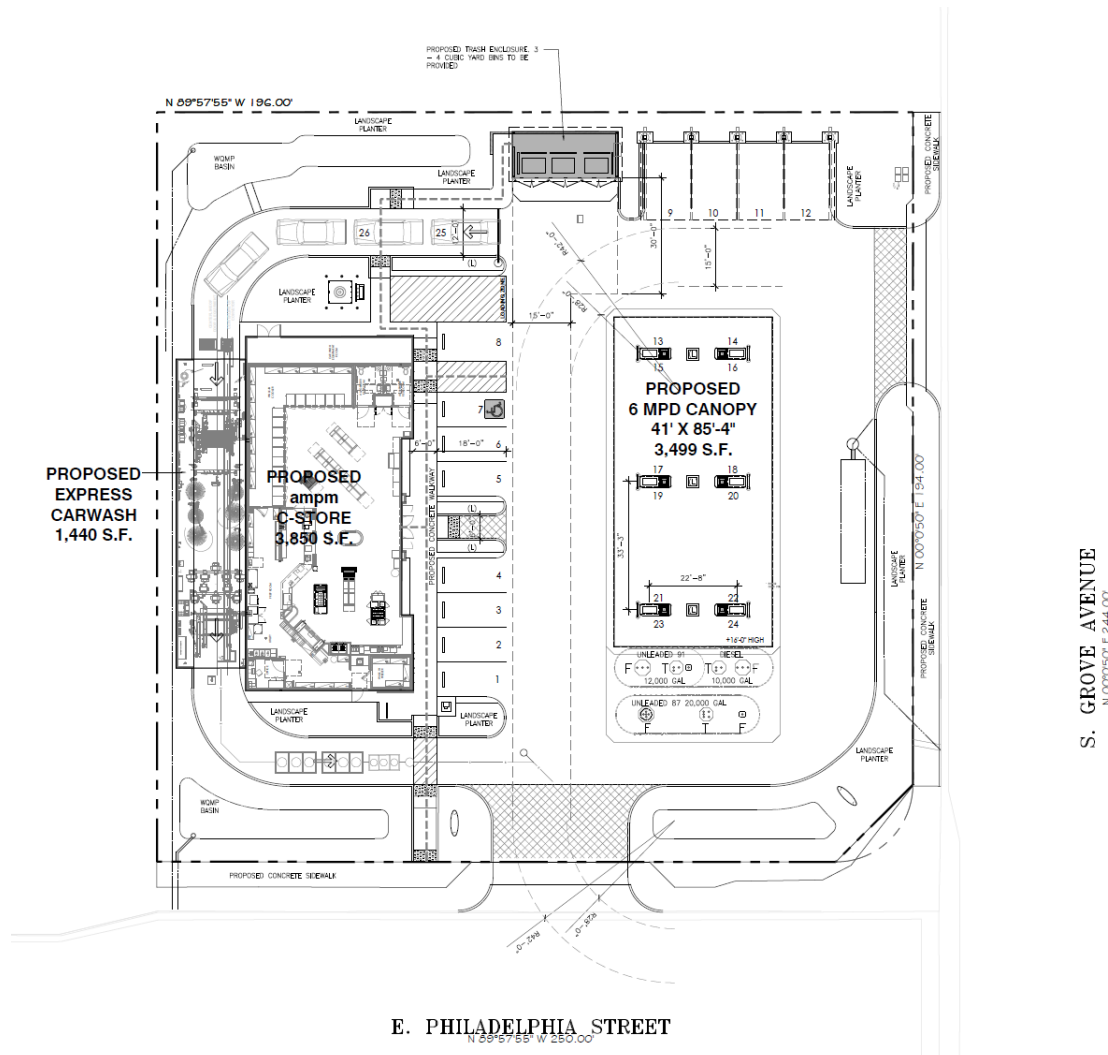
Type of Use	Building Area (in SF)	Parking Ratio	Spaces Required	Spaces Provided
Convenience Store	3,850	4 spaces per 1,000 SF (0.004/SF).	15	28
Fueling Station	3,499	3 spaces minimum; plus, parking requirements for combination uses. Fueling stations operating in conjunction with other uses may be granted shared parking credit at the rate of one space for each fuel dispenser.	3	
Carwash (unmanned)	1,440	One space per employee, minimum 10 spaces.	10	
<b>TOTAL</b>	<b>8,789</b>		<b>28</b>	<b>28**</b>

\*\* The "Spaces Provided" calculation includes a 12-parking space credit for fuel dispenser spaces and a 4-parking space credit for the carwash queuing lane.

**Exhibit A—PROJECT LOCATION MAP**

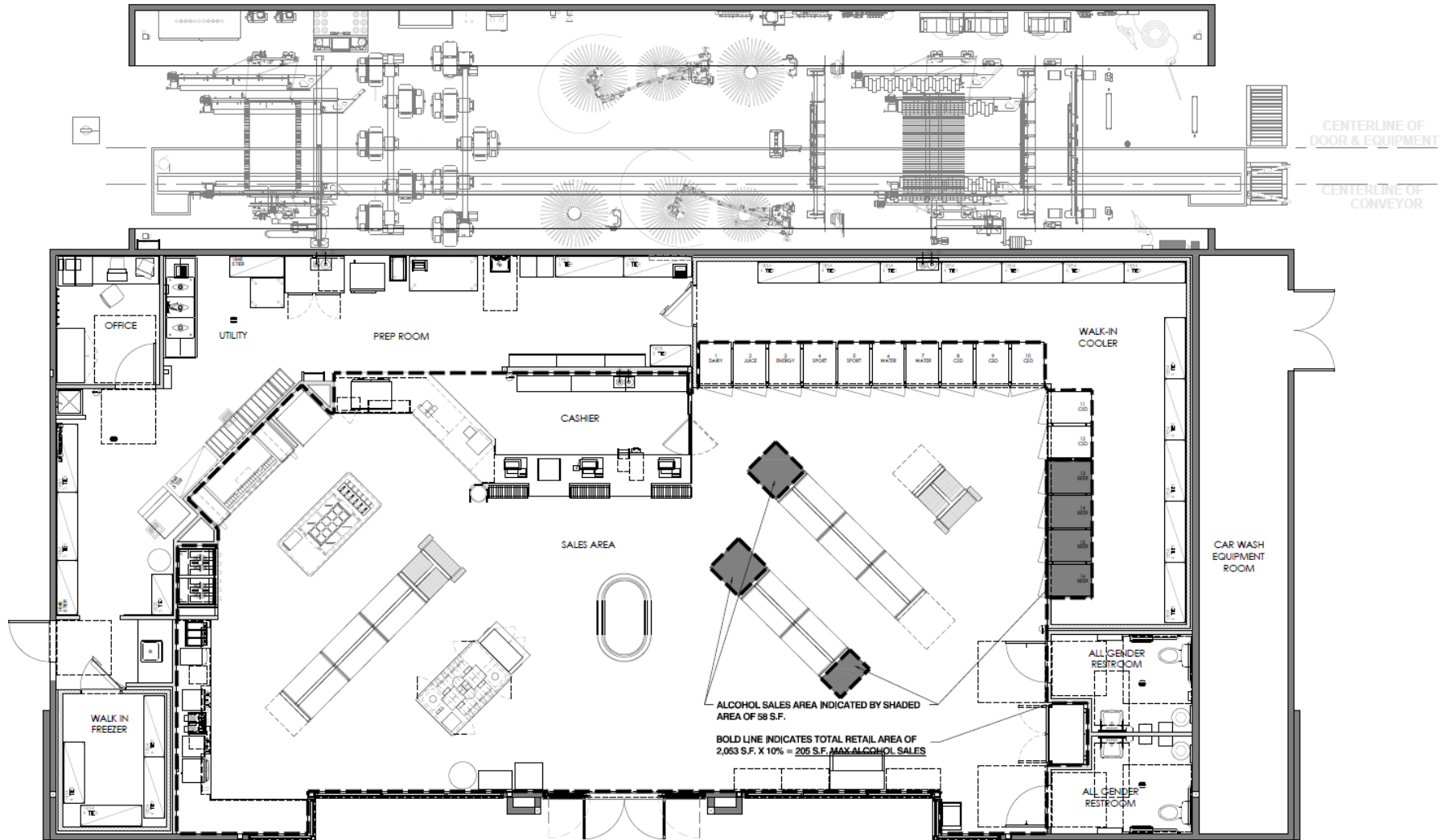


**Exhibit B—SITE PLAN**





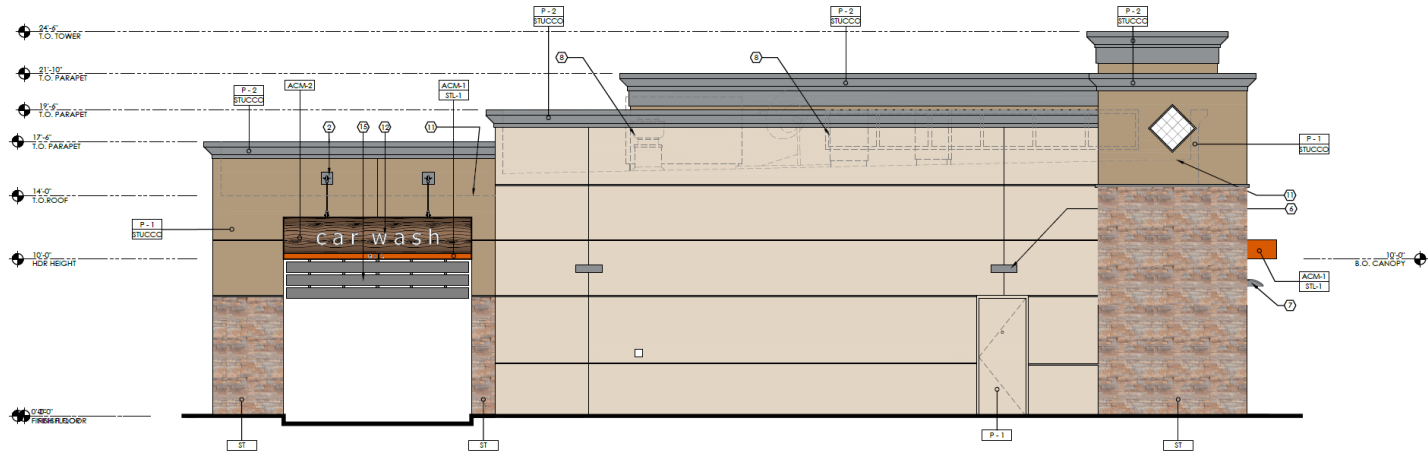
**Exhibit C—CONVENIENCE STORE/CARWASH FLOOR PLAN WITH ALCOHOL SALES AREAS IDENTIFIED**



**Exhibit D—EXTERIOR ELEVATIONS**

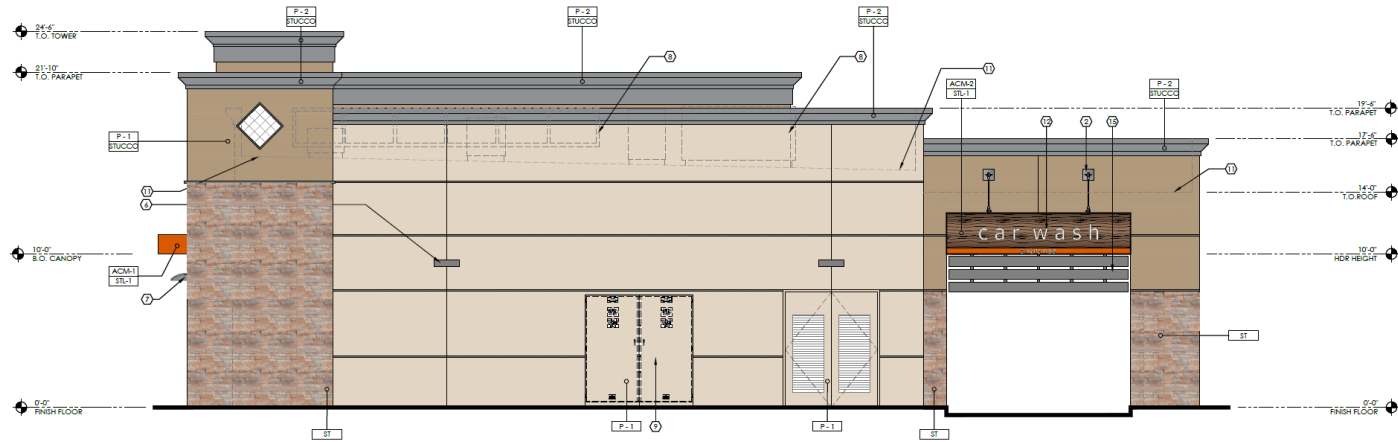


**A C-STORE - EAST ELEVATION**  
 SCALE: 1/4"=1'-0"

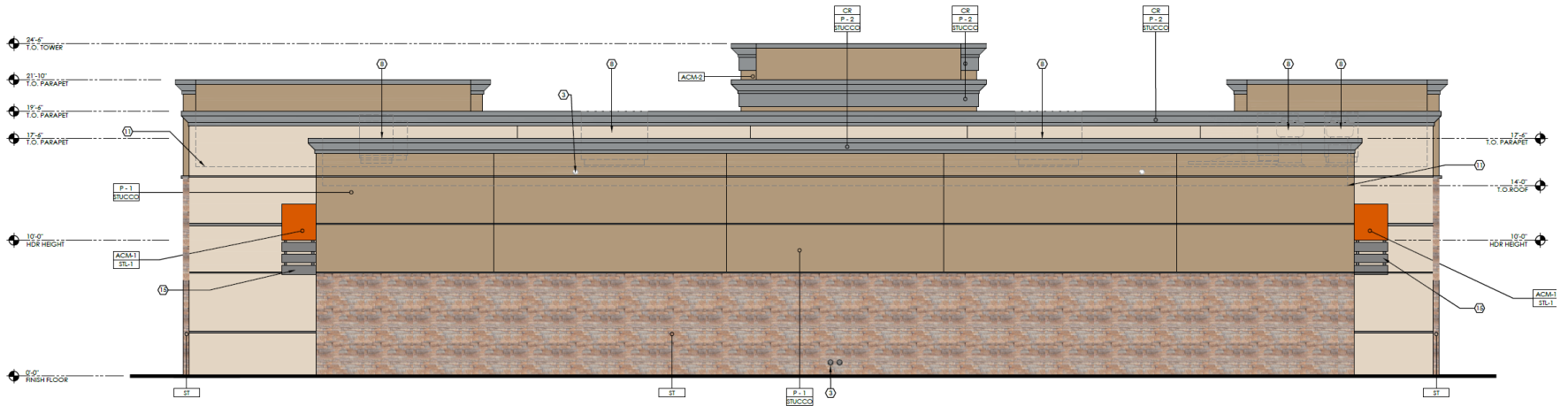


**B C-STORE - SOUTH ELEVATION**  
 SCALE: 1/4"=1'-0"

**Exhibit D—EXTERIOR ELEVATIONS (CONTINUED)**

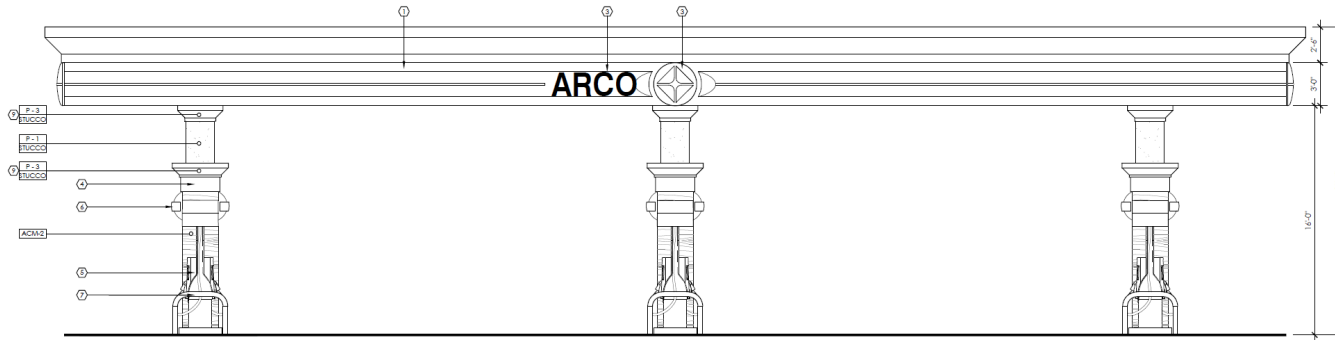


**A** C-STORE - NORTH ELEVATION  
 SCALE: 1/4"=1'-0"

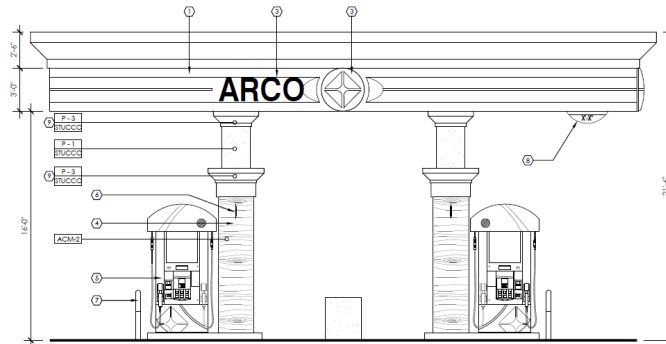


**B** C-STORE - WEST ELEVATION  
 SCALE: 1/4"=1'-0"

**Exhibit D—EXTERIOR ELEVATIONS (CONTINUED)**

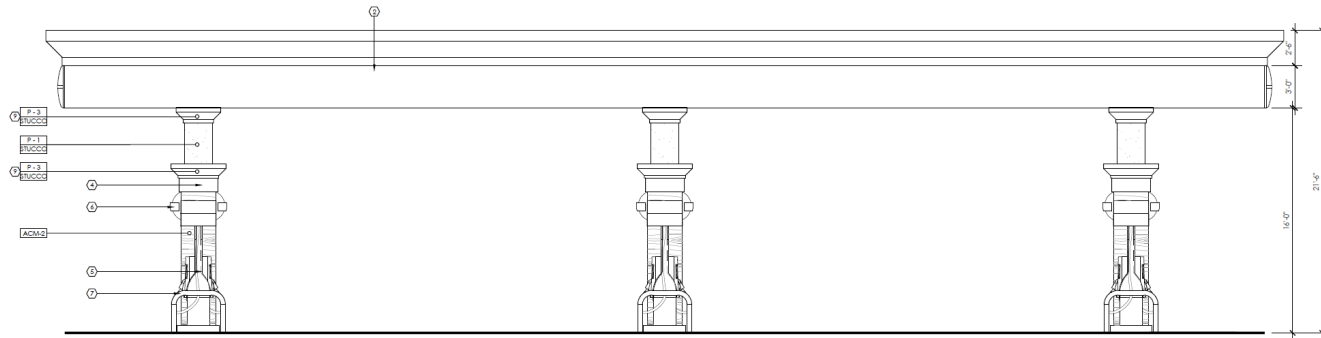


**A** CANOPY - EAST ELEVATION  
SCALE: 1/4"=1'-0"

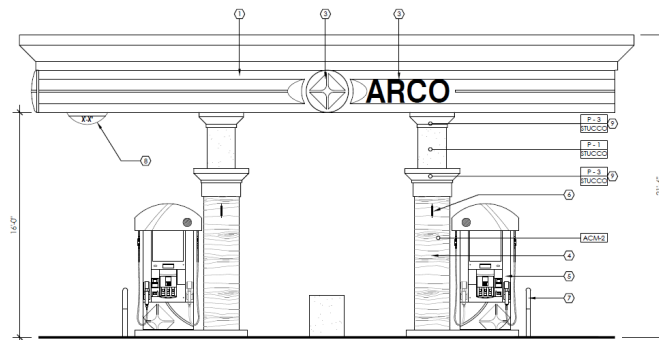


**B** CANOPY - SOUTH ELEVATION  
SCALE: 1/4"=1'-0"

**Exhibit D—EXTERIOR ELEVATIONS (CONTINUED)**

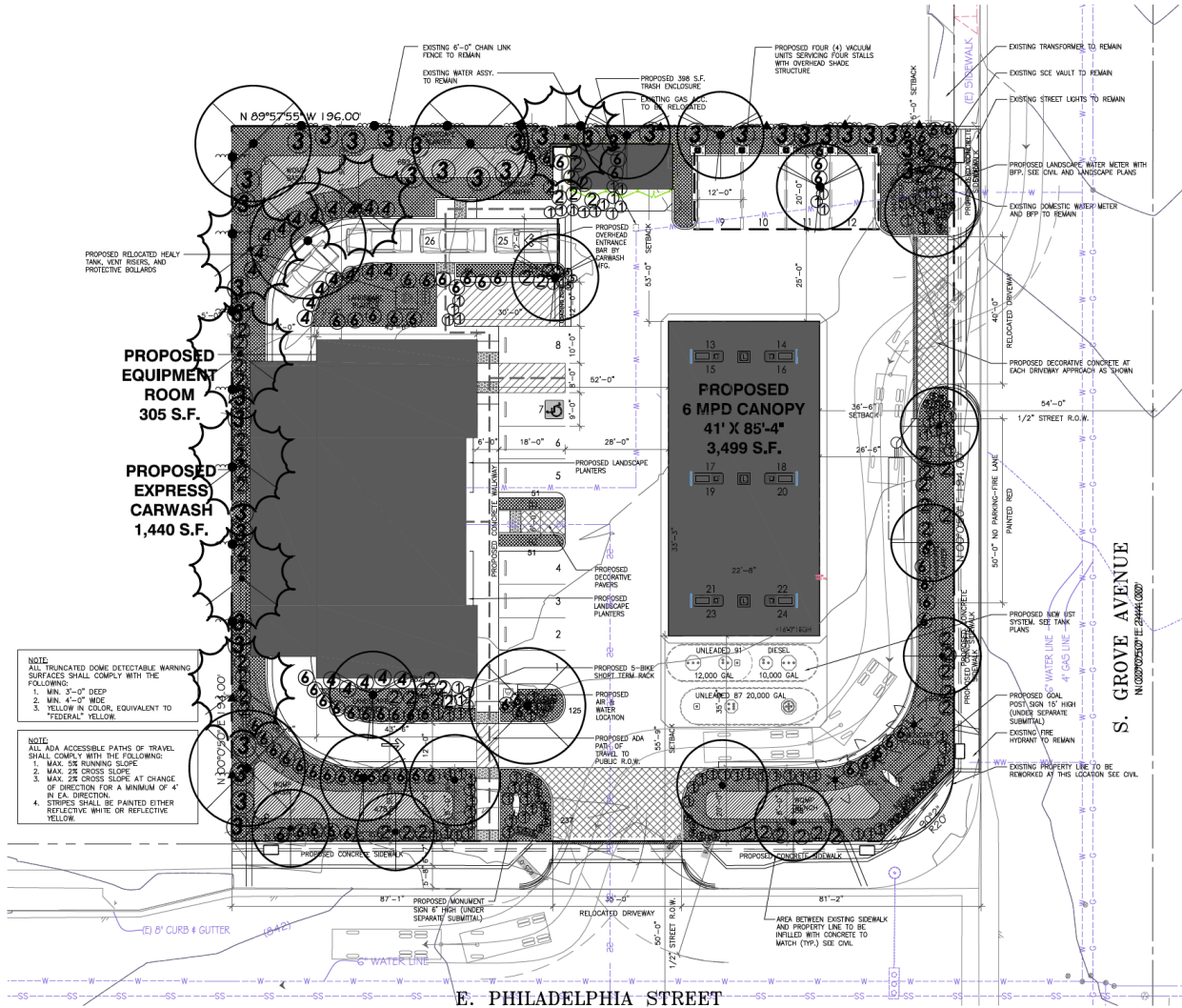


**C** CANOPY - WEST ELEVATION  
SCALE: 1/4"=1'-0"



**D** CANOPY - NORTH ELEVATION  
SCALE: 1/4"=1'-0"

### Exhibit E—LANDSCAPE PLAN



#### PLANT PALLETTE

SYMBOL	BOTANICAL NAME/COMMON NAME	SIZE	QTY.
<b>PROPOSED PALMS:</b>			
	PHOENIX DACTYLIFERA / DATE PALM	15' B.T.H.	3
<b>EXISTING TREES REMOVED:</b>			
	PRUNUS C. 'ATROPURPUREA' / PURPLE LEAF PLUM & SCHRUS MOLLE / CALIFORNIA PEPPER	N.A.	1 3
	SYAGRUS ROMANZOFFIANUM / QUEEN PALM	N.A.	13
<b>PROPOSED TREES:</b>			
	APPROVED HERITAGE TREE REPLACEMENT PER THE CITY OF ONTARIO DEV. CODE SECT. 6.05.035	48" BOX 24" BOX 15 GAL.	7
	GLEDITSIA T. INERMIS 'SHADEMASTER' / SHADEMASTER LOCUST	15 GAL.	7
	JACARANDA MIMOSIFOLIA / JACARANDA	36" BOX	3
	QUERCUS VIRGINIANA / SOUTHERN LIVE OAK	24" BOX	4
	STREET TREE @ 30' O.C. IN FRONT PLANTERS - VARIETY PER CITY OF ONTARIO	24" BOX	6
<small>NOTE: PROVIDE A PRE-APPROVED ROOT BARRIER FOR ALL TREES PLANTED WITHIN 8'-0" OF HARDSCAPE OR WALLS AND PROVIDE A MINIMUM OF 3'-0" CLEARANCE BETWEEN TREE TRUNK AND ADJACENT STRUCTURE OR WALLS</small>			
<b>PROPOSED SHRUBS:</b>			
	CALLISTEMON V. 'LITTLE JOHN' / LITTLE JOHN BOTTLEBRUSH	5 GAL.	89
	LAVANDULA ANGUSTIFOLIA / ENGLISH LAVENDER	5 GAL.	59
	HETEROMELES ARBUTIFOLIA / TOYON	5 GAL.	38
	LEUCOPHYLLUM F. 'GREEN CLOUD' / GREEN CLOUD TEXAS RANGER	5 GAL.	22
	LAVANDULA A. 'TWICKEL PURPLE' / TWICKEL PURPLE ENGLISH LAVENDER	1 GAL.	47
	ROSEMARINUS O. 'TUSCAN BLUE' / TUSCAN BLUE ROSEMARY	5 GAL.	67
<b>PROPOSED VINES:</b>			
	HARDENBERGIA VIOLACEA 'HAPPY WANDERER' / HAPPY WANDERER HARDENBERGIA	5 GAL.	6
	LONICERA J. 'HALLMANI' / HALL'S HONEYSUCKLE	1 GAL.	12
<b>PROPOSED GROUND COVER:</b>			
	LANTANA 'DWARF GOLD' / DWARF GOLD LANTANA	1 GAL. @ 3' O.C.	N.A.
	VERBENA CANADENSIS / VERBENA	1 GAL. @ 3' O.C.	N.A.
NO SYMBOL	MEDIUM BARK MULCH THROUGHOUT ALL SHRUB/G.C. AREAS	3" LAYER MIN.	N.A.
<b>PROPOSED BIO-RETENTION BASIN PLANTING:</b>			
	CUSTOM IRRIGATED SEED MIX BY S&S SEEDS*	HYDROSEEDED	1,528 S.F.
<small>*CUSTOM SEED MIX TO BE SPECIFIED ON CONSTRUCTION DRAWINGS</small>			

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV19-069, A DEVELOPMENT PLAN TO CONSTRUCT A CONVENIENCE STORE WITH FUEL SALES, AND CAR WASH ON 0.87-ACRE OF LAND LOCATED AT 2156 SOUTH GROVE AVENUE, WITHIN THE COMMERCIAL LAND USE DISTRICT OF THE GROVE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—  
APN: 1050-491-08.

WHEREAS, RAMILA PATEL ("Applicant") has filed an Application for the approval of a Development Plan, File No. PDEV19-069, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.87-acre of land located at the northwest corner of Grove Avenue and Philadelphia Street, at 2156 South Grove Avenue. The site is currently improved with a convenience store, freestanding canopy covering fuel dispensers and other related fueling appurtenances, related off-street parking and vehicle circulation areas, and landscaped areas. The existing improvements are to be razed/removed to facilitate the proposed Project; and

WHEREAS, the property abutting the Project site on the north and west sides is within the Office/Commercial land use district Grove Avenue Specific Plan and is developed with a Caltrans material and equipment storage facility. The property to the south of the Project site, across Philadelphia Street is within the CC (Community Commercial) zoning district and is developed with multi-tenant commercial shopping center. The property to the east, across Grove Avenue, is within the Business Park land use district of the Grove Avenue Specific Plan and is developed with a fast-food restaurant; and

WHEREAS, on December 10, 2019, the Applicant submitted a request for Development Plan approval (File No. PDEV19-069) to raze an existing convenience store with fueling station, and construct a new convenience store, fueling station, and car wash on the subject site. In conjunction with the Development Plan, the Applicant submitted a request for Conditional Use Permit approval (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license) on the subject site; and

WHEREAS, the proposed Project consists of a 3,850-square-foot convenience store (AM-PM) with an attached 1,440-square-foot automated carwash, and a 3,499-square-foot freestanding canopy that fully covers the fuel dispenser area; and

WHEREAS, the Project site is currently accessed by two driveways along the Philadelphia Street frontage and two driveways along the Grove Avenue frontage, which will be replaced by a single new driveway along each street frontage; and

WHEREAS, the Grove Avenue Specific Plan refers to the City's Development Code for off-street parking requirements. The Project has provided off-street parking pursuant to the "Retail Trade," "Self-Serve and Full-Service Fueling Stations," and "Carwashes, Full-Service and Self-Service" off-street parking standards specified in Development Code Table 6.03-1 (Off-Street Parking Requirements). The Project requires a total of 28 off-street parking spaces, which have been provided; and

WHEREAS, architecturally, the proposed convenience store, fueling station, and carwash incorporate smooth-troweled stucco; stone veneer; prefabricated steel canopy elements covered with Alucobond aluminum composite panels, located above storefront glazing; canopy elements covered with Alucobond decorative panels and decorative hanging equipment screens above the carwash tunnel entrance and exit; decorative cornices treatments along the tops of parapet walls; and decorative tile accents; and

WHEREAS, the Development Code requires that the Project provide a minimum 13 percent landscape coverage and 27 percent has been provided; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 20, 2021, 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. DAB21-044, recommending that the Planning Commission approve the Application; and

WHEREAS, on September 28, 2021, 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 authority 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 the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines and meets each of the following conditions: (a) the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations, as conditioned; (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 is located on a site that can be adequately served by all required utilities and public services.; and

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

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

**SECTION 2: *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority 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 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 authority 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 Sections 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 Business Park land use district of the Policy Plan Land Use Map, and the Commercial land use district of the Grove Avenue Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; 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 Commercial land use district of the Grove Avenue Specific Plan and the City of Ontario Development Code, as applicable, including standards relative to the particular land use proposed (convenience store, fuel sales, and automated carwash), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; 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 Grove Avenue Specific Plan and the City of Ontario 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 the Grove Avenue Specific 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 Commercial land use district of the Grove Avenue Specific Plan and the City of Ontario Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and

loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (convenience store, fuel sales, and automated carwash). As a result of this review, the Planning Commission has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Grove Avenue Specific Plan.

**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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, 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. PDEV19-069  
Departmental Conditions of Approval**

*(Departmental conditions of approval to follow this page)*



## LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

**Date Prepared:** September 14, 2021

**File No:** PDEV19-069

**Related Files:** PCUP19-030

**Project Description:** A Development Plan (File No. PDEV19-069) to construct a convenience store with fuel sales, and car wash, in conjunction with a Conditional Use Permit (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), on 0.87-acre of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan; (APN: 1050-491-08) **submitted by Ramila Patel.**

**Prepared By:** Charles Mercier, Principal Planner  
Phone: 909.395.2425 (direct)  
Email: [CMercier@ontarioca.gov](mailto: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.** Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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



**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

**2.3** Landscaping.

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

**(b)** Comply with the conditions of approval of the Planning Department's Landscape Planning Division.

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

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

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

**2.5** Parking, Circulation and Access.

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

**(b)** All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

**(c)** Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

**(e)** Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

**(f)** Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

## **2.6** Site Lighting.

**(a)** All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.09 (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** Architecture.

**(a)** The exterior stucco mix shall be formulated and applied to achieve a fine sand float finish, having a blend of a maximum 20/30 aggregate mix.

**(b)** All tower elements on the building(s) shall be fully walled and finished on all sides and include detailing appropriate to the architectural style proposed, so as to be a fully three-dimensional, four-sided element of the building, to the satisfaction of the Planning Director. The term "tower elements" means architectural elements of the building that are that are substantially taller than the adjacent parapet wall or roof, as determined by the Planning Director.

(c) At locations where changes in parapet wall height meet, the taller parapet must return into the building for a minimum distance of 6 FT, so that the actual thickness of the parapet wall cannot be observed or readily discerned.

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

#### **2.12** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, and meets all of the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

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

**2.13** Indemnification. The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**2.14** Additional Fees Due.

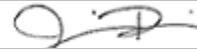
**(a)** Within 5 days following final application approval, the Notice of Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of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

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

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

**DAB CONDITIONS OF APPROVAL**

**Sign Off**



3/5/21

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Planner**

Phone:

**(909) 395-2237**

D.A.B. File No.:

PDEV19-069

Case Planner:

Denny Chen

Project Name and Location:

Gas Station Demo + Rebuild  
 2156 S Grove Ave

Applicant/Representative:

Ramila Patel – [nickromi@hotmail.com](mailto:nickromi@hotmail.com) / Greg Hann – [EDGpermitting@empiregr.biz](mailto:EDGpermitting@empiregr.biz)  
 2156 S Grove Ave  
 Ontario, CA 92562



**A Preliminary Landscape Plan (2/12/21) 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.**

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**  
 Landscape construction plans with plan check number may be emailed to: [landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)  
**DIGITAL SUBMITTALS MUST BE 10MB OR LESS.**

Civil/ Site Plans

1. Three (3) heritage trees have been removed from the site. Provide an arborist report and tree inventory for existing (and removed) 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 to protect trees to remain. Replacement and mitigation for removed trees shall be equal to trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15 gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box, or 24" to 36" box size.
  - d. Monetary value of the trees removed as identified in the "Guide for Plant Appraisal", approved certified arborist plant appraiser, or may be equal to the value of the installation cost of planting, fertilizing, staking and irrigating 15 gallon trees, (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.

4. Dimension all planters to have a minimum 5' wide inside dimension. Adjust width in north planter and finger island south of carwash entrance.
5. Dimension, show and call out for step-outs at parking spaces adjacent to planters; a 12" wide monolithic concrete curb, DG paving or pavers with edging.
6. Add Note to Grading and Landscape Plans: Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12'x12'x18" deep area; for storm water infiltration the entire area shall be loosened. Add the following information on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation – Planting Soil Specifications.
7. Grading Plans, Proposed Legend: Show different symbols for Bio-Retention Basins and Landscape Areas.
8. Grading Plans, Infiltration Detail: Replace "Grass" with "Landscape." Side slopes shall be planted with container plants and basin bottoms hydroseeded with an approved mix.
9. Reduce the entry to 5' and increase the adjacent planter spaces.

Landscape Plans

10. See #8.
11. Show correct scale legend.
12. Provide an arborist report and tree inventory as noted in #1.
13. Provide updated MWELo water budget.
14. Replace Lantana 'Dwarf Gold' (dies out with frost, becomes woody and out grows planter spaces), consider Lantana m. 'Alba' or Myoporum, Lavandula (short lived), consider Salvia clevelandii, Gleditsia, consider Quercus ilex, Phoenix dactylifera, consider Washingtonia filifera.
15. Provide an appropriate hydroseed plant mix for water quality basins and swales.
16. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
17. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:

Plan Check—less than 5 acres .....	\$1,301.00
Inspection—Construction (up to 3 inspections per phase) .....	<u>\$278.00</u>
Total.....	\$1,579.00
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)

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Denny Chen  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** December 13, 2019  
**SUBJECT:** PDEV19-069

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

KS:lr



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<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. PDEV19-069</b> <b>RELATED FILE NO(S). PCUP19-030</b>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

**CITY PROJECT ENGINEER & PHONE NO:** Eric Woosley, P.E. (909) 395-2134

**CITY PROJECT PLANNER & PHONE NO:** Chuck Mercier (909) 395-2425

**DAB MEETING DATE:** September 20, 2021

**PROJECT NAME / DESCRIPTION:** A Development Plan to raze an existing gas station and convenience store, and construct a new convenience store, gas canopy and car wash on 0.87 acres within the Commercial Land Use District of the Grove Avenue Specific Plan  
**LOCATION:** 2156 South Grove Avenue

**APPLICANT:** Trisha Petro, Inc.

**REVIEWED BY:**  9/1/21  
 Raymond Lee, P.E. Date  
 Assistant City Engineer

**APPROVED BY:**  9-2-21  
 Khoi Do, P.E. Date  
 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 Financial 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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 PDF of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcel is a recognized parcel in the City of Ontario Per Parcel Map 9082, Map Book 94, Page 82.**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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:** 

**Property line corner 'cut-back' required at the intersection of Philadelphia Street and Grove Avenue.**
  
- 2.11 **Dedicate to the City of Ontario the following easement(s): A sidewalk easement for portions of the sidewalk behind the driveway approach encroaching onto private property along Grove Avenue.**
  
- 2.12 New Model Colony (NMC) Developments: 
  - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
  - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
  - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).



- 2.13 **Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**
- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$18,383.10, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.16 **Other conditions: The Applicant/Developer shall pay a Storm Drain In-lieu Fee for a future 42-inch storm drain along the property frontage on Grove Avenue, approximately \$55,273.36, Fee shall be paid to the Engineering Department.**



**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	Philadelphia Street	Grove Avenue	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove and replace at spandrel	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace broken panels	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input 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 checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
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 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. 2.G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	<input checked="" type="checkbox"/> Remove existing drive approaches not used and replace with full height curb and gutter, sidewalk, and parkway landscape	<input checked="" type="checkbox"/> Remove existing drive approaches not used and replace with full height curb and gutter, sidewalk, and parkway landscape		
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): Philadelphia Street, from centerline to gutter.**
- 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 7-7.302.e of the City's Municipal Code.
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 **A 10-inch and a 36-inch sewer main are available for connection by this project in Grove Avenue and Philadelphia Street, respectively. (Ref: Sewer plan bar code: S11693 & S13070)**
- 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. **Construct a sand and oil separator for the proposed carwash with a separate sewer lateral and connect to downstream of the domestic waste line.**
  2. **The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>).**

**Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact:**

**Michael Birmelin, Environmental Programs Manager**  
[omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)  
 Phone: (909) 395-2661).

**D. WATER**

- 2.27 **A 6-inch and a 12-inch water main are available for connection by this project in Grove Avenue and Philadelphia Street, respectively. (Ref: Water plan bar code: W12362 & W11628)**
- 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. **Construct a separate irrigation service, off Philadelphia, from the domestic water service and connected directly to the existing public water main, with a backflow device (on private property).**



2. All existing services and backflow devices must meet city's current standards and abandon any unused services.

#### E. RECYCLED WATER

- 2.30 A recycled water main is not available for connection by this project. (Ref: Recycled Water plan bar code: N/A)
- 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) 395-2647 regarding this requirement.
- 2.34 Other conditions:
1. Construct all recycled appurtenances (purple ready) for future recycled water use. Irrigation interim should be connected to domestic water in Philadelphia Street.

#### 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. Driveways shall be designed in accordance with City Standard Drawing No. 1204.
  2. Driveways on both Grove Avenue and Philadelphia Street shall be signed right-in/right-out to be enforceable.
  3. Where a driveway closure is being proposed, Applicant/developer shall backfill the existing driveway curb-cuts with full-height curb and gutter, sidewalk, and landscaped parkway in accordance with all City standards and to the satisfaction of the City Engineer.
  4. Applicant/developer shall be responsible to design and construct sidewalk along the Grove Avenue frontage, in accordance with all applicable standards and to the satisfaction of the City Engineer.
  5. The Applicant/Developer shall be responsible to replace any existing street light fixtures along the property frontage with the current City-approved LED equivalent fixture. Please refer to the Traffic and Transportation Design Guidelines Section 1.4 - Street Light Plans.





**6. Grove Avenue shall be signed "No Stopping Anytime"; Philadelphia Street shall be signed "No Parking Anytime".**

**G. DRAINAGE / HYDROLOGY**

- 2.38 A storm drain main is not available to accept flows from this project. (Ref: Storm Drain plan bar code: N/A)
- 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 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.



- 2.47 Other conditions:
1. Certified Trash Treatment/Pretreatment Devices such as a gravity separator shall be installed ahead of the underground system. For a list of approved devices please visit the following website:  
[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/certified\\_fcsdevicelist\\_16Feb2021.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/certified_fcsdevicelist_16Feb2021.pdf)

#### J. SPECIAL DISTRICTS

- 2.48 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49 Other conditions: \_\_\_\_\_

#### K. FIBER OPTIC

- 2.50 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. Existing OntarioNet infrastructure is not in close enough proximity to connect to. Conduit infrastructure shall be installed along the property frontages of Grove Avenue and Philadelphia Street, with a hand hole at each end of the property frontage as shown on the Fiber Optic Exhibit herein.
- 2.51 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

#### L. INTEGRATED WASTE

- 2.52 Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:  
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.53 Other conditions:
1. The Trash Enclosure is to be constructed northeast corner of the project site for serviceability.
2. Prior to approval of any building permits, submit a final Solid Waste Handling Plan with the Precise Grading Plan for review and approval of Integrated Waste Department.

### 3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:

- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.



- 3.02 Complete all requirements for recycled water usage. 
  - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
  - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
  - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).

**4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:**

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



## **EXHIBIT 'A'**

### **ENGINEERING DEPARTMENT First Plan Check Submittal Checklist**

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**Project Number: PDEV19-069/PCUP19-030**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **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).**
7.  **Three (3) sets of Public Street improvement plan with street cross-sections**
8.  **Three (3) sets of Private Street improvement plan with street cross-sections**
9.  **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)**
10.  **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)**
11.  **Four (4) sets of Public Sewer improvement plan**
12.  **Five (5) sets of Public Storm Drain improvement plan**
13.  **Public Street Light improvement plan (DELTA to Record Drawings to reflect LED upgrades)**
14.  **Three (3) sets of Signing and Striping improvement plan**
15.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
16.  **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)**
17.  **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.**
18.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
19.  **One (1) copy of Hydrology/Drainage study**
20.  **One (1) copy of Soils/Geology report**

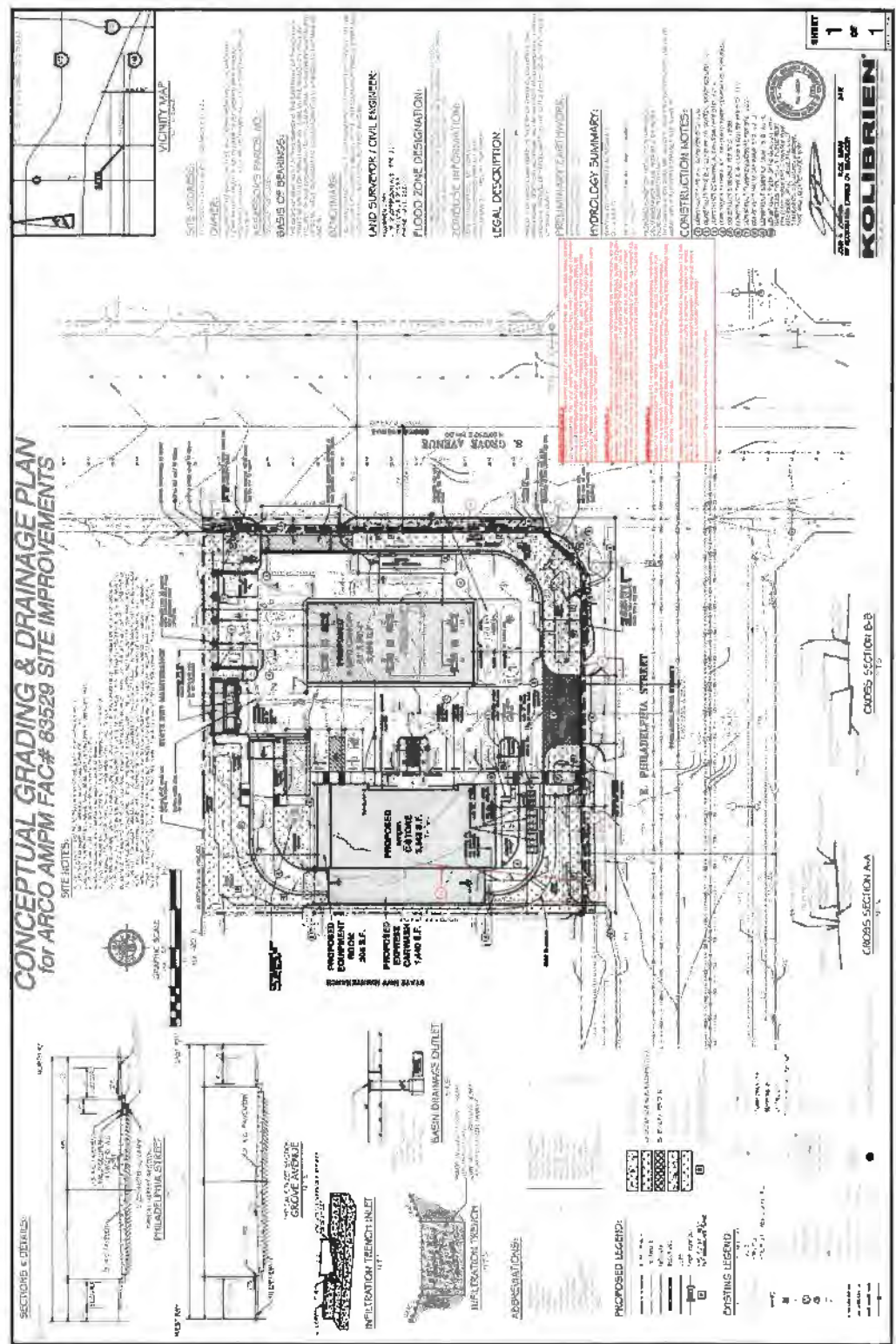


- 21.  Payment for Final Map/Parcel Map processing fee
- 22.  Three (3) copies of Final Map/Parcel Map
- 23.  One (1) copy of approved Tentative Map
- 24.  **One (1) copy of Preliminary Title Report (current within 30 days)**
- 25.  One (1) copy of Traverse Closure Calculations
- 26.  **One (1) set of 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.**
- 27.  Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use
- 28.  Other: \_\_\_\_\_



**EXHIBIT 'B'**

**BROADBAND OPERATIONS DEPARTMENT  
Fiber Optic Exhibit**





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Denny Chen, Associate Planner

**FROM:** Officer Emily Hernandez, Police Department

**DATE:** July 1, 2020

**SUBJECT:** PDEV19-069(REV1)- A DEVELOPMENT PLAN TO DEMOLISH AN EXISTING GAS STATION AND CONSTRUCT A NEW 3,545 SQUARE FOOT CONVENIENCE STORE WITH FUEL SALES, A 3,499 SQUARE FOOT FUEL CANOPY AND A 1,1440 SQUARE FOOT CAR WASH LOCATED AT 2156 SOUTH ARCHIBALD AVENUE.

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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, parking lots, hallways and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.
- Rooftop addresses shall be installed on the buildings 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.

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

- The Applicant shall install a video surveillance system on the site. Cameras shall cover at a minimum all entry doors, and all cash registers. Cameras shall be positioned so as to maximize the coverage of patrons and vehicles in these areas. Cameras shall record at least 15 frames per second and at a minimum of 640x480 lines of resolution. Recordings shall be stored for a minimum of 30 days and made available upon request to any member of the Ontario Police Department.

- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

The Applicant is invited to contact Officer Emily Hernandez at (909) 408-1755 with any questions or concerns regarding these conditions.





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Denny Chen, Associate Planner  
Planning Department

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

**DATE:** December 18, 2019

**SUBJECT:** PDEV19-069 – A Development Plan to demolish an existing gas station and construct (1) a new 3,927 square foot gas station with convenience store, (2) a 3,449 square foot gasoline canopy, (3) 336 square foot equipment room and (4) 1,440 square foot drive thru car wash on 0.87 acres of land located at 2156 S Grove Ave, within the Commercial land use district of the Grove Avenue Specific Plan (APN(s): 1050-491-08). Related File: PCUP19-030

- 
- 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 V-B
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 4 Structures
- D. Number of Stories: 1
- E. Total Square Footage: 9,152 Sq. Ft. (Structures)
- F. 2016 CBC Occupancy Classification(s): M

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontarioca.gov](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.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### **3.0 WATER SUPPLY**

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

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

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

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.7 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.

#### **5.0 BUILDING CONSTRUCTION FEATURES**

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

## 6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 Kevin Shear, Building Official  
 Khoi Do, City Engineer  
 Jamie Richardson, Landscape Planning Division  
 Ahmed Aly, Municipal Utility Company  
 Emily Hernandez, Police Department  
 Paul Ehrman, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, T. E., Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Eric Woosley, Engineering/NPDES  
 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department

FROM: Denny Chen, Associate Planner

DATE: December 12, 2019

SUBJECT: FILE #: PDEV19-069

Finance Acct#:



The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, December 26, 2019**.

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

**PROJECT DESCRIPTION:** A Development Plan to demolish an existing gas station and construct (1) a new 3,927 square foot gas station with convenience store, (2) a 3,449 square foot gasoline canopy, (3) 336 square foot equipment room and (4) 1,440 square foot drive thru car wash on 0.87 acres of land located at 2156 S Grove Ave, within the Commercial land use district of the Grove Avenue Specific Plan (APN(s): 1050-491-08). Related File: PCUP19-030.

- 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.

CT  
Department

Signature

Super  
Title

12-12-19  
Date

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP19-030, A CONDITIONAL USE PERMIT TO ESTABLISH ALCOHOLIC BEVERAGE SALES FOR CONSUMPTION OFF THE PREMISES, LIMITED TO BEER AND WINE SALES (TYPE 20 ABC LICENSE) ON 0.87-ACRE OF LAND LOCATED AT 2156 SOUTH GROVE AVENUE, WITHIN THE COMMERCIAL LAND USE DISTRICT OF THE GROVE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF—  
APN: 1050-491-08.

WHEREAS, RAMILA PATEL ("Applicant") has filed an Application for the approval of a Conditional Use Permit, File No. PCUP19-030, as described in the title of this Resolution (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.87-acre of land located at the northwest corner of Grove Avenue and Philadelphia Street, at 2156 South Grove Avenue. The site is currently improved with a convenience store, freestanding canopy covering fuel dispensers and other related fueling appurtenances, related off-street parking and vehicle circulation areas, and landscaped areas. The existing improvements are to be razed/removed to facilitate the proposed Project; and

WHEREAS, the property abutting the Project site on the north and west sides is within the Office/Commercial land use district Grove Avenue Specific Plan and is developed with a Caltrans material and equipment storage facility. The property to the south of the Project site, across Philadelphia Street is within the CC (Community Commercial) zoning district and is developed with multi-tenant commercial shopping center. The property to the east, across Grove Avenue, is within the Business Park land use district of the Grove Avenue Specific Plan and is developed with a fast-food restaurant; and

WHEREAS, on December 10, 2019, the Applicant submitted a request for Conditional Use Permit approval (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license) on the subject site. In conjunction with the Conditional Use Permit, the Applicant submitted a request for Development Plan approval (File No. PDEV19-069) to raze an existing convenience store with fueling station, and construct a new convenience store, fueling station, and car wash on the subject site; and

WHEREAS, proposed hours of operations for the convenience store are 24 hours per day, 7 days per week. Alcoholic beverages will be displayed in close proximity to the cashier area, within permanently affixed coolers and at three locations on the end of

shopping aisles, occupying a total of 58 square feet, equal to less than three percent of the convenience store's retail sales area; and

WHEREAS, the Project site is located within Census Tract 18.03, which is over-concentrated with off-sale alcoholic beverage licenses. The department of Alcoholic Beverage Control allows for 2 off-sale alcohol licenses, and there are currently 5 active off-sale alcohol licenses within census tract 18.03; however, Development Code Section 5.03.025.F.4 grants the Planning Commission the authority to make a determination of Public Convenience or Necessity ("PCN"), thereby allowing the issuance of additional ABC licenses for off-premises alcoholic beverage sales in census tracts that have been determined to be over concentrated with such ABC licenses; and

WHEREAS, PCN findings require that proposed retail alcohol licenses not be located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for alcohol-related incidences. Furthermore, the surrounding area (one-half mile radius of project site) cannot exceed 20 percent greater calls for service than when compared to Citywide incidents. The City of Ontario had a total of 451 calls for service related to alcohol-related reports citywide, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. Within a one-half mile radius of the project site, there were an average of two alcohol-related incidences per month in the past year, between August 1, 2020, to August 1, 2021, which is less than one percent for alcohol-related incidences and does not exceed the maximum 20 percent increase prescribed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed Conditional Use Permit location. Therefore, the Planning Commission may make a PCN determination and grant the requested Conditional Use Permit; and

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "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 (hereinafter referred to as "ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on September 20, 2021, 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. DAB21-043, recommending that the Planning Commission approve the Application; and

WHEREAS, on September 28, 2021, 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 authority 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 the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines and meets each of the following conditions: (a) the Project is consistent with the applicable general plan designation and



all applicable general plan policies, as well as the applicable zoning designation and regulations, as conditioned; (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 is located on a site that can be adequately served by all required utilities and public services.; and

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

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

**SECTION 2: *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making authority 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 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 authority 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 Sections 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, as applicable, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Commercial land use district of the Grove Avenue Specific Plan; 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 alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), will be located within the Business Park land use district of the Policy Plan Land Use Map, and the Commercial land use district of the Grove Avenue Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; 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 alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license), is located with the Business Park land use district, and the Commercial land use district of the Grove Avenue Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation, and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Grove Avenue Specific Plan; 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 Grove Avenue Specific Plan and the City of Ontario 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: Pursuant to the requirements of Development Code Section 5.03.025.F (Public Convenience or Necessity Determination), based upon the facts and information contained in the Application, and the evidence presented to the Planning Commission hereby finds that the proposed off-sale alcoholic beverage license is located within an overconcentrated census tract (high density of alcoholic beverage sales locations as defined by the Alcoholic Beverage Control Act, commencing with Business and Professions Code Section 23000 et seq.) and makes the following Public Convenience or Necessity determinations:

(1) The retailer is not a grocery store that occupies a minimum of 12,000 square feet of gross floor area. The project location is a convenience store and fueling station; therefore, the minimum 12,000 square feet of gross floor area requirement does not apply in this case.

(2) The convenience store has a retail area of 2,053 square feet, with significantly less than 10 percent of the area devoted to alcoholic beverage display. The proposed alcoholic beverage sales will be displayed in close proximity to the cashier area, within permanently affixed coolers and at the ends of shopping aisles, occupying a total of 58 square feet, equal to approximately 3 percent of the retail area. No more than 4 modules of the walk-in cooler are designated for beer and wine sales.

(3) At least 10 percent of the floor area is devoted to food sales. The majority of the convenience store floor area is devoted to various prepackaged food items (such as chips, cookies, and other snacks) and daily prepared sandwiches and snacks. The proposed Type 20 ABC License is estimated to attribute to less than 10 percent of overall sales; therefore, it is ancillary to the convenience store.

(4) The proposed retail alcohol license is not located within a high crime area, defined as an area characterized by a high ratio of Police Department calls for service to alcohol-related incidences, not to exceed 20 percent greater than the average number of alcohol-related incidences reported for the City as a whole. Within the year preceding the preparation of this report, the City of Ontario had a total of 451 calls for service and alcohol-related reports, including, but not limited to, driving while intoxicated or under the influence, alcohol violations, and drunk in public. According to the Ontario Police Department, the one-half mile radius area surrounding the project location had an average total of 2 alcohol-related incidences in the past year (between August 1, 2020, to August 1, 2021), less than one percent for alcohol-related incidences, which does not

exceed the maximum 20 percent increase allowed by the Development Code for alcohol-related incidences attributable to the area surrounding the proposed CUP location.

(5) The property/building/use has no outstanding Building or Health Code violations or Code Enforcement activity. The property site will be under construction and has no outstanding Building or Health Code violations.

(6) The site is properly maintained, including building improvements, landscaping, and lighting. The project site is currently under construction but has been conditioned to be consistently maintained.

**SECTION 6: *Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 5, above, the Planning Commission hereby APPROVES the herein described Application, subject to each and every condition set forth in the Department reports attached hereto as "Attachment A," and incorporated herein by this reference.

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

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

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

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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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

---

Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**

**File No. PCUP19-030  
Departmental Conditions of Approval**

*(Departmental conditions of approval to follow this page)*



## LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

**Date Prepared:** September 14, 2021

**File No:** PCUP19-030

**Related Files:** PDEV19-069

**Project Description:** A Conditional Use Permit (File No. PCUP19-030) to establish alcoholic beverage sales for consumption off the premises, limited to beer and wine sales (Type 20 ABC license) in conjunction with a Development Plan (File No. PDEV19-069) to construct a convenience store with fuel sales, and car wash, on 0.87-acre of land located at 2156 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan; (APN: 1050-491-08) **submitted by Ramila Patel.**

**Prepared By:** Charles Mercier, Principal Planner  
Phone: 909.395.2425 (direct)  
Email: [CMercier@ontarioca.gov](mailto:CMercier@ontarioca.gov)

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

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

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

**2.1 Time Limits.** Conditional Use Permit approval shall become null and void two years following the effective date of application approval, unless a building permit is issued (refer to related File No. PDEV19-069) 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)** The land use for which the Conditional Use Permit has been issued shall be established shall be establish and operated in conformance with the Departmental Conditions of Approval. Any variation or deviation from the approved land use and plans must be reviewed and approved by the Planning Director



**(b)** 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.

**(c)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation or deviation from the approved plans must be reviewed and approved by the Planning Director prior to building permit issuance.

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

### **2.3** Landscaping.

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

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

### **2.4** Parking, Circulation and Access.

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

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

**(c)** 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).

**(d)** 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).

### **2.5** Site Lighting.

**(a)** All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

**(b)** Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

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

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

**2.8** Alcoholic Beverage Sales—General.

**(a)** No upgrade/change of an alcoholic beverage license type may occur until a minimum one-year of operations under the approved license type has occurred.

**(b)** The business shall be operated in strict compliance with the rules, regulations and orders of the State of California Department of Alcoholic Beverage Control. Failure to comply with this requirement shall be deemed just cause for revocation of conditional use permit approval.

**(c)** Coinciding with the annual Police Department inspection, the Planning Department shall conduct a review of the approved use and shall prepare for Zoning Administrator consideration, a status report identifying impacts associated with the use and any non-compliance with the conditions of approval. In addition, such status report shall contain a police report regarding calls for service to the subject premises during the prior one year period. Nothing herein shall modify or limit the City's ability to regulate the business or modify or revoke the permit upon the City's determination that the business is being operated in a manner adverse to the public health, safety and welfare.

**(d)** Signs shall comply with all City of Ontario sign regulations. No more than 25 percent of the total window area shall bear advertising or signs of any sort. Window signs shall be placed and maintained in a manner so that there is clear and unobstructed view of the interior of the premises from the building exterior.

**(e)** The rear doors shall be kept closed at all times during the operation of the premises, except in case of emergency or to permit deliveries.

**(f)** In the event that security problems occur as a result of the approved subject use and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the subject premises, during such hours and in such number as requested by the Police Department.

**(g)** The licensee shall attend a LEAD (Licensee Education on Alcohol and Drugs) training session sponsored by the State of California Department of Alcoholic Beverage Control, within 6 months following commencement of the approved use.

**(h)** A clearly legible copy of the herein-listed conditions of approval shall be posted at all times at a prominent place in the interior of the premises.

**(i)** Live entertainment shall be prohibited. Any future request for live entertainment shall require conditional use permit approval by the Zoning Administrator. Karaoke, DJs, live musical acts, and other similar forms of entertainment are considered live entertainment.

**(j)** Amplified prerecorded music may be permitted; however, the sound emitted from the premises shall not be audible outside the walls of the business establishment.

**(k)** Electronic arcade and amusement games shall be prohibited on-site, unless specifically permitted by the Police Department and shown on the approved site plan.

## **2.9** Alcoholic Beverage Sales—Convenience Markets and Liquor Stores.

**(a)** A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

**(b)** A clearly legible sign not less than 7 inches by 11 inches in size, reading "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES," shall be posted at or near each public entrance of the premises. A sign of like size and content shall also be maintained at a prominent place in the interior of the premises.

**(c)** All provisions of the Alcoholic Beverage Control Act (Business and Professions Code Section 23000 et seq.) pertaining to the sale of beer and wine for off-premise consumption in conjunction with gasoline service stations shall be complied with, including, but not limited to, the following:

**(i)** No beer or wine shall be displayed within 5 feet of the cash register or the front door unless it is in a permanently affixed cooler.

**(ii)** No advertisement of alcoholic beverages shall be displayed at motor fuel islands.

**(iii)** No sale of alcoholic beverages shall be made from a drive-thru window.

**(iv)** No display or sale of beer or wine shall be made from an ice tub.

**(v)** No illuminated advertising for beer or wine shall be located on building exteriors or in windows.

## **2.10** Environmental Review.

**(a)** The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, and meets all of the following conditions:

**(i)** The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

**(ii)** The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

- (iii) The project site has no value as habitat for endangered, rare, or threatened species;
- (iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (v) The Project site can be adequately served by all required utilities and public services.

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

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

**2.11** 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.

**2.12** Additional Fees Due.

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

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

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

**DAB CONDITIONS OF APPROVAL**

Sign Off

Jamie Richardson, Sr. Landscape Planner

3/5/21  
Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Planner**

Phone:

**(909) 395-2237**

D.A.B. File No.:

PDEV19-069 & PCUP19-030

Case Planner:

Denny Chen

Project Name and Location:

Gas Station Demo + Rebuild  
 2156 S Grove Ave

Applicant/Representative:

Ramila Patel – [nickromi@hotmail.com](mailto:nickromi@hotmail.com) / Greg Hann – [EDGpermitting@empiregr.biz](mailto:EDGpermitting@empiregr.biz)  
 2156 S Grove Ave  
 Ontario, CA 92562

<input checked="" type="checkbox"/>	<b>A Preliminary Landscape Plan (2/12/21) 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.</b>
<input type="checkbox"/>	<b>A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.</b>

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**  
 Landscape construction plans with plan check number may be emailed to: [landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)  
**DIGITAL SUBMITTALS MUST BE 10MB OR LESS.**

Civil/ Site Plans

1. Three (3) heritage trees have been removed from the site. Provide an arborist report and tree inventory for existing (and removed) 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 to protect trees to remain. Replacement and mitigation for removed trees shall be equal to trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15 gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box, or 24" to 36" box size.
  - d. Monetary value of the trees removed as identified in the "Guide for Plant Appraisal", approved certified arborist plant appraiser, or may be equal to the value of the installation cost of planting, fertilizing, staking and irrigating 15 gallon trees, (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.

4. Dimension all planters to have a minimum 5' wide inside dimension. Adjust width in north planter and finger island south of carwash entrance.
5. Dimension, show and call out for step-outs at parking spaces adjacent to planters; a 12" wide monolithic concrete curb, DG paving or pavers with edging.
6. Add Note to Grading and Landscape Plans: Landscape areas where compaction has occurred due to grading activities and where trees or storm water infiltration areas are located shall be loosened by soil fracturing. For trees a 12'x12'x18" deep area; for storm water infiltration the entire area shall be loosened. Add the following information on the plans: The back hoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The back hoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference see Urban Tree Foundation – Planting Soil Specifications.
7. Grading Plans, Proposed Legend: Show different symbols for Bio-Retention Basins and Landscape Areas.
8. Grading Plans, Infiltration Detail: Replace "Grass" with "Landscape." Side slopes shall be planted with container plants and basin bottoms hydroseeded with an approved mix.
9. Reduce the entry to 5' and increase the adjacent planter spaces.

Landscape Plans

10. See #8.
11. Show correct scale legend.
12. Provide an arborist report and tree inventory as noted in #1.
13. Provide updated MWELo water budget.
14. Replace Lantana 'Dwarf Gold' (dies out with frost, becomes woody and out grows planter spaces), consider Lantana m. 'Alba' or Myoporum, Lavandula (short lived), consider Salvia clevelandii, Gleditsia, consider Quercus ilex, Phoenix dactylifera, consider Washingtonia filifera.
15. Provide an appropriate hydroseed plant mix for water quality basins and swales.
16. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
17. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:

Plan Check—less than 5 acres .....	\$1,301.00
Inspection—Construction (up to 3 inspections per phase) .....	<u>\$278.00</u>
Total.....	<u>\$1,579.00</u>
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)

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Denny Chen  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** December 13, 2019  
**SUBJECT:** PDEV19-069 & PCUP19-030

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

KS:lr



## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations & Investment and Revenue Resources Department Conditions incorporated)

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b>	<input type="checkbox"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP
<input type="checkbox"/> OTHER	<input type="checkbox"/> FOR CONDOMINIUM PURPOSES	
<b>PROJECT FILE NO. PDEV19-069</b>		
<b>RELATED FILE NO(S). PCUP19-030</b>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__		

**CITY PROJECT ENGINEER & PHONE NO:** Eric Woosley, P.E. (909) 395-2134

**CITY PROJECT PLANNER & PHONE NO:** Chuck Mercier (909) 395-2425

**DAB MEETING DATE:** September 20, 2021

**PROJECT NAME / DESCRIPTION:** A Development Plan to raze an existing gas station and convenience store, and construct a new convenience store, gas canopy and car wash on 0.87 acres within the Commercial Land Use District of the Grove Avenue Specific Plan  
**LOCATION:** 2156 South Grove Avenue

**APPLICANT:** Trisha Petro, Inc.

**REVIEWED BY:**   
Raymond Lee, P.E.  
Assistant City Engineer      9/1/21  
Date

**APPROVED BY:**   
Khoi Do, P.E.  
City Engineer      9-2-21  
Date





**THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.**

**1. PRIOR TO 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 Financial 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 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 PDF of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcel is a recognized parcel in the City of Ontario Per Parcel Map 9082, Map Book 94, Page 82.**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - 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:** 

**Property line corner 'cut-back' required at the intersection of Philadelphia Street and Grove Avenue.**
  
- 2.11 **Dedicate to the City of Ontario the following easement(s): A sidewalk easement for portions of the sidewalk behind the driveway approach encroaching onto private property along Grove Avenue.**
  
- 2.12 **New Model Colony (NMC) Developments:** 
  - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
  - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
  - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).



- 2.13** Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.
- 2.14** The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.
- 2.15** Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$18,383.10, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.
- 2.16** Other conditions: The Applicant/Developer shall pay a Storm Drain In-lieu Fee for a future 42-inch storm drain along the property frontage on Grove Avenue, approximately \$55,273.36, Fee shall be paid to the Engineering Department.



**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	Philadelphia Street	Grove Avenue	Street 3	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove and replace at spandrel	<input type="checkbox"/> New; ___ ft. from C/L <input checked="" type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace broken panels	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input 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 checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
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 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 Optic (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	<input checked="" type="checkbox"/> Remove existing drive approaches not used and replace with full height curb and gutter, sidewalk, and parkway landscape	<input checked="" type="checkbox"/> Remove existing drive approaches not used and replace with full height curb and gutter, sidewalk, and parkway landscape		
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): Philadelphia Street, from centerline to gutter.
- 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 7-7.302.e of the City's Municipal Code.
- 2.22 Other conditions: \_\_\_\_\_

### C. SEWER

- 2.23 A 10-inch and a 36-inch sewer main are available for connection by this project in Grove Avenue and Philadelphia Street, respectively. (Ref: Sewer plan bar code: S11693 & S13070)
- 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. Construct a sand and oil separator for the proposed carwash with a separate sewer lateral and connect to downstream of the domestic waste line.
  - 2. The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>).

Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact:

Michael Birmelin, Environmental Programs Manager  
[omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)  
Phone: (909) 395-2661.

### D. WATER

- 2.27 A 6-inch and a 12-inch water main are available for connection by this project in Grove Avenue and Philadelphia Street, respectively. (Ref: Water plan bar code: W12362 & W11628)
- 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. Construct a separate irrigation service, off Philadelphia, from the domestic water service and connected directly to the existing public water main, with a backflow device (on private property).



2. **All existing services and backflow devices must meet city's current standards and abandon any unused services.**

#### E. RECYCLED WATER

- 2.30 **A recycled water main is not available for connection by this project.**   
(Ref: Recycled Water plan bar code: N/A)
- 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) 395-2647 regarding this requirement.
- 2.34 **Other conditions:**   
1. **Construct all recycled appurtenances (purple ready) for future recycled water use. Irrigation interim should be connected to domestic water in Philadelphia Street.**

#### 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. **Driveways shall be designed in accordance with City Standard Drawing No. 1204.**  
2. **Driveways on both Grove Avenue and Philadelphia Street shall be signed right-in/right-out to be enforceable.**  
3. **Where a driveway closure is being proposed, Applicant/developer shall backfill the existing driveway curb-cuts with full-height curb and gutter, sidewalk, and landscaped parkway in accordance with all City standards and to the satisfaction of the City Engineer.**  
4. **Applicant/developer shall be responsible to design and construct sidewalk along the Grove Avenue frontage, in accordance with all applicable standards and to the satisfaction of the City Engineer.**  
5. **The Applicant/Developer shall be responsible to replace any existing street light fixtures along the property frontage with the current City-approved LED equivalent fixture. Please refer to the Traffic and Transportation Design Guidelines Section 1.4 - Street Light Plans.**





6. Grove Avenue shall be signed "No Stopping Anytime"; Philadelphia Street shall be signed "No Parking Anytime".

**G. DRAINAGE / HYDROLOGY**

- 2.38 A storm drain main is not available to accept flows from this project. (Ref: Storm Drain plan bar code: N/A)
- 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 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.



2.47 Other conditions:

1. Certified Trash Treatment/Pretreatment Devices such as a gravity separator shall be installed ahead of the underground system. For a list of approved devices please visit the following website:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/trash\\_implementation/certified\\_fcsdevicelist\\_16Feb2021.pdf](https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/certified_fcsdevicelist_16Feb2021.pdf)

#### J. SPECIAL DISTRICTS

2.48 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 four (4) 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 Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.

2.49 Other conditions: \_\_\_\_\_

#### K. FIBER OPTIC

2.50 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. Existing OntarioNet infrastructure is not in close enough proximity to connect to. Conduit infrastructure shall be installed along the property frontages of Grove Avenue and Philadelphia Street, with a hand hole at each end of the property frontage as shown on the Fiber Optic Exhibit herein.

2.51 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

#### L. INTEGRATED WASTE

2.52 Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:

<https://www.ontarioca.gov/OMUC/IntegratedWaste>

2.53 Other conditions:

1. The Trash Enclosure is to be constructed northeast corner of the project site for serviceability.
2. Prior to approval of any building permits, submit a final Solid Waste Handling Plan with the Precise Grading Plan for review and approval of Integrated Waste Department.

### 3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:

3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.



- 3.02 Complete all requirements for recycled water usage. 
  - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
  - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
  - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).

**4. PRIOR TO FINAL ACCEPTANCE, APPLICANT SHALL:**

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall include a completed Acceptance and Bond Release Checklist, state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.
- 4.04 Submit record drawings (PDF) for all public improvements identified within Section 2 of these Conditions of Approval.



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PDEV19-069/PCUP19-030**

**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.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **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).**
7.  **Three (3) sets of Public Street improvement plan with street cross-sections**
8.  **Three (3) sets of Private Street improvement plan with street cross-sections**
9.  **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)**
10.  **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)**
11.  **Four (4) sets of Public Sewer improvement plan**
12.  **Five (5) sets of Public Storm Drain improvement plan**
13.  **Public Street Light improvement plan (DELTA to Record Drawings to reflect LED upgrades)**
14.  **Three (3) sets of Signing and Striping Improvement plan**
15.  **Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)**
16.  **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)**
17.  **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.**
18.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
19.  **One (1) copy of Hydrology/Drainage study**
20.  **One (1) copy of Soils/Geology report**



- 21.  Payment for Final Map/Parcel Map processing fee
- 22.  Three (3) copies of Final Map/Parcel Map
- 23.  One (1) copy of approved Tentative Map
- 24.  **One (1) copy of Preliminary Title Report (current within 30 days)**
- 25.  One (1) copy of Traverse Closure Calculations
- 26.  **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.**
- 27.  Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use
- 28.  Other: \_\_\_\_\_





# CITY OF ONTARIO

## MEMORANDUM

*“Excellence Through Teamwork”*



**TO:** Denny Chen, Associate Planner

**FROM:** Rick Rees, Police Officer, CET Unit

**DATE:** February 9, 2021

**SUBJECT:** FILE NO. PCUP19-030 – ARCO AM/PM – 2156 S Grove Avenue

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The Ontario Police Department has researched the request for an off-site type 20 (beer & wine) alcohol license for the ARCO AM/PM gas station located at 2156 S Grove Avenue. The requested license is within census tract 18.03 which is already over concentrated with off-sale alcohol licenses. The department of Alcohol Beverage Control authorizes two (2) off-sale alcohol licenses for this tract. There are currently four (4) active off-sale alcohol licenses within census tract 18.03.

The Ontario Police Department does not approve or deny Conditional Use Permits or ABC licenses. The approval of PCUP19-030 is at the discretion of the City of Ontario Planning Department. However, due to the over-concentration factor, the Ontario Police Department recommends the applicant obtain a license approval from the State Department of ABC prior to moving forward.

If a Conditional Use Permit is granted, the location must follow all Department of Alcohol Beverage Control regulations and laws. The Police Department is placing the following conditions:

### **ABC CONDITIONS**

1. Sales of alcohol will occur between the hours of 06:00 a.m. to 02:00 a.m. daily.
2. Refrigerators and/or cabinets containing alcohol will be locked at 10:00 p.m.
3. Applicant will follow all conditions per Business and Professions Code 23790.5(d) - Concurrent sales of alcohol and gasoline.

4. No sales or service to minors.
5. No sales or service to intoxicated patrons.
6. No open alcohol beverages in the establishment.
7. No alcohol sales through any pass-through type windows.
8. No drug paraphernalia will be sold at any time.
9. No smoking is permitted inside of the establishment including any type of electronic delivery devices.
10. Single sale of beer, cans or bottles, will not be allowed.
11. Wine shall not be sold in containers less than 750ml.
12. Wine coolers must be sold in four packs.
13. The sale of distilled spirits is not permitted.
14. All alcohol sales must be placed in a plastic or paper bag before leaving the store.
15. No more than six (6) doors on the walk-in cooler shall be designated for beer and wine.
16. Employees engaged in the sales of alcohol must be 18 years of age or older.
17. No more than 25% of advertisements are allowed on the windows of the business.
18. Clear visibility must be maintained through the windows between two feet and six feet height. (Advertisements, décor, tinting, etc. must be no higher than two feet at the bottom of the window and no lower than six feet at the top of the window.)
19. The cashier must be visible from the parking lot.
20. No loitering shall be permitted on any property adjacent to the licensed premise, which is under the control of the applicant, and signs must be posted.
21. Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management's control so that it may be abated by the property owner and/or the City's graffiti team.



22. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.
23. The parking lot of the premises shall be equipped with a maintained lighting device capable of providing a minimum of one-foot candle of light at ground level.
24. Applicant shall not encourage or permit alcoholic beverages to be consumed on any property adjacent to the licensed premises under the control of the applicant, and signs must be posted.
25. The applicant shall modify or equip any public telephones inside or adjacent to the establishment to prevent incoming calls.
26. Trash enclosures shall remain locked at all times to prevent abnormal use of the area. The enclosure may be left unlocked on trash pickup days, but must be locked as soon as practical after the trash has been removed.
27. Any and all landscaping shall be maintained on a routine maintenance schedule. Shrubbery and foliage shall follow similar guidelines as the windows in reference to visibility. Shrubs shall be maintained no higher than two feet and foliage shall be maintained above six feet in height to allow clear visibility for all patrons and staff at the establishment.
28. Applicant and all employees must attend an Alcohol Beverage Control (ABC) L.E.A.D.'s training class or a certified responsible beverage service class, which has been approved by ABC and Ontario Police Department, within six months of this dated conditional use permit. Proof of re-certification is required every 3 years. New employees must attend a training class within six months of their hire date.
29. The business shall maintain a security camera surveillance system in proper working order. A minimum of one camera will record the main entrance, to monitor patrons entering and exiting. A minimum of one camera will record the register area. A minimum of one camera will record the parking lot. Each camera will record at least 720p recording resolution levels, and at least fifteen (15) frames per second. The field of view for each camera will be to maximize the coverage of patrons. Recorded video will be stored for a minimum of 30 days and made available to the Police Department upon request.

### **TOBACCO CONDITIONS**

1. No tobacco sales to anyone under 21 years of age.
2. Retailers must post required Stop Tobacco Access to Kids Enforcement (STAKE) Act age of sale warning signs at each cash register.

3. State tobacco retailer license must be posted in view of customers.
4. Customers may not help themselves to cigarettes.
5. Tobacco products must be stored behind the counter.
6. Sales of individual cigarettes are prohibited.
7. Single cigarettes and roll-your-own tobacco in the packaging containing less than 0.6 ounces are prohibited.
8. The distribution of free or normal-cost tobacco products or coupons is prohibited.
9. Outdoor and storefront signs advertising tobacco may not exceed 14 square feet.

If alcohol related crimes at this location are higher than four other similar establishments in the overall City during any quarter, the CUP will automatically be referred to the zoning administrator for review and re-conditioning or revocation of the permit. The Police Department may, at their sole discretion, request a revocation hearing if they determine that the establishment is being operated in the violation of this CUP or has violated the laws of the State or City.

A copy of the listed conditions of approval must be posted with your ABC license at all times in a conspicuous place in the interior of the premises.

The Ontario Police Department and the Ontario Planning Department will conduct an inspection before the location will be allowed to sell alcoholic beverages with the conditional use permit.

The Police Department will conduct a review in six months to determine whether additional conditions will be needed.

**Please contact Officer Rees at (909) 408-1660 with any questions regarding the listed police conditions.**



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Denny Chen, Associate Planner  
Planning Department

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

**DATE:** December 18, 2019

**SUBJECT:** PDEV19-069 – A Development Plan to demolish an existing gas station and construct (1) a new 3,927 square foot gas station with convenience store, (2) a 3,449 square foot gasoline canopy, (3) 336 square foot equipment room and (4) 1,440 square foot drive thru car wash on 0.87 acres of land located at 2156 S Grove Ave, within the Commercial land use district of the Grove Avenue Specific Plan (APN(s): 1050-491-08). Related File: PCUP19-030

- 
- 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. 2016 CBC Type of Construction: Type V-B
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 4 Structures
- D. Number of Stories: 1
- E. Total Square Footage: 9,152 Sq. Ft. (Structures)
- F. 2016 CBC Occupancy Classification(s): M

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

- ☒ 1.1 The following are the Ontario Fire Department (“Fire Department”) requirements for this development project, based on the current edition of the California Fire Code (CFC), and the current versions of the Fire Prevention Standards (“Standards.”) It is recommended that the applicant or developer transmit a copy of these requirements to the on-site contractor(s) and that all questions or concerns be directed to the Bureau of Fire Prevention, at (909) 395-2029. For copies of Ontario Fire Department Standards please access the City of Ontario web site at [www.ontarioca.gov](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.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.

### **3.0 WATER SUPPLY**

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

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

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

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.7 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.

#### **5.0 BUILDING CONSTRUCTION FEATURES**

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

## 6.0 OTHER SPECIAL USES

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Development Director  
 Cathy Wahlstrom, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 Kevin Shear, Building Official  
 Khoi Do, City Engineer  
 Jamie Richardson, Landscape Planning Division  
 Ahmed Aly, Municipal Utility Company  
 Emily Hernandez, Police Department  
 Paul Ehman, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, T. E., Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Eric Woosley, Engineering/NPDES  
 Joe De Sousa, Code Enforcement (Copy of memo only)  
 Jimmy Chang, IT Department



FROM: Denny Chen, Associate Planner

DATE: December 12, 2019

SUBJECT: FILE #: PCUP19-030 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 .

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

**PROJECT DESCRIPTION:** A Conditional Use Permit Modification to establish a 1,440 square foot automated car wash ancillary to a gas station on 0.87 acres of land located at 2156 S Grove Ave, within the Commercial land use district of the Grove Avenue Specific Plan (APN(s): 1050-491-08). Related File(s): PDEV19-069.

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






Department \_\_\_\_\_ Signature \_\_\_\_\_ File \_\_\_\_\_ Date \_\_\_\_\_

**FILE NO.:** PDCA20-002


**SUBJECT:** A Development Code Amendment revising certain provisions addressing public hearing notifications, allowed uses within the CS (Corner Store) zoning district, common active open space areas, and off-street parking requirements for small lot infill subdivisions. **City Initiated. City Council action is required.**

**RECOMMENDED ACTION:** That the Planning Commission consider and recommend approval of File No. PDCA20-002, pursuant to the facts and reasons contained in the staff report and attached resolution.

**PROJECT SETTING:** The proposed Development Code Amendment is of Citywide impact, affecting approximately 50 square miles (31,789 acres) of land, which is generally bordered by Benson Avenue and Euclid Avenue on the west; Interstate 10 Freeway, Eighth Street, and Fourth Street on the north; Etiwanda Avenue and Hamner Avenue on the east; and Merrill Avenue and the San Bernardino County/Riverside County boundary on the south. The City of Ontario is substantially built-out with a mix of residential, commercial, industrial, agricultural, airport, recreational, and institutional/public land uses. According to the California Department of Finance, the City of Ontario's 2021 estimated population is 193,594 persons and it is ranked the 25th largest city in the State in terms of population.

**PROJECT ANALYSIS:** The Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which states long-term principles, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario's vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens. Staff has initiated several alterations to the Development Code that are necessary to adjust and clarify various provisions of the Development Code, which are described below. The proposed changes, as they would appear in the Development Code, are included as Exhibit A (Proposed Development Code Amendment) of this staff report.

(1) Public Noticing Requirements— Consistent with State law, the Development Code currently requires that notification of a public hearing must be made a minimum of 10 days in advance of the hearing, in the following ways:

Case Planner:	Charles Mercier
Planning Director Approval:	
Submittal Date:	N/A

Hearing Body	Date	Decision	Action
PC	9/28/2021		Recommend
CC	11/2/2021		Introduction
CC	11/16/2021		Approval



- Publication of a legal notice in at least one newspaper of general circulation within the City; and
- Notification by delivery or first class mail to all property owners with a minimum 300-foot radius of a project site; however, if the number property owners that would be delivered or mailed a notice exceeds 1,000, in lieu of the delivered or mailed notice, a display advertisement of at least 1/8th page may be placed in at least one newspaper of general circulation within the City;

Staff is proposing changes to the public hearing notification procedures established in the Development Code, to require supplemental public noticing that necessitates the posting of project sites with Large Public Notification Signs for certain project types, including:

- Projects proposed to be developed at a higher density or intensity than the existing surrounding neighborhood;
- Projects requiring a General Plan Amendment, Specific Plan Amendment, or Zone Change;
- Projects requiring the preparation of an environmental impact report; and
- Projects in which the Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the project.

Large Public Notification Signs will consist of a 6-foot-tall freestanding sign, with a sign face measuring 4 feet tall by 8 feet wide, which must be posted 300 lineal feet apart along each project site's street frontage. Sign locations are subject to Planning Director approval in conjunction with a Sign Plan application for a temporary sign.

The fabrication, installation, and removal of Large Public Notification Signs is the responsibility of the project applicant. A project will not be scheduled for a public hearing until all required notification signs have been installed pursuant to city standards.

A cash deposit will be required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements. The cash deposit will be forfeited if a Large Public Notification Sign is not removed by the 14th day following the final action of the project.

(2) Allowed Uses in the CS (Corner Store) Zoning District — The CS zoning district was established to accommodate pedestrian-oriented neighborhood retail and service establishments that would have few impacts to adjacent residential uses due to the types of uses allowed and their limited hours of operation. CS zoning district locations are within established or planned neighborhoods, generally along residential collector streets, and are intended to provide their goods and services within walking distance to most of their customers. This zoning district provides for a scale and character of development that tends to attract and promote a walk-in clientele.

In response to a property owner request, Staff has reviewed the list of permitted (uses allowed by correct zoning district) and conditionally permitted (uses requiring Conditional Use Permit approval) land uses in the CS zoning district and is proposing the addition of other certain land uses, which Staff believes are consistent with the purpose of the zoning district. Proposed permitted land uses consist of the following:

- Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site);
- Pharmacies and drug stores;
- Cosmetics, beauty supplies, and perfume stores;
- Local messengers and local delivery services;
- Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales);
- Hair, nail, and skin care services;
- Color consulting services;
- Hair removal services;
- Hair replacement services;
- Make-up salons (includes the application of permanent cosmetics); and
- Tanning salons.

Proposed conditionally permitted land uses consist of the following:

- Farmers markets and certified farmer's markets;
- Clothing stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores);
- Shoe stores;
- Jewelry, luggage, and leather goods stores;
- Office supplies and stationery stores;
- Gift, novelty, and souvenir stores;
- Real estate renting or leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services);
- Real estate agents and brokers;
- Activities related to real estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers); and
- Fine arts schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 square feet.

(3) Common Active Open Space Areas — The Development Code establishes minimum open space requirements for multiple-family development projects, the

multiple-family residential portion of mixed-use development projects, and residential common interest projects, such as traditional and cluster developments consisting of detached dwellings on small lots. Additionally, these projects must provide common active open space areas that contain major and minor recreation facilities. The type and number of facilities required is based upon the number of dwellings proposed, as shown in the table below.

**Development Code Table 6.01-5: Minimum Requirements for Common Recreation Amenities**

Type	No. of Dwelling Units							
	4-10	10-25	26-100	101-150	151-200	201-250	251-300	> 300
Major Facilities:	0	1	1	1	2	2	3	One per 100 DUs
Minor Facilities:	1	0	1	2	2	3	3	One per 50 DUs

Major recreation facilities include but are not limited to recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant investment that are of appropriate to the size of the project. Minor recreation facilities include but are not limited to tot lots for ages 2 to 5, play areas and equipment for ages 5 to 12, spas or saunas, picnic and barbecue areas, cabanas and shade structures, basketball courts, volleyball courts, community gardens, and other similar amenities appropriate to the size of the project.

Currently, the Development Code allows projects consisting of 25 or fewer dwellings, to substitute two minor recreation facilities in place of one major recreation facility. Staff is proposing that the maximum project size be increased to 45 or fewer dwellings, thereby allowing the standard to apply to all Infill Small Lot Subdivision projects and allow for increased flexibility in site design.

(4) Off-Street Parking for Small Lot Infill Subdivisions — The development standards for Small Lot Infill Subdivisions were adopted in December 2020. At the time of adoption, off-street parking standards Small Lot Infill Subdivisions were inadvertently excluded from the ordinance. Consequently, Staff is now proposing the inclusion of the below-listed off-street parking requirements.

- Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.
- There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used to fulfill the guest/visitor parking requirement.

The proposed parking standard reflects the urban infill off-street parking rate applied to residential projects in the Downtown Civic Center Planned Unit Development, which takes into consideration the availability of transit and proximity to services.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

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

(4) Policy Plan (General Plan).

**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.
- LU1-2 Sustainable Community Strategy. We integrate state, regional and local Sustainable Community/Smart Growth principles into the development and entitlement process.
- LU1-3 Adequate Capacity. We require adequate infrastructure and services for all development.
- LU1-4 Mobility. We require development and urban design, where appropriate, that reduces reliance on the automobile and capitalizes on multi-modal transportation opportunities.
- LU1-6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.
- LU1-7 Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.
- 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.
- Goal LU4: Development that provides short-term value only when the opportunity to achieve our Vision can be preserved.
  - LU4-3 Infrastructure Timing. We require that the necessary infrastructure and services be in place prior to or concurrently with development.

### **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.
  - H2-1 Corridor Housing. We revitalize transportation corridors by encouraging the production of higher density residential and mixed-uses that are architecturally, functionally, and aesthetically suited to corridors.

➤ H2-3 Ontario Airport Metro Center. We foster vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.

➤ 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.

➤ CE1-1 Jobs-Housing Balance. We pursue improvement to the Inland Empire's balance between jobs and housing by promoting job growth that reduces the regional economy's reliance on out-commuting.

➤ CE1-7 Retail Goods and Services. We seek to ensure a mix of retail businesses that provide the full continuum of goods and services for the community.

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

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

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

➤ CE2-6 Public Maintenance. We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly owned property.

**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.

➤ CD1-2 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.

➤ CD1-4 Transportation Corridors. We will enhance our major transportation corridors within the City through landscape, hardscape, signage, and lighting.

▪ 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.

➤ CD2-3 Commercial Centers. We desire commercial centers to be distinctive, pedestrian friendly, functional, and vibrant with a range of businesses, places to gather, and connectivity to the neighborhoods they serve.

➤ CD2-5 Streetscapes. We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity,

and enhance community identity through improvements to the public right of way such as sidewalks, street trees, parkways, curbs, street lighting and street furniture.

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

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

➤ CD2-9 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.

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

➤ CD3-1 Design. We require that pedestrian, vehicular, bicycle and equestrian circulation on both public and private property be coordinated and designed to maximize safety, comfort and aesthetics.



- CD3-2 Connectivity Between Streets, Sidewalks, Walkways and Plazas. We require landscaping and paving be used to optimize visual connectivity between streets, sidewalks, walkways, and plazas for pedestrians.
- CD3-6 Landscaping. We utilize landscaping to enhance the aesthetics, functionality and sustainability of streetscapes, outdoor spaces and buildings.
  - Goal CD5: A sustained level of maintenance and improvement of properties, buildings and infrastructure that protects the property values and encourages additional public and private investments.
- CD5-1 Maintenance of Buildings and Property. We require all public and privately owned buildings and property (including trails and easements) to be properly and consistently maintained.
- CD5-2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

**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, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the ALUCP. Any special conditions of approval associated with uses in close proximity to the airport are included in the conditions of approval provided with the attached Resolution.

**ENVIRONMENTAL REVIEW:** The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section 15061 (b)(3) of the CEQA Guidelines, in that the activity is covered by the common sense exemption (general rule) that CEQA applies

only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

***Exhibit A—Proposed Development Code Amendment***

**PART I:** Development Code Section 2.03.010 (Public Hearing Notification) is hereby amended, adding Subparagraph C.5 to read as follows:

“5. Supplemental Public Noticing Requirements.

a. In addition to the requirements of paragraphs C.1 through C.4, above, supplemental public notice shall be provided, which consists of one or more large public notification signs consisting of a 6-foot-tall freestanding sign, having a sign face measuring 4 feet tall by 8 feet wide, which shall be posted on the project site for development related projects meeting any of the following criteria:

(1) The proposed project is planned to be developed at a higher density or intensity than the existing surrounding neighborhood; and/or

(2) The proposed project requires a General Plan Amendment, Specific Plan Amendment, or Zone Change; and/or

(3) The proposed project requires the preparation of an environmental impact report; and/or

(4) The Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the proposed project. For large projects, the planning director may determine that more than one sign is necessary.

b. A cash deposit is required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements, including maintenance and removal of the large notification sign.

c. In order to implement the large public notification signs as an effective form of public notification, the following rules and standards shall apply:

(1) Large public notification signs shall be constructed and installed pursuant to the specifications established and published by the Planning Director.

(2) Large public notification signs shall be posted 300 lineal feet apart along each project site's street frontage. Sign locations shall be approved by the Planning Director in conjunction with a Sign Plan for a temporary sign issued pursuant to the requirements of Division 8.01 (Sign Regulations) of this Development Code.

(3) The fabrication and installation of a large public notification sign shall be the responsibility of the project applicant. Once the project application is

deemed complete and all notification signs installed per city standards, the proposed project will be scheduled for all required public hearings.

(4) Large public notification signs shall be maintained in good condition and shall remain in place until the final decision on the proposed project has been made or the application is withdrawn.

(5) Large public notification signs shall be removed by the applicant within 14 days following the final decision on the project or the date of application withdrawal. Failure to remove the sign within the prescribed period shall result in forfeiture of the cash deposit and removal of the sign by the City."

**PART II:** Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	<i>Land Uses, Activities, and Facilities</i>
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)
446110	Pharmacies and Drug Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
492210	Local Messengers and Local Delivery Services
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)
812110	Hair, Nail, and Skin Care Services
812199	Color Consulting Services
812199	Hair Removal Services
812199	Hair Replacement Services
812199	Make-Up Salons (includes the application of permanent cosmetics)
812199	Tanning Salons

**PART III:** Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as conditionally permitted land uses in the CS (Corner Store) zoning district:

2017 NAICS Code	<i>Land Uses, Activities, and Facilities</i>
445230	Farmers Markets and Certified Farmer's Markets

2017 NAICS Code	<i>Land Uses, Activities, and Facilities</i>
448110 448120 448130 448140 448150 448190	Clothing Stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores)
448210	Shoe Stores
448310 448320	Jewelry, Luggage, and Leather Goods Stores
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty, and Souvenir Stores
531110 531120 531190	Real Estate Renting or Leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)
531210	Real Estate Agents and Brokers
531311 531312 531320 531390	Activities Related to Real Estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers)
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 SF

**PART IV:** Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph E.2.c(1)(a) to read as follows:

“(a) Major Recreation Facilities—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant investment and of appropriate size to serve the project residents, as determined by the city. (Note: For projects consisting of 45 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)”

**PART V:** Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph G.3.a(6) to read as follows:

“(6) Off-Street Parking. Small Lot Infill Subdivisions shall provide off-street parking facilities pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) of this Development Code, except as follows:

(i) Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

(ii) There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used for guest/visitor parking."

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF FILE NO. PDCA20-002, A DEVELOPMENT CODE AMENDMENT REVISING CERTAIN PROVISIONS ADDRESSING PUBLIC HEARING NOTIFICATIONS, ALLOWED USES WITHIN THE CS (CORNER STORE) ZONING DISTRICT, COMMON ACTIVE OPEN SPACE AREAS AND OFF-STREET PARKING REQUIREMENTS FOR SMALL LOT INFILL SUBDIVISIONS, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, THE CITY OF ONTARIO ("Applicant") has initiated a Development Code Amendment, File No. PDCA20-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the City of Ontario Development Code (Ontario Municipal Code Title 9) provides the legislative framework for the implementation of The Ontario Plan, which establishes long term principals, goals, and policies for guiding the growth and development of the City in a manner that achieves Ontario' s vision, and promotes and protects the public health, safety, comfort, convenience, prosperity, and welfare of its citizens; and

WHEREAS, certain minor changes are proposed to the City of Ontario Development Code, as follows:

- Section 2.03.010 (Public Hearing Notification) is to be amended, adding Subparagraph C.5 to require the posting of project sites with large public notification signs for certain proposed project types and establishing public notification sign standards; and
- Table 5.02-1 (Land Use Matrix) is to be amended, expanding upon the types of permitted and conditionally permitted land uses allowed in the CS (Corner Store) zoning district; and
- Section 6.01.010 (Residential Zoning Districts) is to be amended, revising Subparagraph E.2.c(1)(a) to allow two minor recreation facilities in place of each required major recreation facility, for projects consisting of 45 or fewer dwellings, and Subparagraph G.3.a(6) is to be added, establishing off-street parking standards for small lot infill subdivisions.

WHEREAS, the Application is a project pursuant to the California Environmental Quality Act, commencing with Public Resources Code Section 21000 (hereinafter referred to as "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 City Council the responsibility and authority to review and act on the subject Application; and

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

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

WHEREAS, on September 28, 2021, 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 authority 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 exempt from the requirements of the California Environmental Quality Act (CEQA) and the guidelines promulgated thereunder, pursuant to Section



15061(b)(3) of the CEQA Guidelines, in that the activity is covered by the “common sense exemption” (also known as the “general rule exemption”) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

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

**SECTION 2: *Housing Element Compliance.*** The Project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project furthers the purposes, principals, goals, and policies of the Housing Element, in that it will expand upon the types of housing that may be constructed throughout residential and mixed use zoning districts of the City and will allow for alternate forms of home rental and fee-simple homeownership.

**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 ALUCP, establishing the Airport Influence Area for Ontario International Airport (hereinafter referred to as “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 authority 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 Sections 1 through 3, above, the Planning Commission hereby concludes as follows:

(1) The proposed Development Code Amendment is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.

(2) The proposed Development Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

**SECTION 5: *Planning Commission Action.*** Based upon the findings and conclusions set forth in Sections 1 through 4, above, the Planning Commission hereby RECOMMENDS THE CITY COUNCIL APPROVE the herein described Development Code Amendment, included as Attachment A of this resolution.

**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 September 2021, and the foregoing is a full, true and correct copy of said Resolution, and has not been amended or repealed.

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Rick Gage  
Planning Commission Chairman

ATTEST:

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Rudy Zeledon  
Planning Director and  
Secretary to the Planning Commission

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

I, Gwen Berendsen, Secretary Pro Tempore of the Planning Commission of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted by the Planning Commission of the City of Ontario at their regular meeting held on September 28, 2021, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gwen Berendsen  
Secretary Pro Tempore

**ATTACHMENT A:**  
**Development Code Amendment**  
**File No. PDCA20-002**

**PART I:** Development Code Section 2.03.010 (Public Hearing Notification) is hereby amended, adding Subparagraph C.5 to read as follows:

“5. Supplemental Public Noticing Requirements.

a. In addition to the requirements of paragraphs C.1 through C.4, above, supplemental public notice shall be provided, which consists of one or more large public notification signs consisting of a 6-foot-tall freestanding sign, having a sign face measuring 4 feet tall by 8 feet wide, which shall be posted on the project site for development related projects meeting any of the following criteria:

(1) The proposed project is planned to be developed at a higher density or intensity than the existing surrounding neighborhood; and/or

(2) The proposed project requires a General Plan Amendment, Specific Plan Amendment, or Zone Change; and/or

(3) The proposed project requires the preparation of an environmental impact report; and/or

(4) The Planning Director has determined that supplemental public notice is necessary and desirable based on the nature of the proposed project. For large projects, the planning director may determine that more than one sign is necessary.

b. A cash deposit is required in an amount adopted by resolution of the City Council, to ensure compliance with the supplemental notification requirements, including maintenance and removal of the large notification sign.

c. In order to implement the large public notification signs as an effective form of public notification, the following rules and standards shall apply:

(1) Large public notification signs shall be constructed and installed pursuant to the specifications established and published by the Planning Director.

(2) Large public notification signs shall be posted 300 lineal feet apart along each project site’s street frontage. Sign locations shall be approved by the Planning Director in conjunction with a Sign Plan for a temporary sign issued pursuant to the requirements of Division 8.01 (Sign Regulations) of this Development Code.

(3) The fabrication and installation of a large public notification sign shall be the responsibility of the project applicant. Once the project application is deemed complete and all notification signs installed per city standards, the proposed project will be scheduled for all required public hearings.

(4) Large public notification signs shall be maintained in good condition and shall remain in place until the final decision on the proposed project has been made or the application is withdrawn.

(5) Large public notification signs shall be removed by the applicant within 14 days following the final decision on the project or the date of application withdrawal. Failure to remove the sign within the prescribed period shall result in forfeiture of the cash deposit and removal of the sign by the City.”

**PART II:** Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as permitted land uses in the CS (Corner Store) zoning district:

<b>2017 NAICS Code</b>	<b><i>Land Uses, Activities, and Facilities</i></b>
	Residential Mixed-Use Developments (development projects containing a mix of commercial and residential uses in the same building or on the same site)
446110	Pharmacies and Drug Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
492210	Local Messengers and Local Delivery Services
561439	Other Business Service Centers (limited to mailbox rental, photocopying, duplicating, blueprinting, mailing services, document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales)
812110	Hair, Nail, and Skin Care Services
812199	Color Consulting Services
812199	Hair Removal Services
812199	Hair Replacement Services
812199	Make-Up Salons (includes the application of permanent cosmetics)
812199	Tanning Salons

**PART III:** Development Code Table 5.02-1 (Land Use Matrix) is hereby amended, adding the following as conditionally permitted land uses in the CS (Corner Store) zoning district:

<b>2017 NAICS Code</b>	<b><i>Land Uses, Activities, and Facilities</i></b>
445230	Farmers Markets and Certified Farmers Markets
448110 448120 448130 448140 448150 448190	Clothing Stores (includes clothing for men, women, children, infants, and families; clothing accessory stores; and other clothing stores, such as bridal shops, costume stores, sports apparel stores, swimwear stores, T-shirt stores, and uniform stores)
448210	Shoe Stores
448310 448320	Jewelry, Luggage, and Leather Goods Stores
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty, and Souvenir Stores
531110 531120 531190	Real Estate Renting or Leasing (limited to offices of real estate lessors, agents and brokers, property managers and appraisers, and escrow and listing services)
531210	Real Estate Agents and Brokers
531311 531312 531320 531390	Activities Related to Real Estate (including offices of residential and nonresidential property managers; real estate appraisers; and other activities related to real estate, such as escrow services, fiduciaries, listing services, and asset managers)
611610	Fine Arts Schools (nonacademic instruction, including music, dance, performing arts, drama, photography, ceramics, painting, and sculpture) – limited to a GFA of less than 2,000 SF

**PART IV:** Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph E.2.c(1)(a) to read as follows:

“(a) Major Recreation Facilities—A major recreation facility is intended to be a significant recreation node or focal point for residents, and include recreation buildings, swimming or wading pools, splash pads and water play fountains, tennis courts, childcare facilities, and other major amenities requiring significant

investment and of appropriate size to serve the project residents, as determined by the city. (Note: For projects consisting of 45 or fewer dwellings, two minor recreation facilities may be provided in place of one major recreation facility.)”

**PART V:** Development Code Section 6.01.010 (Residential Zoning Districts) is hereby amended, revising Subparagraph G.3.a(6) to read as follows:

“(6) Off-Street Parking. Small Lot Infill Subdivisions shall provide off-street parking facilities pursuant to the requirements of Division 6.03 (Off-Street Parking and Loading) of this Development Code, except as follows:

(i) Off-street parking shall be provided for each dwelling at the minimum rate of 1.0 parking space per bedroom, plus guest/visitor parking at the minimum rate of 0.2 parking space per bedroom. A minimum of one space shall be provided in a fully enclosed garage.

(ii) There shall be no limitations on the use of tandem parking spaces, except that tandem parking shall be no more than 2 parking spaces in depth and shall not be used for guest/visitor parking.”





# PLANNING DEPARTMENT ACTIVITY REPORT

Month of August 2021

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303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

**TO:** Chairman and Members of the Planning Commission  
**FROM:** Rudy Zeledon, Planning Director *RZ*  
**DATE:** September 28, 2021

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Attached, you will find the Planning Department Monthly Activity Report for the month of August 2021. The report describes all new applications received by the Planning Department and actions taken on applications during the month. Please contact me if you have any questions regarding this information.

The attached reports, along with reports from past months, may also be viewed on the City's web site at: <https://www.ontarioca.gov/Planning/Reports/MonthlyActivity>.



# Monthly Activity Report: Actions

Month of August 2021

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

## DEVELOPMENT ADVISORY BOARD MEETING August 2, 2021

*Meeting Cancelled*

## ZONING ADMINISTRATOR MEETING August 2, 2021

**ENVIRONMENTAL ASSESSMENT AND VARIANCE REVIEW FOR FILE NO. PVAR21-003:** A Variance to deviate from the minimum Development Code standard for front building setback, from 20 FT to 10 FT, to allow the encroachment of an attached accessory dwelling unit, on 0.145 acres of land located at 950 East G Street, within the LDR-5 (Low Density Residential – 2.1 to 5.0 DU/Acre) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1048-421-20) **submitted by Magdy Armanuos.**

**Action:** The Zoning Administrator adopted a decision approving the Variance, subject to conditions.

## CITY COUNCIL/HOUSING AUTHORITY MEETING August 3, 2021

*Meeting Cancelled*

## DEVELOPMENT ADVISORY BOARD MEETING August 16, 2021

**ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-005:** A Development Plan to construct a 2,080-square-foot fast-food restaurant (Burger King) with drive-thru on 0.57-acre of land located on the east of Archibald Avenue, approximately 250 feet south of Philadelphia Street, within the Commercial/Office land use district of the California Commerce Center South 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: 1083-071-19) **submitted by Ontario CA (Parcel 1 Archibald) LLC.**

**Action: The Development Advisory Board adopted a decision approving the Development Plan, subject to conditions.**

**ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-003:** A Development Plan to construct a 26,000-square-foot industrial building on 1.28 acres of land located at 1486 East Holt Boulevard, within the BP (Business Park) 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. 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: 0110-121-04 & 0110-121-05) **submitted by M & M Development. Planning Commission action is required.**

**Action: The Development Advisory Board adopted a decision recommending the Planning Commission approve the Development Plan, subject to conditions.**

**ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT21-007 (TMM 20399):** A Tentative Tract Map to subdivide 24.51 acres into 30 numbered lots and 6 lettered lots, for property located at the southeast corner of Archibald Avenue and Ontario Ranch Road, within the High Density Residential (18-25 du/ac) land use district (Planning Areas 7 and 8) of the Grand Park Specific Plan. The environmental impacts of this project were previously analyzed in the Grand Park Specific Plan (File No. PSP12-001) Environmental Impact Report (State Clearinghouse No. 2012061057), certified by City Council on January 21, 2014. This application introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). The project site is also located within the Airport Influence area of Chino Airport and is consistent with the 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: 0218-241-51, 0218-241-52, 0218-241-53, and 0218-241-54) **submitted by Ronald & Kristine Pietersma Family Trust & Loyola Properties I, LP. Planning Commission action is required**

**Action: The Development Advisory Board adopted a decision recommending the Planning Commission approve the Tentative Tract Map, subject to conditions.**

**ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP AND VARIANCE REVIEW FOR FILE NOS. PMTT21-008 AND PVAR21-002:** A Tentative Parcel Map (File No. PMTT21-008/TPM 20376) to subdivide 0.998-acre of land into 2 parcels in conjunction with a Variance (File No. PVAR21-002) to reduce the corner lot width dimension from 120 feet to 117.8 feet, located at the northwest corner of Oaks Avenue and Spruce Court, at 2112 South Oaks Avenue, within the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitation) of the CEQA Guidelines. The proposed project is



# Monthly Activity Report: Actions

Month of August 2021

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-561-30) **submitted by Paul Kien. Planning Commission action is required.**

**Action:** The Development Advisory Board adopted a decision recommending the Planning Commission approve the Tentative Parcel Map and Variance, subject to conditions.

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## ZONING ADMINISTRATOR MEETING August 16, 2021

**ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PCUP21-008:** A Conditional Use Permit to upgrade a type 41 ABC license to a type 47 ABC license in conjunction with a Bona Fide Public Eating Place (Casa Sanchez) on a 2.112 acre parcel located at 2264 South Mountain Avenue within the CN (Neighborhood Commercial) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1015-131-24) **submitted by Casa Sanchez.**

**Action:** The Zoning Administrator adopted a decision approving the Conditional Use Permit, subject to conditions.

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## CITY COUNCIL/HOUSING AUTHORITY MEETING August 17, 2021

*No Planning Department Items Scheduled*

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## PLANNING/HISTORIC PRESERVATION COMMISSION MEETING August 24, 2021

**ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-003:** A Development Plan to construct a 26,000-square-foot industrial building on 1.28 acres of land located at 1486 East Holt Boulevard, within the BP (Business Park) 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. 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



# Monthly Activity Report: Actions

Month of August 2021

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0110-121-04 & 0110-121-05) **submitted by M & M Development.**

**Action: The Planning Commission adopted a resolution approving the Development Plan, subject to conditions.**

**ENVIRONMENTAL ASSESSMENT AND TENTATIVE PARCEL MAP REVIEW FOR FILE NO. PMTT18-010:** A one-year Time Extension for Tentative Parcel Map No. 20087, previously approved by Planning Commission on July 23, 2019, subdividing 17.92 acres of land into two parcels located at 4900 East Fourth Street, within the Commercial/Office land use district of the Ontario Mills (formerly California Commerce Center North) Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15: Minor Land Divisions) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0238-014-05) **submitted by Retail Properties of America Inc.**

**Action: The Planning Commission adopted a resolution approving the Tentative Parcel Map Time Extension.**

**ENVIRONMENTAL ASSESSMENT AND TENTATIVE TRACT MAP REVIEW FOR FILE NO. PMTT21-007 (TTM 20399):** A Tentative Tract Map to subdivide 24.51 acres of land into 30 number lots and 6 letter lots, for property located at the southeast corner of Archibald Avenue and Ontario Ranch Road, within the High Density Residential (18.0-25.0 du/ac) land use district (Planning Areas 7 & 8) of the Grand Park Specific Plan. The environmental impacts of this project were previously analyzed in the Grand Park Specific Plan (PSP12-001) Environmental Impact Report (State Clearinghouse No. 2012061057), certified by City Council on January 21, 2014. This application introduces no new significant environmental impacts. All previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). The project site is also located within the Airport Influence area of Chino Airport and is consistent with the 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: 218-241-32) **submitted by Ronald & Kristine Pietersma Family Trust & Loyola Properties I, L.P.**

**Action: The Planning Commission adopted a resolution approving the Tentative Tract Map, subject to conditions.**

**ENVIRONMENTAL ASSESSMENT, TENTATIVE PARCEL MAP, AND VARIANCE REVIEW FOR FILE NOS. PMTT21-008 AND PVAR21-002:** A Tentative Parcel Map (File No. PMTT21-008/TPM 20376) to subdivide 0.998-acre of land into 2 parcels in conjunction with a Variance (File No. PVAR21-002) to reduce the corner lot width dimension from 120 feet to 117.8 feet, located at the northwest corner of Oaks Avenue and Spruce Court, at 2112 South Oaks Avenue, within the AR-2 (Residential-Agricultural – 0 to 2.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitation) of the CEQA Guidelines. The proposed project is



# Monthly Activity Report: Actions

Month of August 2021

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located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 1014-561-30) **submitted by Paul Kien.**

**Action: The Planning Commission adopted resolutions approving the Tentative Parcel Map and Variance, subject to conditions.**

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# Monthly Activity Report: New Applications

Month of August 2021

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**PCUP21-015:**

**Submitted by Eureka Restaurant Group LLC**

A Conditional Use Permit to establish live entertainment and alcoholic beverage sales, including beer, wine and distilled spirits, for on-premises consumption (Type 47 ABC license) in conjunction with a proposed 3,603-square foot restaurant, with an additional 1,093 square feet of patio dining, on 4.34 acres of land located at 900 North Via Piemonte, Suite 101, within the Special Use land use area of the Piemonte Overlay of the Ontario Center Specific Plan (APN: 0210-204-18). **Zoning Administrator action is required.**

**PDA-21-008:**

**Submitted by Lewis Homes**

A Development Agreement with between the City of Ontario and JH Bray, LLC, and HCW Lathrop Investments, to establish the terms and conditions for the development of Tentative Tract Map (to be submitted) on 20.12 acres of land located on the west side of Haven Avenue, approximately 1,290 feet south of Riverside Drive, within Planning Area 3 of the West Haven Specific Plan (APN: 0218-151-10). **City Council action is required.**

**PDA-21-009:**

**Submitted by West Haven 27, LLC**

A Development Agreement with between the City of Ontario and West Haven 27, LLC, Investments, to establish the terms and conditions for the development of Tentative Tract Map (to be submitted) for a 28.52 acre property within Planning Area 1 of West Haven Specific Plan, located on the south side of Riverside Drive approximately 690 west of Haven Avenue (APN: 0218-151-48). **City Council action is required.**

**PDEV21-029:**

**Submitted by Bill Fox**

A Development Plan to construct one industrial building totaling 15,132 square feet on 1.24 acres of land located at 5742 Ontario Mills Parkway, within the Light Industrial land use district of the Crossroads Business Park Specific Plan (APN: 0238-021-84). Related Files: PDEV11-010 and PMTT11-010 (TPM 19336). **Development Advisory Board action is required.**

**PDIF21-002:**

**Submitted by Shea Homes**

A DIF Credit Agreement with Shea Homes, associated with the development of Tentative Tract Map 20265, located at the southeast corner of Mill Creek Avenue and Ontario Ranch Road, within the Rich-Haven Specific Plan. **City Council action is required.**

**PHP-21-014:**

**Submitted by Hutton Companies**

A Certificate of Appropriateness in conjunction with a Development Plan to construct a 4-story mixed-use building consisting of 144 residential apartment units and approximately 6,000 square feet of ground floor retail on 1.66 acres of land, bordered by D Street on the north, C Street on the south, Euclid Avenue on the west, and Lemon Avenue on the east, , within the MU-1 (Downtown Mixed-Use) zoning district. (APNs: 1048-551-10, 1048-551-11, and 1048-551-12). **Planning Commission action is required.**

**PMTT21-014:**

**Submitted by BrookCal Ontario LLC**

A Tentative Tract Map (TTM 20449) for condominium purposes to subdivide 35.65 gross acres of land into 93 numbered lots for residential units and 53 lettered lots for common open space,



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Month of August 2021

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located within Planning 9A (Residential & Commercial) land use district of the Rich-Haven Specific Plan, located on the SEC of Ontario Ranch Road and Haven Avenue (APN: 0218-211-01). **Planning Commission action is required.**

**PMTT21-015:**

**Submitted by Szuani Chi Chan**

A Tentative Parcel Map (TPM 20375) to subdivide 2.286 acres of land into 3 parcels located at 1225 Benson Avenue, within the AR-2 (Residential-Agricultural - 0 to 2.0 du/ac) zoning district (APN: 1011-521-30). **Planning Commission action is required.**

**PMTT21-016:**

**Submitted by Richland Ventures, Inc**

A Tentative Tract Map (TTM 20451) to subdivide 27 acres of land into 208 lots located on the south side of Edison Avenue, approximately 880 feet west of Hamner Avenue, within Planning Area 4 of the Esperanza Specific Plan (APN: 0218-252-07). **Planning Commission action is required.**

**PMTT21-017:**

**Submitted by HCW Lathrop Investors, LLC & JH Bray, LLC**

A Tentative Tract Map (TTM 20452) to subdivide 19.1 acres of land into 203 lots, located approximately 1,300 feet south of the intersection of Riverside Drive and Haven Avenue, within the Planning Area 3 of the West Haven Specific Plan (APN: 0218-151-10). Related File: PSPA21-004. **Planning Commission action is required.**

**PSGN21-085:**

**Submitted by Eagle Signs, Inc**

A Sign Permit to install one wall-mounted sign and one blade sign for THE CAMP TRANSFORMATION CENTER, located at 3450 Ontario Ranch Road, Suite 3-5, within the Avenue Specific Plan (APN: 0218-402-46). **Staff action is required.**

**PSGN21-086:**

**Submitted by Signarama**

A Sign Plan to install one wall-mounted sign for FLEX LOGISTICS, located at 1801 South Carlos Avenue, within the IG (General Industrial) zoning district (APN: 0113-491-18). **Staff action is required.**

**PSGN21-087:**

**Submitted by Michele Richmond**

A Sign Plan to install 3 wall-mounted signs (1 convenience store, 2 car wash), 4 fuel canopy signs, one directional sign, 2 monument refaces, and a menu board for SHELL, located at 2195 South Haven Avenue, within the Haven Gateway Center Specific Plan (APN: 0211-301-02). **Staff action is required.**

**PSGN21-088:**

**Submitted by Eclipse**

A Sign Plan to install one new wall-mounted sign for ECLIPSE, located at 848 South Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1011-381-03). **Staff action is required.**

**PSGN21-089:**

**Submitted by First Sign**

A Sign Plan to install one new illuminated wall sign for ONTARIO KIDS N BRACES, located at 3055 South Archibald Avenue, Suite C-1, within the CN (Neighborhood Commercial) zoning district (APN: 0218-141-25). **Staff action is required.**





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**PSPA21-004:**

**Submitted by Lewis Homes**

An Amendment to the West Haven Specific Plan, for the following changes: [1] change PA 1 uses to include Attached Homes and eliminating 4,000-square-foot lot sizes; [2] increase unit count in Planning Area 1 from 173 units to 451 units and density from 6.07 du/ac to 15.08 du/ac; [3] change PA3 to uses to include Attached Homes and eliminating the 4,950-square-foot lot size; [4] increase the unit count for PA 3 from 92 units to 203 units and increase density from 4.57 du/ac to 10.1 du/ac; and [5] various text changes to be consistent with TOP Policy Plan (APNs: 0218-151-48 and 0218-151-10). **City Council action is required.**

**PSPA21-005:**

**Submitted by SL Ontario Development Company, LLC**

An Amendment to the Subarea 29 Specific Plan to: [1] revise the land uses within Planning Areas 31 and 32, and [2] add approximately 113 acres of land and include new Planning Areas 32 through 36, which is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the west, County Line Channel and Bellegrave Avenue to the south, and Mill Creek Avenue of the Subarea 29 Specific Plan (APNs: 0218-331-12, 0218-331-14, 0218-331-18, 0218-331-30, 0218-331-31, and 0218-331-52). **City Council action is required.**

**PTUP21-043:**

**Submitted by Happiness of Pursuit Arts Foundation**

A Temporary Use Permit for a parking lot music event for the nonprofit Happiness of Pursuit Arts Foundation, hosted by Firewater Bar located at 1528 West Holt Boulevard. Event to be held on 10/02/2021. **Staff action is required.**

**PTUP21-044:**

**Submitted by Greater Ontario Convention & Visitors Bureau**

A Temporary Use Permit for the annual Route 66 Cruisin' Reunion event generally located on Euclid Avenue, between Holt Boulevard and G Street. The event will be held on 9/17/2021 and 9/18/2021. **Staff action is required.**

**PTUP21-045:**

**Submitted by City of Ontario Recreation & Community Services Department**

A Special Event Permit submitted by the City of Ontario Recreation & Community Services Department for a 3 week City of Ontario Summer Concert Series at Celebration Park North, located at 4962 Starry Night Lane. Event to be held on 8/26/2021, 9/2/2021, and 9/9/2021. **Staff action is required.**

**PTUP21-046:**

**Submitted by Church in the Valley**

A Special Event Permit submitted by Church in the Valley for a movie night at Celebration Park North, located at 4962 Starry Night Lane. Event to be held on 10/22/2021. **Staff action is required.**

**PTUP21-047:**

**Submitted by Elks Lodge #1419**

A Temporary Use Permit for the 12th Annual Elks Lodge Car Show, to be held in the Lodge parking lot, located at 1150 West Fourth Street. Event to be held on 10/3/2021, 8:00AM to 2:00PM. **Staff action is required.**



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**PTUP21-048:** Submitted by **American Career College**

A Temporary Use Permit submitted by American Career College for a student appreciation event, with the In-N-Out food truck, located at 3130 East Sedona Court. Event to be held on 9/15/2021. **Staff action is required.**

**PTUP21-049:** Submitted by **D'Andre Lampkin Foundation**

A Temporary Use Permit to conduct a blood drive at 2151 East Convention Center Way. Event to be held on 9/11/2021, 10:00AM to 4:00PM. **Staff action is required.**

**PTUP21-050:** Submitted by **BONNIER CORPORATION**

A Special Event Permit to host a "Ride and Drive" event with vendor booths at the Ontario Convention Center, to be located inside and outside the building, at 2000 Convention Center Way. Event to be held on 10/7/2021 to 10/11/2021. **Staff action is required.**

**PTUP21-051:** Submitted by **Ontario Convention Center / Community Life and Culture**

A Special Event Permit to host a farmer's market with approximately 30 vendor booths at Ontario Town Square, located at the northeast corner of Euclid Avenue and B Street. Event to be held on 10/17/2021 to 12/31/2021. **Staff action is required.**

**PTUP21-052:** Submitted by **Guadagno and Sons Amusements**

A Temporary Use Permit for a carnival in a shopping center parking lot located at 1848 South Euclid Avenue. Event to be held on 9/16/2021 to 9/19/2021. **Staff action is required.**

**PTUP21-053:** Submitted by **UPS**

A Temporary Use Permit application for an ongoing outdoor training event within the UPS parking lot at 3480 E Jurupa St from 8/30/2021 to 1/31/2022. **Staff action is required.**

**PTUP21-055:** Submitted by **PLC COMMUNITIES (CHRISTOPHER HOMES)**

A Temporary Use Permit for sales office within the model homes for Ventana at Esperanza (Christopher Homes), located at 4395 South Alegre Privado, Units 1, 2, & 3. **Staff action is required.**

**PVER21-046:** Submitted by **Kris Bauman**

Zoning Verification for property located at 2155 South Excise Avenue, within the California Commerce Center South Specific Plan (APNs: 0211-275-41 and 0211-275-48). **Staff action is required.**

**PVER21-047:** Submitted by **Kris Bauman**

Zoning Verification for property located at 5300, 5350, and 5400 East Ontario Mills Parkway, within the Rancon Center Specific Plan (APNs: 0238-051-38, 0238-051-39, and 0238-051-40). **Staff action is required.**



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Month of August 2021

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**PVER21-048:** Submitted by Kris Bauman

Zoning Verification for property located at 5200 and 5250 East Ontario Mills Parkway, within the Rancon Center Specific Plan (APNs: 0238-051-35 and 0238-051-41). **Staff action is required.**

**PVER21-049:** Submitted by Kris Bauman

Zoning Verification for property located at 3465 East Cedar Street, within the California Commerce Center South Specific Plan (APN: 0211-275-40). **Staff action is required.**

**PVER21-050:** Submitted by Kris Bauman

Zoning Verification for property located at 290 South Milliken Avenue, within the California Commerce Center Specific Plan (APN: 2112-22-70). **Staff action is required.**

**PVER21-051:** Submitted by Kris Bauman

Zoning Verification for property located at 2151 Proforma Avenue, within the California Commerce Center South Specific Plan (APN: 0211-242-62). **Staff action is required.**

**PVER21-052:** Submitted by Kris Bauman

Zoning Verification for property located at 285 South Dupont Avenue, within the California Commerce Center Specific Plan (APN: 0211-222-71). **Staff action is required.**

**PVER21-053:** Submitted by Alyssa Owens

Zoning Verification for property located at 1505, 1555, and 1595 South Dupont Avenue, within the California Commerce Center Specific Plan (APN: 0211-281-10). **Staff action is required.**

**PVER21-054:** Submitted by Toni Fiasco

Zoning Verification for property located at 1215 East Airport Drive, within the IG (General Commercial) zoning district (APN: 0113-211-33). **Staff action is required.**

**PVER21-055:** Submitted by A+C Ventures, Inc

Zoning Verification for property located at 2201 South Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1015-131-20). **Staff action is required.**

**PVER21-056:** Submitted by A+C Ventures, Inc

Zoning Verification for property located at 1885 East Fourth Street, within the CN (Neighborhood Commercial) zoning district (APN: 0110-301-08). **Staff action is required.**

**PVER21-057:** Submitted by A+C Ventures, Inc

Zoning Verification for property located at 2544 South Archibald Avenue, within the CC (Community Commercial) zoning district (APN: 1083-011-14). **Staff action is required.**

**PVER21-058:** Submitted by A+C Ventures, Inc

Zoning Verification for property located at 859 North Mountain Avenue, within the CN (Neighborhood Commercial) zoning district (APN: 1010-201-14). **Staff action is required.**



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**PVER21-059:** **Submitted by Frank Gu**

Zoning Verification for property located at 755 West Holt Boulevard, within the CC (Community Commercial) zoning district (APN: 1049-011-03). **Staff action is required.**

**PVER21-060:** **Submitted by Brooke DeGraffenreid**

Zoning Verification for property located at 2880 East Jurupa Street, within the Hofer Ranch Airport Business Park Specific Plan (APN: 0211-261-15). **Staff action is required.**

**PVER21-061:** **Submitted by MV5**

Zoning Verification for property located at 2816 East Fourth Street, within the OS-R (Open Space – Recreation) zoning district (APN: 0210-181-34, 0210-181-44, and 0210-181-45). **Staff action is required.**

**PVER21-062:** **Submitted by Brooke DeGraffenreid**

Zoning Verification for property located at 2825 East Jurupa Street, within the Hofer Ranch Airport Business Park Specific Plan (APN: 0211-211-17). **Staff action is required.**

**PVER21-063:** **Submitted by Brooke DeGraffenreid**

Zoning Verification for property located at 5125 East Ontario Mills Parkway, within the IG (General Commercial) zoning district (APN: 0238-021-02). **Staff action is required.**

**PVER21-064:** **Submitted by Brooke DeGraffenreid**

Zoning Verification for property located at 1670 South Champagne Avenue, within the IH (Heavy Industrial) zoning district (APN: 0238-133-42). **Staff action is required.**

**PVER21-065:** **Submitted by Brooke DeGraffenreid**

Withdrawn.

**PVER21-066:** **Submitted by Brooke DeGraffenreid**

Withdrawn.

**PVER21-067:** **Submitted by NDDS-Zoning**

Zoning Verification for property located at 2777 East Cedar Street, within the California Commerce Center South Specific Plan (APN: 0211-275-03). **Staff action is required.**