

**CITY OF ONTARIO**  
**CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR**  
**AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY**  
**AGENDA**  
**JULY 3, 2018**

**Paul S. Leon**  
Mayor

**Alan D. Wapner**  
Mayor pro Tem

**Jim W. Bowman**  
Council Member

**Debra Dorst-Porada**  
Council Member

**Ruben Valencia**  
Council Member



**Scott Ochoa**  
City Manager

**John E. Brown**  
City Attorney

**Sheila Mautz**  
City Clerk

**James R. Milhiser**  
Treasurer

**WELCOME to a meeting of the Ontario City Council.**

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

**ORDER OF BUSINESS** The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

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

**CALL TO ORDER (OPEN SESSION)**

**6:00 p.m.**

**ROLL CALL**

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

**CLOSED SESSION PUBLIC COMMENT** The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

**CLOSED SESSION**

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. Southern California Edison and Does 1 through 50, inclusive, San Bernardino County Superior Court, Case No. CIVDS 1618730*

In attendance: Wapner, Bowman, Dorst-Porada, Valencia, Mayor/Chairman Leon

**PLEDGE OF ALLEGIANCE**

Council Member Bowman

**INVOCATION**

Sr. Pastor Brian E. Kennedy, Mt. Zion Baptist Church

**REPORT ON CLOSED SESSION**

City Attorney

## **PUBLIC COMMENTS**

**6:30 p.m.**

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

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

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

## **CONSENT CALENDAR**

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

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

### **1. APPROVAL OF MINUTES**

Minutes for the regular meeting of the City Council and Housing Authority of June 5, 2018, approving same as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

**Bills** May 6, 2018 through May 19, 2018 and **Payroll** May 6, 2018 through May 19, 2018, when audited by the Finance Committee.

**3. A LEASE AGREEMENT WITH CALIFORNIA STATE UNIVERSITY SAN BERNARDINO, INLAND EMPIRE CENTER FOR ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT CENTER**

That the City Council, acting as the Successor Agency to the former Ontario Redevelopment Agency, approve a lease agreement (on file with the Records Management Department) between California State University San Bernardino, Inland Empire Center for Entrepreneurship and Small Business Development Center and the City of Ontario for the use of certain City-owned property located at 603 N. Euclid Avenue for a one-year term with the option to extend for two additional one-year terms.

**4. A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CALTRANS FOR THE PREPARATION OF THE CITY OF ONTARIO ACTIVE TRANSPORTATION MASTER PLAN**

That the City Council adopt a Resolution authorizing the City Manager to execute an agreement with California Department of Transportation (Caltrans) for the City to accept grant funds for the preparation of the City of Ontario Active Transportation Master Plan.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE CITY OF ONTARIO ACTIVE TRANSPORTATION MASTER PLAN.

**5. A MEMORANDUM OF UNDERSTANDING WITH THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FOR A GOHUMAN DEMONSTRATION EVENT IN DOWNTOWN ONTARIO**

That the City Council approve a Memorandum of Understanding (on file with the Records Management Department) with the Southern California Association of Governments (SCAG) for a GoHuman Demonstration Event in downtown Ontario; and authorize the City Manager to execute said agreement and future amendments.

**6. A CONSTRUCTION CONTRACT FOR THE 2018 PAVEMENT REHABILITATION PROJECT AND CDBG FUNDED ALLEY RECONSTRUCTION/R.J. NOBLE COMPANY**

That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to R.J. Noble Company of Orange, California, for the 2018 Pavement Rehabilitation Project and CDBG Funded Alley Reconstruction for the bid amount of \$5,472,532 plus a 4% contingency of \$218,902 for a total authorized amount of \$5,691,433; and authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

**7. ORDINANCES LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTH PARK AND COUNTRYSIDE) AND DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190)**

That the City Council consider and:

- (A) Adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 45 (Northpark and Countryside); and
- (B) Adopt an ordinance dissolving City of Ontario Community Facilities District No. 36 (Eucalyptus 190).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DISSOLVING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190).

**8. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES)**

That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES).

**9. ADOPTION OF PROPOSED AMENDMENT TO THE 2002 ADOPTED STREET TREE MASTER PLAN**

That the City Council adopt the proposed amendment to the 2002 Adopted Street Tree Master Plan (on file with the Records Management Department).

**10. AN ARCHITECTURAL SERVICES AGREEMENT FOR THE RENOVATION OF THE CORE AND SHELL OF 404 NORTH EUCLID AVENUE**

That the City Council authorize the City Manager to execute an Architectural Services Agreement D&C17-004-400 Blk. Euclid Ave (on file in the Records Management Department) with Brereton Architects, Inc., of San Francisco, California, for an amount not to exceed \$175,578 plus a contingency of \$17,558 for a total of \$193,136, to complete the design and renovation of 404 North Euclid Avenue.

**II. A SPECIFIC PLAN (WEST ONTARIO COMMERCE CENTER) REQUEST (FILE NO. PSP16-002) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18)**

That the City Council consider and adopt an ordinance approving the West Ontario Commerce Center Specific Plan (File No. PSP16-002).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP16-002), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18.

**12. A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APNS: 1048-572-13 AND 1048-572-11)**

That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-004, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-004, A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, AND DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-572-13 AND 1048-572-11.

**13. CONSIDERATION OF REQUEST TO TRANSFER TOWING CARRIER PERMIT OF UNITED ROAD TOWING, INC., DBA BILL & WAG'S TOWING, INC.**

That the City Council make a determination whether to approve a request to transfer towing carrier permit held by United Road Towing, Inc., dba Bill & Wag's Towing, Inc. to Fleet Sales & Consulting, Inc. dba Bill and Wag's Towing.

**14. STATE OF CALIFORNIA DEPARTMENT OF JUSTICE PROPOSITION 56 TOBACCO ENFORCEMENT GRANT**

That the City Council authorize the City Manager or designee to execute grant documents to accept a 24-month grant for \$45,200 from the California Department of Justice to fund overtime enforcement operations to address tobacco-related problems in the community.

**15. AN AGREEMENT FOR RECORDS AND ARCHIVE STORAGE/MANAGEMENT AND CERTIFIED DESTRUCTION SERVICES/LAGUNA VAULT, LLC DBA DOCU-TRUST**

That the City Council authorize the City Manager to execute a three-year letter of agreement (on file in the Records Management Department) with Laguna Vault, LLC dba Docu-Trust, of San Bernardino, California, for records and archive storage/management and certified destruction with an annual estimated cost of \$30,000; and authorize up to two one-year extensions under the same terms, conditions and billing rates for a total five-year estimate of \$150,000.

**16. A CONSTRUCTION CONTRACT FOR WELL NO. 47 EMERGENCY BACKUP POWER UPGRADES/CORA CONSTRUCTORS, INC.**

That the City Council approve the plans and specifications and award a construction contract for Project No. UT 1008 (on file with the Records Management Department) to Cora Constructors, Inc. of Palm Desert, California, for the construction of emergency backup power upgrades for Well No. 47 in the amount of \$795,000 plus a 15% contingency of \$119,250, for a total amount of \$914,250; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

**17. A CONSTRUCTION CONTRACT FOR PAVEMENT REHABILITATION AT THE ONTARIO MUNICIPAL SERVICES CENTER (OMSC)/PALP, INC. DBA EXCEL PAVING COMPANY**

That the City Council approve the plans and specifications and award a construction contract for Project No. UT 1003 (on file with the Records Management Department) to Palp, Inc. dba Excel Paving Company of Long Beach, California, for the construction of pavement rehabilitation and improvements at the OMSC in the amount of \$2,649,321 plus a 15% contingency of \$397,398, for a total amount of \$3,046,719; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities.

**PUBLIC HEARINGS**

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing.

**18. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, ENTITLED PURCHASING SYSTEM, OF THE ONTARIO MUNICIPAL CODE AND IMPLEMENTING THE UNIFORM GUIDANCE PROCUREMENT STANDARDS PURSUANT TO SECTIONS 200.317 THROUGH 200.326 OF THE CODE OF FEDERAL REGULATIONS; AND AUTHORIZING ACCEPTANCE OF ELECTRONIC BID BONDS**

That the City Council introduce and waive further reading of an ordinance:

- (1) Amending Chapter 6 of Title 2 of the Ontario Municipal Code and establishing the rules and regulations of the City's current Purchasing System;
- (2) Implementing the Uniform Guidance pursuant to Sections 200.317 through 200.326 of the Code of Federal Regulations; and
- (3) Authorizing acceptance of electronic bid bonds.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 2-6.07, 2-6.13, AND 2-6.22 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE PURCHASE OF GOODS, SERVICES AND PUBLIC PROJECTS



**19. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-004) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE CENTER LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,379,501 SQUARE FEET OF INDUSTRIAL DEVELOPMENT ON 57.58 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE AT 9467 EAST MERRILL AVENUE, WITHIN PLANNING AREA 1 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN (APNS: 0218-292-05 AND 0218-311-11)**

That the City Council introduce and waive further reading of an ordinance approving a Development Agreement (File No. PDA17-004, on file with the Records Management Department) between the City of Ontario and Colony Commerce Center LLC, to establish the terms for the development of Planning Area 1 of the Colony Commerce Center West Specific Plan.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

Written communication.

Oral presentation.

Public hearing closed.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-004) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE CENTER LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,379,501 SQUARE FEET OF INDUSTRIAL DEVELOPMENT ON 57.58 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE AT 9467 EAST MERRILL AVENUE, WITHIN PLANNING AREA 1 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (APNS: 0218-292-05 AND 0218-311-11).

**STAFF MATTERS**

City Manager Ochoa

**COUNCIL MATTERS**

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

**ADJOURNMENT**

**CITY OF ONTARIO**  
**CLOSED SESSION REPORT**  
City Council // Housing Authority // Other // (GC 54957.1)  
**July 3, 2018**

**ROLL CALL:** Wapner \_\_, Bowman \_\_, Dorst-Porada \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_.

**STAFF:** City Manager / Executive Director \_\_, City Attorney \_\_

In attendance: Wapner \_\_, Bowman \_\_, Dorst-Porada \_\_, Valencia \_\_, Mayor / Chairman Leon \_\_

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:  
*City of Ontario v. Southern California Edison and Does 1 through 50, inclusive, San Bernardino County Superior Court, Case No. CIVDS 1618730*

No Reportable Action	Continue	Approved
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Disposition: \_\_\_\_\_

Reported by:

\_\_\_\_\_  
City Attorney / City Manager / Executive Director

# CITY OF ONTARIO

Agenda Report

July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: A LEASE AGREEMENT WITH CALIFORNIA STATE UNIVERSITY SAN BERNARDINO, INLAND EMPIRE CENTER FOR ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT CENTER**

**RECOMMENDATION:** That the City Council, acting as the Successor Agency to the former Ontario Redevelopment Agency, approve a lease agreement (on file with the Records Management Department) between California State University San Bernardino, Inland Empire Center for Entrepreneurship and Small Business Development Center and the City of Ontario for the use of certain City-owned property located at 603 N. Euclid Avenue for a one-year term with the option to extend for two additional one-year terms.

**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner

**FISCAL IMPACT:** The lease rate for the property is proposed at \$1 per month, and in return, the City will gain the monetized value of the business assistance services provided to the community by the Small Business Development Center.


**BACKGROUND:** In 2012, California State University San Bernardino (CSUSB), in partnership with the Inland Empire Center for Entrepreneurship (IECE), was awarded a grant to operate a Small Business Development Center (SBDC) in the Inland Empire. Downtown Ontario was identified as a prime location for a new SBDC to provide business assistance services. On April 3, 2012 the City Council approved a lease agreement, and on October 20, 2015, renewed the lease agreement, with CSUSB and IECE to operate an SBDC office in the City-owned property located at 603 N. Euclid Avenue.

SBDC provides services through professional business advisors such as: development of business plans; manufacturing assistance; financial packaging and lending assistance; exporting and importing support; disaster recovery assistance; procurement and contracting aid; and market research services. Small business owners also have access to professional development courses and workshops that assist them in

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

Prepared by: Bradley Gates  
Department: Economic Development

City Manager  
Approval:



Submitted to Council/O.H.A. 07/03/2018

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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becoming more efficient and productive entrepreneurs. These services are provided at little or no cost to local businesses. To ensure the monetary value of the services provided by the SBDC reflects the current fair market rental rate of office space in downtown (estimated at approximately \$24,000 annually), the City requires the SBDC to provide an annual report, subject to review and approval by the City, outlining the value of services provided, and any investment yielded by those services.

The services provided by the SBDC has resulted in significant positive impact for area businesses. When coupled with the services offered by the City and the Ontario Chamber of Commerce, this partnership has helped the small businesses community in Ontario thrive. Staff recommends that the City Council continue the lease agreement with the SBDC to use the City-owned property located at 603 N. Euclid Avenue. The SBDC is a catalyst for daytime activity and is a valuable component of the small business growth efforts happening in downtown Ontario.

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CALTRANS FOR THE PREPARATION OF THE CITY OF ONTARIO ACTIVE TRANSPORTATION MASTER PLAN**

**RECOMMENDATION:** That the City Council adopt a Resolution authorizing the City Manager to execute an agreement with California Department of Transportation (Caltrans) for the City to accept grant funds for the preparation of the City of Ontario Active Transportation Master Plan.

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


Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** The adopted FY 2018-19 Operating Budget includes appropriations for the City of Ontario Active Transportation Master Plan in the amount of \$451,824. The grant with Caltrans will provide \$400,000 in State funds on a reimbursement basis. The local match for the project of \$51,824 will come from the Gas Tax Fund.

**BACKGROUND:** The City has been awarded a \$400,000 State Sustainable Transportation Planning Grant for the preparation of a City of Ontario Active Transportation Master Plan. This plan will define and prioritize pedestrian and bicycle improvements needed in the community that will result in improved systems for all mobility users. The plan will help support the anticipated growth which The Ontario Plan envisions and integrate it into the transportation system. It will help determine where non-motorized improvements are needed to increase walking, biking and transit use and improve pedestrian and cyclist safety. The resulting increase in walking and biking should lead to improved health and reduced Green House Gases (GHG) emissions.

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

Prepared by: Melanie Mullis  
Department: Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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The grant requires the City Council adopt a resolution authorizing the City Manager to enter into an agreement with Caltrans to accept the grant funds for the preparation of the City of Ontario Active Transportation Master Plan.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE CITY OF ONTARIO ACTIVE TRANSPORTATION MASTER PLAN.

WHEREAS, preparation of a citywide Active Transportation Master Plan will help determine where non-motorized improvements are needed to increase walking, biking and transit use and improve pedestrian and cyclist safety; and

WHEREAS, preparation of an Active Transportation Master Plan and future improvements associated with it will result in improved mobility systems for all users and help to implement the City's Complete Streets Policy; and

WHEREAS, increasing walking and biking will result in improved air quality, healthier Ontario residents and a reduction of Greenhouse Gas emissions; and

WHEREAS, the City is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation; and

WHEREAS, the City of Ontario applied for \$400,000 for a FY 2018-19 Sustainable Transportation Planning Grant to prepare the City of Ontario Active Transportation Master Plan (ATMP); and

WHEREAS, on May 11, 2018 the City was notified by California Department of Transportation (Caltrans) that the City was awarded \$400,000 to prepare the City of Ontario Active Transportation Master Plan; and

WHEREAS, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be claimed through the Transportation Planning Grant Programs; and

WHEREAS, the City is required to enter into an agreement with Caltrans which will, in part, specify that the City provide a local match of \$51,824; and

WHEREAS, the City must specify, through a local resolution, who is authorized to sign the contract.

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

SECTION 1. The above recitals are true and correct, and are incorporated into this Resolution by reference as though fully set forth herein.



SECTION 2. The City Council hereby authorizes the City Manager to execute all Restricted Grant Agreements and any amendments thereto with the California Department of Transportation for the preparation of the City of Ontario Active Transportation Master Plan.

SECTION 3. This Resolution shall become effective upon its adoption.

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

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of July 2018.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018-    was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held July 3, 2018 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018-    duly passed and adopted by the Ontario City Council at their regular meeting held July 3, 2018.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: A MEMORANDUM OF UNDERSTANDING WITH THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FOR A GOHUMAN DEMONSTRATION EVENT IN DOWNTOWN ONTARIO**

**RECOMMENDATION:** That the City Council approve a Memorandum of Understanding (on file with the Records Management Department) with the Southern California Association of Governments (SCAG) for a GoHuman Demonstration Event in downtown Ontario; and authorize the City Manager to execute said agreement and future amendments.

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

Focus Resources in Ontario's Commercial and Residential Neighborhoods

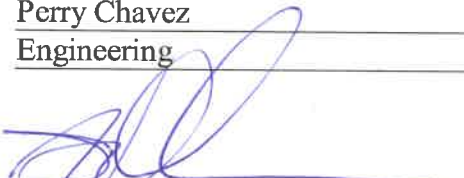
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** Under the Memorandum of Understanding's terms and conditions, the program and services are to be provided at no cost to the City. SCAG is the sponsor and implementing agency for the GoHuman program, and is solely responsible for the production of the GoHuman event and general oversight of the project.

**BACKGROUND:** GoHuman is a community outreach and advertising campaign to encourage safe walking and biking in the region. GoHuman events are funded by a \$2.5 million partnership between SCAG and Mobile Source Reduction Committee for non-infrastructure applications that were submitted during the 2016 Sustainability Planning Grant call.

The GoHuman Demonstration Event is a one day event to be held August 8, 2018 at Ontario Town Square in downtown to demonstrate and gain public input on potential transportation improvements. Event participants will engage temporary improvements such as curb bulbouts, sidewalk extensions, and a bike lane that, if built, will make downtown more accessible to all users. Participant surveys will provide the City with feedback regarding potential enhancements in downtown and the greater active transportation infrastructure needs of the community. Although the City is not directly funding the

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

Prepared by: Perry Chavez  
Department: Engineering  
City Manager:   
Approval: \_\_\_\_\_

Submitted to Council/O.H.A. 07/03/2018

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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event, the City is responsible for various tasks and services including traffic control plan, public outreach, and coordination with Caltrans. The City is also providing Ontario Town Square as the host location for this public event.

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: A CONSTRUCTION CONTRACT FOR THE 2018 PAVEMENT REHABILITATION PROJECT AND CDBG FUNDED ALLEY RECONSTRUCTION**

**RECOMMENDATION:** That the City Council approve the plans and specifications and award a construction contract (on file in the Records Management Department) to R.J. Noble Company of Orange, California, for the 2018 Pavement Rehabilitation Project and CDBG Funded Alley Reconstruction for the bid amount of \$5,472,532 plus a 4% contingency of \$218,902 for a total authorized amount of \$5,691,433; and authorize the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

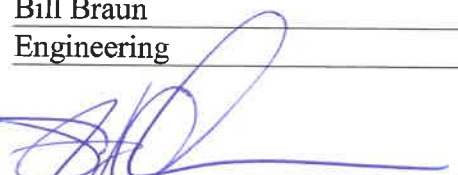
**COUNCIL GOALS:** Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Invest in the City's Infrastructure (Water, Street, Sewers, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Fiscal Year 2018-19 Adopted Operating Budget includes appropriations of \$4,575,000 from Measure I funds, \$860,000 from RMRA (SB1), \$97,000 from Gas Tax funds, and \$180,000 from Community Development Block Grant for a total budget of \$5,712,000 related to the Pavement Rehabilitation and CDBG Funded Alley Reconstruction Project. The total recommended expenditure authorization of \$5,691,433 consists of the bid amount of \$5,472,532 plus a 4% contingency of \$218,902. The 4% contingency is being included rather than a larger contingency because the bid results were just 4.3% under the available budgeted amount.

**BACKGROUND:** The scope of services for the 2018 Pavement Rehabilitation and CDBG Funded Alley Reconstruction Project includes cold planing, removal and replacement of damaged pavement, construction of Asphalt Rubber Hot Mix (ARHM) overlay, construction of ADA compliant access ramps, and placement of traffic striping, pavement markings, and raised markers.

The project locations include: rehabilitation of Taylor Place south of Francis Street (Project No. ST1604); Francis Street from W. Cucamonga Channel to Vineyard Avenue (Project No. ST1810); Holt Boulevard from Convention Center Way to Vineyard Avenue (Project No. ST1808); Jurupa Street

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

Prepared by: Bill Braun  
Department: Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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from Haven Avenue to Hofer Ranch Road (Project No. ST1805); Turner Avenue from Jurupa Street to South End just North of Mission Boulevard (ST1812); Cedar Street from Baker Avenue to Vineyard Avenue (ST1811); Philadelphia Street from San Antonio Avenue to Mountain Avenue (ST1806); Francis Street from San Antonio Avenue to Mountain Avenue (ST1807); San Antonio Avenue from Francis Street to the City Limit just south of Philadelphia Street (ST1809); Archibald Avenue from Inland Empire Boulevard to Fourth Street (ST1605); Fourth Street from Vineyard Avenue to Archibald Avenue (ST1813); Milliken Avenue from Jurupa Street to Airport Drive (ST1719); CDBG Funded Alley Reconstruction between Carlton Street & Belmont Street and between Plum Avenue & Sultana Avenue.

Location maps are attached for reference, Exhibits 1 through 13. This project will extend the lifespan of the streets by 15 to 20 years. It is anticipated that construction will start in July 2018 and be completed by December 2018.

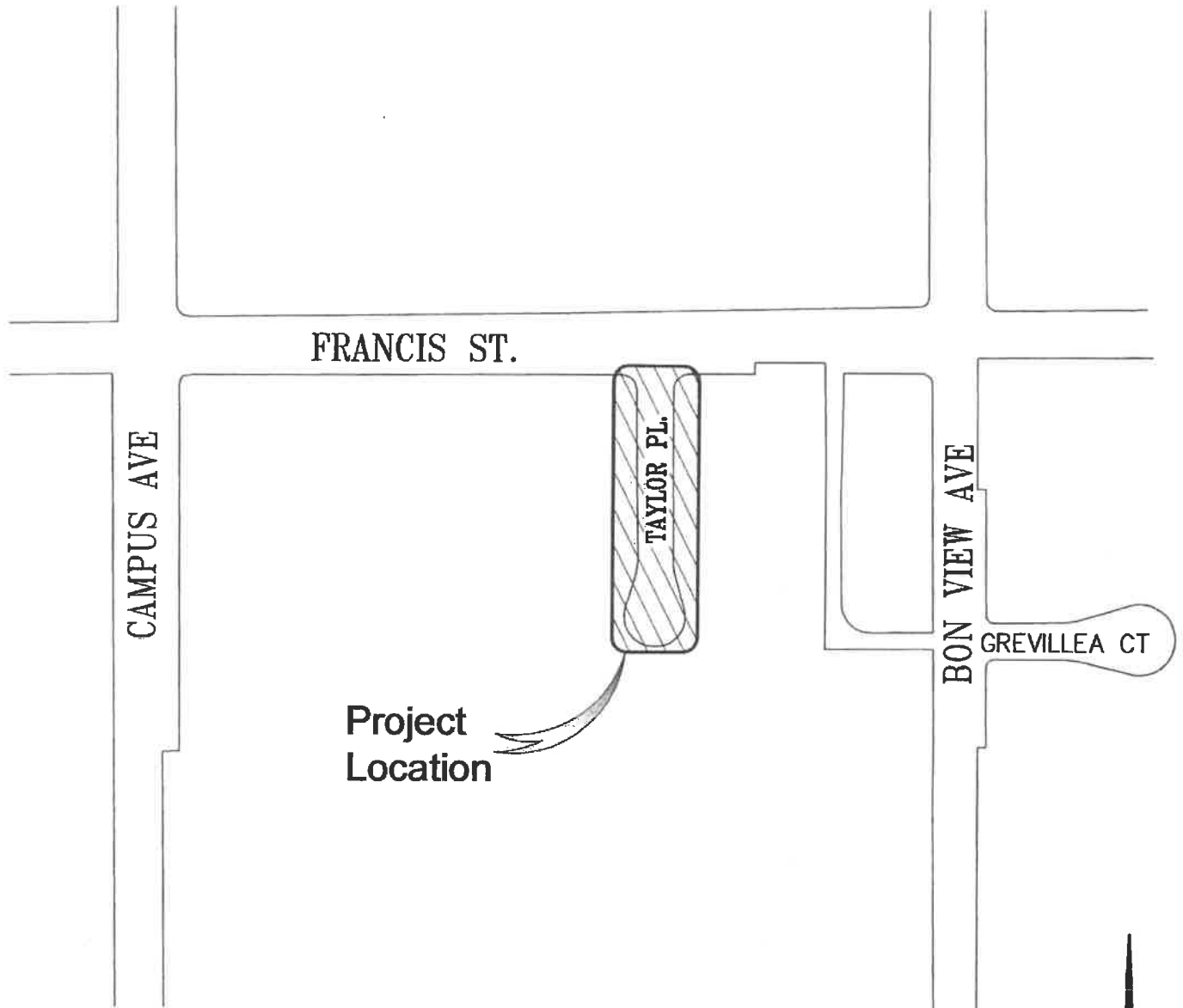
In June 2018, the City solicited bids for this project; and five bids were received. The bid results are:

<b>COMPANY</b>	<b>LOCATION</b>	<b>AMOUNT</b>
R. J. Noble Company	Orange, CA	\$ 5,472,531
All American Asphalt	Corona, CA	\$ 5,525,770
Sequel Contractors	Santa Fe Springs, CA	\$ 5,642,745
Hardy and Harper, Inc.	Santa Ana, CA	\$ 6,066,000
Sully–Miller Contracting	Brea, CA	\$ 6,152,000

R.J. Noble Company submitted the lowest responsive bid. R.J. Noble Company has previously performed similar work for the City of Ontario in a satisfactory manner.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were reviewed and staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to § 1501 (Class 1, Existing Facilities) of the State CEQA Guidelines.

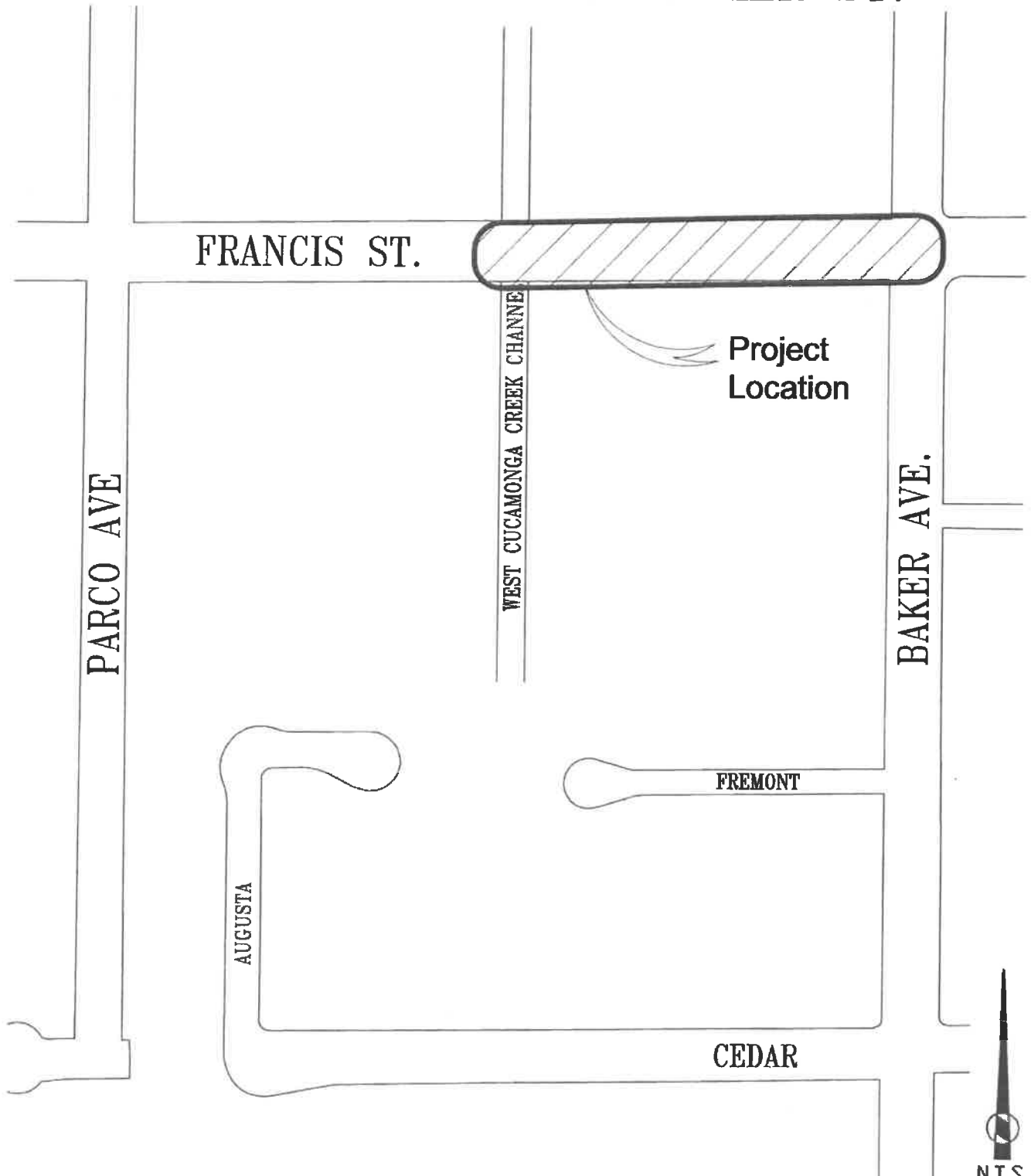
# TAYLOR PLACE PAVEMENT REHABILITATION Project No. 1604 FRANCIS ST. TO END



# FRANCIS STREET PAVEMENT REHABILITATION

Project No. ST1810

W. CCR CHANNEL TO BAKER ST.

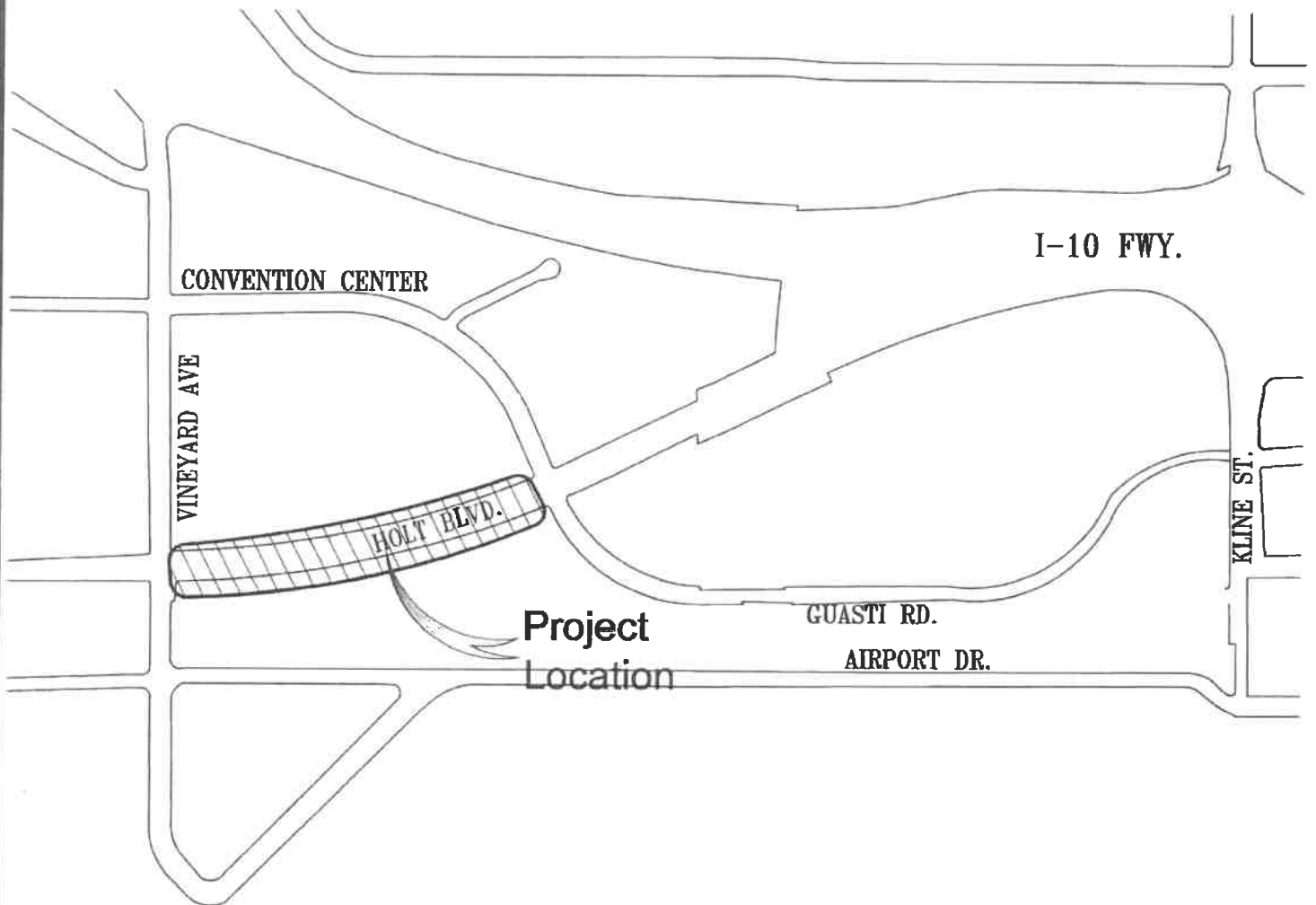




# HOLT BOULEVARD PAVEMENT REHABILITATION

Project No. 1808

CONVENTION CENTER WAY TO VINEYARD AVE.



# JURUPA STREET PAVEMENT REHABILITATION

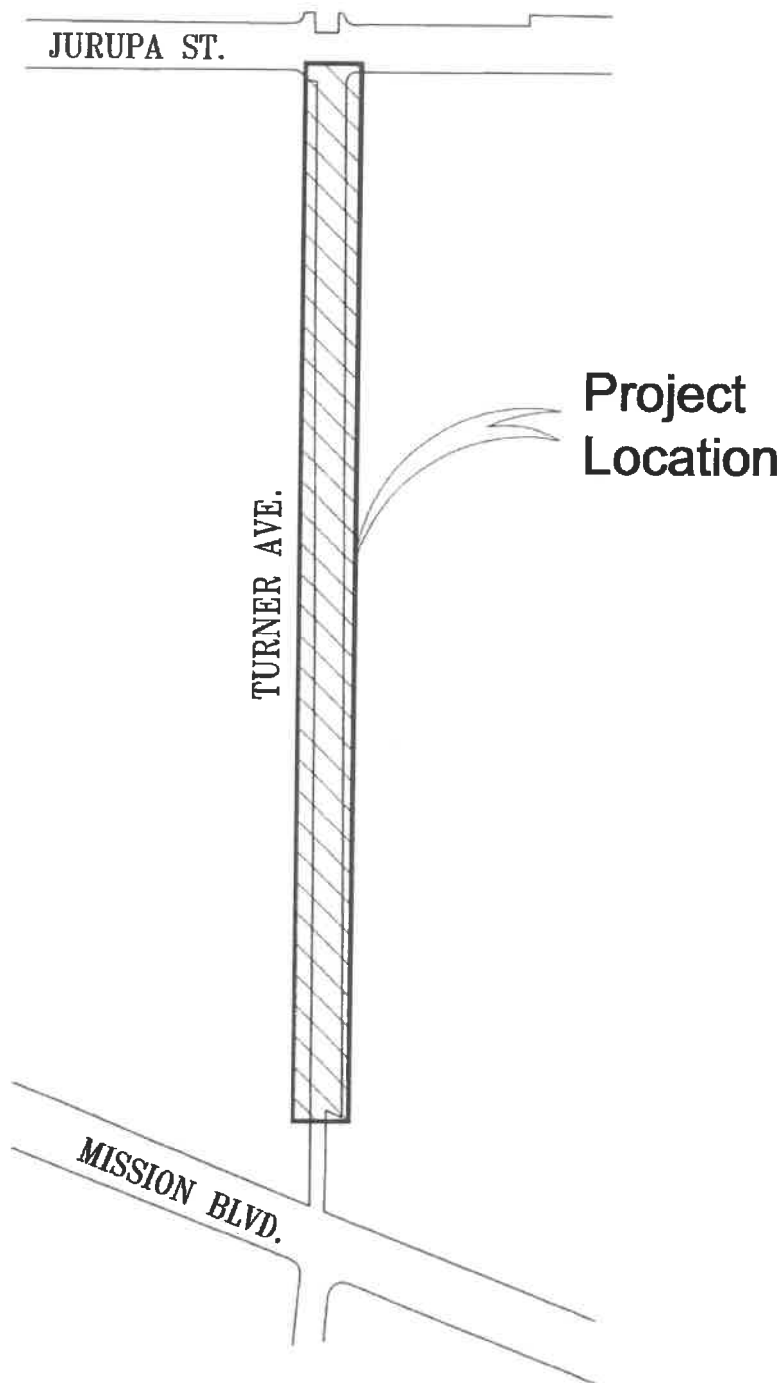
Contract No. ST1805

## HAVEN AVENUE TO HOFER RANCH ROAD



*N.T.S.*

# TURNER AVENUE PAVEMENT REHABILITATION Project No. ST1812 JURUPA ST. TO SOUTH END



# CEDAR STREET PAVEMENT REHABILITATION Project No. ST1811 BAKER AVE. TO VINEYARD AVE.

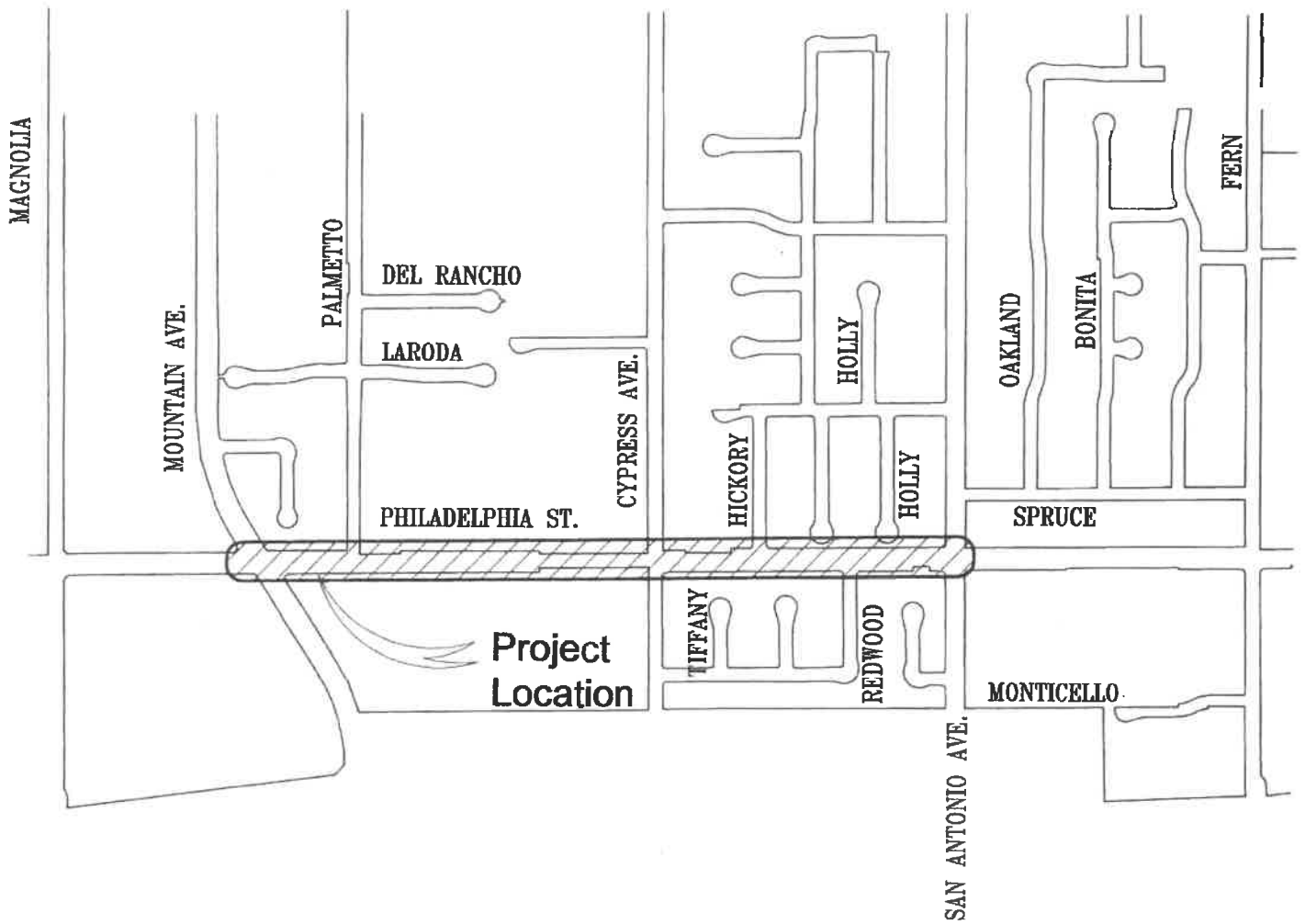


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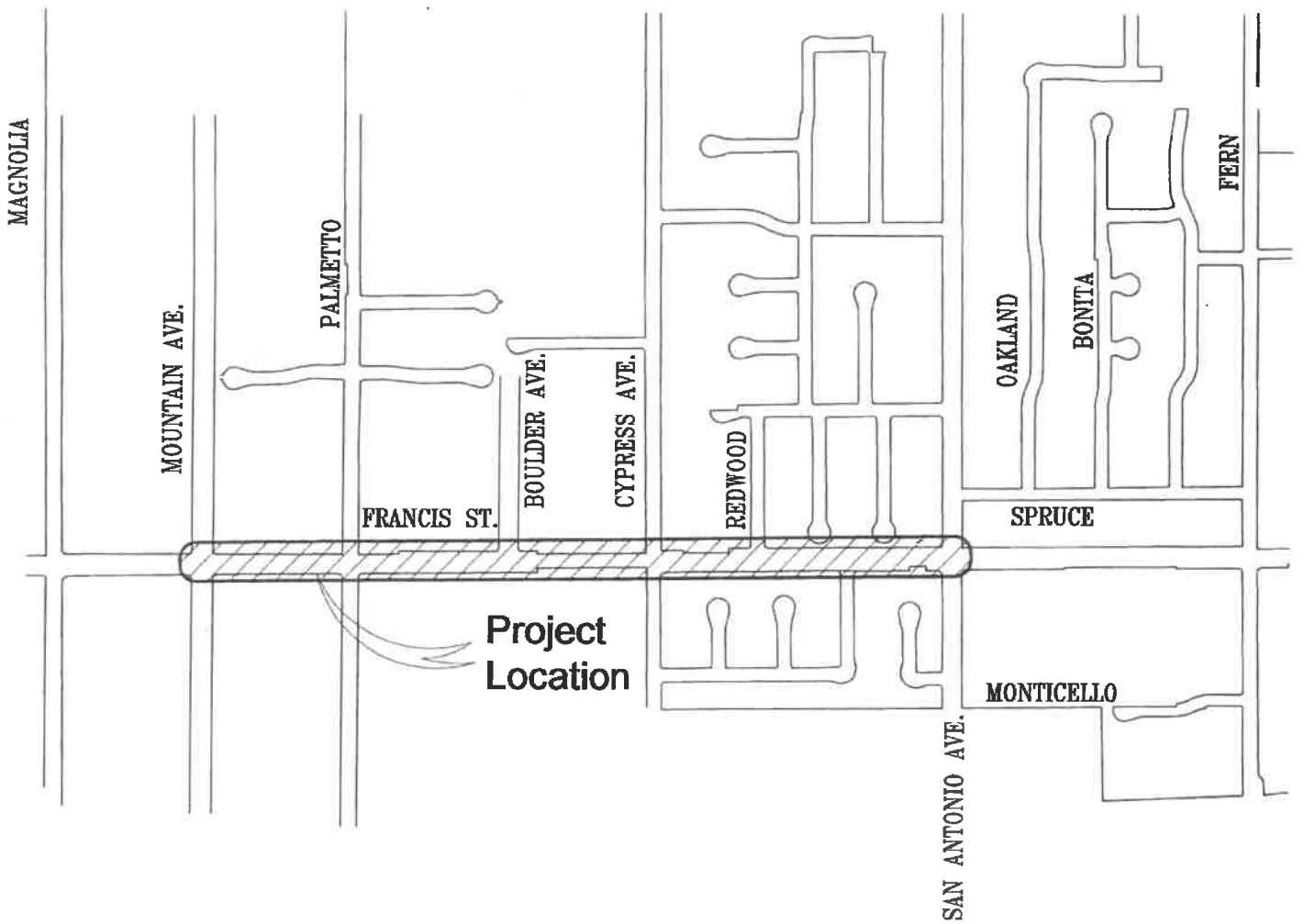
# PHILADELPHIA STREET PAVEMENT REHABILITATION

## Project No. ST1806

### SAN ANTONIO AVE AND MOUNTAIN AVE

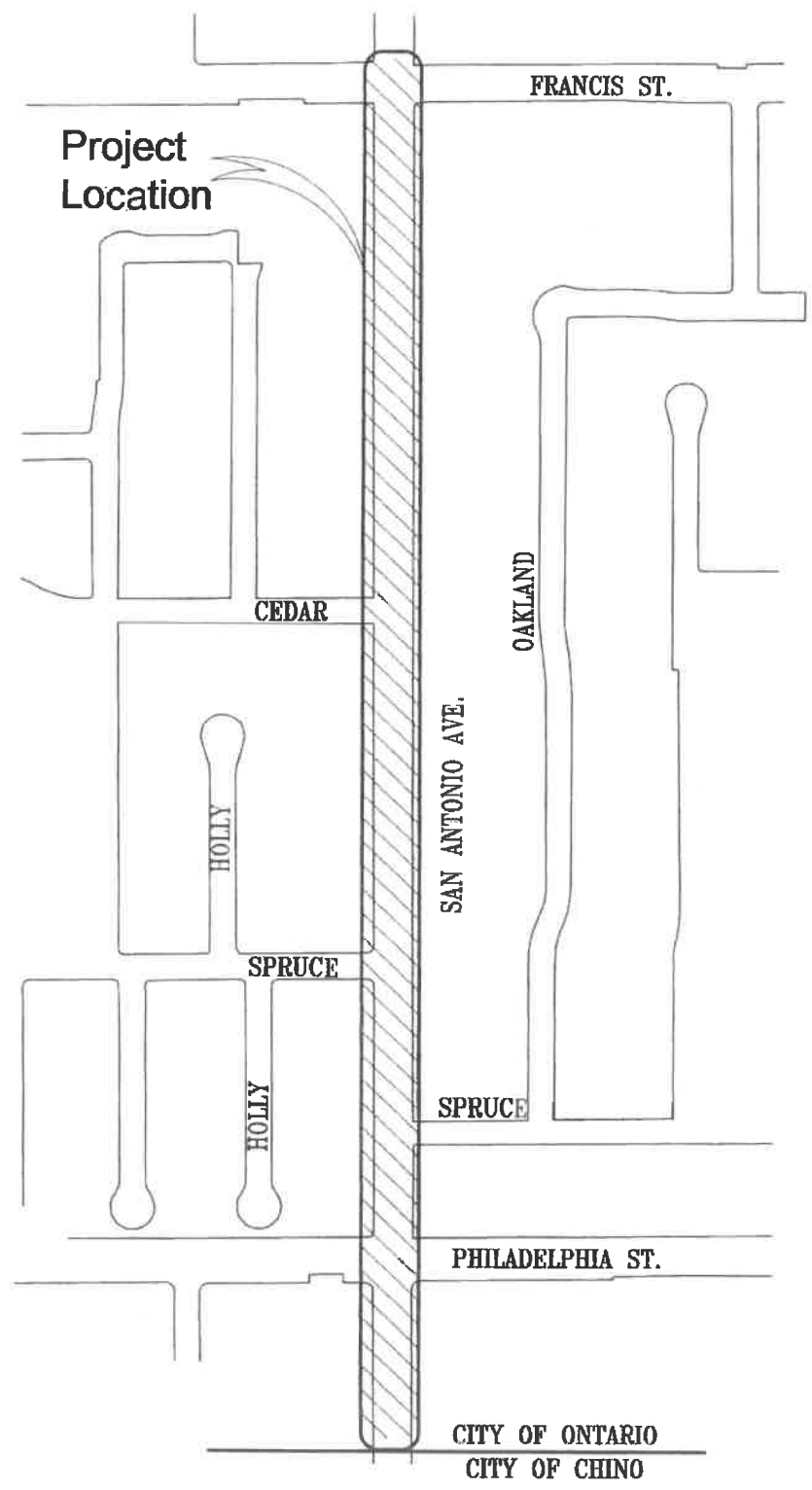


# FRANCIS STREET PAVEMENT REHABILITATION Project No. ST1807 MOUNTAIN AVE AND SAN ANTONIO AVE



N.T.S.

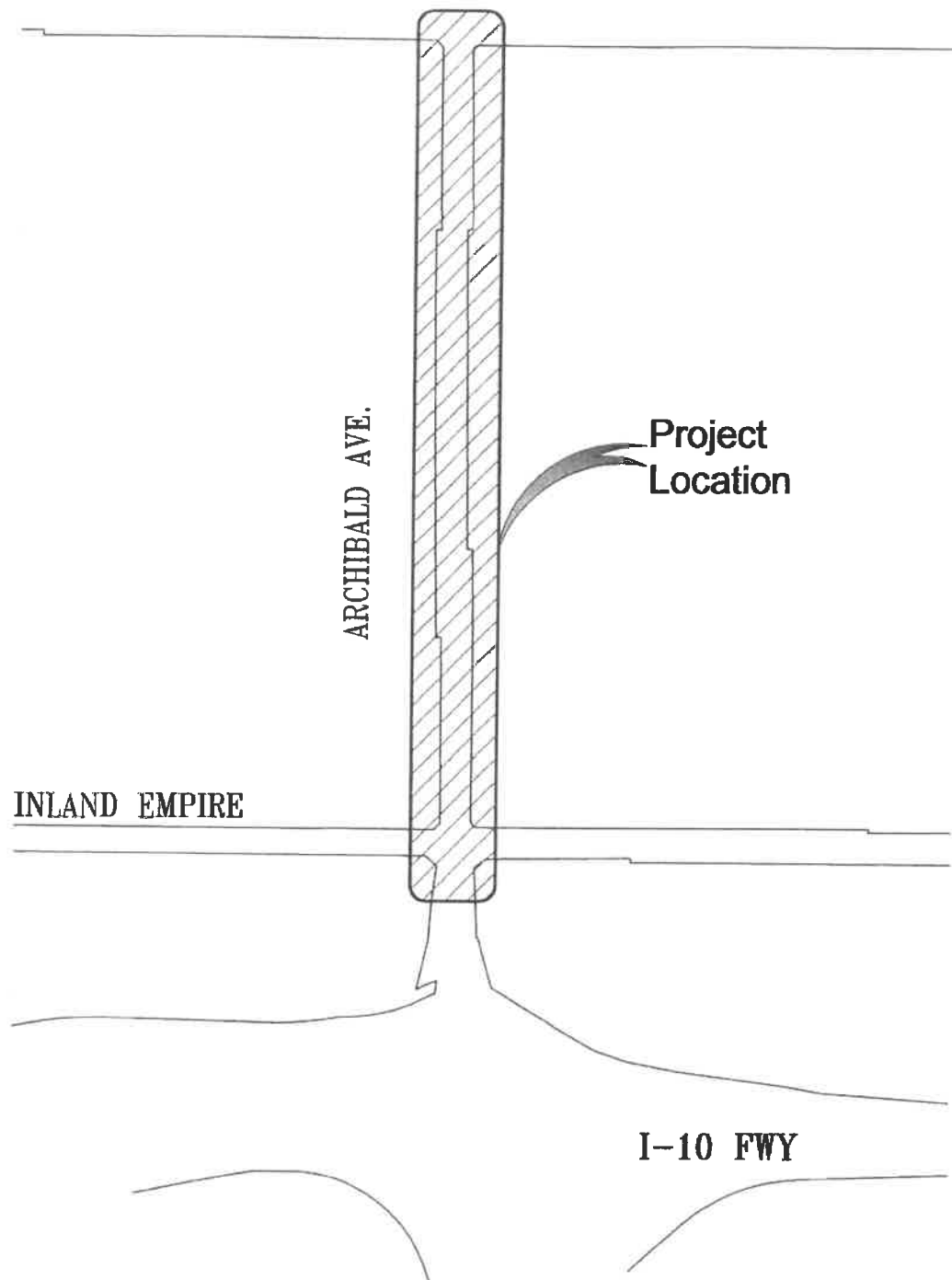
# SAN ANTONIO AVENUE PAVEMENT REHABILITATION Project No. ST1809 CITY LIMITS TO FRANCIS ST.



# ARCHIBALD AVENUE PAVEMENT REHABILITATION

Project No. ST1605

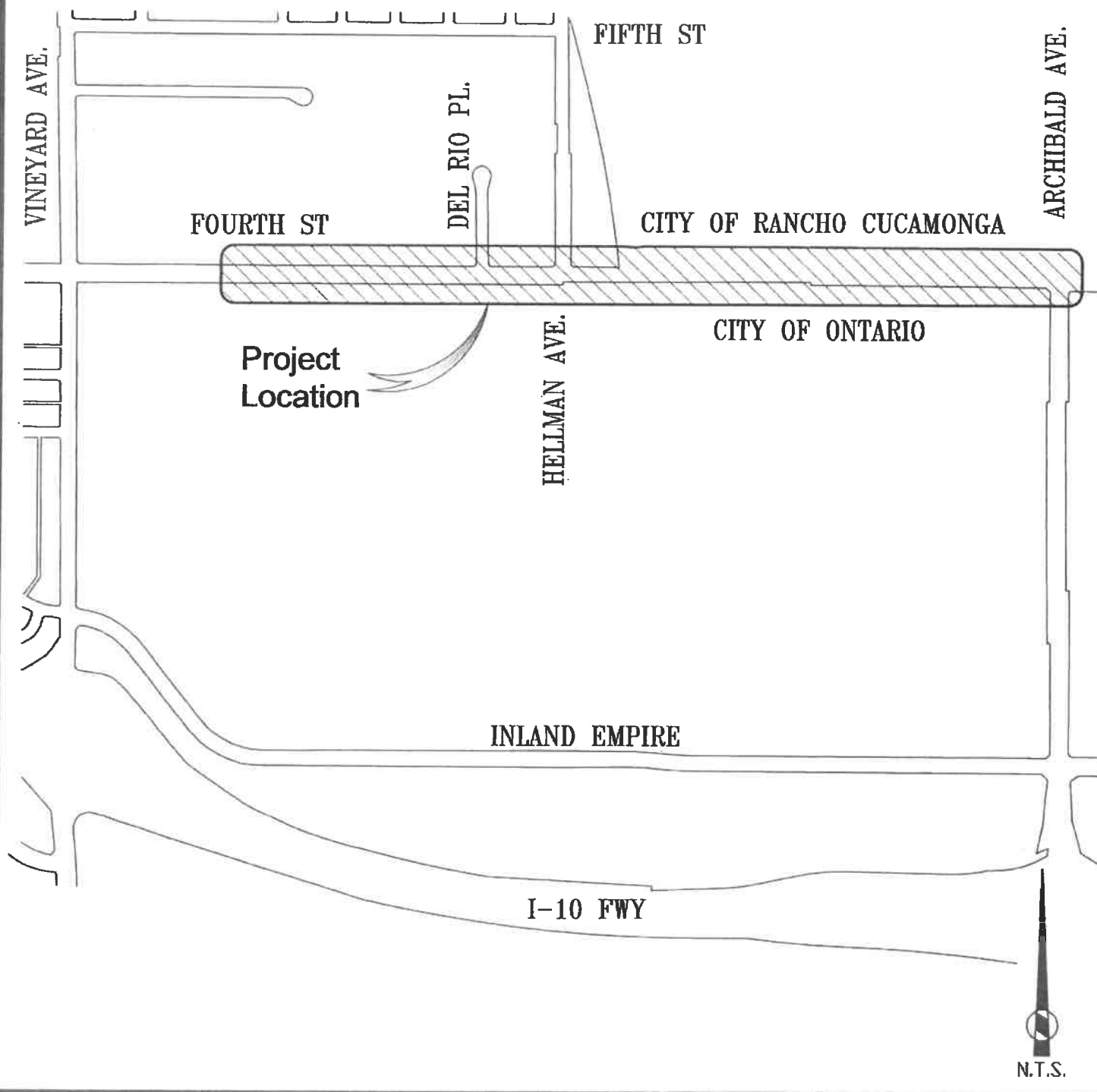
INLAND EMPIRE BLVD. TO FOURTH ST.  
FOURTH ST



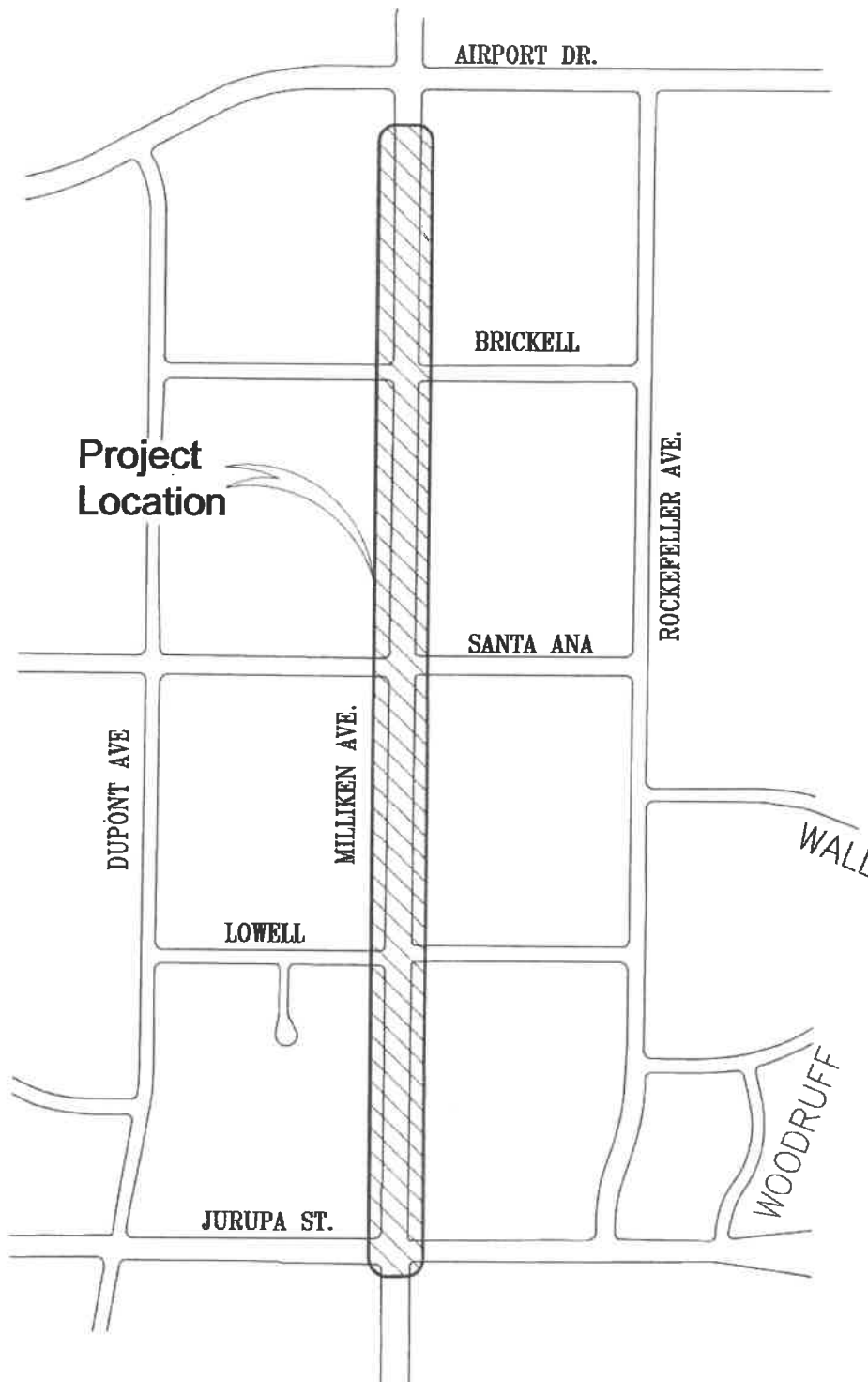
N.T.S.



# FOURTH STREET PAVEMENT REHABILITATION Project No. ST1813 VINEYARD AVE. TO ARCHIBALD AVE.



# MILLIKEN AVENUE PAVEMENT REHABILITATION Project No. ST1719 JURUPA ST. TO AIRPORT DR.

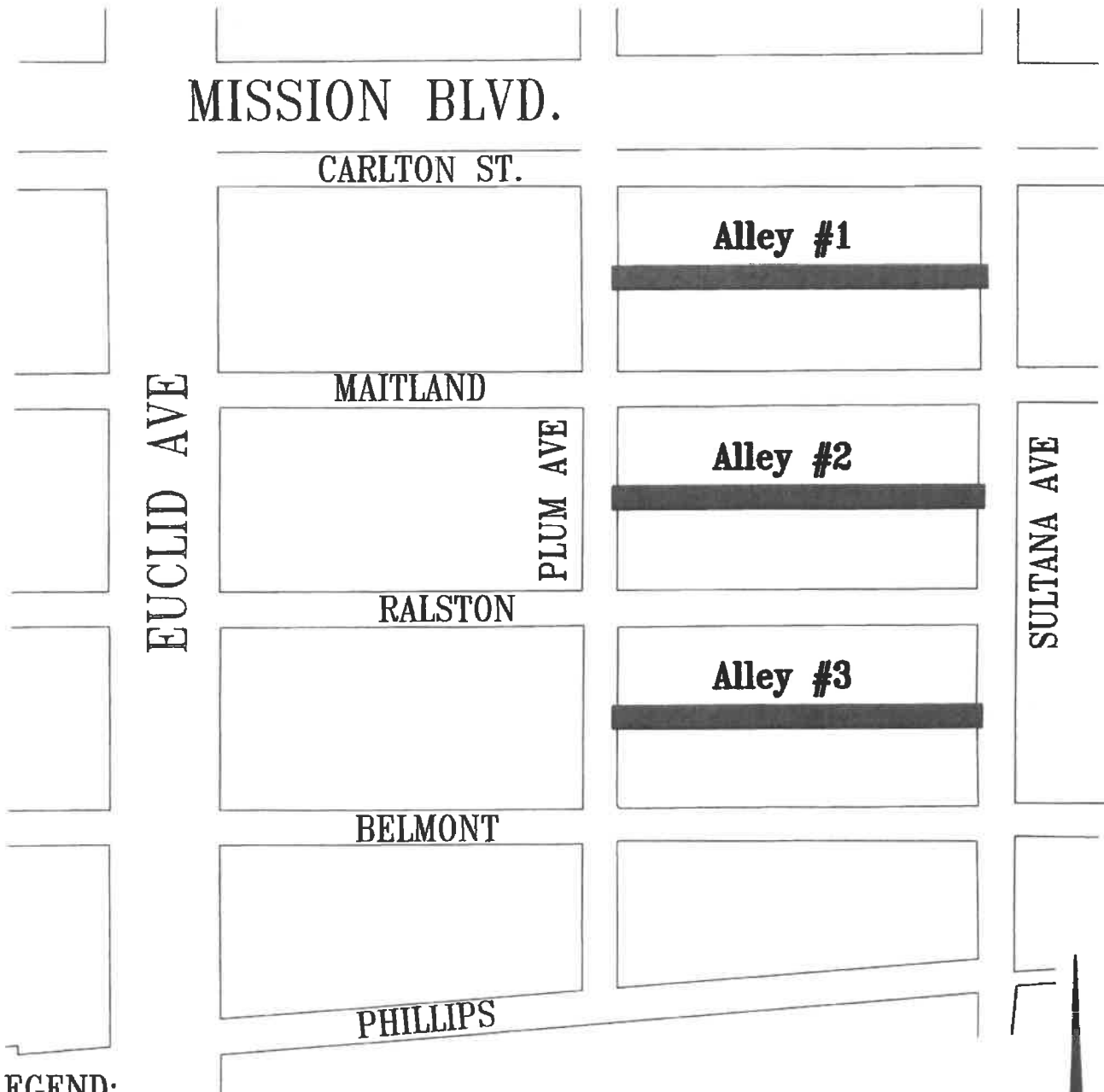


# EXHIBIT "A"

## CDBG ALLEY

### PAVEMENT REHABILITATION

SOUTH OF MISSION BLVD. & NORTH OF BELMONT ST.  
BETWEEN PLUM AVE. AND SULTANA AVE.



LEGEND:

 CDBG ALLEY PROJECT LOCATION



# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: ORDINANCES LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTH PARK AND COUNTRYSIDE) AND DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190)**

**RECOMMENDATION:** That the City Council consider and:

- (A) Adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 45 (Northpark and Countryside); and
- (B) Adopt an ordinance dissolving City of Ontario Community Facilities District No. 36 (Eucalyptus 190).

**COUNCIL GOALS: Operate in a Businesslike Manner**

**Focus Resources in Ontario's Commercial and Residential Neighborhoods**


**Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)**

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

**FISCAL IMPACT:** The use of Mello-Roos financing for facilities in the residential development of the Northpark and Countryside projects is estimated to generate approximately \$8 million to be used to help fund a portion of the public infrastructure improvements that will serve the projects, and approximately \$390,000 per year, at build out, to fund City services. As proposed, the services maximum annual tax rate on each of the detached units is \$1,622. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

**BACKGROUND:** At the public hearing conducted by the City Council on June 19, 2018, the Council adopted the resolutions of formation for Community Facilities District No. 45 (Northpark and Countryside); and they introduced and waived further reading of ordinances levying special taxes within

**STAFF MEMBER PRESENTING:** Grant D. Yee, Executive Director of Finance

Prepared by: Bob Chandler  
Department: Management Services  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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City of Ontario Community Facilities District No. 45 (Northpark and Countryside) and dissolving City of Ontario Community Facilities District No. 36 (Eucalyptus 190). Adoption of the ordinances will conclude the formation process for City of Ontario Community Facilities District No. 45 (Northpark and Countryside) and the dissolution of City of Ontario Community Facilities District No. 36 (Eucalyptus 190).

The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention to establish a community facilities district and levy special taxes, and to issue bonds. On May 15, 2018, the City Council approved Resolution No. 2018-041, a Resolution of Intention to establish City of Ontario Community Facilities District No. 45 (Northpark and Countryside) and authorize the levy of special taxes, and Resolution No. 2018-042, declaring its intention to issue bonds for the district. In conjunction with the formation of Community Facilities District No. 45 (Northpark and Countryside), the developer requested the dissolution of Community Facilities District No. 36 (Eucalyptus 190) in order to combine the units currently in that CFD with an additional 51 detached units from the Countryside project to form a single CFD for both projects. The process of combining the units from the two projects consists of forming a new district and dissolving the existing district. The Resolution of Intention set a public hearing date for the regularly scheduled City Council meeting of June 19, 2018 to consider formation matters. On June 19, 2018, the City Council adopted the Resolution of Formation and associated resolutions, establishing Community Facilities District No. 45 (Northpark and Countryside).

The Northpark project addresses the development of approximately 36 gross acres located generally west of Park Place Avenue, east of Archibald Avenue, south of Eucalyptus Avenue, and north of Parkview Street. The Countryside project addresses the development of approximately 9 gross acres located west of Archibald Avenue, east of Cucamonga Creek Channel, south of Riverside Drive, and north of Chino Avenue. At build out, the projects are expected to include 241 detached residential units. The Community Facilities District is being formed pursuant to the provisions of the KB Home California and KB HOME Coastal Development Agreements, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

WHEREAS, on May 15, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District, Proposed to be Named City of Ontario Community Facilities District No. 45 (Northpark and Countryside), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on June 19, 2018, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 45 (Northpark and Countryside), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 45 (Northpark and Countryside)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 45 (Northpark and Countryside)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on June 19, 2018, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The

special taxes are hereby levied commencing in fiscal year 2018-19 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of July 2018.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY



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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3105 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 19, 2018 and adopted at the regular meeting held July 3, 2018 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3105 duly passed and adopted by the Ontario City Council at their regular meeting held July 3, 2018 and that Summaries of the Ordinance were published on June 26, 2018 and July 10, 2018, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DISSOLVING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190).

WHEREAS, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), previously established City of Ontario Community Facilities District No. 36 (Eucalyptus 190) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, the qualified electors of the Community Facilities District authorized the levy of special taxes (the "Special Taxes") within the Community Facilities District to finance certain public facilities (the "Facilities") and certain public services (the "Services"); and

WHEREAS, pursuant to the Act, a Notice of Special Tax Lien with respect to the Community Facilities District was recorded in the Office of the County Recorder of the County of San Bernardino on January 20, 2016, as Instrument No. 2016-0022216 (the "Notice of Special Tax Lien"); and

WHEREAS, no debt has been incurred by the Community Facilities District; and

WHEREAS, the owner of 100% of the land in the Community Facilities District (the "Landowner") has submitted a written request that the Facilities and Services not be financed with the Special Taxes and that the Community Facilities District be dissolved pursuant to Section 53338.5 of the Act; and

WHEREAS, such written request of the Landowner has been granted and the City Council has determined that no Facilities are to be financed by the Community Facilities District; and

WHEREAS, such written request of the Landowner has been granted and the City Council has determined that no Services are to be financed by the Community Facilities District; and

WHEREAS, as no Facilities and no Services are to be financed, the Community Facilities District has no authorization to levy the Special Taxes; and

WHEREAS, the City Council desires to dissolve the Community Facilities District pursuant to Section 53338.5 of the Act; and

WHEREAS, in connection with the formation of the Communication Facilities District, the City and Richland Ontario Developers, LLC ("Richland"), entered into that Acquisition and Funding Agreement, dated as of January 19, 2016 (the "Acquisition Agreement"); and

WHEREAS, all of Richland's rights, title, interest, benefits, privileges, duties and obligations arising under or from the Acquisition Agreement were assigned to the Landowner; and

WHEREAS, upon the dissolution of the Community Facilities District, the Acquisition Agreement will be of no force and effect;

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

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

SECTION 2. The City Council hereby finds and determines that the Community Facilities District is not obligated to pay any outstanding debt.

SECTION 3. The City Council hereby finds and determines that the Community Facilities District has no authorization to levy the Special Taxes.

SECTION 4. The Community Facilities District is hereby dissolved.

SECTION 5. The City Clerk of the City is hereby directed to cause to be recorded with the County Recorder of the County of San Bernardino an addendum to the Notice of Special Tax Lien, which shall state that the Community Facilities District and all associated liens, if any, have been dissolved.

SECTION 6. The officers, employees and agents of the City are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Ordinance and not inconsistent with the provisions hereof.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of July 2018.

---

PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3106 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 19, 2018 and adopted at the regular meeting held July 3, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3106 duly passed and adopted by the Ontario City Council at their regular meeting held July 3, 2018 and that Summaries of the Ordinance were published on June 26, 2018 and July 10, 2018, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES)**

**RECOMMENDATION:** That the City Council consider and adopt an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services).

**COUNCIL GOALS:** Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

**FISCAL IMPACT:** The use of Mello-Roos financing for services in the non-residential development of the Colony Commerce Center West I project is estimated to generate approximately \$387,000 per year, at build out, to fund City services. The use of Mello-Roos financing for the Colony Commerce Center West I development will not generate funds for facilities, at this time, and bonds will not be issued as part of this formation.

**BACKGROUND:** The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to finance various kinds of government services. On May 15, 2018, the City Council, in accordance with the Mello-Roos Act, took the initial steps in the formation of Community Facilities District No. 47 (Colony Commerce Center West I Services) with the adoption of Resolution No. 2018-043, declaring the City's intention to establish the district and to authorize the levying of special taxes in the district. On June 19, 2018, the City Council conducted the public hearing, adopted the resolution of formation for the District, and introduced and waived further reading of the ordinance authorizing the levy of special taxes within City of Ontario Community

**STAFF MEMBER PRESENTING:** Grant D, Yee, Executive Director of Finance

Prepared by: Bob Chandler  
Department: Management Services  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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Facilities District No. 47 (Colony Commerce Center West I Services). Adoption of the ordinance will conclude the formation process for the District.

The Colony Commerce Center West I project addresses the non-residential development of approximately 66 gross acres located north of Remington Avenue, generally south of Merrill Avenue, east of Carpenter Avenue and west of Cucamonga Channel. At build out, the development is projected to include 1,289,292 square feet.

Included, as part of the resolutions of intention and formation, is the proposed Rate and Method of Apportionment of Special Tax for City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services). The terms of the Rate and Method of Apportionment of Special Tax are consistent with the City Council's adopted Mello-Roos local goals and policies, and City staff have discussed the proposed Rate and Method of Apportionment of Special Tax with the landowner.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES).

WHEREAS, on May 15, 2018, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "A Resolution of the City Council of the City of Ontario, California, of Intention to Establish a Community Facilities District Proposed to be Named City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services) (the "Community Facilities District") and to finance certain services (the "Services"); and

WHEREAS, on June 19, 2018, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation") and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services)," which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on June 19, 2018, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2018-19 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.



SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

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

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of July 2018.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3107 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 19, 2018 and adopted at the regular meeting held July 3, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3107 duly passed and adopted by the Ontario City Council at their regular meeting held July 3, 2018 and that Summaries of the Ordinance were published on June 26, 2018 and July 10, 2018, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: ADOPTION OF PROPOSED AMENDMENT TO THE 2002 ADOPTED STREET TREE MASTER PLAN**

**RECOMMENDATION:** That the City Council adopt the proposed amendment to the 2002 Adopted Street Tree Master Plan (on file with the Records Management Department).

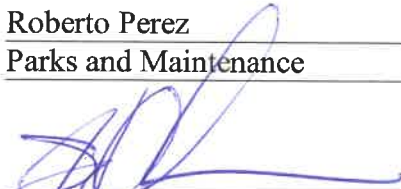
**COUNCIL GOALS:** Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)  
Ensure the Development of a Well Planned, Balanced and Self-Sustaining Community in Ontario Ranch

**FISCAL IMPACT:** There is no direct cost associated with adoption of this plan. The review of annual maintenance and replacement levels will continue to be a part of the City's annual baseline budget and will be adjusted in future fiscal years in accordance with City needs and priorities as established by the City Council.

**BACKGROUND:** In 2015 and 2016, California endured unprecedented drought conditions. During that time, staff initiated an update to the Adopted Street Tree Master Plan with a goal of reducing long term costs by incorporating drought tolerant species and better tree inventory management practices. Trees are an essential aspect of the landscape and infrastructure in the City, and they play a tremendous role in shaping the way residents see their community. Proper planting of more trees and caring for our existing trees can help assure a healthy urban forest for generations to come. Trees offer many benefits: the shade and cooling of streets; the habitat provided for local fauna; and the grace and beauty added to the urban environment. However, planting and maintaining street trees requires a coordinated approach and needs adjustments from time to time to adapt to changing environmental concerns such as, but not limited to, climate, pests, diseases and tree availability.

The main revisions to the Adopted Street Tree Master Plan include updates to the species palette, referenced within the Executive Summary (pages 4-6) of the proposed amendment to the Street Tree Master Plan, and to the tree inventory to accommodate the City's concerns with a changing

**STAFF MEMBER PRESENTING:** Mark Chase, Executive Director, Public Works Agency

Prepared by: Roberto Perez  
Department: Parks and Maintenance  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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environment, to increase public safety and efficiency, facilitate short and long-term planning needs, and establish standard documentation.

Decisions to remove twenty-five (25) species from the Adopted Street Tree Master Plan and add twenty-nine (29) species to the palette were based on the following:

- Climate change
- Changes to future growing zones
- Likelihood of continued droughts and the impact on current tree inventories as well as the need for a climate ready species
- Tree mortality numbers as it relates to drought, pests and diseases caused by climate change
- Heat islands and effects on trees
- Pest/disease vulnerability of trees
- Drought tolerance of trees
- Wind tolerance of trees
- Potential for root damage
- Studies done with climate ready trees

A sampling of the tree species added are as follows:

- Four species of Acacia trees including Sweet and Willow Acacias
- Six species of Oak trees including Blue, Island and Cathedral Oaks
- Texas Olive
- Red Cap Gum
- Scotch and Torrey Pines
- Desert Museum Palo Verde
- Two species of Sycamore trees including Mexican and Arizona
- Texas Mountain Laurel

A collaborative effort between Parks and Maintenance, Planning, Engineering and outside stakeholders resulted in the proposed amendment to the Street Tree Master Plan that links and integrates City plans, policies, goals, programs and initiatives relevant to trees. Adoption of the proposed amendment to the Street Tree Master Plan will help establish a sound framework for the selection, use and maintenance of trees, and will provide better tools for the planning and budgeting of future tree planting projects.

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDER

**SUBJECT: AN ARCHITECTURAL SERVICES AGREEMENT FOR THE RENOVATION OF THE CORE AND SHELL OF 404 NORTH EUCLID AVENUE**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute an Architectural Services Agreement D&C17-004-400 Blk. Euclid Ave (on file in the Records Management Department) with Brereton Architects, Inc., of San Francisco, California, for an amount not to exceed \$175,578 plus a contingency of \$17,558 for a total of \$193,136, to complete the design and renovation of 404 North Euclid Avenue.

**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

**FISCAL IMPACT:** The Adopted Fiscal Year 2018-19 Operating Budget includes appropriations from the Capital Project and Information Technology Funds to complete design services for the 404 North Euclid Avenue Renovation project. The proposed Architectural Services Agreement with Brereton Architects, Inc. is for \$175,578, plus a 10% contingency of \$17,558 for a total amount of \$193,136.

**BACKGROUND:** In January of 2017, the City completed the purchase of the commercial properties located at 404-424 North Euclid Avenue. As staff began to analyze potential uses of the space and how to generate business activity in downtown, work began with the WESEE Collective, LLC to develop an office space concept that would support and grow existing small businesses, help budding entrepreneurs create new businesses, and foster technology innovation in the commerce and logistics sector. These efforts have culminated in the opportunity to establish a Business Incubator, Accelerator, Co-working space, coffee shop and beer taproom in the heart of the historic downtown Euclid Avenue District: "4<sup>th</sup> Sector Innovations at 404" (404). Such developments have been very successful in the cities of Austin, Texas and St. Louis, Missouri.

**STAFF MEMBER PRESENTING:** Mark Chase, Executive Director, Public Works Agency

Prepared by: David Simpson  
Department: Design & Construction  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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In May 2017, the City solicited proposals for architectural design services to develop interior and exterior concepts for commercial space at 404 and 414 North Euclid Avenue. The following architectural firms submitted proposals:

<u>Vendor</u>	<u>Location</u>
Brereton Architects, Inc.	San Francisco, CA
HMC Architects	Ontario, CA
Clive Wilkinson Architects	Culver City, CA
Robert Borders & Associates	Newport Beach, CA

Staff reviewed each firm's proposal on criteria that includes, understanding of the scope of work and purpose, technical/specialized qualifications of the team, experience of key personnel with similar, ability to deliver a quality project in timely manner and development of a successful theme/design concept based on Downtown Ontario Design Guidelines. Based on proposal, credentials, pricing and favorable experience renovating similar properties, such as the 101,000 square foot Pinterest Headquarters in San Francisco, the 10,500 square foot renovation of Basic American Foods office and show kitchen in Walnut Creek, California, and their creative application, staff recommends award of an Architectural Services Agreement to Brereton Architects, Inc.

Brereton's proposal of \$175,578 (plus a ten percent contingency of \$17,558) is within industry standards and staff recommends approval. Construction is expected to begin in the fall of 2018 and be complete in the spring of 2019.

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT:** A SPECIFIC PLAN (WEST ONTARIO COMMERCE CENTER) REQUEST (FILE NO. PSP16-002) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18)

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving the West Ontario Commerce Center Specific Plan (File No. PSP16-002).

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

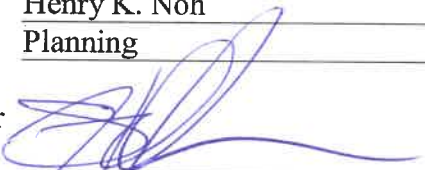
Operate in a Businesslike Manner

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

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

**FISCAL IMPACT:** Adoption of the West Ontario Commerce Center Specific Plan would result in both short and long-term fiscal impacts to the City. Short-term impacts include infrastructure improvements to serve the new business park and industrial development. The cost of these improvements is included in the Nexus Study and Development Impact Fees previously adopted by the City Council. The developer will be required to install improvements or pay the Development Impact Fees ("DIF") associated with the various improvements. Long-term fiscal impacts include the ongoing operations and maintenance services (police, fire, maintenance, etc.) necessary to serve the new development. While the development will result in increased property tax revenue, the increase is not sufficient to cover the cost of services associated with the project. To address this shortfall, the

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director, Development Agency

Prepared by: Henry K. Noh  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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developer will be required to form and/or join a Community Facilities District (“CFD”) to cover the additional public service costs. No Original Model Colony dollars will be used to fund this Ontario Ranch development.

**BACKGROUND:** One June 19, 2018 the City Council introduced and waived further reading of an ordinance approving the Specific Plan. The Ontario Plan (TOP) Policy Plan (General Plan) provides the basic framework for development within the 8,200-acre area commonly referred to as Ontario Ranch. The Policy Plan requires City Council approval of a Specific Plan for new developments within Ontario Ranch. A Specific Plan is required to ensure that sufficient land area is included to achieve cohesive, unified districts and neighborhoods. Additionally, a Specific Plan is required to incorporate a development framework for detailed land use, circulation, infrastructure improvements (such as drainage, sewer, and water facilities), provision for public services, and urban design and landscape standards.

**WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN:** The West Ontario Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. The West Ontario Commerce Center Specific Plan establishes the procedures and requirements to approve new development within the project site to ensure that TOP Policy Plan goals and policies are achieved.

Land Use Plan — The West Ontario Commerce Center Specific Plan consists of two Planning Areas that will accommodate a variety of commercial, office, technology, light manufacturing, and warehouse/distribution uses. The Land Use Plan implements the vision of TOP by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions.

The Specific Plan identifies the land use intensity anticipated in two proposed planning areas (**Exhibit A: Land Use Map**). The Specific Plan is proposing a maximum 0.60 Floor Area Ratio (FAR) within the Business Park land use designation (Planning Area 1) and 0.55 FAR within the General Industrial land use designation (Planning Area 2). The proposed FAR’s for each of the Planning Areas is consistent with the Policy Plan Land Use designations for Business Park and Industrial.

The Specific Plan proposes the potential development of up to 2,905,510 square feet of industrial and business park development. Planning Area 1, located along the northern portion of the Specific Plan area, is 21 acres in size and can potentially be developed with 555,505 square feet of business park development. In addition, buildings within the Business Park land use area that front onto a public right-of-way shall not exceed 100,000 square feet in size. Planning Area 2, located along the southern portion of the Specific Plan is 98 acres in size and can potentially be developed with 2,350,005 square feet of industrial development (**Exhibit B: Land Use Summary Table**).

Design Guidelines — The design theme and concept for the West Ontario Commerce Center Specific Plan was created to ensure a high quality and cohesive design structure for the Specific Plan. The guidelines, within the Specific Plan, are intended to ensure a cohesive and attractive development that meets the following objectives:

- Demonstrates that the West Ontario Commercial Center is a high quality development that complements and integrates into the community and adds value to the City.

- Creates a functional and sustainable place that ensures that the West Ontario Commerce Center is competitive regionally and appropriate for the Ontario Ranch community.
- Illustrates through site planning the distinctive characteristics of the two districts of the land use plan: Business Park District (Planning Area 1) and General Industrial District (Planning Area 2).
- Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, builders, architects, landscape architects, and other professionals preparing plans for construction.
- Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the West Ontario Commerce Center.
- Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- Implements the goals and policies of The Ontario Plan and the intent of the Ontario Development Code.

The Planning Areas within the West Ontario Commerce Center are designed to be architecturally consistent yet distinct through use and circulation. The Design Guidelines have been established to promote high-quality architecture as required by the Ontario Development Code and The Ontario Plan (TOP). The proposed architectural theme of the Specific Plan will provide buildings that incorporate a Contemporary Architectural style and the two planning areas shall be compatible and complement one another. The design guidelines of the Specific Plan will require all buildings to provide a recognizable base, body, roofline and entry. The Specific Plan provides examples of the type of industrial and business park concepts that is envisioned to be constructed within the Specific Plan.

All buildings shall be designed to highlight the primary entryways by incorporating special materials, visual relief, massing, and shading. Additionally, the facades that front onto a public street shall incorporate vertical and horizontal articulation, and material changes that will assist in enhancing these elevations and providing visual interest from the public view.

Circulation Concept — The circulation plan for the Specific Plan reinforces the objective of moving vehicles, pedestrians, cyclist, and public transit safely and efficiently through and around the project. The Specific Plan establishes the hierarchy and general location of roadways within the West Ontario Commerce Center Specific Plan. Future traffic signals will be constructed at the following four major intersections:

1. Hellman Avenue and Eucalyptus Avenue;
2. Hellman Avenue and Merrill Avenue;
3. Carpenter Avenue and Eucalyptus Avenue; and
4. Carpenter Avenue and Merrill Avenue.

Additionally, primary access into the business park development will be provided along Eucalyptus Avenue to the north and Carpenter Avenue to the west. Primary access into the industrial

development will be provided along Hellman Avenue, Carpenter Avenue to the west and Merrill Avenue to the south.

Landscape Design — The landscape design theme for the West Ontario Commerce Center Specific Plan encourages landscape materials and designs that enhance the aesthetics of the structure, create and define public and private spaces, and provide shade and environmental benefits. Table 5.1 of the West Ontario Commerce Center Specific Plan identifies the plant material and trees to be used within parking lots, along street parkways, within sign monument areas, and adjacent to buildings. Additionally, the Specific Plan establishes the overall landscape coverage for the project and the landscape setbacks along the perimeter streets and interior property lines.

Infrastructure and Services — The backbone infrastructure to serve all areas of the Specific Plan will be installed by the developers in accordance with the Ontario Ranch (New Model Colony) Master Plans for streets, water (including recycled water), sewer, storm drain, and fiber optic facilities. Natural gas will be provided by The Gas Company and electricity by SCE. Development of the project requires the installation by the developer of all infrastructure necessary to serve the project as a standalone development.

**CONDITIONS AND CONTINGENCIES:** Prior to City Council approval of the Tentative Cancellation, the City Council must review and approve the West Ontario Commerce Center Specific Plan Environmental Impact Report. In addition, the following Conditions and Contingencies will be required to be satisfied upon tentative approval by the City Council. All applicable conditions must be satisfied within one year of the date of recording of the Certificate of Tentative Cancellation. Conditions and contingencies include:

1. Upon approval, a Certificate of Tentative Cancellation must be recorded with the County Clerk;
2. Payment in full of the Penalty Fee. Together with a statement stating that unless the fee is paid, or a Certificate of Cancellation of Contract is issued within one year from the date of the recording of the Certificate of Tentative Cancellation, the fee shall be recomputed;
3. Obtain all approvals necessary (including Specific Plan, EIR adoption, and Tentative Map(s) to commence the specified alternative use; and
4. Within 30 days of satisfaction of the conditions, the City must execute and record a Certificate of Final Cancellation of the contract.

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

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65450-65457) permits the adoption and administration of specific plans as an implementation tool for elements contained in the local General Plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the General Plan. The West Ontario Commerce Center Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy

Plan (General Plan). The policy analysis in Chapter 7.0 “General Plan Consistency” of the Specific Plan describes the manner in which the West Ontario Commerce Center Specific Plan complies with the Policy Plan goals and policies.

**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:** The project site is located within the Airport Influence Area of the Ontario International Airport (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

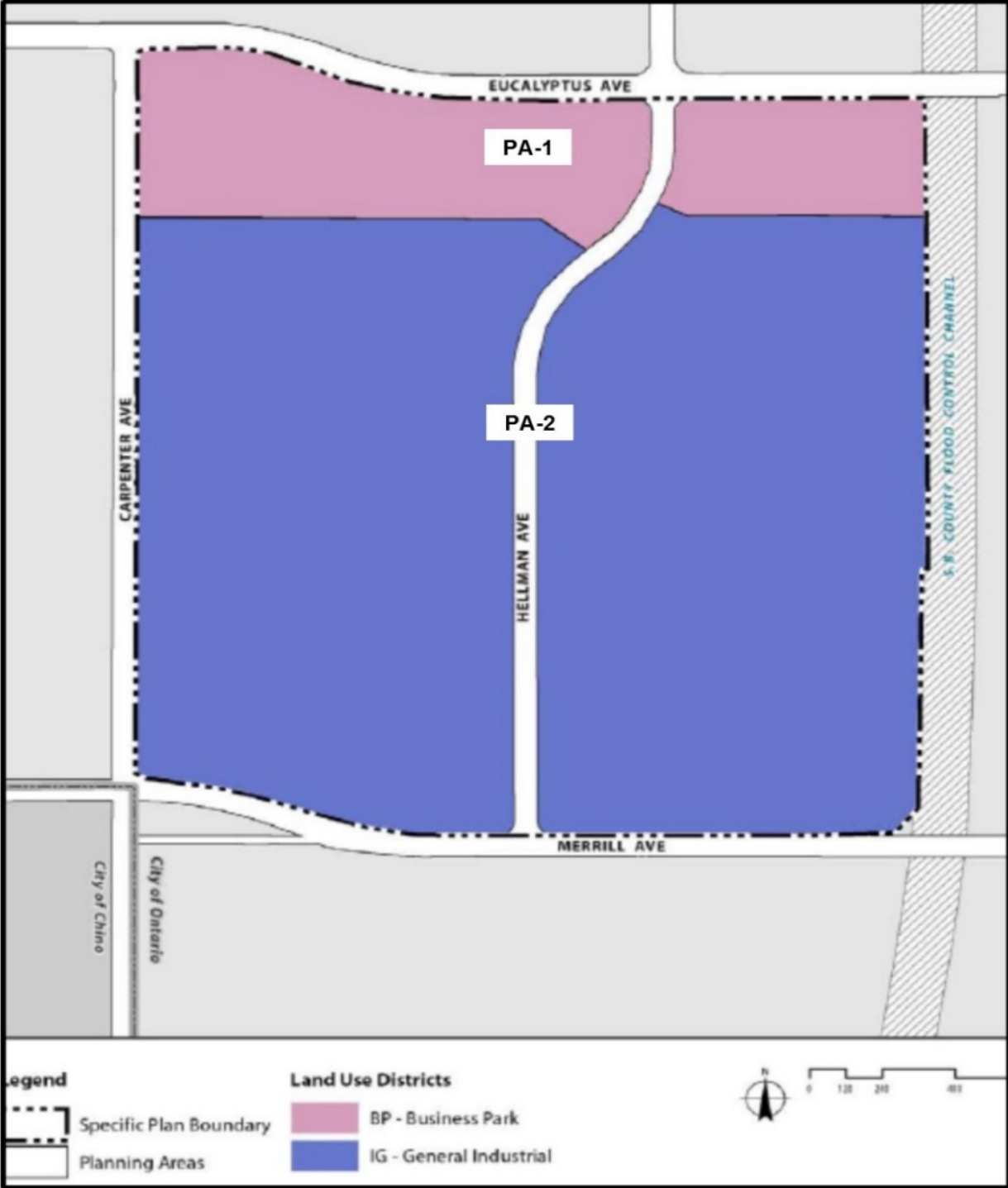
**ENVIRONMENTAL REVIEW:** On January 27, 2010, the City adopted The Ontario Plan (TOP) and certified the accompanying EIR. TOP serves as the City’s new General Plan for the entire City, including the NMC (now referred to Ontario Ranch). TOP identified many areas that might have a potentially significant impact on the environment. These areas included: 1) Aesthetics; 2) Biological Resources; 3) Geology and Soils; 4) Hazards and Hazardous Materials; 5) Hydrology and Water Quality; 6) Land Use and Planning; 7) Mineral Resources; 8) Population and Housing; 9) Public Services; 10) Recreation; and 11) Utilities and Service Systems. Through the EIR process these potential impacts were analyzed, revisions were incorporated into the plan and/or mitigation measures were identified that reduced the potential environmental impacts to a level that was less than significant.

Even though an EIR was prepared for TOP, the analyses focused on the program or “big picture” impacts associated with development. With the submittal of the West Ontario Commerce Center Specific Plan, staff is charged with evaluating the potential impacts of development at the project level. Staff completed an Initial Study for the project and determined that an EIR should be prepared for the West Ontario Commerce Center Specific Plan. As noted in the Planning Commission staff report, dated April 24, 2018, an EIR was prepared addressing 15 key areas. The West Ontario Commerce Center Specific Plan EIR (SCH# 2017041074) evaluates each of these areas and identifies mitigation measures and/or revisions to the plan to lessen the impacts of the project. Of the 15 areas considered by the EIR, all but three (3) of the impact areas were mitigated a level of less than significant. Even with the mitigation measures, the impacts to air quality, agriculture resources and transportation and traffic could not be reduced to less than significant, resulting in some impacts remaining potentially significant and unavoidable. While mitigation of all potential impacts to a level of less than significant is desirable, the fact that three areas will remain significant and unavoidable is not unexpected. The identification of these areas as significant and unavoidable validates the work previously completed for TOP. Staff continues to believe that the benefits of the proposed development outweigh the potential impacts associated with it. Therefore, staff recommends the City Council certify the EIR, including the adoption of the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan for the project.

**PLANNING COMMISSION REVIEW:** On April 24, 2018, the Planning Commission conducted a public hearing and voted (5-0) to recommend City Council certification of the West Ontario Commerce

Center Specific Plan Environmental Impact Report (SCH#2017041074) including the adoption of a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; approval of the General Plan Amendment (File No. PGPA16-002); approval of the West Ontario Commerce Center Specific Plan (File No. PSP16-002); and approval of the Tentative Cancellation of Williamson Act Contracts 73-406 (File No. PWIL17-009) and 70-219 (File No. PWIL18-004).

**EXHIBIT "A"**  
**West Ontario Commerce Center Specific Plan Land Use Map**



**EXHIBIT “B”**  
**Land Use Summary Table**

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP16-002), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18.

WHEREAS, REDA, OLV ("Applicant") has filed an Application for the approval of a Specific Plan, File No. PSP16-002, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to approximately 119 acres of land, bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west, within the Business Park and Industrial land use designations, and is presently improved with agriculture/dairy and single-family residential uses; and

WHEREAS, the property to the north of the project site is within Planning Areas 5 and 9 (Multi-Family Residential) and Planning Area 7 (Single Family Residential) of the Parkside Specific Plan, and is currently vacant. The property to the east is the Cucamonga Creek Flood Control Channel. The property to the south is within the Colony Commerce Center West Specific Plan and is developed with agricultural uses. The property to the west is within the Specific Plan/Agricultural Overlay zone and is currently developed with agricultural/dairy and single-family residential uses; and

WHEREAS, the West Ontario Commerce Center Specific Plan establishes a comprehensive set of design guidelines and development regulations to guide and regulate site planning, landscape, and architectural character, and ensuring that excellence in community design is achieved during project development. In addition, the Specific Plan will establish the procedures and requirements to approve new development within the project site to ensure TOP goals and policies are achieved; and

WHEREAS, the West Ontario Commerce Center Specific Plan consists of approximately 119 acres of land, which includes the potential development of up to 2,905,510 square feet of business park and industrial development; and



WHEREAS, a request for approval of a General Plan Amendment (File No. PGPA16-002) to change the land use designations shown on the Land Use Plan Map (Exhibit LU-1) for 47.06 acres of land from Business Park (0.60 FAR) to Industrial (0.55 FAR) and modify the Future Buildout Table (Exhibit LU-03) to be consistent with the land use designation changes has also been submitted as part of the proposed West Ontario Commerce Center Specific Plan; and

WHEREAS, the land use intensity of the West Ontario Commerce Center Specific Plan anticipated in the two planning areas is consistent with The Ontario Plan (TOP). The Specific Plan is proposing a maximum 0.60 Floor Area Ratio (FAR) within the Business Park land use designation (Planning Area 1) located along the northern portion of the Specific Plan area, is 21 acres in size and can potentially be developed with 555,505 square feet of business park development. In addition, buildings within the Business Park land use area that front onto a public right-of-way shall not exceed 100,000 square feet in size. The Specific Plan is proposing a maximum 0.55 Floor Area Ratio (FAR) within the Industrial land use designation (Planning Area 2) located along the southern portion of the Specific Plan is 98 acres in size and can potentially be developed with 2,350,005 square feet of industrial development. The proposed FAR's for each of the Planning Areas is consistent with the Policy Plan Land Use designations for Business Park and Industrial; and

WHEREAS, the West Ontario Commerce Center Specific Plan has been prepared in conformance with the goals and policies of the City of Ontario Policy Plan (General Plan). The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the West Ontario Commerce Center Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and; and

WHEREAS, the Specific Plan does not conflict with the Land Use Policies of the General Plan (TOP) and will provide for development, in a manner consistent with the General Plan. The policy (General Plan) analysis in the *Appendix "Policy Plan (General Plan) Consistency,"* of the Specific Plan describes the manner in which the Colony Commerce East Specific Plan complies with the Policy Plan goals and policies applicable to the Colony Commerce East Specific Plan; and

WHEREAS, a T Williamson Act Contracts 73-406 (File No. PWIL17-009) and 70-219 (File No. PWIL18-004) have also been submitted as part of the proposed West Ontario Commerce Center Specific Plan; and

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

WHEREAS, an Environmental Impact Report (EIR) (SCH#2017041074) including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration have been prepared in accord with the California Environmental Quality (CEQA), the State CEQA Guidelines and the City of Ontario Guidelines to address the environmental effects of the Specific Plan (West Ontario Commerce Center); and

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

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

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

WHEREAS, the project site is also located within the Airport Influence of Chino Airport and must be consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, which addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on April 24, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH#2017041074) including the adoption of a Mitigation Monitoring and Reporting Program and a Statement of Overriding Consideration for the Project, and concluded said hearing on that date, voting (5-0) to issue Resolution No. PC18-045, recommending the City Council approve the Application; and

WHEREAS, on June 19, 2018, the City Council of the City of Ontario conducted a hearing to consider the Environmental Impact Report (EIR) (SCH# 2017041074) for the Project, and concluded said hearing on that date; and

WHEREAS, as the first action on the Project, on June 19, 2018, the City Council approved a resolution adopting an Environmental Impact Report (EIR) (SCH#2017041074) prepared for the West Ontario Commerce Center Specific Plan pursuant to CEQA; and

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

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

**SECTION 1. Environmental Determination and Findings.** As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Environmental Impact Report (EIR) (SCH#2017041074) prepared for the project and supporting documentation. Based upon the facts and information contained in the Environmental Impact Report (EIR) (SCH#2017041074) and supporting documentation, the City Council finds as follows:

(1) The West Ontario Commerce Center Specific Plan EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and

(2) The West Ontario Commerce Center Specific Plan EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

(3) The West Ontario Commerce Center Specific Plan EIR reflects the independent judgment of the City Council; and

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

**SECTION 2. Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the City Council 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 City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

**SECTION 3. Concluding Facts and Reasons.** Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Section 1 through 2, above, the City Council hereby concludes as follows:

(1) The approximately 119 acre West Ontario Commerce Center Specific Plan is suitable for business park and industrial development and is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed land uses in the proposed districts will also be in harmony in terms of access, size, and compatibility with existing land use in the surrounding area; and

(2) The proposed West Ontario Commerce Center Specific Plan is in conformance with the Land Use Policies and Goals of the Policy Plan and will provide standards and guidelines for the harmonious development within the districts, in a manner consistent with the Policy Plan. The Specific Plan is proposing business park and industrial type development for the approximately 119 acre site, which is what is mandated by the land use plan of the Policy Plan, therefore, the proposed industrial uses will be in conformance with the policies and goals of the Policy Plan; and

(3) During the West Ontario Commerce Center Specific Plan review, opportunities for the involvement of citizens, California Native American Indian tribes (Government Code Section 65352.3.), public agencies, public utility companies, and civic, education, and other community groups, through public hearings or other means were implemented consistent with California Government Code Section 65351; and

(4) The proposed project is consistent with the adopted Housing Element. The Project site and is not one of the properties (areas) listed in the Available Land Inventory in the Housing Element.

**SECTION 4.** ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Application.

**SECTION 5.** ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

**SECTION 7.** ***Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the

fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. **Effective Date.** This Ordinance shall become effective 30 days following its adoption.

SECTION 9. **Publication and Posting.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of July 2018.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3108 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 19, 2018 and adopted at the regular meeting held July 3, 2018 by the following roll call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3108 duly passed and adopted by the Ontario City Council at their regular meeting held July 3, 2018 and that Summaries of the Ordinance were published on June 26, 2018 and July 10, 2018, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

Attachment "A"

File No. PSP16-002  
West Ontario Commerce Center  
Specific Plan  
*(Document follows this page)*



# West Ontario Commerce Center

Specific Plan



# WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN City of Ontario

## **Specific Plan**

#XXXXXXXX

## **Draft Submittal to City**

April 2018

## **Developer**

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(949) 216-7300

## **Consultant Team:**

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HPA Architecture, Inc.  
David Evans and Associates, Inc.  
Thienes Engineering, Inc.  
Sheppard, Mullin, Richter & Hampton LLP

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# WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN

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## 1.0 INTRODUCTION

The West Ontario Commerce Center Specific Plan (this “Specific Plan”) is one of the initial industrial specific plans implementing the vision outlined by the City of Ontario for the Ontario Ranch area (formerly New Model Colony). The Ontario Ranch area covers 8,200 acres of the former 14,000-acre San Bernardino Agricultural Preserve, which was historically used for dairy or cattle farming by descendants of Dutch, French Basque, Portuguese, and Mexican families. The Agricultural Preserve was divided in 1999, with portions incorporated into the three adjacent cities of Chino, Chino Hills, and Ontario. The City of Ontario named its portion the *New Model Colony* after the original *Model Colony of Ontario* established by the Chaffey Brothers, William and George Jr., in 1882. The original Model Colony was founded on innovative land development principles that included the distribution of water rights with land purchases (Mutual Water Company), a grand boulevard (Euclid Avenue), and an agricultural college (Chaffey College, established 1885). The Ontario Plan, adopted by the City of Ontario in 2010, contains innovative land development principles for the Ontario Ranch area in an effort to continue the legacy of the Model Colony. The Land Use Plan for Ontario Ranch provides for housing, commercial and industrial areas, parks, a lake, a golf course, and trail and bike links. Specific plans are required to guide development in Ontario Ranch to ensure that the objectives of the City’s Policy Plan (General Plan) are achieved.

On January 26th, 2010, the City of Ontario adopted The Ontario Plan (TOP) which serves as the City's new business plan and includes a long term Vision and a principle based Policy Plan (General Plan). The City's Policy Plan, which acts as the City's General Plan, designates (Policy Plan Exhibit LU-1 - Land Use Plan) the project site for development of Business Park (0.6 FAR) and Industrial (0.55 FAR).

### 1.1 PURPOSE AND INTENT OF THE SPECIFIC PLAN

---

The West Ontario Commerce Center Specific Plan serves to implement the City's Policy Plan (General Plan) for the project site and provides zoning regulations for development of the project site by establishing permitted land use, development standards, infrastructure requirements, and implementation requirements for development. A comprehensive set of design guidelines and development regulations are included to guide and regulate site planning, landscape, and architectural character within the community ensuring that excellence in community design is achieved during project development. The West Ontario Commerce Center Specific Plan establishes the procedures and requirements to approve new development within the project site.

The purpose of the West Ontario Commerce Center Specific Plan is:

- ❖ To provide a planning framework that responds to the physical and market driven aspects of future development opportunities;

- ❖ To provide adequate and coordinated infrastructure, utilities, and public services to this area within the Ontario Ranch;
- ❖ To encourage compatible uses and interfaces with adjacent properties;
- ❖ To determine the appropriate location and intensity of uses through new development parameters; and
- ❖ To conform with State laws and local ordinances and policies for the preparation of the Specific Plan.

The specific objectives of the West Ontario Commerce Center Specific Plan are:

1. Create a professional, well-maintained and attractive environment for the development of a multi-purpose business park, light industrial and warehousing/logistics complex that is compatible with nearby residential neighborhoods.
2. Provide employment opportunities for community residents.
3. Facilitate the construction of utilities, roads, and other major infrastructure investments that will be sufficiently sized to adequately serve the Specific Plan area.
4. Increase Ontario's industrial uses in proximity to local airports and regional transportation networks.
5. Create economic engine to spur future growth of Ontario Ranch. Future development will continue to drive the infrastructure improvements for the area and effect the vision for Specific Plan.

## 1.2 PROJECT DESCRIPTION

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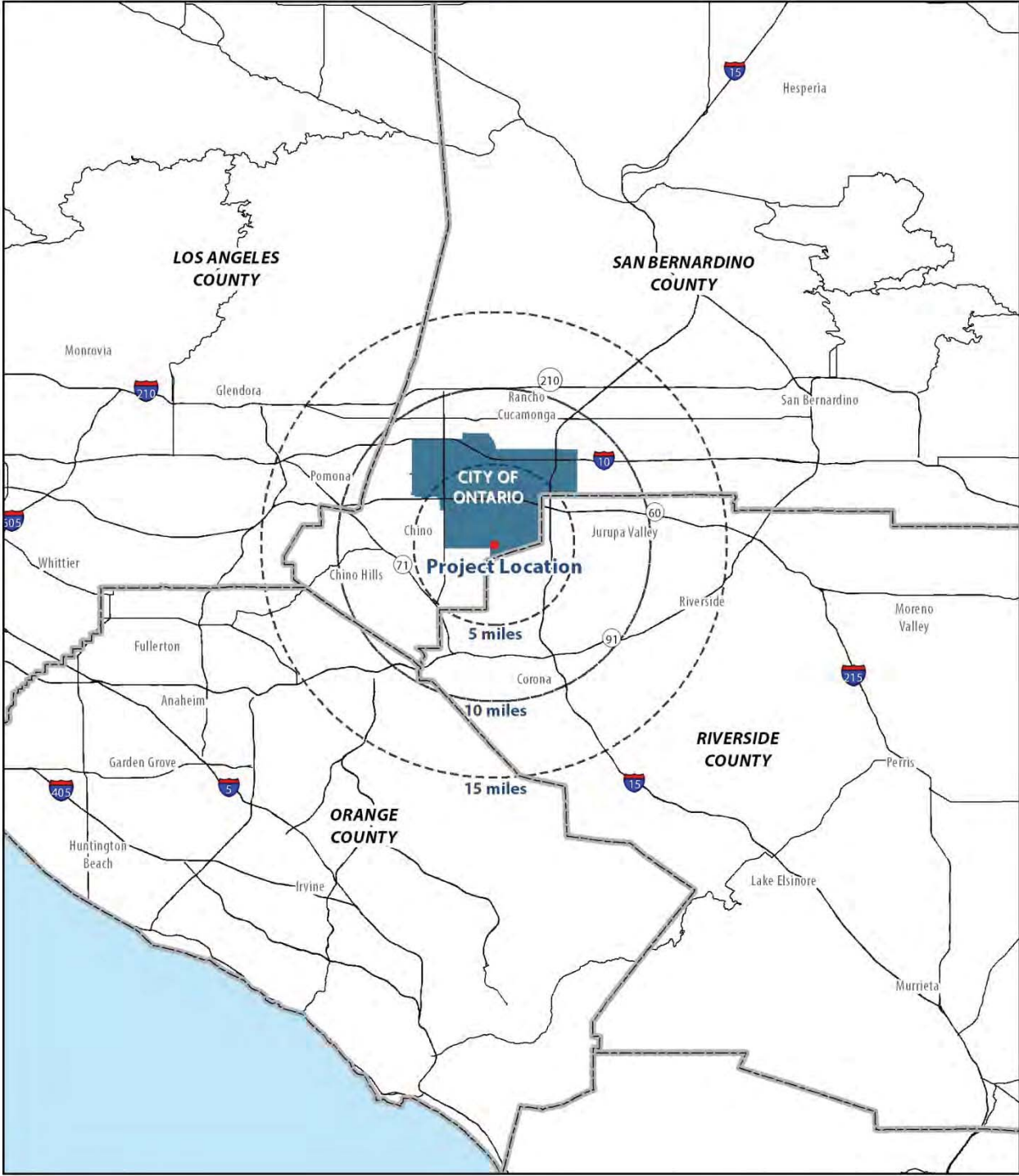
The West Ontario Commerce Center Specific Plan is the regulatory document for the West Ontario Commerce Center Industrial Park, consisting of up to 2,905,510 square feet allowing for the development of business park and light industrial uses on approximately 119 net acres of land. The Specific Plan will address consistency with the Ontario Plan Vision and Policy Plan; provide a development plan that identifies the proposed land uses, circulation, infrastructure, streetscape, and landscape plans; establish the allowable uses and development standards for reviewing individual projects within the Specific Plan area; present conceptual design guidelines and elevations to create a visually attractive environment; and summarize the development review process and provisions to administer and implement the Specific Plan.

### Location and Specific Plan Boundary

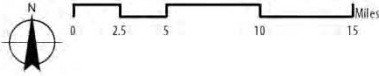
The West Ontario Commerce Center Specific Plan area is located near the southern boundary of the City, adjacent to the City of Chino (Figure 1.1 Regional Location) and within Ontario Ranch (Figure 1.2 Ontario Ranch). The project site consists of seven existing parcels bounded by Eucalyptus Avenue on the north, the San Bernardino County Flood Control Channel (Cucamonga Creek Channel) to the east, Merrill Avenue to the south, and Carpenter Avenue to the west. The location of each existing parcel (and Assessor Parcel Number) is shown on Exhibit 1.3 (Plan Boundary).



FIGURE 1.1: REGIONAL LOCATION

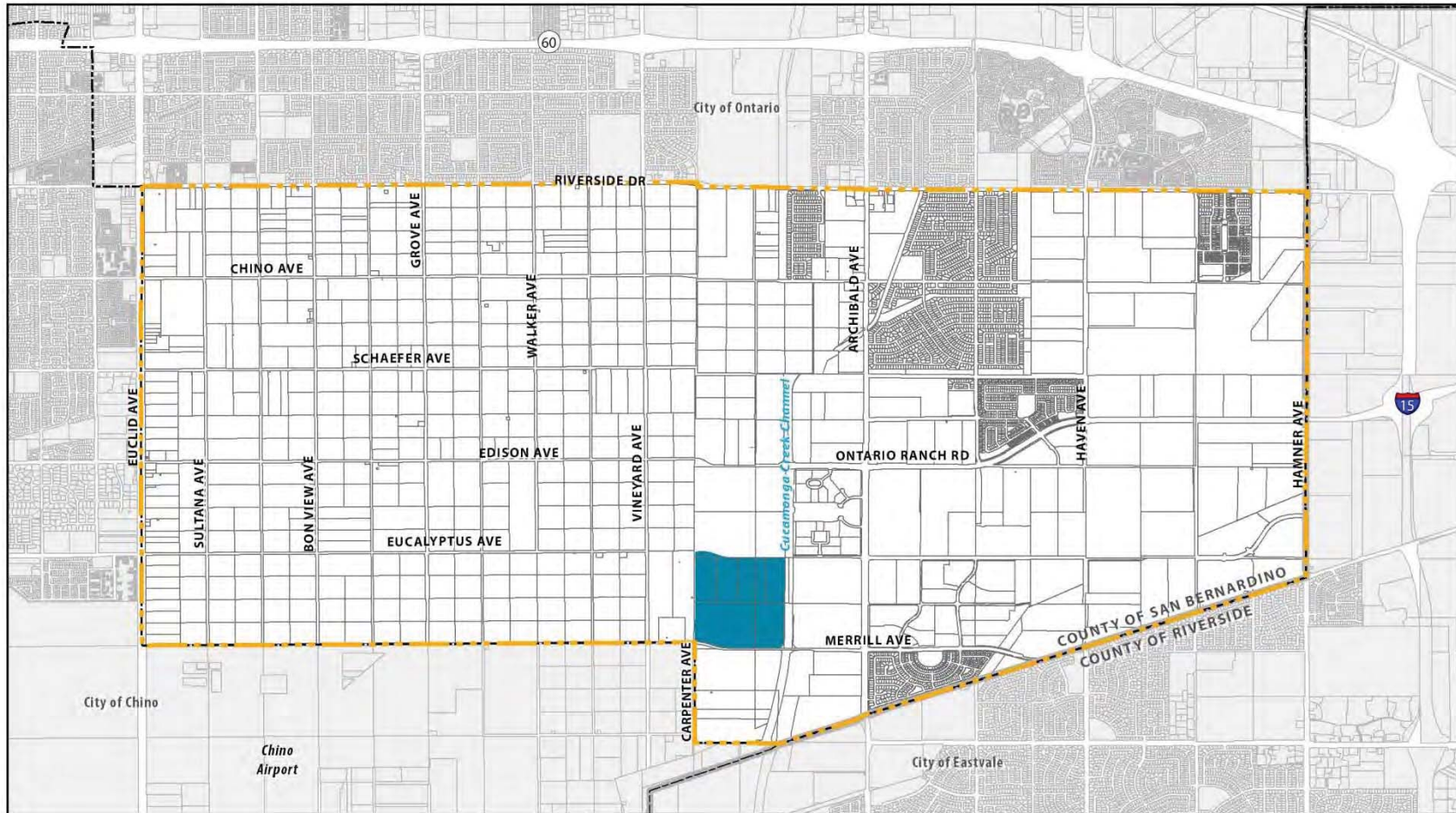


■ Specific Plan Area



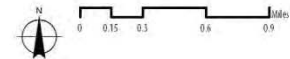
Date: November 2016  
Base Map Prepared by: MIG, Inc.

FIGURE 1.2: ONTARIO RANCH



Legend

-  Ontario Ranch
-  Specific Plan Area
-  Assessor Parcels






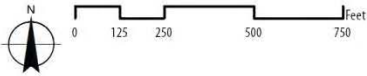
Date: November 2016  
Source: City of Ontario  
Base Map Prepared by: M/G, Inc.

FIGURE 1.3: SPECIFIC PLAN BOUNDARY



Legend

-  Specific Plan Boundary
-  Assessor Parcels
-  Assessor Parcel Number (APN)



Date: December 2016  
 Source: ESRI World Imagery, 2015  
 Base Map Prepared by: MG, Inc.

## Employment Generation

At build-out, the West Ontario Commerce Center is anticipated to create over 600 jobs in warehousing, logistics, light manufacturing, and administration. This estimate is based on the 2001 Natelson Company, Inc. Employee Density Study, assuming warehouse and research and development uses on the site. Actual job creation depends on the type of land uses ultimately developed, as a wide range of commercial, office, and industrial uses are permitted. For example, e-commerce uses such as internet merchant fulfillment would yield more jobs than a distribution warehouse as many e-commerce companies employ labor-intensive picking and packing operations. Employment opportunities will range from entry level to highly skilled labor, adding to Ontario's competitive advantage in the region. Business Park uses in the West Ontario Commerce Center Industrial Park will provide expanded opportunities for start-up businesses and provide retail and service uses to serve the surrounding area.

## Infrastructure Framework

In cooperation with adjacent property owners and developers, the West Ontario Commerce Center Industrial Park will help establish the necessary framework to enable the continued growth and development of Ontario Ranch. The project will participate in providing and/or funding master planned water, sewer, and storm drain infrastructure as properties develop along Eucalyptus Avenue from Carpenter Avenue to the Cucamonga Creek Channel, Carpenter Avenue from Merrill Avenue to Eucalyptus Avenue, and Merrill Avenue from the Cucamonga Creek Channel to Carpenter Avenue. The extent of infrastructure provision for the project will be established as part of the development agreement.

## Community Compatibility

The Parkside Specific Plan is located immediately north of the West Ontario Commerce Center Specific Plan and plans for residential uses. To enhance the transition between the industrial uses of the West Ontario Commerce Center and residential uses to the north, the Specific Plan's land use plan places larger scale industrial uses in the southern portion of the site and smaller scale buildings with less intense uses on the northern Business Park portion.

## 1.3 SPECIFIC PLAN REQUIREMENTS

---

The range of issues contained in a specific plan is left to the discretion of the decision-making body. However, all specific plans must at a minimum address the following:

- ❖ The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- ❖ The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be

located within the area covered by the plan and needed to support the land uses described in the plan.

- ❖ Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- ❖ A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the above identified items.

## 1.4 AUTHORITY AND SCOPE OF THE SPECIFIC PLAN

---

The Policy Plan (General Plan) requires the approval of a Specific Plan for development of the project site to ensure that sufficient land area is included to achieve unified districts and neighborhoods. The City of Ontario has zoned the project site as AG-Specific Plan. The zoning designation of AG-Specific Plan requires that a Specific Plan be approved to guide development of the project site and to implement the goals and policies of the Policy Plan. The Specific Plan provides the zoning regulations to govern development of the project site. The requirements of the Specific Plan shall take precedence over the City of Ontario Development Code. In instances where the Specific Plan is silent, the City of Ontario Development Code shall prevail.

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457) grants the City of Ontario the authority to adopt a specific plan by ordinance (as a regulatory plan) or resolution (a policy driven plan). This Specific Plan is a regulatory document, providing land use and design guidance adopted by ordinance.

As a regulatory plan, this document serves as zoning law for the land within the Specific Plan area. Development plans, site plans, and tentative tract and parcel maps must be consistent with the West Ontario Commerce Center Specific Plan and the Ontario Plan. The scope of topics covered in this Specific Plan includes land use, infrastructure, development standards, design guidelines, and implementation measures, all of which must meet the minimum requirements of a specific plan, as established by California Government Code Sections 65450 through 65457 and City of Ontario Code Sections 9-1.2100 to 9-1.2125.

No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan (California Government Code Section 65455). Beyond the Policy Plan (General Plan) and Municipal Code, the California Government Code also requires compatibility with local, regional and other planning measures. For example, the Specific Plan must be consistent with any applicable comprehensive airport land use plan (ALUP) (California Government Code Section 65302.3). After adoption, any identification of inconsistency must be followed by the amendment of either existing plans and regulations or the specific plan itself. Failure to correct inconsistencies can result in the inability to enforce specific plan regulations and policies.

## 1.5 CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

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The West Ontario Commerce Center Specific Plan is a discretionary project and is subject to the requirements of the California Environmental Quality Act (CEQA). Pursuant to State and local CEQA guidelines, an Environmental Impact Report addressing the impacts associated with the development of the project must be considered and certified by the City of Ontario prior to approval of the Specific Plan.

To address potential environmental impacts, it is anticipated that a program environmental impact report (program EIR) will be prepared. The Program EIR will analyze the potential environmental impacts of the adoption and implementation of the West Ontario Commerce Center Specific Plan. The program EIR for the Specific Plan will be most helpful in dealing with subsequent activities within the Specific Plan area. With a detailed analysis of the program (the Specific Plan), many subsequent activities (such as development within the Specific Plan and or related infrastructure provision) could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

## 1.6 ORGANIZATION OF THE SPECIFIC PLAN

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The West Ontario Commerce Center Specific Plan is organized by chapter as follows:

- 1. Introduction.** This chapter introduces the proposed project, summarizes the development and planning context, and explains the scope and authority of the Plan and its compliance with CEQA as well as its relationship to the Ontario Plan, Ontario Ranch, and the Development Plan.
- 2. Existing Conditions.** This chapter explains the baseline conditions for the project site including current and surrounding land uses, airport influence, circulation, utilities, and environmental conditions.
- 3. Development Plan.** The chapter establishes the overall land use concept for the West Ontario Commerce Center Specific Plan including the land use plan, the infrastructure plans for water, sewer, utilities, and circulation, and the provision of public services such as fire, police, and solid waste disposal.
- 4. Land Use and Development Regulations.** This chapter establishes the land use designations and regulations for the West Ontario Commerce Center Specific Plan. Upon adoption of this specific plan, the land use and development standards within this chapter serve as the legal zoning for the Specific Plan area.
- 5. Design Guidelines.** This chapter identifies the conceptual themes for site planning, architecture, and landscape design in the Specific Plan area.
- 6. Implementation and Administration.** This chapter provides requirements for the development review and administration of the West Ontario

Commerce Center Specific Plan including amendment procedures and implementation priorities.

7. **Appendix: Ontario Plan Consistency.** This chapter describes the West Ontario Commerce Center Specific Plan's conformance with the Ontario Plan.

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## 2.0 EXISTING CONDITIONS

### 2.1 EXISTING AND SURROUNDING LAND USES

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The project site is occupied by agricultural uses, including a dairy farm, row crops, and vacant land which was previously used in the same manner. Dairy farming and agriculture (row crops) have been the primary use of the property since the 1930s or earlier. The surrounding uses also include dairy farms, row crops, and vacant, undeveloped land (Exhibit 2.1 Aerial Map of Surrounding Uses). The Parkside Specific Plan is located to the north of the project site. The Ontario Plan has designated the surrounding areas in Ontario Ranch for business park, industrial, and residential uses. The City of Chino abuts the southwest corner of the project site.

Figure 2.1 also shows approved specific plan areas surrounding the site as well as current projects and projects with pending applications. On the north and east side, there are two specific plan areas that will be developed primarily with residential uses and with some supporting commercial and open space uses. To the south of the site there are several industrial projects in progress or with pending applications.

### 2.2 AIRPORT INFLUENCE AREAS

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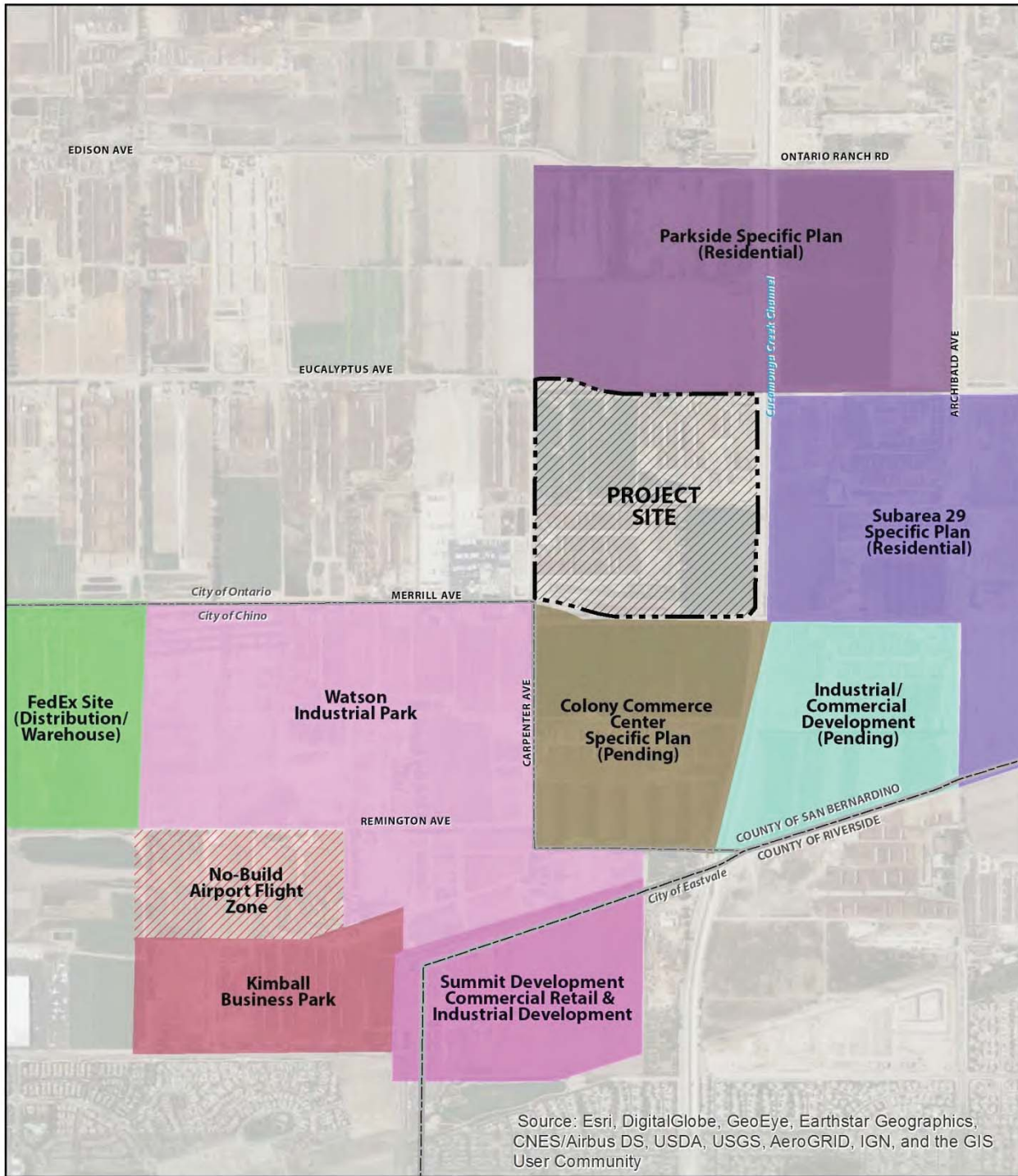
#### Ontario International Airport Influence Area

The Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) was adopted by the Ontario City Council on April 19, 2011. The intent of a compatibility plan is to avoid conflicts between airport operations and surrounding land uses. The project site is not within the safety, noise impact, or airspace protection zones of the ONT ALUCP; however, it is within the Airport Influence Area, as is the entire City of Ontario. While a Real Estate Transaction Disclosure policy is not required for non-residential land, developers or tenants may purchase a Natural Hazard Disclosure report that would indicate that the property is in an Airport Influence area.

#### Chino Airport Overlay Zone

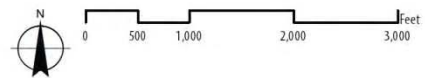
The Specific Plan area is within Safety Zone 6 of the Chino Airport Overlay (Generic Safety Zones for General Aviation Airports from the Caltrans Division of Aeronautics – California Airport Land Use Planning Handbook). Zone 6 calls for limiting people-intensive uses such as stadiums, large day care centers, hospitals, and nursing homes. The Plan's land uses (industrial and business uses) are compatible with these guidelines. The California Airport Land Use Planning Handbook requires the provision of approximately 10 percent of usable open land or an open area approximately every 1/4 to 1/2 mile with minimum dimensions of 300 feet long by 75 feet wide in projects within Safety Zone 6. The Handbook further indicates that ideal emergency landing sites are ones which are long, level, and free of obstacles, much like a runway. In the Specific Plan area, surrounding roads, drive aisles and truck parking lots address the open land requirement. In addition, the Specific Plan's parking areas and all public streets (Merrill, Eucalyptus, Carpenter, and Hellman Avenues) meet these width and length requirements.

FIGURE 2.1: SURROUNDING LAND USES



Legend

 Specific Plan Boundary



Date: December 2016  
Source: ESRI World Imagery, 2015  
Base Map Prepared by: MIG, Inc.

## 2.3 WILLIAMSON ACT CONTRACTS

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The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The motivation for the Williamson Act is to promote voluntary land conservation, particularly farmland conservation. Landowners may terminate a Williamson Act contract through non-renewal in which the contract winds down over a ten-year period or cancellation under limited circumstances and with the payment of a cancellation fee.

Within the West Ontario Commerce Center Specific Plan area there were four Williamson Act contracts. Two expired in 2011 and two are active, as shown in Exhibit 2.2. Parcels with active Williamson Act contracts may not be used for any purpose other than agriculture or open space until the contract has been terminated either through the non-renewal process or payment of a cancellation fee. Any remaining Williamson Act contracts will need to be retired prior to development of those areas. Cancellation has been requested for parcels in the Specific Plan area subject to Williamson Act requirements.

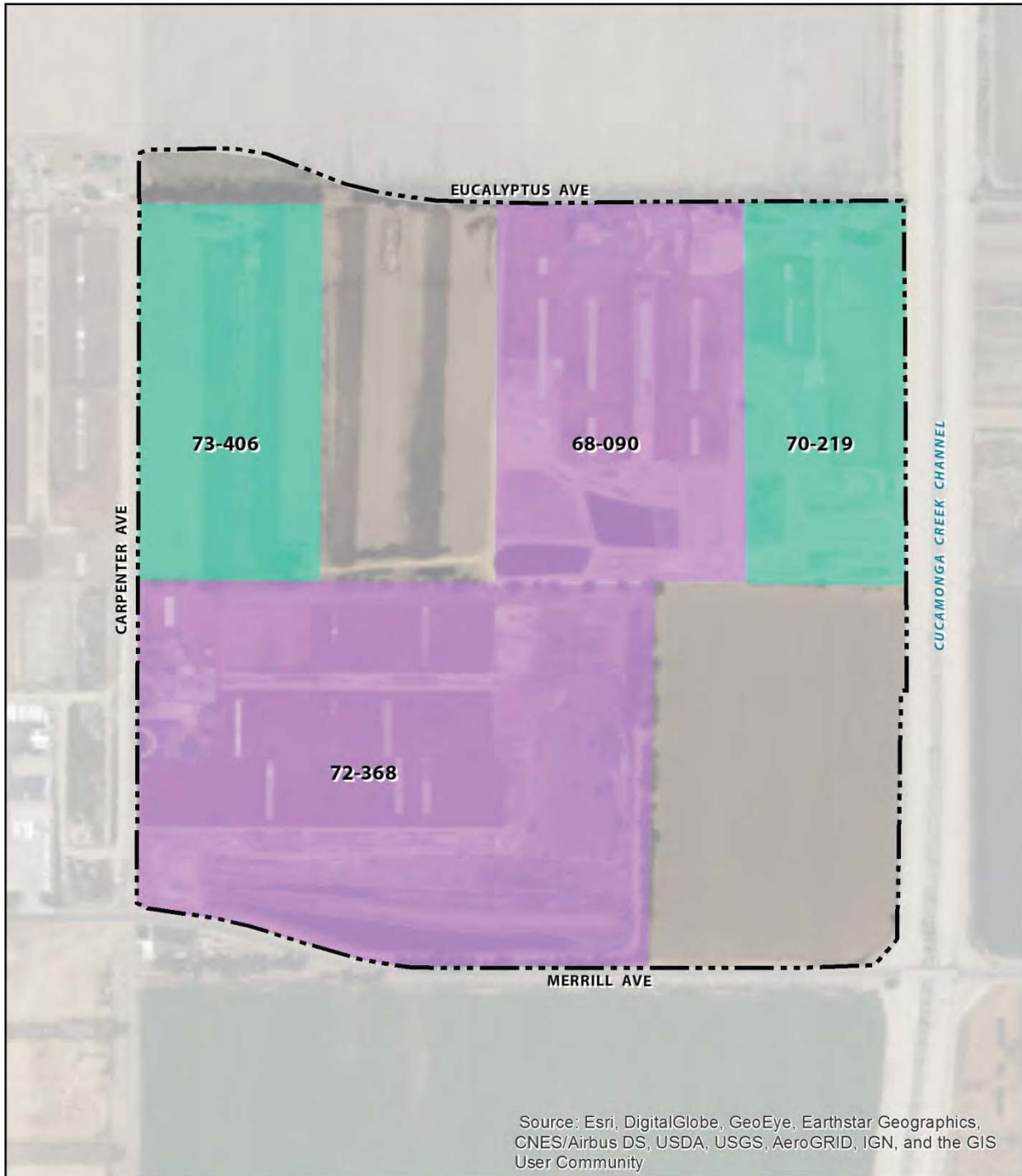
## 2.4 EXISTING (2016) ONTARIO PLAN AND ZONING LAND USE DESIGNATIONS

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The project site currently carries two Ontario Plan land use designations (Exhibit 2.3 Land Use Plan and Zoning). The two parcels on the southern portion of the site (APNs 0218-261-16 and 0218-261-22), are designated Industrial. The northern parcels (APNs 0218-261-23, 0218-261-22, 0218-261-32, 0218-271-08, 0218-271-13, 0218-221-09) are designated Business Park and (Figure 2.4). The project includes an application for a General Plan Amendment in conjunction with the first phase of the project to increase the area designated Industrial and decrease the area designated Business Park.

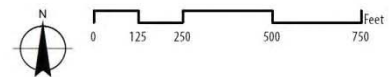
Most of the project site is zoned AG-Specific Plan. The AG-Specific Plan indicates that while the underlying land can accommodate the continuation of agricultural uses, a specific plan is required by the City in order to comprehensively plan for development of uses within the project site. The small parcel (0218-221-09) in the northwest corner of the Specific Plan area is zoned Specific Plan and is currently part of the Parkside Specific Plan, which designates the parcel for residential uses.

FIGURE 2.2: WILLIAMSON ACT CONTRACT STATUS



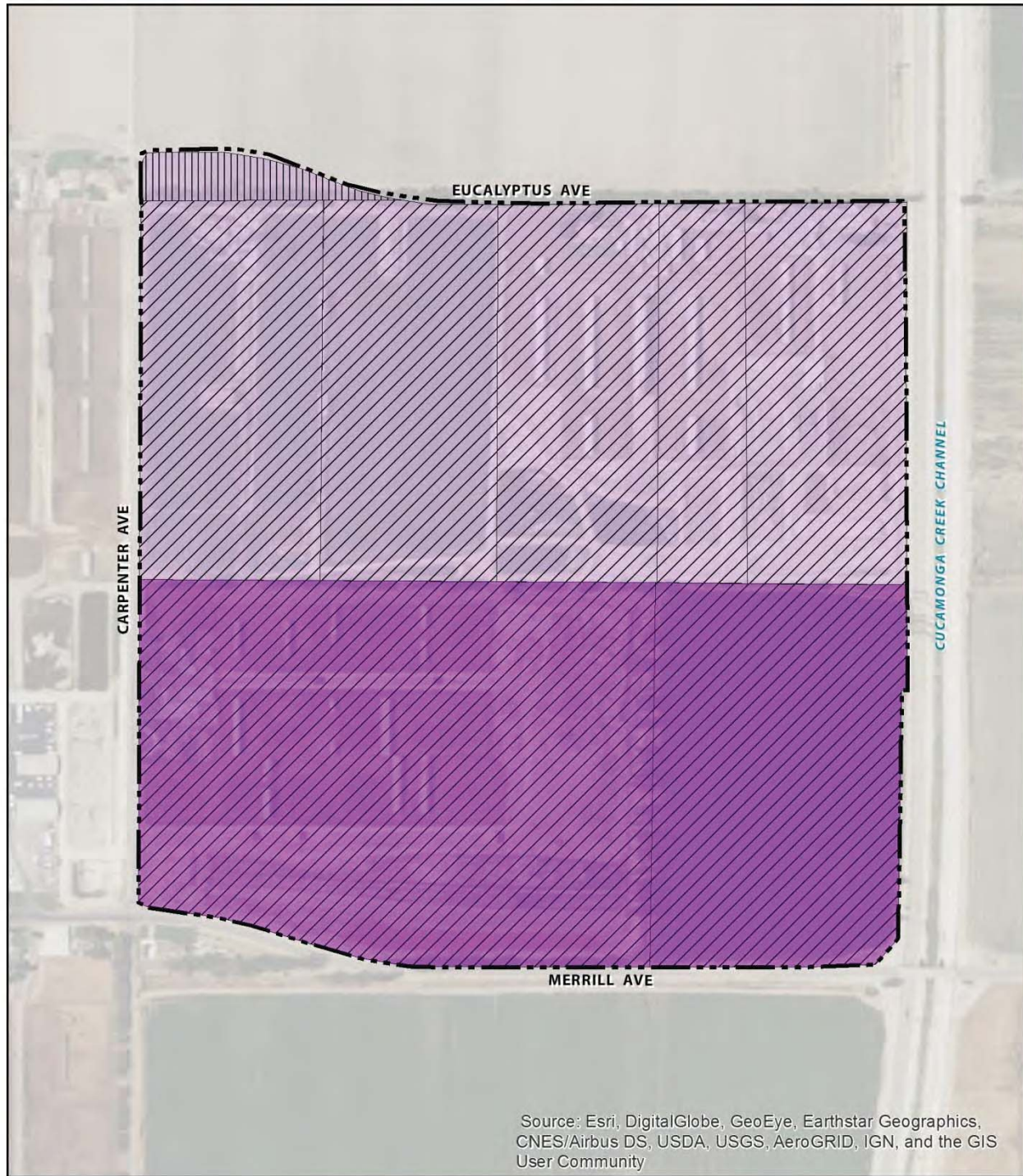
Legend

- Specific Plan Boundary
- Williamson Act Contract Status
  - 73-406 Active Contract
  - 72-368 Expired
  - Not Subject to Williamson Act



Date: December 2016  
Source: City of Ontario, 2010;  
ESRI World Imagery, 2015  
Base Map Prepared by: MIG, Inc.

FIGURE 2.3: LAND USE PLAN AND ZONING



**Legend**



Specific Plan Boundary

**Land Use Plan Designation**



Business Park



Industrial

**Zoning Designation**



AG-Specific Plan



Parkside Specific Plan



Date: December 2016  
 Source: City of Ontario, 2010;  
 ESRI World Imagery, 2015  
 Base Map Prepared by: MIG, Inc.

## 2.5 EXISTING CIRCULATION

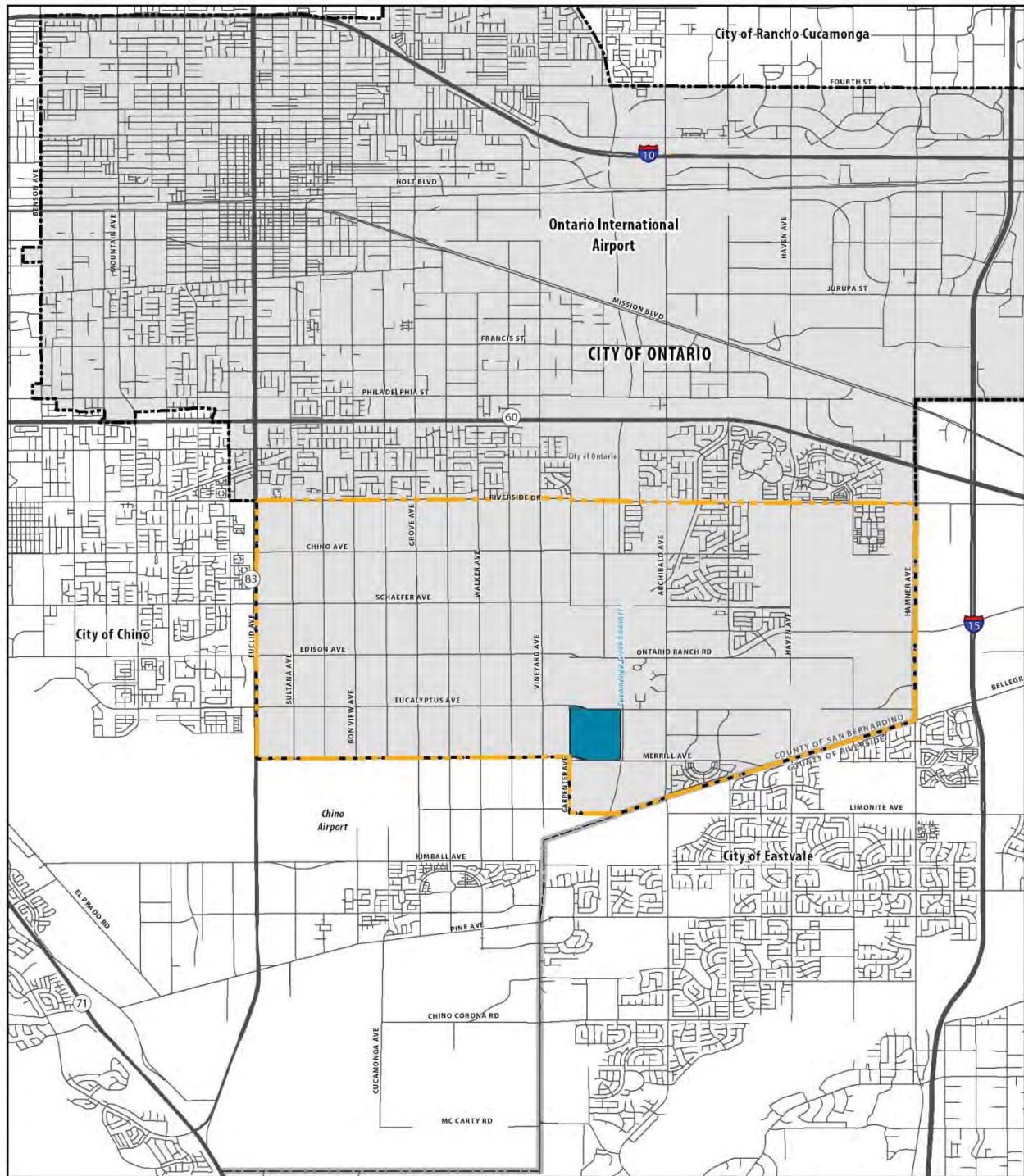
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The project site is located approximately 3.5 miles due west of Interstate 15 with access via Limonite Avenue, then north to Archibald Avenue and west on Merrill Avenue, which abuts the project site on the south. State Route 60 is located approximately three miles north of the project site via Archibald Avenue. State Route 83 (Euclid Avenue) is located approximately 2.5 miles west of the project site with access from Merrill Avenue.

Local access to the project site is provided from Eucalyptus Avenue on the north, Carpenter Avenue on the west, and Merrill Avenue on the south. Eucalyptus Avenue is currently a two-lane street that terminates at Cucamonga Creek on the east and connects with State Route 83 on the west. The Ontario Plan designates Eucalyptus Avenue as a four-lane collector street running the length of the City and eventually connecting to I-15 to the east, but currently the portion of Eucalyptus Avenue bounding the north portion of the Specific Plan area is an unpaved road. Merrill Avenue is currently a paved two-lane road that is designated by The Ontario Plan as a four-lane collector and a truck route. Carpenter Avenue is currently a two-lane paved road that is not designated in The Ontario Plan. Carpenter Avenue runs along the length of the Specific Plan area beginning at Eucalyptus Avenue and continues to the south. North of the Specific Plan area, Carpenter Avenue is not yet developed. The City of Ontario Functional Roadway Plan also shows Hellman Avenue running from Riverside Drive and south to Merrill Avenue but it is not yet developed. If constructed per the Functional Roadway Classification Plan, Hellman Avenue would bisect the Specific Plan area. No access is available on the east as the project site is bounded by the Cucamonga Creek Channel.

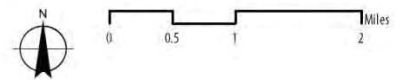
Figure 2.4 shows regional circulation routes. Currently (2016) Interstate 10 and the Ontario International Airport can be accessed from the Specific Plan area via Archibald Avenue and Haven Avenue. State Route 60, located north of the Plan area, can be reached from Euclid Avenue (State Route 83), located west of the Plan area or Archibald Avenue located east of the Plan area. Interstate 15, located east of the Plan area, can be reached via Archibald Avenue and either north to Ontario Ranch Road or south to Limonite Avenue. State Route 71, located eight miles to the west of the Specific Plan area, can be reached by traveling west on Merrill Avenue and South on Euclid Avenue (State Route 83).

FIGURE 2.4: REGIONAL CIRCULATION



**Legend**

-  Ontario Ranch
-  Specific Plan Area
-  City of Ontario
-  Freeways/Highways
-  Roads



Date: November 2016  
 Source: City of Ontario  
 Base Map Prepared by: MIG, Inc.

## 2.6 EXISTING ENVIRONMENTAL CONDITIONS

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### Topography

Visually, site topography slopes gently downward to the south, at an estimated gradient of one percent. There is an approximately 25-foot change in elevation across the plan area.

### Geology, Soils, and Seismicity

An environmental site assessment (ESA) indicates that the soils encountered at the subject site within the approximately explored depth of 30 feet below ground surface consisted of fine, sandy, silty, moderately moist clay. Groundwater was not encountered in any of the soil borings conducted as part of the assessment and no unusual odors were identified in the soil samples. No other unusual conditions were noted during the environmental site assessment field work.

No levels of arsenic, methane, or organochlorinated pesticides were detected in on-site soils including soils sampled on land that is currently in use as a dairy and on land that was formerly occupied by dairy uses. The specific principal findings of the Phase II ESA for all the areas sampled are as follows:

- ❖ No levels of Arsenic (USEPA Method 6061B) were detected that are a concern or that exceed their respective reporting limits and/or any identified action levels.
- ❖ No levels of Methane (USEPA Method 8015B Methane) were detected that are a concern or exceed their respective reporting limits and/or any identified action levels.
- ❖ No levels of Organochlorinated pesticides (Agricultural Chemicals) (USEPA Method 8081A) were detected that are a concern or exceed their respective reporting limits and/or any identified action level.

A geotechnical feasibility study on the Specific Plan site indicated that the proposed development is considered feasible from a geotechnical standpoint. The subject site is located in an area that is subject to strong ground motions due to earthquakes. Research of available maps indicates that the Plan area is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, a geotechnical feasibility study did not identify any evidence of faulting during the geotechnical investigation. Therefore, the possibility of significant fault rupture on the site is considered to be low. The potential for other geologic hazards such as seismically induced settlement, lateral spreading, tsunamis, inundation, seiches, flooding, and subsidence affecting the site is considered low. Research of the San Bernardino County Land Use Services website indicates that the subject site is not located within a zone of liquefaction susceptibility. Based on the mapping performed by San Bernardino County and the conditions encountered at the boring locations, liquefaction is not considered to be a design concern for development within the Plan area.



## Hydrology

There are no major or minor waterways on the project site. Running parallel to the east of the project site is Cucamonga Creek, a concrete-lined flood control channel. Existing topography causes storm water to discharge across the site primarily from north to south. Current storm water runoff is generally contained by berms or discharges into holding ponds on site, which also contain waste water from dairy operations.

According to FEMA Flood Insurance Rate Maps, the project site is located within Zone X (minimal flood hazard), in an area protected by levees from the one percent annual chance flood.

## Biological Resources

The project site generally represents low biological resource value, due to highly disturbed site conditions and the long-standing and historic dairy/agricultural uses resulting in low biological diversity. There is limited vegetation on the majority of the site; the vegetation that exists is generally non-native grasses and weeds.

## Utilities

Chapter 3 (Development Plan) of this Specific Plan describes the type and location of utility improvements that will serve the West Ontario Commerce Center Specific Plan.

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## 3.0 DEVELOPMENT PLAN

This chapter provides the framework to guide the development of the West Ontario Commerce Center Specific Plan. The chapter presents the proposed planning areas, infrastructure plans for water, sewer, utilities, and circulation, and discusses the provision of public services such as fire, police, and solid waste disposal to support the project.

### 3.1 LAND USE PLAN

The West Ontario Commerce Center Specific Plan consists of two Planning Areas that will accommodate a variety of commercial, office, technology, light manufacturing, and warehouse/distribution uses. The Land Use Plan implements the vision of The Ontario Plan by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions. A list of allowable uses by Planning Area is shown in Chapter 4 (Land Use and Development Standards).

The two Planning Areas in the West Ontario Commerce Center Specific Plan are described below:

**BP (Business Park) Zoning District:** The BP zoning district is intended to accommodate industrial-serving commercial and office uses and very light industrial uses. Development within this district is typically multi-tenant in nature; however, single-tenant buildings are not precluded.

**IG (General Industrial) Zoning District:** The IG zoning district is intended to accommodate storage and warehousing uses located in larger buildings on larger sites. Uses may include e-commerce uses and development of high cube warehouses or distribution uses. A wide-range of manufacturing uses and assembly uses are also permitted in this district.

Table 3.1 (Land Use Summary) identifies the Planning Areas by acreage and zoning district as defined below. Figure 3.1 (Land Use Plan) identifies the location of the Planning Areas.

**Table 3.1 Land Use Summary**

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

FIGURE 3.1: LAND USE PLAN

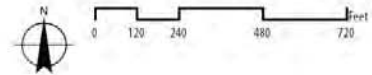


**Legend**

- Specific Plan Boundary
- Planning Areas

**Land Use Districts**

- BP - Business Park
- IG - General Industrial



Date: November 2016  
Source: ESRI World Imagery, 2015  
Base Map Prepared by: MKG, Inc.

Table 3.2 shows the maximum allowable gross building area for each planning area at its associated floor area ratio. Development standards (found in Chapter 4), such as setback requirements, streets, drive aisles, parking, landscaping, storm drainage facilities, and site design, may reduce the maximum gross square footage.

**Table 3.2 Build-Out Summary**

Planning Area	Maximum Floor Area Ratio	Maximum Building Square Footage
PA-1: Business Park	0.60	555,505
PA-2: General Industrial	0.55	2,350,005
<b>TOTAL</b>		<b>2,905,510 SF</b>

## 3.2 CONCEPTUAL SITE PLAN

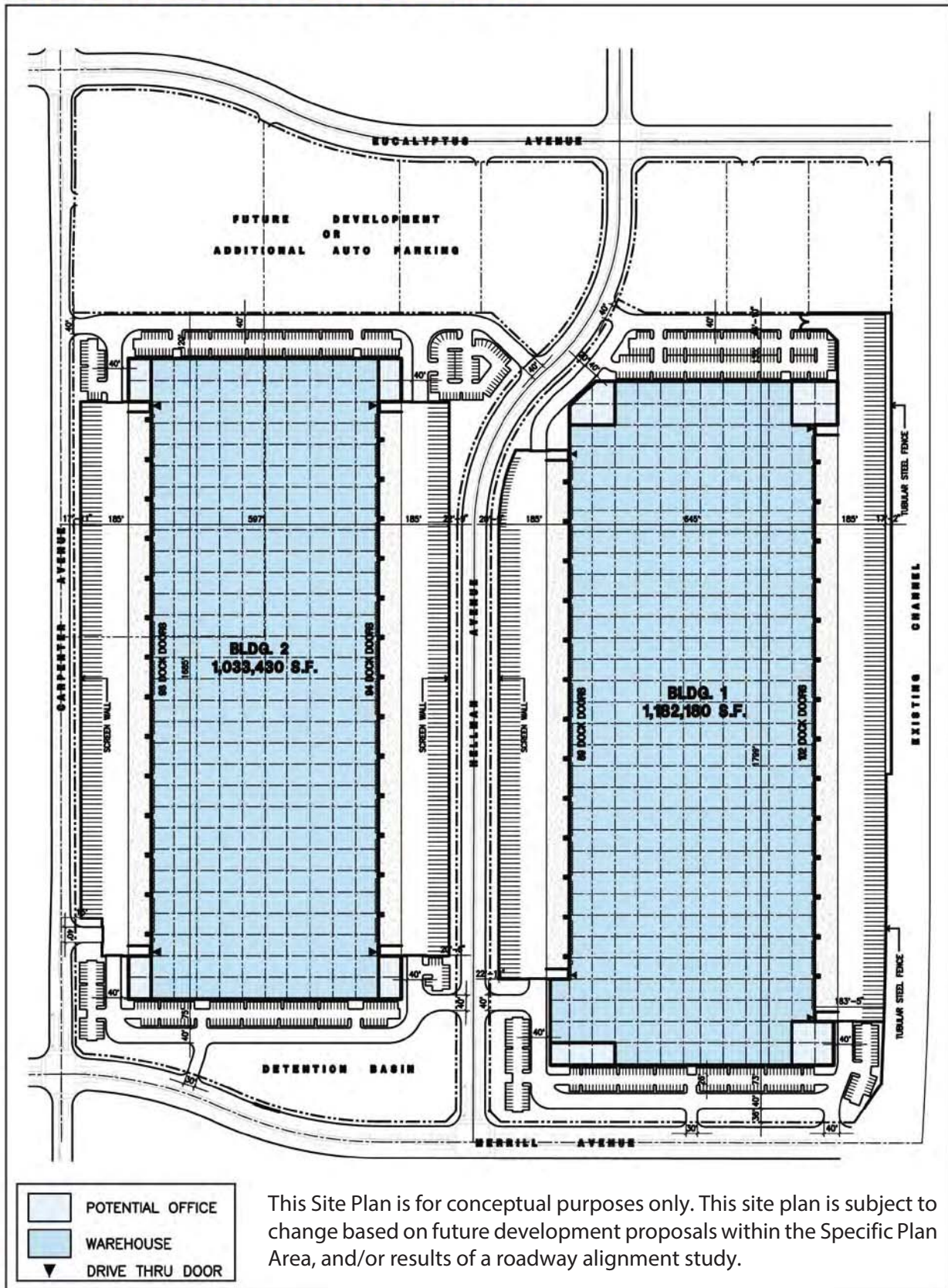
The conceptual site plan for the West Ontario Commerce Center Specific Plan is presented in Figure 3.2. Under this concept plan, the first phase of development is indicated – the southern portion of the site would be developed with two large industrial buildings and associated surface parking. The northern portion of the site is reserved for future development, which would include business park and commercial uses to provide a transition between planned residential uses to the north and industrial uses on the site and surrounding areas.

## 3.3 CIRCULATION AND PARKING PLAN

The Circulation Plan (Figure 3.3) for the West Ontario Commerce Center Specific Plan is designed to facilitate the movement of pedestrians and vehicles and connect the Plan Area with major regional routes. Several major roads are in place or planned to provide regional access to the Specific Plan area. State Route 60 (SR-60) is located less than three miles north of the project area. Vineyard Avenue, located just under a quarter mile west of the Specific Plan boundary, is not yet fully developed but is designated in The Ontario Plan (City of Ontario Policy Plan [General Plan]) Functional Roadway Classification Plan (2014) as a six-lane, north/south Principal Arterial that will eventually connect to SR-60. Archibald Avenue, located just over a third of a mile east, provides access to SR-60 and is designated as a six-lane Principal Arterial. Edison Avenue/ Ontario Ranch Road located just over a half mile to the north is designated an eight-lane Principal Arterial and provides east/west regional access to major arterials, including State Route 83 (Euclid Avenue), SR- 60 and Interstate 10 (I-10).

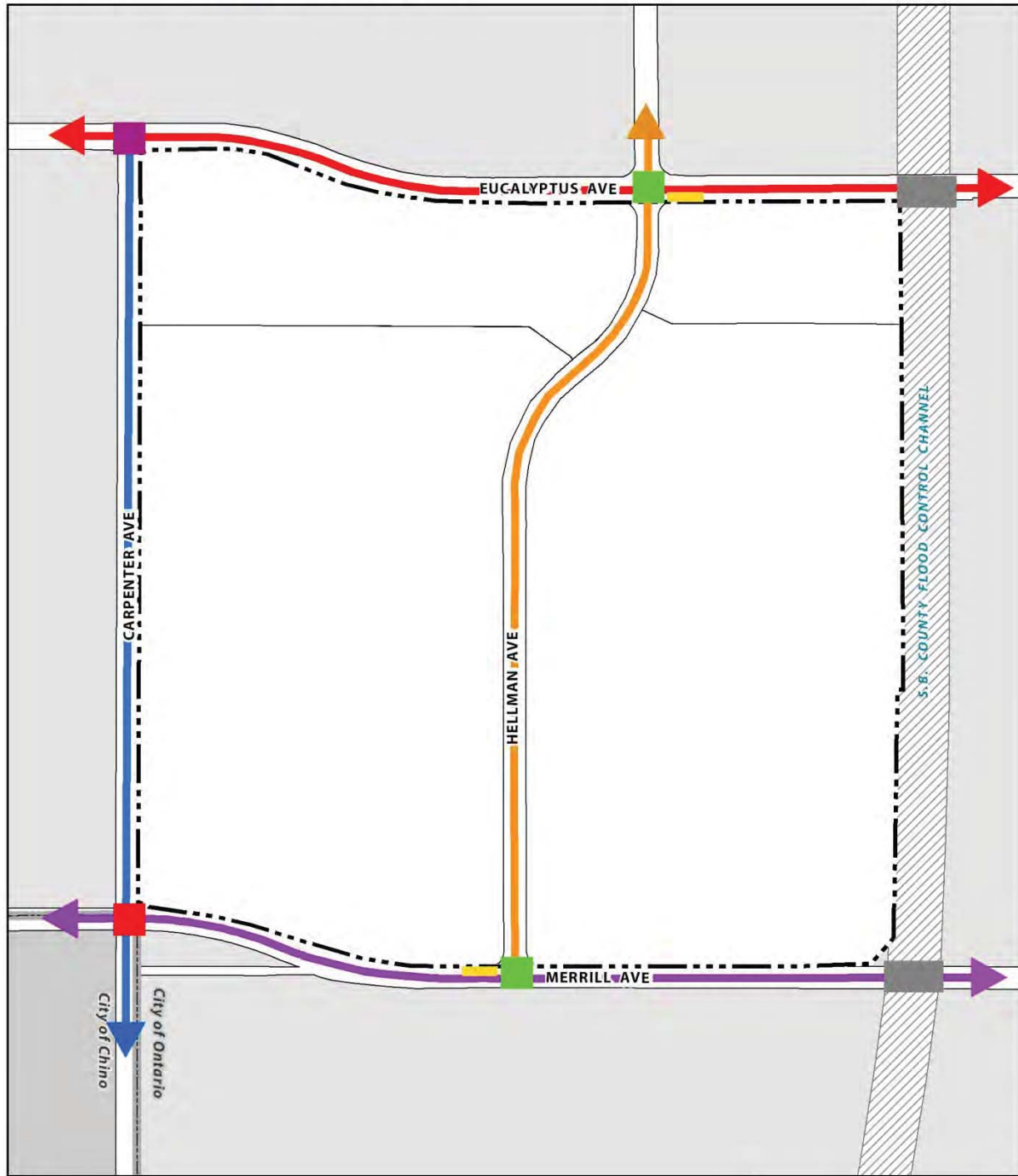
The conceptual circulation plan for the Specific Plan area is shown in Figure 3.3 and the City of Ontario's Roadway Classification Plan for the surrounding area is shown in Figure 3.4. All sidewalks and road surface improvements within the Specific Plan area must be approved by the City's Engineering Department. The Cucamonga Creek Channel, a concrete-lined flood control channel, bounds the site on the east. Merrill Avenue and Eucalyptus Avenue will allow circulation over the Cucamonga Creek Channel. Figure 3.5 presents typical street cross sections for Carpenter, Hellman, Eucalyptus, and Merrill Avenues and the Cucamonga Creek Channel. A detailed conceptual streetscape design is presented in Chapter 5 (Design Guidelines).

FIGURE 3.2: CONCEPTUAL SITE PLAN



Source: HPA Architecture, 2016

FIGURE 3.3: CIRCULATION PLAN




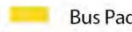
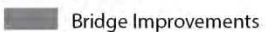


**Legend**

-  Specific Plan Boundary
-  Planning Areas

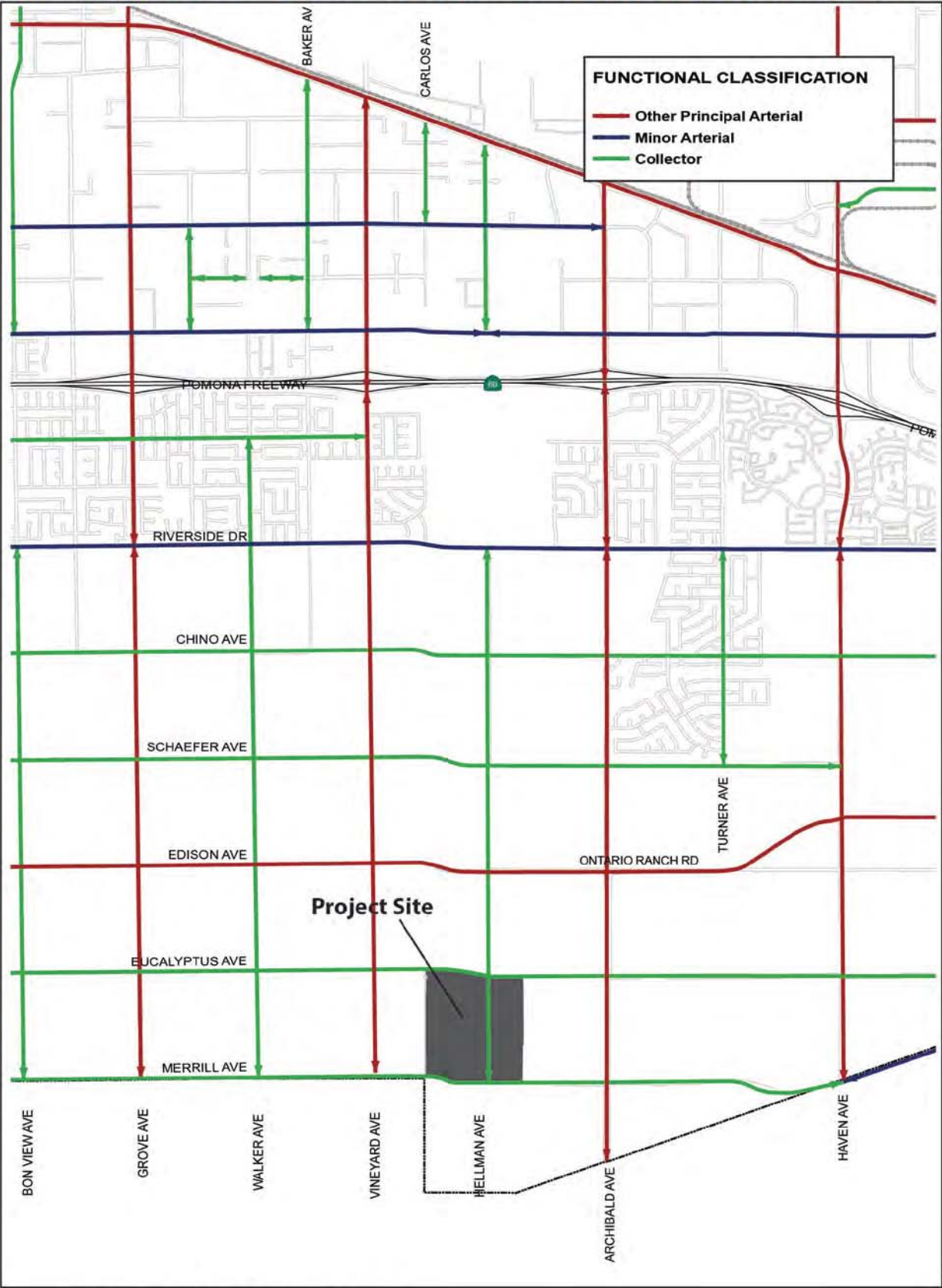
**Circulation Plan**

-  Carpenter Ave.: 48' Two-Lane Local Industrial Street (66' R/W) Designated "No Parking"
-  Eucalyptus Ave.: 84' Four-Lane Collector Street (108' R/W) Designated "No Stopping"
-  Hellman Ave.: 64' Four-Lane Collector Street (88' R/W) Designated "No Parking"
-  Merrill Ave.: 84' Four-Lane Collector Street (108' R/W) Designated "No Stopping"

-  Future Traffic Signal (Interconnected)
-  New Traffic Signal (Interconnected)
-  New Master Planned Traffic Signal (Interconnected)
-  Bus Pad
-  Bridge Improvements

Date: May 2017  
 Source: David Evans and Assoc., Inc., 2016  
 Base Map Prepared by: MIG, Inc.

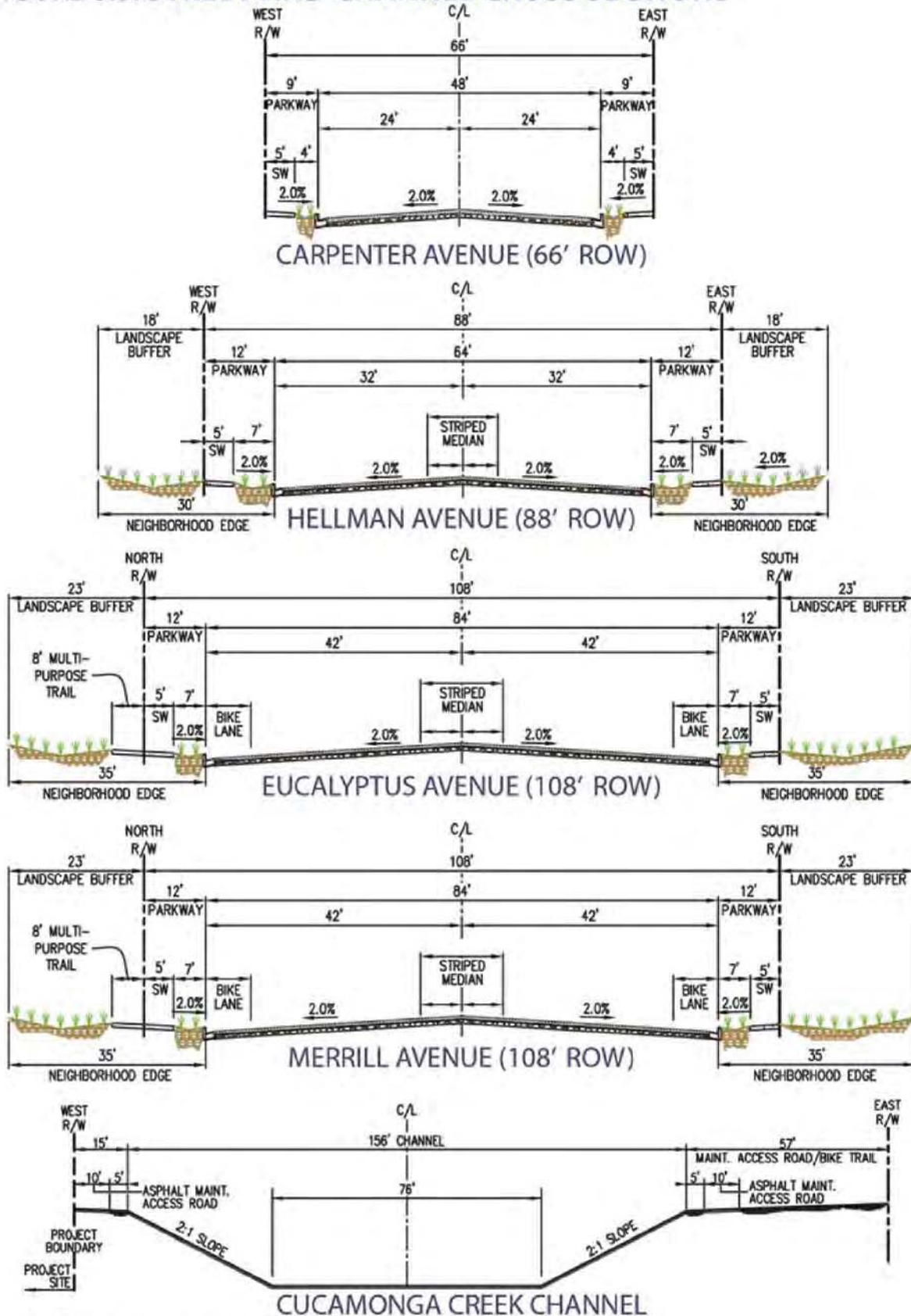
FIGURE 3.4: CITY OF ONTARIO ROADWAY CLASSIFICATION PLAN



Source: City of Ontario, 2014, Edited by MIG, Inc. 2016



FIGURE 3.5: STREET AND CHANNEL CROSS SECTIONS



Source: David Evans and Associates, Inc., 2016

## Local Circulation

A roadway alignment study, corresponding to the Caltrans Highway Design Manual's minimum radii for specific design speeds, will be required. Final site planning and off-site design shall conform to the roadway alignment study, and be subject to City approval. The design speeds for the various roadway facilities' are as follows:

- ❖ Eucalyptus Avenue: 45 miles per hour (MPH)
- ❖ Merrill Avenue: 45 MPH
- ❖ Carpenter Avenue: 40 MPH
- ❖ Hellman Avenue: 40 MPH

In addition to the typical street sections described and depicted, additional geometric enhancements, including but not limited to those at intersections, may be required to adequately mitigate impacts identified the Traffic Impact Analysis/Specific Plan EIR. Local roadway circulation shall accommodate trucks with a double trailer combination wheelbase of 67 feet (known as the WB-67 design vehicle).

Driveways shall conform to access requirements of the Traffic and Transportation Design Guidelines. Driveway locations, specifically those that are in proximity to master-planned or future traffic signals, shall be located so as not to interfere with queues as projected in the Traffic Impact Analysis for the Specific Plan. The use of surrounding roads, drive aisles and truck parking lots to address the open land requirement for the Chino Airport Overlay zone is discussed in Chapter 2 (Section 2.2: Airport Influence Areas).

### Carpenter Avenue

Carpenter Avenue bounds the Plan area on the west beginning at Eucalyptus Avenue and continues to the south. North of the Specific Plan area, Carpenter Avenue is not yet developed. Carpenter Avenue is designated as a two-lane Local Industrial Street to be ultimately developed into a 48-foot wide street with a 66-foot wide right-of-way. Proposed improvements include a four-foot curb-adjacent parkway strip and a five-foot sidewalk. On-street parking is prohibited along Carpenter Avenue.

### Eucalyptus Avenue

Eucalyptus Avenue is located along the northern boundary of the West Ontario Commerce Center Specific Plan, providing east/west access to the site. While currently an unpaved road, Eucalyptus Avenue is designated by The Ontario Plan as a four-lane Collector Street and is planned to include a Class II Bikeway and multipurpose trail. Eucalyptus Avenue is intended to be ultimately developed as an 84-foot wide street within a 108-foot right-of-way, including a striped median. The alignment for Eucalyptus Avenue will be curved to cross Carpenter and connect with the alignment of the existing street west of the Specific Plan area.

Proposed improvements for Eucalyptus Avenue include a bike lane at the edge of the street, seven-foot curb adjacent landscaped area, a five-foot sidewalk on the south side

of the street (adjacent to the project site), and a 23-foot additional landscape buffer setback described as a neighborhood edge in the City's *Ontario Ranch Colony Streetscape Master Plan*. On-street parking is prohibited along Eucalyptus Avenue as is stopping along the roadway. A future bikeway/multipurpose trail will eventually be constructed on the north side of Eucalyptus Avenue but it is not part of the West Ontario Commerce Center Specific Plan. The Eucalyptus Avenue Bridge crossing over Cucamonga Creek will be required to extend Eucalyptus Avenue to the east and will be designated in accordance to the Ontario Master Plan of Streets and Highways. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario.

#### Merrill Avenue

Merrill Avenue is designated as a four-lane Collector Street and provides east-west access to the project at its southern boundary. The street will ultimately be developed into an 84-foot wide road within the 108-foot right-of-way, including a striped median. Proposed improvements include a bike lane at the edge of the street, a seven-foot curb adjacent landscaped area, a 13-foot multipurpose trail (that includes a 5-foot sidewalk) on the north side of the street (adjacent to the project site), and a 15-foot additional landscape buffer setback, for a total 35-foot neighborhood edge, as described in the City's *Ontario Ranch Streetscape Master Plan*. On-street parking is prohibited along Merrill Avenue as is stopping along the roadway. The Merrill Avenue Bridge crossing over Cucamonga Creek will be required to be widened in accordance with the Ontario Master Plan of Streets and Highways. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario.

#### Hellman Avenue

The Ontario Plan Functional Roadway Plan shows Hellman Avenue connecting Riverside Drive south to Merrill Avenue. Currently, Hellman Avenue in the vicinity of the Plan area is not yet developed, but the road will bisect the Specific Plan area and will be developed concurrently with the Specific Plan. The Ontario Plan designates the segment of Hellman Avenue extending from Ontario Ranch Road to Merrill Avenue as a four-lane Collector Street. The section of Hellman Avenue extending north of the project site, from Ontario Ranch Road to Riverside Drive, is designated as a two-lane Collector Street. Between Merrill and Eucalyptus, Hellman Avenue will be developed into a Collector Street, 64-foot wide road within the 88-foot right-of-way, including a striped median. Unlike the straight alignment shown on the City of Ontario Roadway Classification Plan (Figure 3.4), Hellman Avenue will be curved within the Specific Plan area. Proposed improvements for Hellman Avenue include a seven-foot curb adjacent landscaped area, a five-foot sidewalk on both sides of the street (adjacent to the project site), and an 18-foot additional landscape buffer setback, for a total 30-foot neighborhood edge, as described in the City's *Ontario Ranch Streetscape Master Plan*. No parking will be allowed on Hellman Avenue. If an amendment to the City of Ontario Functional Roadway Classification Plan removes the Hellman Avenue extension through the site, no Specific Plan amendment is required.

## Traffic Signals and Control Devices

Interconnected traffic signals will be located around the Plan area. Master planned traffic signals will be located at the intersections of Hellman Avenue/Eucalyptus Avenue and Hellman Avenue/Merrill Avenue. A new traffic signal will also be located at Carpenter Avenue/Merrill Avenue. The intersection of Carpenter Avenue/Eucalyptus Avenue will also have a future traffic signal. All traffic signs regulating, warning, and/or guiding traffic on public roads will conform to the California Manual on Uniform Traffic Control Devices (MUTCD), latest edition. All traffic-control signs, whether on public or private property, shall conform to the California MUTCD.

## Truck Routes

The City of Ontario designates and maintains a network of truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses (Figure 3.6). Merrill Avenue, which runs along the southern boundary of the Specific Plan Area, is a designated truck route from the western City boundary to Archibald Avenue. Euclid Avenue, located to the west at the City boundary, Ontario Ranch Road, located several blocks north of the Specific Plan Area, and Archibald Avenue, located several blocks east of the Specific Plan Area, are also designated truck routes.

## Pedestrian Circulation

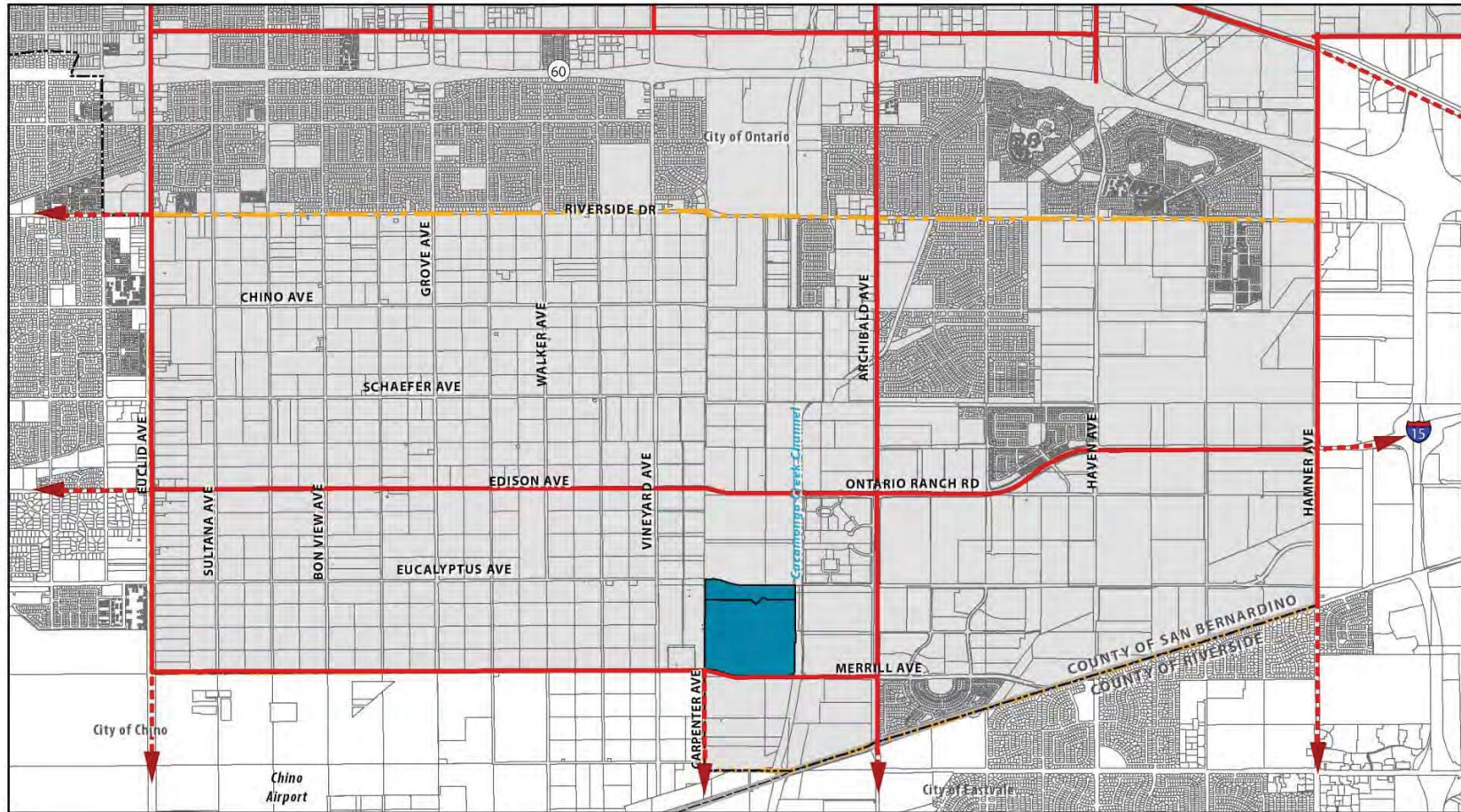
To improve the pedestrian experience and safety, and to connect the various parts of the Specific Plan area and provide access to adjacent land uses, sidewalks will be provided along all streets abutting the Specific Plan Area. Each sidewalk will be five-feet wide, constructed of concrete, and installed at the same time as adjacent roadway improvements.

## Bike Paths and Trails

Bicycle paths and trails will provide an additional mode of circulation in and around the Specific Plan area. Bounding the site area on the east, the existing Cucamonga Creek Trail provides 1.3 miles of equestrian trails and 2.4 miles of paved hiking and bicycle trails within the City of Ontario. Approximately 2,600 linear feet of the Cucamonga Creek Trail runs along the east side of the Cucamonga Creek, immediately to the east of the Specific Plan area.

The Ontario Plan Mobility Element plans for a Class II Bikeway and multipurpose trail along both Merrill and Eucalyptus Avenues (Figure 3.7), connecting to the Cucamonga Creek Trail (a Class I Bikeway). Class II bikeways are defined as dedicated (striped) lanes along streets, with no parking allowed in the bike lane. These bike lanes provide linkages to the City's bike path system (Figure 3.8). The bikeway and trail improvements will be installed along the project frontage with the installation of the street improvements.

FIGURE 3.6: TRUCK ROUTES

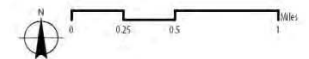


**Legend**

- Specific Plan Area
- Ontario Ranch
- City of Ontario

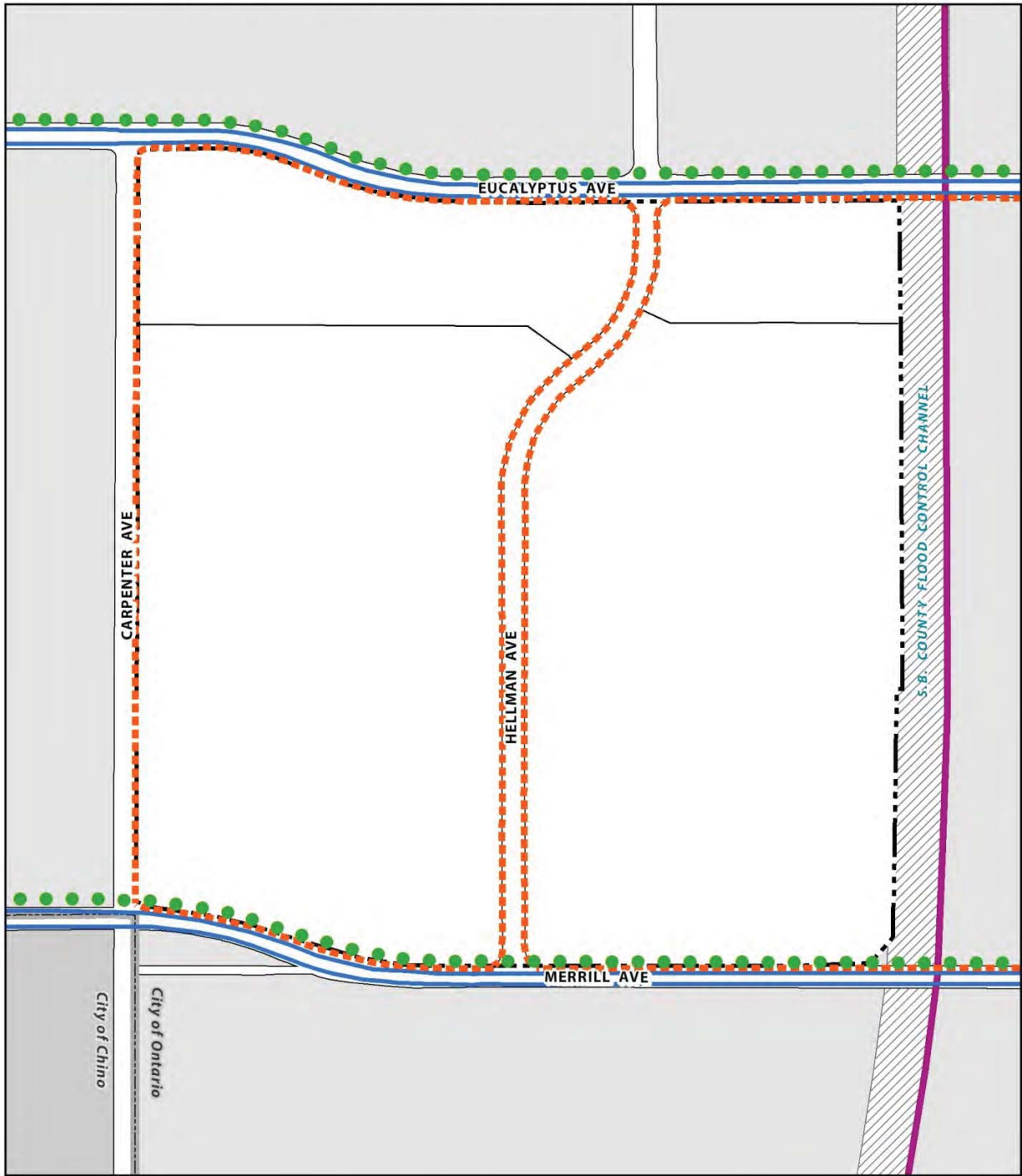
**Truck Routes**

- City of Ontario Truck Route
- Adjacent Agency Truck Route



Date: March 2017  
 Source: City of Ontario  
 Base Map Prepared by: M/G, Inc.

FIGURE 3.7: BICYCLE AND PEDESTRIAN PLAN

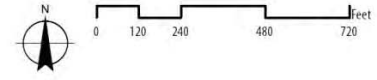


**Legend**

- Specific Plan Boundary
- Planning Areas

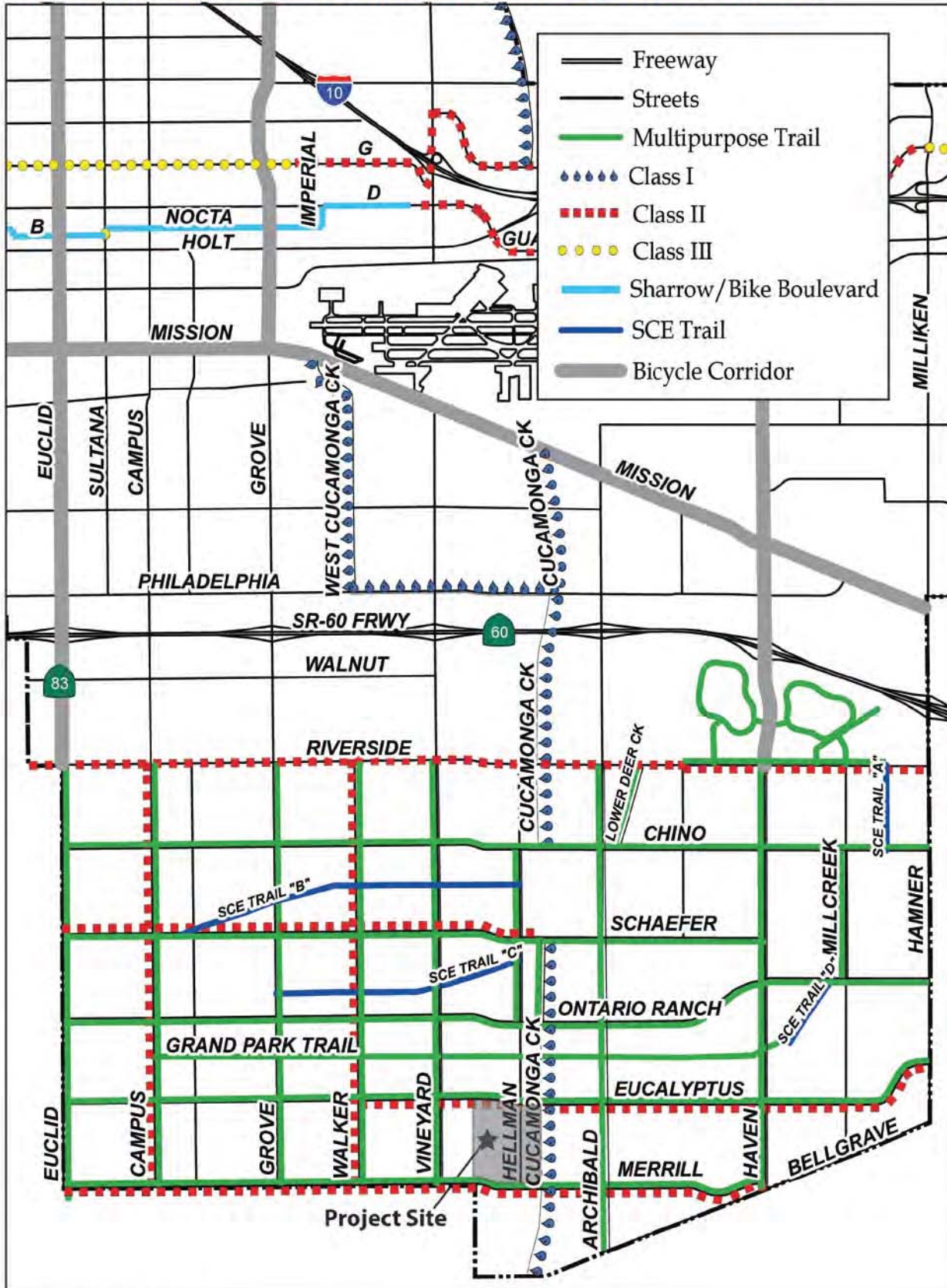
**Bike and Pedestrian Plan**

- Multi-Purpose Trail
- Sidewalk
- Class I Bikeway
- Class II Bikeway



Date: March 2017  
Source: City of Ontario, 2016  
Base Map Prepared by: MIG, Inc.

FIGURE 3.8: CITY OF ONTARIO TRAIL AND BIKEWAYS PLAN



Source: City of Ontario, 2016

### Landscaped Buffer and Neighborhood Edge Design for Water Quality

All landscape buffers and neighborhood edge areas, adjacent to public roads within the Specific Plan area will be swaled to improve retention/infiltration of rainwater, irrigation water and roadway runoff, in order to meet the Site Design and Low Impact Development requirements of the San Bernardino County Water Quality Management Plan (WQMP).

### Transit

Transit options provide an alternative mode of transportation for motorists and a primary mode for the transit dependent. The City is coordinating with regional transit agencies to implement Bus Rapid Transit (BRT) service to target destinations and along corridors, including Ontario Ranch Road, located one-half mile north of the Specific Plan and along Euclid Avenue, located two and one-half miles west of the Specific Plan along the City's western edge.

## 3.4 WATER PLAN

The ultimate sizing and alignment of the potable water lines will follow the most current approved Master Plan with a proposed future Amendment to locate the 24-inch 925 PZ transmission backbone from Edison to Eucalyptus Avenue.. Water service to the Specific Plan area will be provided by the City of Ontario. Potable water is provided by imported water from the Water Facilities Authority (WFA), Chino Basin Desalter Authority (CDA) and groundwater from the Chino Basin, extracted via the City's wells. The WFA was formed in 1980 as a Joint Powers Authority by the Cities of Chino, Chino Hills, Ontario and Upland, and the Monte Vista Water District. It was formed to construct and operate water treatment facilities that provide a supplemental supply of potable water to its member agencies.

The City's ultimate domestic water system will consist of five pressure zones. Most of Ontario Ranch (including the Specific Plan area) will be located in the 925 Pressure Zone. Ultimate improvements for West Ontario Commerce Center Specific Plan include a network of 24-inch water mains within Eucalyptus and Merrill Avenues from Carpenter Avenue and connecting to an existing 12-inch water line at Archibald Avenue. Improvements will also include a 12-inch water line within Carpenter and Hellman Avenues between Eucalyptus and Merrill Avenues (Figure 3.9). New water mains required to serve the project will need to be constructed prior to or concurrent with on-site water improvements. Within the project site, a network of 10- to 12-inch water lines for fire services water and 2- to 4-inch water lines for domestic water service will be installed. The onsite water system includes connections to the main in Eucalyptus Avenue for PA-1 and to the main in Merrill Avenue for PA-2.

Existing water supply infrastructure for the 925 Zone has been constructed and/or funded by the NMC Builders LLC under the terms of a Construction Agreement. These facilities are referred to as Phase 1. Water supply infrastructure (production, storage, transmission) required for development in Ontario Ranch requires Phase 2 backbone water infrastructure for the 925 Zone, generally consisting of transmission mains, wells, and reservoir. Phase 2 infrastructure is shown on Figure 3.10. Phase 2 transmission line locations are subject to change, based on City conducted and approved hydraulic analysis.







FIGURE 3.9: WATER MASTER PLAN

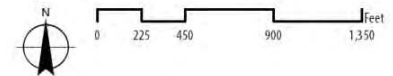


**Legend**

-  Specific Plan Boundary
-  Planning Areas

**Water Master Plan**

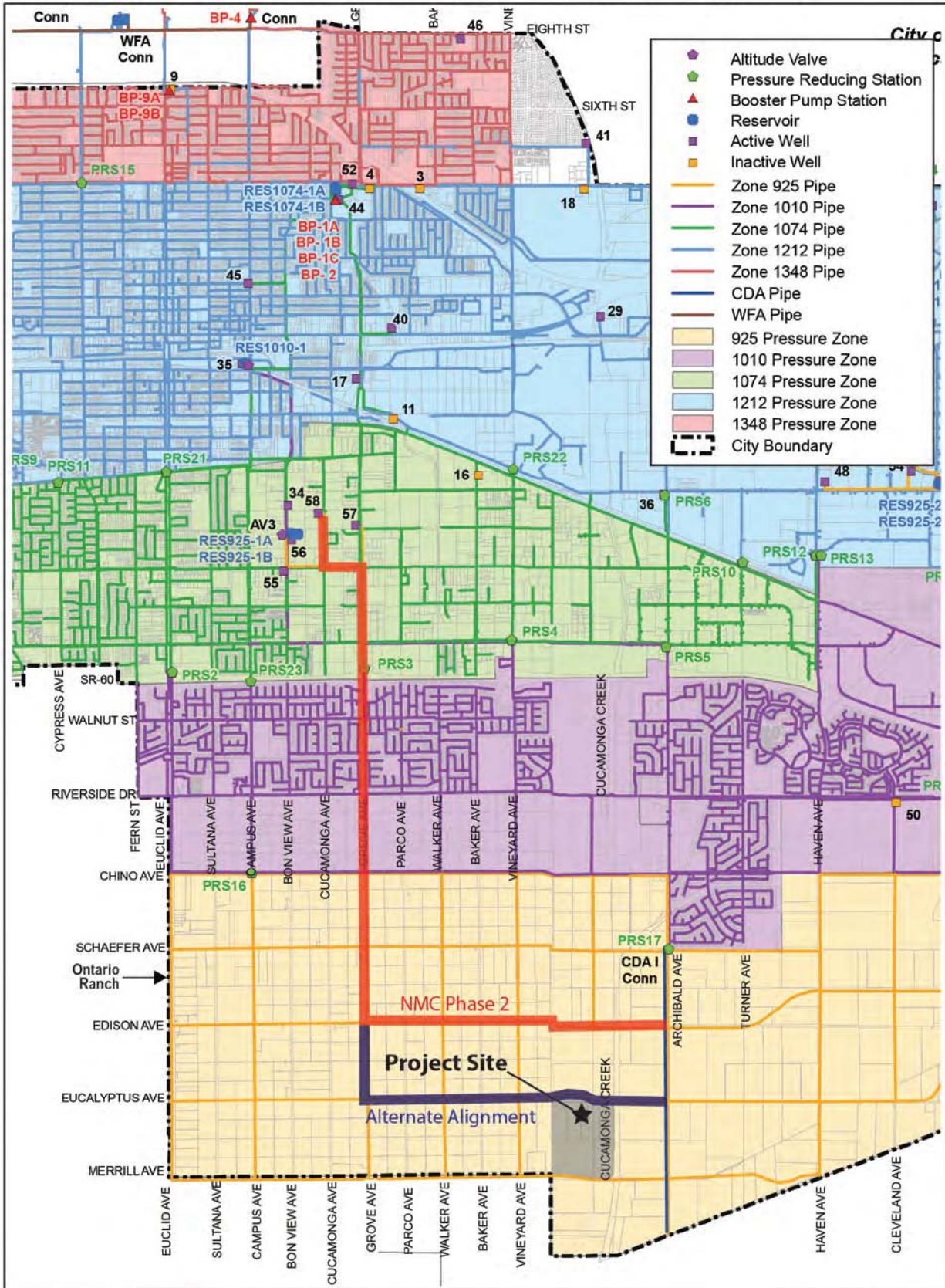
-  New Public Water (City of Ontario)
-  Future Public Water (City of Ontario)
-  Existing Public Water (City of Ontario)
-  Point of Connection



Date: April 2018  
 Source: David Evans and Assoc., Inc., 2017  
 Base Map Prepared by: M/G, Inc.

Size and location of the waterlines are subject to change based on the current approved Master Plan as well as a City conducted and approved hydraulic analysis.

**FIGURE 3.10: CITY OF ONTARIO ULTIMATE WATER SYSTEM**



Source: City of Ontario, 2013 Phase 2 transmission line locations are subject to change based on the current approved Master Plan as well as a City conducted and approved hydraulic analysis.

In the interim scenario in Ontario Ranch, when the ultimate master planned pipeline network has not been completed, there may be instances whereby just constructing the master planned pipeline improvements to serve the project may not meet the required fire flow demands. Therefore, the proposed project may be required to construct additional pipelines whether specifically called out in the Master Plan or not; or upsize master planned pipelines in order to meet the necessary fire flow requirements per Fire Department and/or the criteria as provided for in the Water Master Plan. Developer shall submit a hydraulic analysis to the City for review/approval to demonstrate adequate fire flow protection requirements.

### 3.5 RECYCLED WATER PLAN

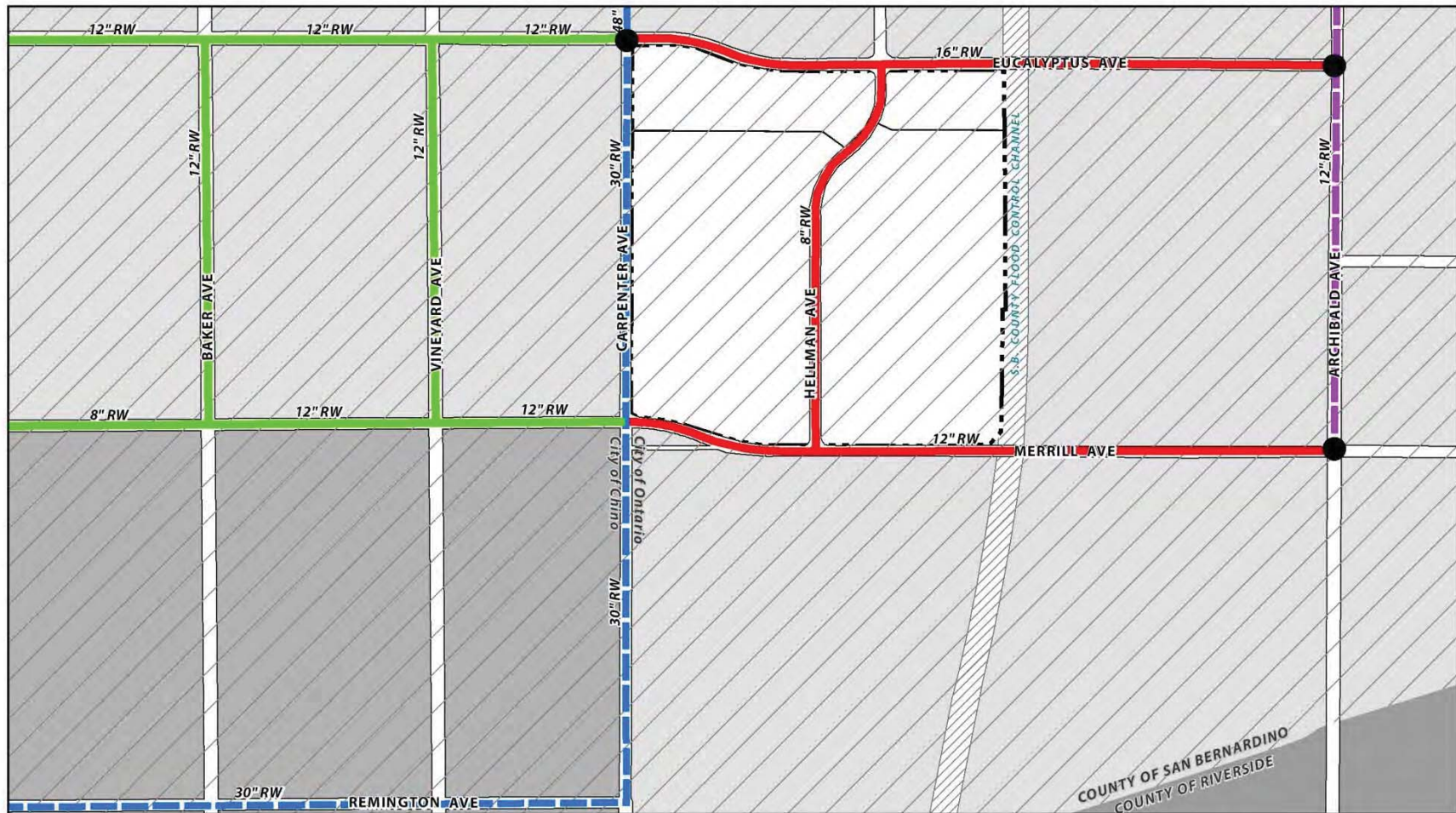
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Ultimate sizing and alignment of the recycled water lines shall follow the most currently approved Master Plan and/or a City conducted and approved hydraulic analysis. The City of Ontario Recycled Water Master Plan describes the location and diameters of the “backbone” recycled water pipelines to be located within Ontario Ranch. Recycled water is provided to the City of Ontario by the Inland Empire Utility Agency (IEUA), which treats wastewater at four regional wastewater reclamation plants. The City’s existing regional system consists of approximately 35 miles of recycled water pipelines serving four different pressure zones: Zone 930, Zone 1050, Zone 1158, and Zone 1299. The names of these pressure zones refer to the design hydraulic grade line (HGL) of the zone in feet above mean sea level. Most of Ontario Ranch (including the Specific Plan area) is located in the 930 Zone.

The City of Ontario Ordinance 2689 indicates that all new development in Ontario Ranch is required to connect to and use recycled water for all approved uses, including but not limited to landscape irrigation. Therefore, a grid backbone system of recycled water pipelines coincident with major arterial roadways was devised to serve Ontario Ranch (Figure 3.12). An existing 30-inch recycled water line (IEUA) is located on the west side of the Specific Plan area along Carpenter Avenue. A new 16-inch recycled water line will be located along the Specific Plan area’s northern boundary (along Eucalyptus Avenue), a new 12-inch recycled water line will be located on the Plan area’s southern boundary along Merrill Avenue and an 8-inch recycled water line will be located within Hellman Avenue (Figure 3.11). Master Plan recycled water mains are required in both Merrill and Eucalyptus, between Archibald and Carpenter to complete the recycled water loop system.

The West Ontario Commerce Center Specific Plan will utilize the existing recycled water lines and connect where required to serve the project site. The West Ontario Commerce Center will make use of recycled water for all approved uses, including but not limited to the irrigation of off-site and on-site landscaping and common areas, in compliance with Ontario Municipal Code Section 6-8.700 et seq. and Recycled Water Use Ordinance 2689. Prior to use of recycled water, approval of an Engineering Report from the City of Ontario and State Water Resources Control Board (SWRCB) is required. Interim connection to potable water is not allowed.

FIGURE 3.11: RECYCLED WATER MASTER PLAN



**Legend**

- Specific Plan Boundary
- Planning Areas

**Recycled Water Master Plan**

- New Recycled Water (City of Ontario)
- Existing Recycled Water (City of Ontario)
- Existing Recycled Water (IEUA)
- Future Recycled Water (City of Ontario)

930 Recycled Water Pressure Zone

Point of Connection



Date: April 2018  
 Source: David Evans and Assoc., Inc., 2017  
 Base Map Prepared by: MIG, Inc.



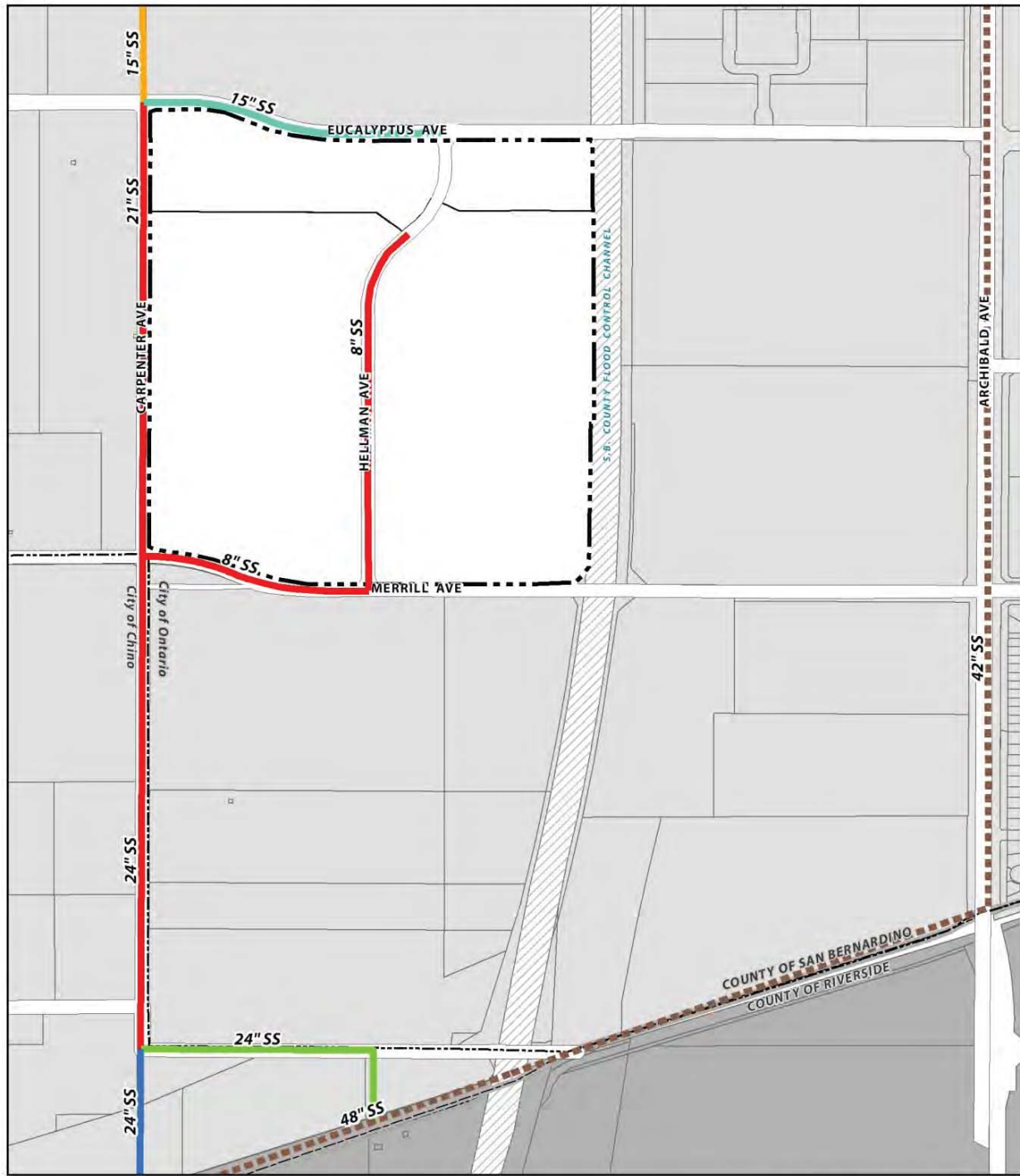
### 3.6 SEWER PLAN

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Ultimate sizing and alignment of the sewer shall follow the most current approved Master Plan and/or a City conducted and approved hydraulic analysis. Regional wastewater treatment services are provided to the City of Ontario and its neighboring agencies by the Inland Empire Utilities Agency (IEUA). Several regional trunk sewers collect sewage generated in the City and transport it to IEUA's Regional Plant No.1 and Regional Plant No.5 for treatment. The City of Ontario's sewer service area has been divided into eight sewersheds, primarily based on the outlet points where the City's system ties into a downstream facility owned by IEUA. Ontario Ranch is located in Sewershed 8.

Sewer services to the West Ontario Commerce Center will be provided by the City of Ontario consistent with the City's Sewer Master Plan. A new 21-inch sewer trunk line will be constructed within Carpenter Avenue adjacent to the site's western boundary and will connect to the south to the existing eastern trunk sewer (IEUA) or a new alternate alignment at Moon Place. (Figure 3.13 shows the primary alternative alignment of the sewer). A new 8-inch sewer trunk line will also be constructed within Merrill Avenue between Carpenter and Hellman Avenues and a portion of Hellman Avenue. Construction of the sewer lines outside of the immediate Specific Plan area may occur prior to development of the West Ontario Commerce Center Specific Plan as a continuation of neighboring development projects such as the Colony Commerce Center Specific Plan located south of the West Ontario Commerce Center Specific Plan area and the Parkside Specific Plan located to the north of the Specific Plan area (Figure 3.13). Within Eucalyptus Avenue, adjacent to the site's northern boundary, a future 15-inch sewer line will be constructed as part of the Parkside Specific Plan. Figure 3.14 depicts the currently (as of 2017) approved Sewer Master Plan alignment for the sewershed.

FIGURE 3.13: SEWER MASTER PLAN



**Legend**

-  Specific Plan Boundary
-  Planning Areas

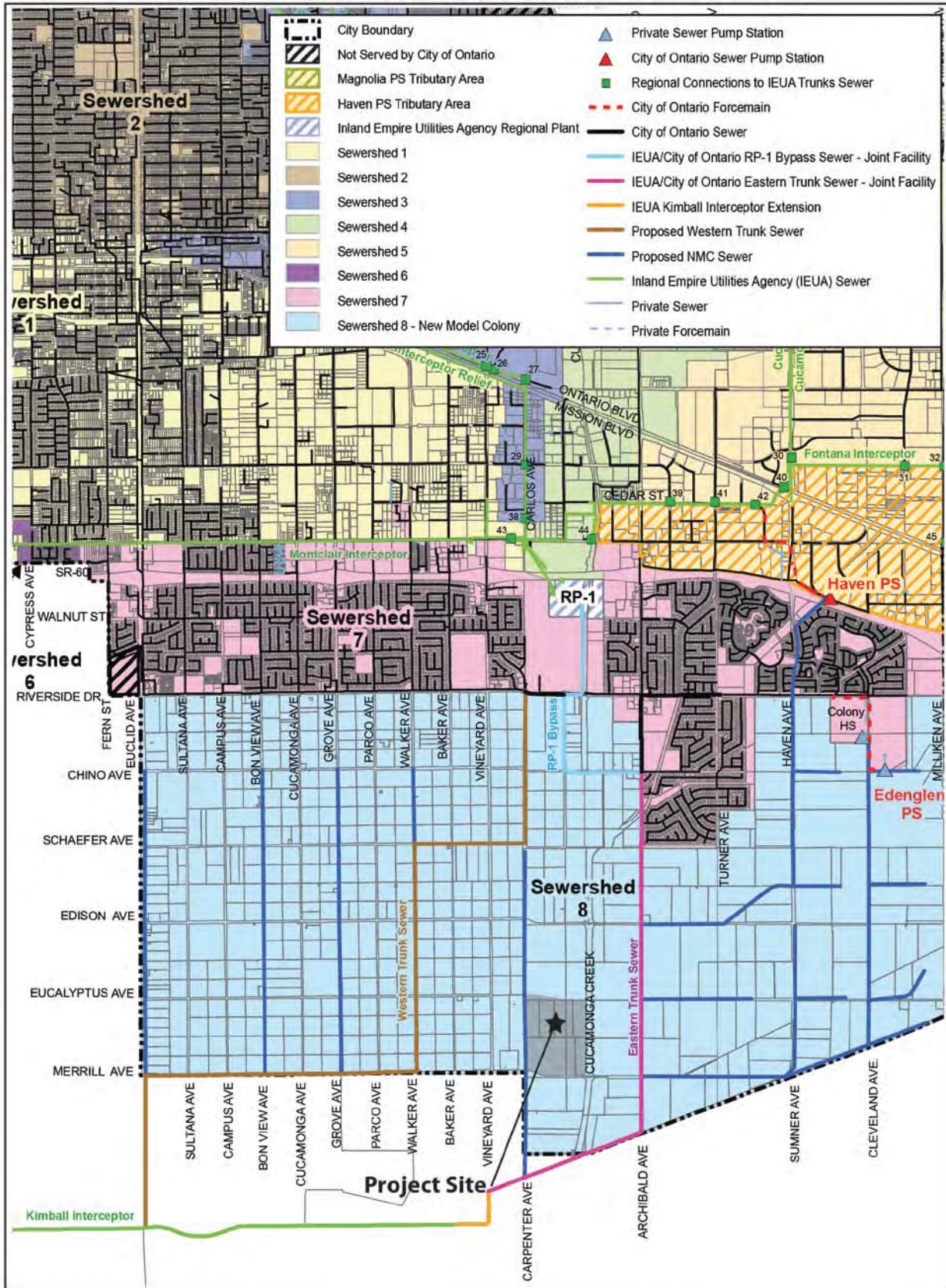
**Sewer Master Plan**

-  New Sewer (City of Ontario) Master Plan Alignment
-  New Sewer (City of Ontario) Alternate Alignment
-  New Sewer (City of Ontario) Master Plan To Be Realigned
-  Future Sewer (City of Ontario)
-  Existing Eastern Trunk Sewer (IEUA)
-  Future Sewer (City of Ontario) Per Parkside Specific Plan



Date: April 2018  
 Source: David Evans and Assoc., Inc., 2017  
 Base Map Prepared by: MIG, Inc.

FIGURE 3.14: CITY OF ONTARIO ULTIMATE SEWER SYSTEM



Source: City of Ontario, 2014



### 3.7 CONCEPTUAL GRADING PLAN

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Site topography slopes gently downward to the south, at an estimated gradient of one percent. There is an approximately 25-foot change in elevation across the plan area. The grading activities for West Ontario Commerce Center will generally consist of clearing and grubbing, demolition of existing structures, and moving surface soils to construct building pads, driveways and streets. The Conceptual Grading Plan (Figure 3.15) provides a balance of cut and fill for the Specific Plan area. Grading plans for each development project within the project shall be reviewed and approved by the City of Ontario prior to the issuance of grading permits. All grading plans and activities shall conform to the City's grading ordinance and dust and erosion control requirements.

All landscaped areas within the Specific Plan area shall be graded as shallow swales and designed to accept runoff water from impervious surfaces. Water quality retention basins, trenches, etc., the exact location of which will be determined at the time of WQMP approval for individual implementing projects, will have a maximum side slope of 3:1.

### 3.8 DRY UTILITIES PLANS

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Utility services provided to the site will be installed underground in accordance with City of Ontario guidelines.

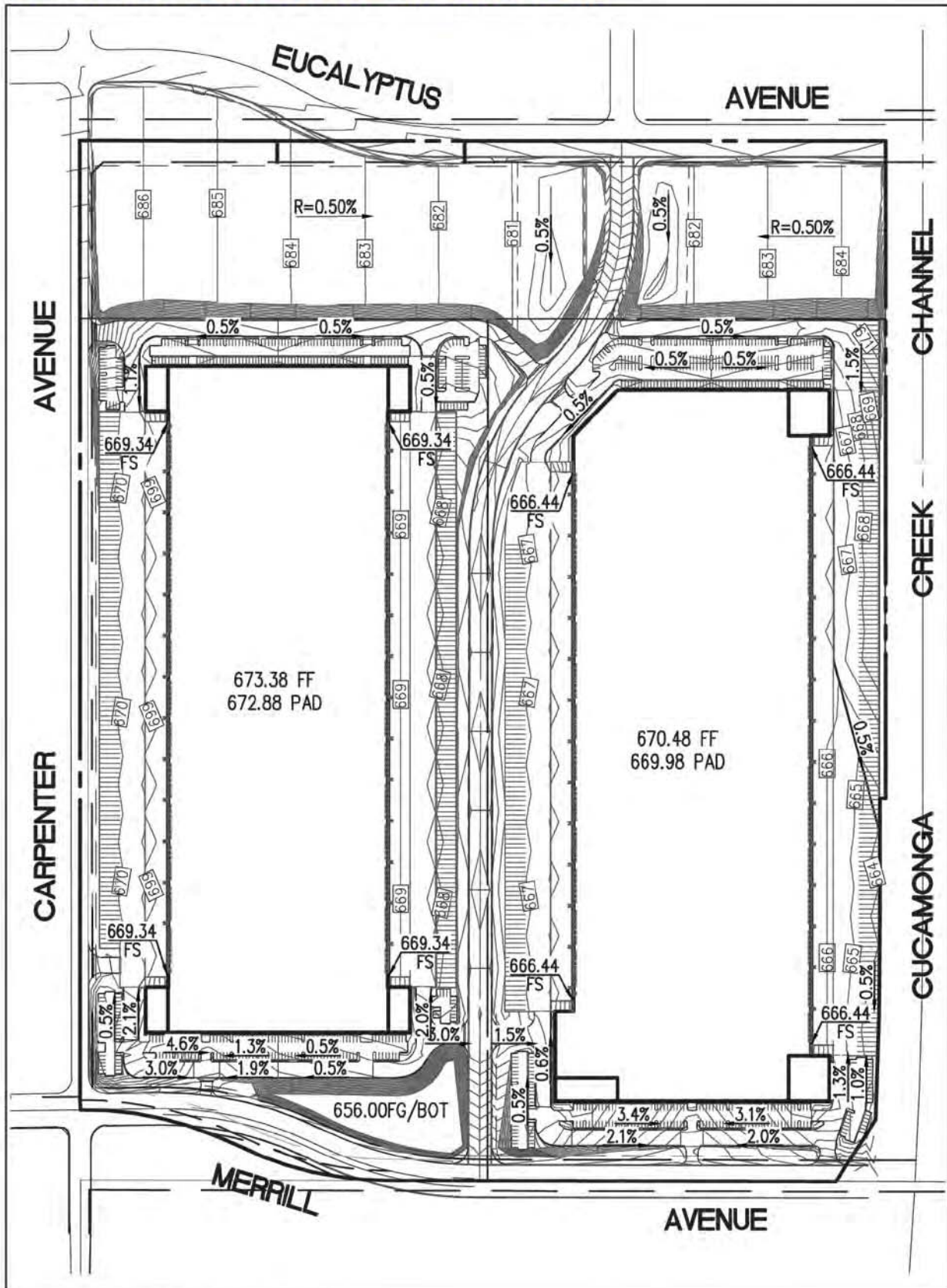
#### Communication Systems

Developments in Ontario Ranch are required to install and provide fiber conduit to all improved lots. Proposed on-site facilities will be placed underground within a duct and structure system that will be installed by the Developer. Pursuant to the City of Ontario 2013 Fiber Optic Master Plan, the fiber optic network will be owned and operated by the City of Ontario and as such maintenance of the installed system will be the responsibility of the City and/or Special District fiber optic entity and not the Developer. According to the City's Fiber Optic Master Plan, the proposed fiber optic infrastructure, including approximately 23 miles of backbone fiber south of Riverside Drive, is an investment into a long term capital asset using newly constructed and existing conduit to provide high speed communication links to key locations throughout the City. The West Ontario Commerce Center Specific Plan will be connected to the City's system as shown on Figure 3.16.

#### Natural Gas

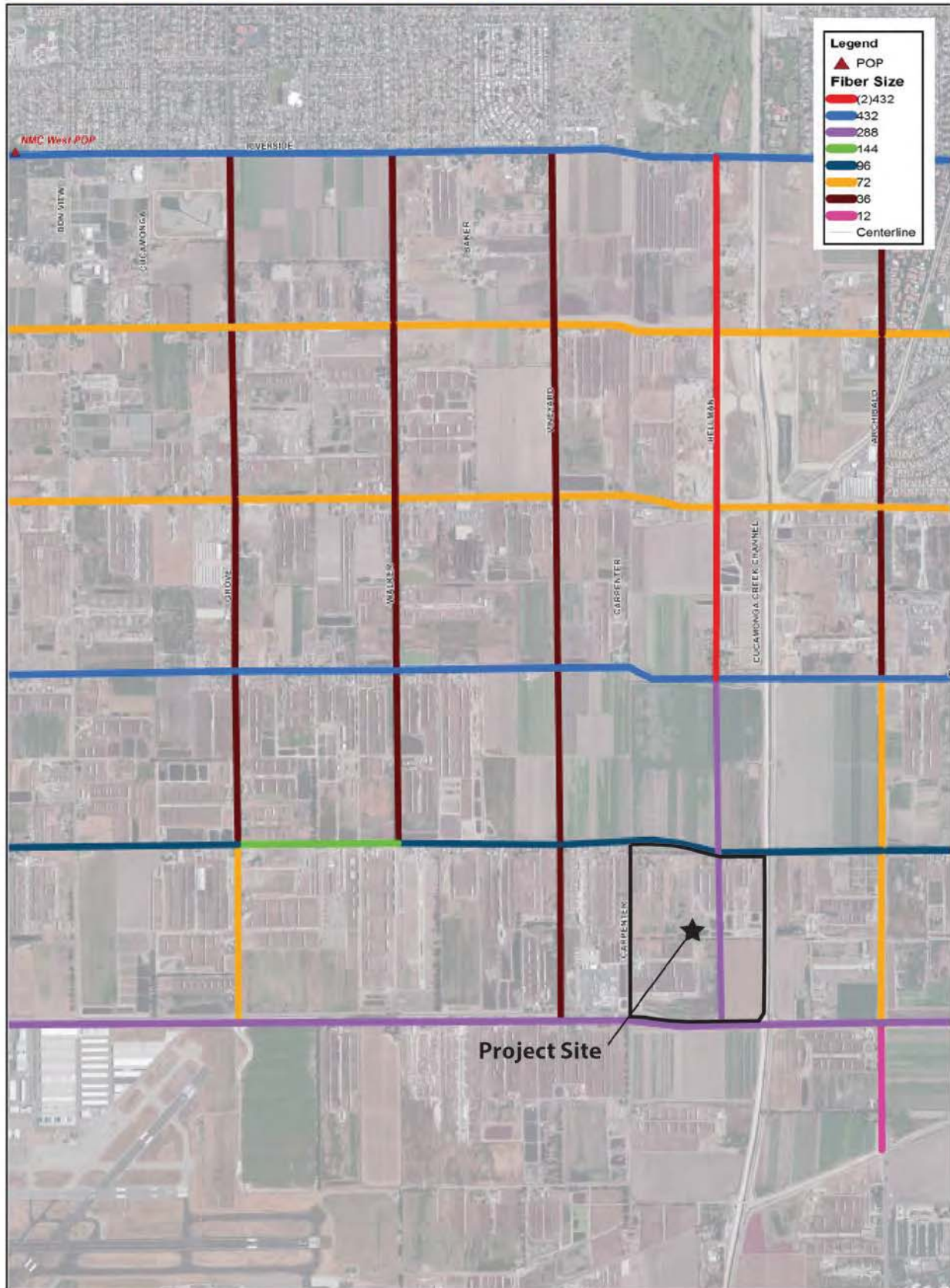
The Gas Company will provide natural gas to the project site. Gas mains will be installed to the individual development projects by the Gas Company, as necessary.

FIGURE 3.15: CONCEPTUAL GRADING PLAN



Source: Thienes Engineering, Inc., 2016

FIGURE 3.16: CITY OF ONTARIO FIBER OPTIC PLAN



Source: City of Ontario, 2013

## Electricity

Southern California Edison will provide electricity to the project site from existing facilities in the vicinity. All new lines within the project shall be installed according to City of Ontario requirements.

### 3.9 STORM DRAINAGE PLAN

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The City of Ontario Storm Drain Master Plan (Figure 3.18) identifies future storm drain improvements that will serve the Specific Plan area and provide storm water drainage for the site. The Specific Plan area is located within the 2.3 square mile Drainage Area XI, and is a tributary to the Cucamonga Creek Channel south of Lower Cucamonga Spreading Grounds via master planned, City-owned storm drains. Future storm drains will be installed along the northern boundary of the Plan Area and also connect to the Cucamonga Creek. Figure 3.17 identifies storm drain improvements that will ultimately serve the Specific Plan area, in the wider context of the surrounding area, pursuant to the City of Ontario Storm Drain Master Plan.

Located just south of the Specific Plan area, the Colony Commerce Specific Plan has proposed a revision to the Master Plan of Drainage. As part of the proposed revision, the storm drain lines "MERL-XI-1" and "WLKR-XII-1" will be combined in Merrill Avenue as a double 10-foot (height) by 12-foot (width) reinforced concrete box storm drain (RCB) connecting to the Cucamonga Creek Channel. Ultimate sizing and alignment of the storm drain improvements shall follow the most currently approved Master Plan. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario.

#### NPDES Compliance

The grading and drainage of the West Ontario Commerce Center Specific Plan area will be designed to retain/infiltrate, harvest & re-use or biotreat surface runoff, in order to comply with the current requirements of the San Bernardino County NPDES Stormwater Program's Water Quality Management (WQMP) for significant new development projects. The objective of the WQMP for this project is to minimize the detrimental effects of urbanization on the beneficial uses of receiving waters, including effects caused by increased pollutants and changes in hydrology. These effects may be minimized through the implementation of site designs that reduce runoff and pollutant transport by minimizing impervious surfaces and maximizing on-site infiltration, Source Control Best Management Practices (BMP's) or use of on-site structural Treatment Control BMP's, where infeasibility of installing LID BMPs is demonstrated.

New development within the Specific Plan area will utilize a variety of Low Impact Development site drainage designs to manage stormwater, including but not limited to retention/infiltration basins, trenches and swales and above ground and/or below ground bio-treatment systems.

Development projects within the Specific Plan area will comply with the latest low impact development guidelines and incorporate features including but not limited to

- ❖ Landscape designs that promote water retention and incorporation of water conservation elements such as use of native plants and drip irrigation systems;
- ❖ Permeable surface designs in parking lots and areas with low traffic;
- ❖ Parking lots that drain to landscaped areas to provide retention and infiltration or bio-treatment, where infiltration is infeasible;
- ❖ Limit soil compaction during grading operations within landscaped storm water infiltration areas to no more than 80 percent compaction.

Prior to the issuance of a grading or construction permit, a Storm Water Pollution Prevention Plan (SWPPP), Erosion & Sediment Control Plan sheets and a Water Quality Management Plan (WQMP) will be prepared and approved. The SWPPP and Erosion & Sediment Control Plan Sheets will identify and detail all appropriate Best Management Practices (BMPs) to be implemented or installed during construction of the project and the WQMP will describe all post-construction BMPs designed to address water quality and quantity of runoff, for the life of the project.

### 3.10 PUBLIC SERVICES

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#### Police

The City of Ontario will provide police services to the West Ontario Commerce Center Specific Plan. The closest police station is located approximately three miles north of the Specific Plan area at 2500 S. Archibald Avenue, just south of SR-60. This station is also the City of Ontario Police Department headquarters.

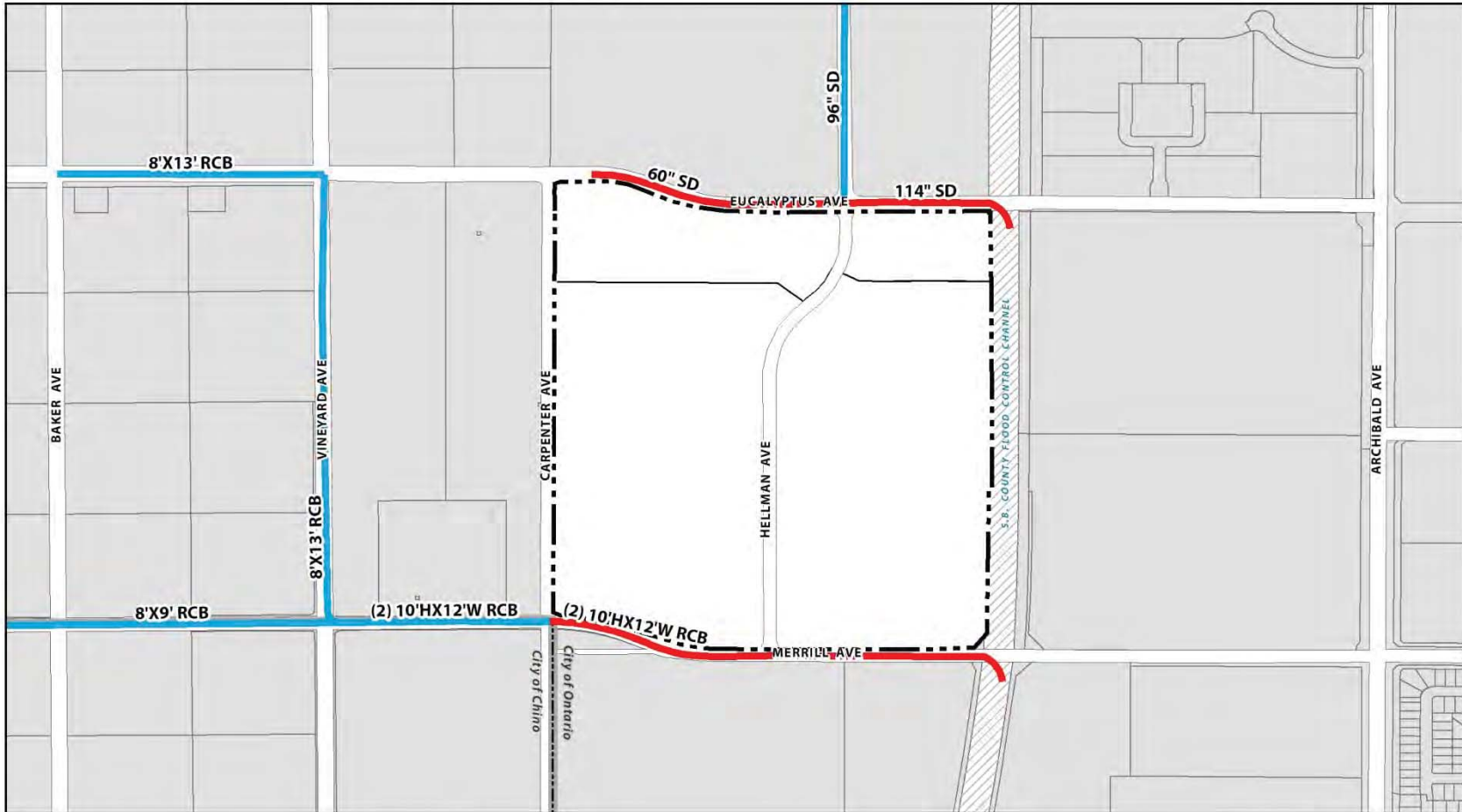
#### Fire

The City of Ontario will provide fire protection services to the West Ontario Commerce Center. The Ontario Fire Department currently has eight stations, which are staffed with eight four-man paramedic engine companies and two four-man truck companies. The closest operational fire station, Station 6, is located at 2931 E. Philadelphia Avenue, approximately four miles north of the Specific Plan area. The Ontario Fire Department will soon begin construction of Fire Station Nine approximately one mile north of the Specific Plan area.


#### Solid Waste Disposal

The City of Ontario will provide solid waste services to the West Ontario Commerce Center Specific Plan. The City offers a full array of commercial and industrial services designed to meet the business community's needs. Solid waste requirements shall follow the "Solid Waste Department Refuse and Recycling Planning Manual." The Manual establishes the City of Ontario's requirements for refuse and recycling storage and access for service, as well as address the City's recycling goals. The Mid-Valley Landfill is the nearest County of San Bernardino landfill located at 2390 N. Alder Avenue in the City of Rialto, approximately 20 miles northeast of the Specific Plan area.



FIGURE 3.17: STORM DRAIN MASTER PLAN

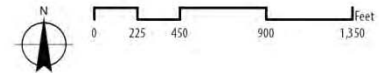


**Legend**

-  Specific Plan Boundary
-  Planning Areas

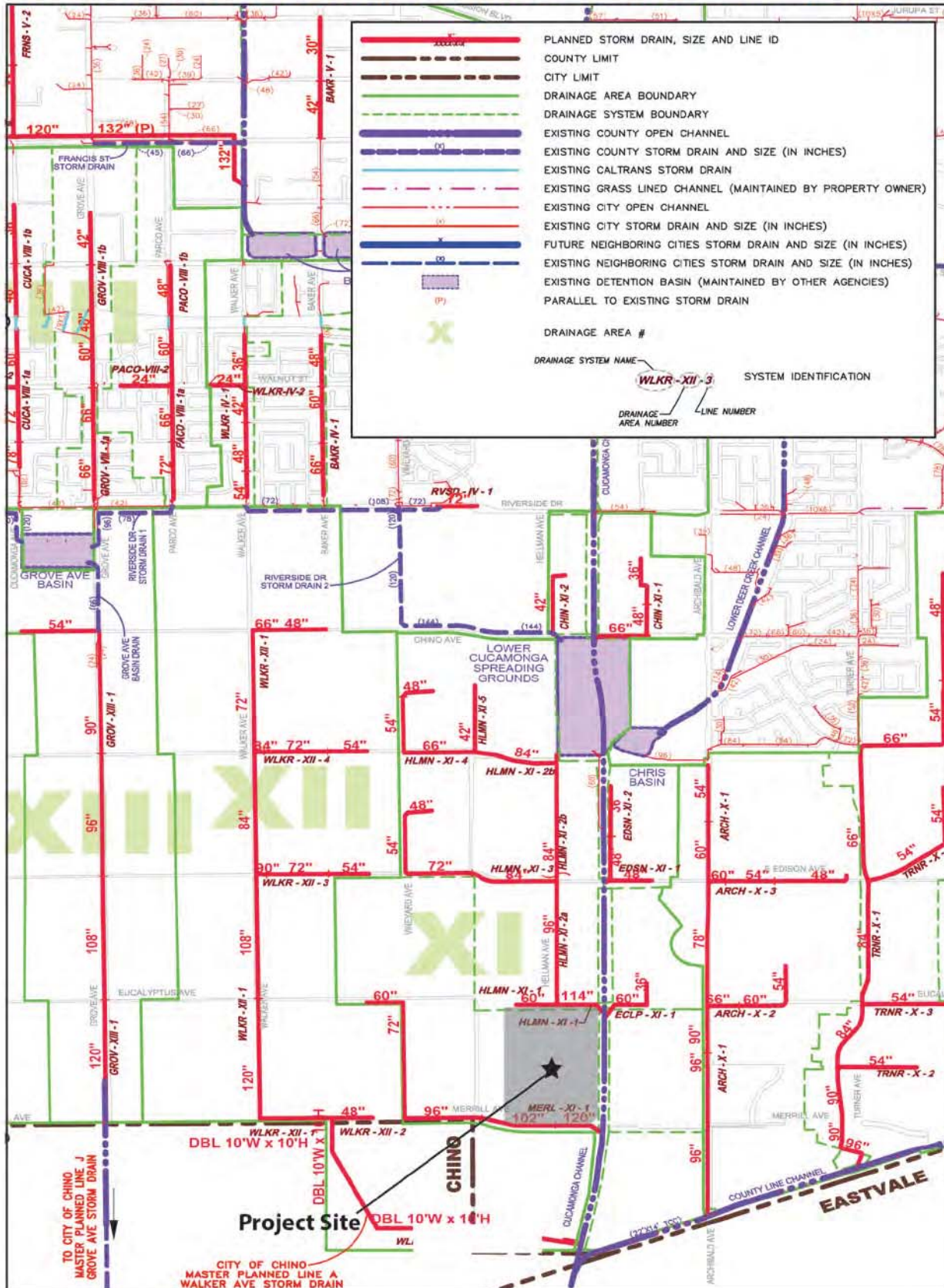
**Storm Drain Master Plan**

-  New Public Storm Drain (City of Ontario)
-  Future Public Storm Drain (City of Ontario)



Date: December 2017  
 Source: David Evans and Assoc., Inc., 2017  
 Base Map Prepared by: MIG, Inc.

**FIGURE 3.18: CITY OF ONTARIO PLANNED DRAINAGE FACILITIES**



Source: City of Ontario, 2012

### 3.11 PHASING PLAN

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Development phasing of the project site will be determined by the landowner and/or developer based upon real estate market conditions. Phasing will occur as appropriate levels of infrastructure are provided. Phasing sequencing is subject to change over time to respond to various market and local factors and as such, individual phases may overlap or develop concurrently. Infrastructure improvements, as required and approved by the City Engineer to support the development, will be installed by the developer. Figure 3.19, Conceptual Phasing Plan, describes two general phases of development, starting with the southern portion of West Ontario Commerce Center and extending north over time.

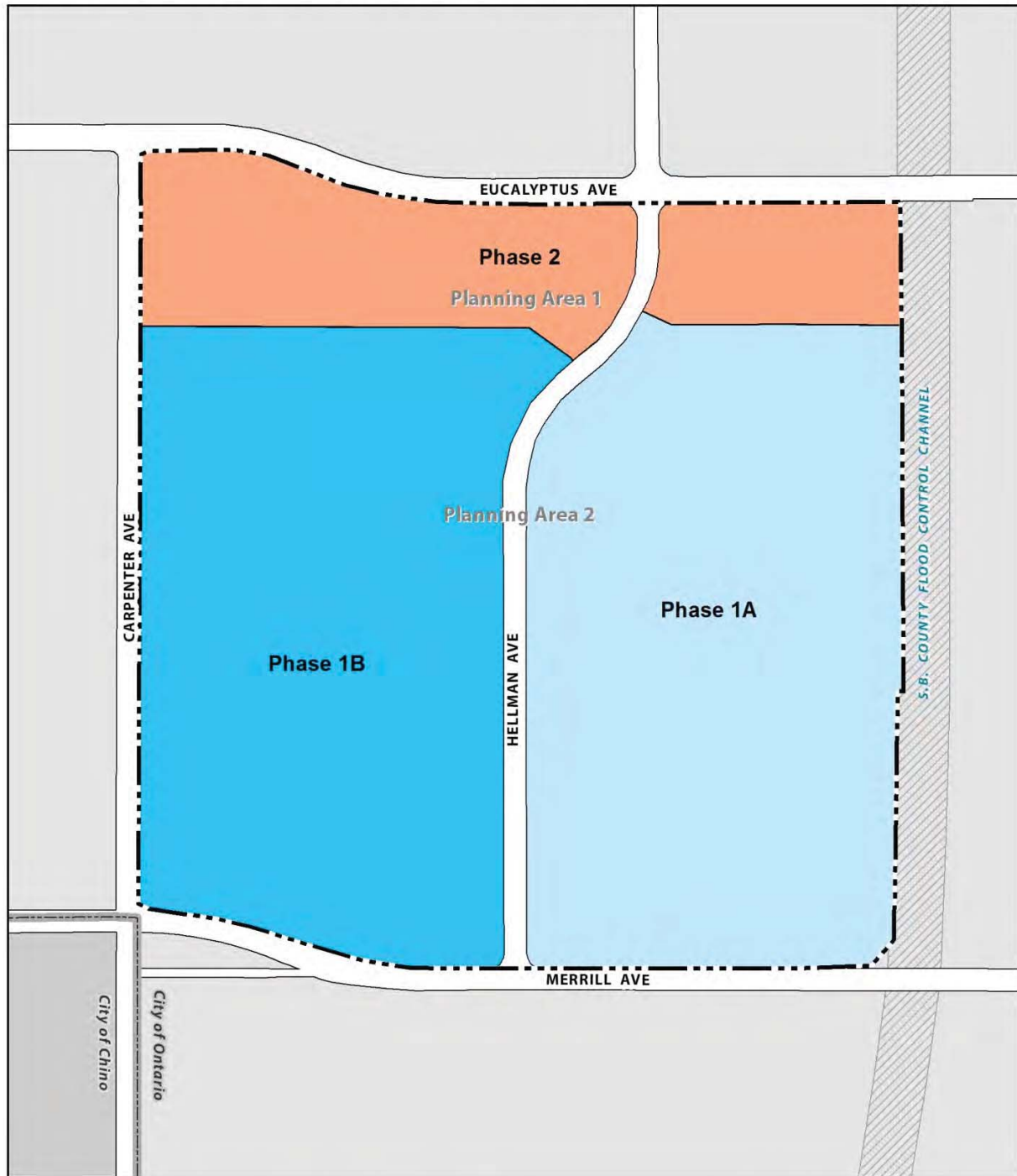
Backbone infrastructure to the West Ontario Commerce Center will be installed by the project developer, in accordance with the applicable City-adopted Master Plan for the area, as well as the provisions of this Specific Plan and the approved Development Agreement. Fair share responsibilities for bridges, streets, and storm drain improvements will be addressed in a Development Agreement with the City of Ontario. The timing for installation of infrastructure and utilities within the Specific Plan will be determined as part of the City's approval of parcel maps. Infrastructure will be constructed and made available in a timely manner as development progresses.

**Phase 1:** Phase 1 consists of the construction of the storage, warehousing, and industrial uses in Planning Area 2. This phase may be developed in two or more subphases, based on development plans. Final grading and infrastructure improvements will be completed in accordance with the approved Development Agreement and City Engineer approval.



**Phase 2:** Phase 2 consists of the construction of the business park uses in Planning Area 1. This phase may be developed in several subphases in response to market demands and according to the logical and orderly completion of infrastructure improvements.






FIGURE 3.19: CONCEPTUAL PHASING PLAN



**Legend**

-  Specific Plan Boundary
-  Planning Areas

**Conceptual Phasing Plan**

-  Phase 1A
-  Phase 1B
-  Phase 2



Date: November 2016  
Base Map Prepared by: MIG, Inc.

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## 4.0 LAND USE AND DEVELOPMENT STANDARDS

This chapter identifies the allowable uses and the standards for building heights, setbacks, parking, coverage, landscape, signage, and all other development standards within the West Ontario Commerce Center Specific Plan. The application of these regulations is intended to create a harmonious relationship within the Specific Plan area and with the surrounding land uses as well as to protect the health, safety, and general welfare of the community.

### 4.1 GENERAL PROVISIONS

---

Upon adoption of the West Ontario Commerce Center Specific Plan, the development standards and procedures established within the Specific Plan become the governing zoning standards for any new construction, addition, or remodel within the Specific Plan area. However, in reviewing individual projects requiring discretionary approval, additional conditions may be applied by the approving body to accomplish the goals and objectives of this Specific Plan.

### 4.2 ALLOWABLE USES

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Table 4.1 (Land Use Matrix) shows the allowable land use, activity, or facility permitted within the BP (Business Park) and IG (General Industrial) Districts of the West Ontario Commerce Center as described in Chapter 3. The letters/symbols used in Table 4.1 shall have the following meanings:

#### "P" - Permitted Land Uses

A Permitted Use (P) is permitted by right and may be established as the primary use of a building or use without the need for discretionary approval. Permitted Uses are subject to the development standards and guidelines applicable to the zoning district in which the use is located.

#### "C" - Conditionally Permitted Land Uses

A Conditionally Permitted Use (C) is permitted upon issuance of a Conditional Use Permit (CUP) pursuant to Section 4.02.015 of the Ontario Development Code and City processing procedures.

#### "A" - Administratively Permitted Uses

An Administratively Permitted Use (A) is permitted upon issuance of a Administrative Use Permit (AUP) pursuant to Section 4.03.015 of the Ontario Development Code and City processing procedures.

#### "--" - Prohibited Land Uses

A land use indicated with a "--" symbol is prohibited within the land use district.

Land Uses Not Listed

A land use not listed in Table 4.1 shall be considered a prohibited land use. For land uses similar to those listed in Table 4.1, but not expressly stated in this Specific Plan, the Planning Director or his/her designee has the authority to make a determination of the applicability of similar land uses.

**Table 4.1: Allowable Uses**

Land Use	BP District	IG District
<b>AGRICULTURAL USES</b>		
Commercial Crop Production and Farming	C	P
Community Gardens, Urban Farms, and Related Uses	A	A
Kennels and Catteries	--	P
<b>RESIDENTIAL USES</b>		
Caretaker's Unit (not to exceed 1,000 square feet)	A	A
<b>CONSTRUCTION</b>		
Contractors (e.g., building construction, site preparation, capital improvement projects)		
• Completely within a building	P	P
• With outdoor storage	--	P
<b>MANUFACTURING</b>		
Apparel Manufacturing	P	P
Artisan Crafts (made by hand) such as glassworks, jewelry, and pottery	P	P
Beverage Manufacturing	--	P
Chemical Manufacturing (excludes pesticides and fertilizers)	--	C
Computer and Electronic Product Manufacturing	P	P
Electrical Equipment, Appliance and Component Manufacturing	P	P
Fabricated Metal Product Manufacturing	--	P
Food Manufacturing, General (but excluding animal slaughtering and processing and seafood product preparation and packaging)	--	P
Food Manufacturing, Limited (bread, tortilla, snack foods, roasted nuts and peanut butter, coffee, tea, flavoring syrup, seasoning and dressing, spice extract)	P	P
Furniture and Related Product Manufacturing	P	P
Glass and Glass Product Manufacturing	--	C
Leather and Allied Product Manufacturing (excluding leather and hide tanning and finishing)	P	P
Machinery Manufacturing	--	P
Miscellaneous Manufacturing (medical equipment and supplies, jewelry, sporting goods, toys, office supplies, signs, etc.)	P	P
Paper Manufacturing	--	P
Pharmaceutical and Medicine Manufacturing (excludes biological product manufacturing)	C	C
Printing and Related Support Activities	P	P
Primary Metal Manufacturing	--	C
Petroleum and Coal Products Manufacturing	--	C
Plastics Product Manufacturing	--	P
Rubber Product Manufacturing	--	C

**Table 4.1: Allowable Uses**

Land Use	BP District	IG District
Textile Mills	--	P
Textile Product Mills	--	P
Transportation Equipment Manufacturing	--	P
Wood Product Manufacturing	--	P
<b>WHOLESALE TRADE</b>		
Merchant Wholesalers, Durable Goods - General (includes motor vehicles and parts, lumber and construction materials, metals and minerals other than petroleum, and machinery equipment and supplies)	--	P
Merchant Wholesalers, Durable Goods - Limited (includes furniture and home furnishings, professional and commercial equipment and supplies, hardware, plumbing, and heating equipment and supplies)	P	P
Merchant Wholesalers, Nondurable Goods (excluding industrial gases, petroleum bulk stations and terminals, and fireworks and explosives merchant wholesalers)	--	P
Wholesale Electronic Markets and Agents, and Brokers (excluding automobile auctions)	P	--
<b>HEALTH CARE AND SOCIAL ASSISTANCE</b>		
Ambulatory Health Care Services	P	P
Child Day Care Services (Commercial Facilities)	P	--
Child Day Care Services (Employer Provided Services)	P	P
Medical Office	P	--
Vocational Rehabilitation Services	C	--
<b>COMMERCIAL USES</b>		
<b>Information</b>		
Broadcasting	P	P
Data Processing, Health, and Related Services	P	P
Publishing Industries	P	P
Motion Picture and Sound Recording Facilities (excluding movie theaters)	P	P
Recording and sound studios	P	--
Telecommunication Facilities	P	P
<b>Eating and Drinking Places, and Food Services</b>		
Alcoholic beverage sales for consumption on the premises (includes all retailer's on-sale licenses issued by the State of California Department of Alcoholic Beverage Control)	C	--
Food Bank or Meal Delivery Services	C	C
Restaurant		
• Without drive-thru	P	--
• With drive-thru	C	--
<b>Motor Vehicle Mechanical and Electrical Repair and Maintenance</b>		
Servicing Facilities (limited to retail-oriented services, such as emissions testing, battery replacement and other similar retail activities that involves the limited use of pneumatic tools or equipment that create noise impacts)	P	--
General Repair Facilities (includes general motor vehicle mechanical and electrical repair and maintenance of air conditioning, brake, cooling, electric, exhaust, fuel, and suspension		

**Table 4.1: Allowable Uses**

Land Use	BP District	IG District
systems; and engine, transmission, and drive train) (2 types)		
<ul style="list-style-type: none"> <li>General Repair Facilities - Automobile, Light Truck and Van Repair and Maintenance</li> </ul>	C	P
<ul style="list-style-type: none"> <li>General Repair Facilities- Large Truck, Bus and Similarly Large Motor Vehicle Repair and Maintenance</li> </ul>	--	P
<b>Automotive Body, Paint, Interior and Glass Repair</b>		
<ul style="list-style-type: none"> <li>Automobile, Light Truck and Van Body, Paint, and Interior Repair and Customization</li> </ul>	C	P
<ul style="list-style-type: none"> <li>Minor Customization Work (limited to the "bolt-on" replacement or addition of parts only -- no body or paint work is allowed)</li> </ul>	C	P
<ul style="list-style-type: none"> <li>Large Truck and Bus Body, Paint, and Interior Repair and Maintenance</li> </ul>	--	P
<b>Personal Services</b>		
Couriers and Messengers	P	P
Commercial and Industrial Machinery and Equipment Repair and Maintenance (except automotive and electronic)	--	P
Electronic and Precision Equipment Repair and Maintenance	P	P
<b>Fitness and Recreational Sports Center</b>		
<ul style="list-style-type: none"> <li>Gross Floor Area less than 10,000 square feet</li> </ul>	P	--
<ul style="list-style-type: none"> <li>Gross Floor Area 10,000 square feet or more</li> </ul>	C	C
Industrial Laundry and Linen Supply	P	P
Personal and Household Goods Repair and Maintenance	P	P
<b>Pet Boarding and Kennels</b>		
<ul style="list-style-type: none"> <li>Day only (e.g. Doggie Daycare)</li> </ul>	C	--
<ul style="list-style-type: none"> <li>Overnight Stays</li> </ul>	C	--
Postal Services	P	P
Passenger Car Rental and Leasing	C	--
Truck, Utility Trailer, and Recreational Vehicle Rental and Leasing	C	P
<b>Offices</b>		
Administrative and Support Services	P	--
Finance and Insurance Offices	P	--
Management of Companies and Enterprises	P	--
Office Ancillary to a Primary Industrial Use (less than 10%)	P	P
Professional, Scientific, and Technical Services (e.g. accounting, tax preparation, architecture, bookkeeping, legal, engineering, consulting)	P	--
Real Estate Offices	P	--
<b>Retail</b>		
Alcoholic beverage sales for consumption off the premises (includes all retailer's off-sale licenses issued by the State of California Department of Alcoholic Beverage Control)	C	--
Auction Houses	C	--
Automotive Parts and Accessories (including tires)	P	--
Convenience stores (without alcoholic beverage sales)	P	--
Gasoline Fueling Station with or without Convenience Store (without alcoholic beverage sales)	C	P

**Table 4.1: Allowable Uses**

Land Use	BP District	IG District
Internet fulfillment/warehousing/distribution (E-Commerce)	P	P
<b>Industrial Retail Sales</b> (retail of goods and/or product either manufactured, warehoused or wholesaled on-site)		
<ul style="list-style-type: none"> <li>Maximum 15% of building floor area or 8,000 square feet, whichever is less)</li> </ul>	A	A
<ul style="list-style-type: none"> <li>Over 15% of building floor area or 8,000 square feet</li> </ul>	C	C
Non-Store Retailers (including electronic shopping and mail-order houses, vending machine operators, and other direct selling establishments (excluding fuel/petroleum dealers)	P	P
<b>WAREHOUSING</b>		
Warehousing and Storage (General and Other)		
<ul style="list-style-type: none"> <li>Completely within a building</li> </ul>	P	P
<ul style="list-style-type: none"> <li>Outdoor Storage Accessory to an Allowed Use</li> </ul>	A	A
<ul style="list-style-type: none"> <li>Outdoor Storage as the Primary Use</li> </ul>	--	C
Refrigerated Warehousing and Storage	P	P
<b>OTHER</b>		
Religious Assembly	C	--
Parking Facilities	P	--
Vocational/Trade Schools	C	C
Notes:		
1. P=Permitted, C= Conditionally Permitted, A=Administratively Permitted, -- = Prohibited		
2. Refer to the Specific Plan EIR and Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) for additional development criteria and policies that may affect allowable land uses.		

### 4.3 DEVELOPMENT STANDARDS

Table 4.2 (Development Standards) provides a summary of the development standards applicable to the land uses, structures, and related improvements located within the West Ontario Commerce Center. Refer to the Ontario Development Code for any standard not addressed in Table 4.2.

**Table 4.2 Development Standards**

Development Standard	District	
	BP	IG
Minimum Lot Area	10,000 sq ft	20,000 sq ft
Minimum Lot Dimensions		
1. Lot Width	100 ft	100 ft
2. Lot Depth	100 ft	100 ft
Maximum Floor Area Ratio	0.60	0.55
Maximum Building Area <sup>(1)</sup>	100,000 sq ft	N/A
Minimum Landscape Setback		
1. Eucalyptus Avenue	23 ft	N/A
2. Carpenter Avenue	10 ft	10 ft
3. Merrill Avenue	N/A	23 ft
4. Hellman Avenue	18 ft	18 ft
5. Interior Side	N/A	N/A
6. Interior Rear	N/A	N/A

**Table 4.2 Development Standards**

Development Standard	District	
	BP	IG
Minimum Building Setback <sup>(2)</sup>		
1. Eucalyptus Avenue	23 ft	N/A
2. Carpenter Avenue	10 ft	10 ft
3. Merrill Avenue	N/A	23 ft
4. Cucamonga Creek Channel	5 ft	5 ft
5. Hellman Avenue	18 ft	18 ft
6. Interior Side	10 ft	10 ft
7. Interior Rear	10 ft	10 ft
Minimum Parking Space and Drive Aisle Separations <sup>(3,4,7)</sup>		
1. Parking Space or Drive Aisle to Street Property Line	20 ft	10 ft
2. Parking Space or Drive Aisle to Interior Property Line	5 ft	5 ft
3. Parking Space to Buildings, Walls, and Fences	Areas adjacent to public entries and office areas: 10 FT  Areas adjacent to other building areas: 5 FT.  Within screened loading and storage yard areas: 0 FT	
4. Drive Aisles to Buildings, Walls, and Fences	10 ft	10 ft
5. Drive Aisles Within screened loading and storage yard areas	0 FT	0 FT
Maximum Building Height <sup>(5,6)</sup>	45 ft	55 ft
Minimum Landscape Coverage	15%	10%
Walls, Fences, and Hedges: Per Ontario Development Code Division 6.02 (Walls, Fences, and Obstructions) and Section 4.4 (Screening) below.		
Notes:		
<ol style="list-style-type: none"> <li>The maximum building area limit is applicable only to buildings that front onto a public right-of-way.</li> <li>All setback areas shall be measured from the property line and shall be landscaped.</li> <li>Within yard areas fully screened by a decorative wall, there shall be no minimum drive aisle or parking space setback required, unless adjacent to residentially zoned properties.</li> <li>The minimum separation area between a building, wall, or fence, and a parking space or drive aisle, shall be fully landscaped. The separation area may include pedestrian walkways, as necessary; however, a minimum 5-foot wide planter area shall be maintained between a building wall and a pedestrian walkway. The minimum separation dimension does not include any area devoted to vehicle overhang.</li> <li>Architectural projections, mechanical equipment, and focal elements may be allowed to exceed maximum height up to 25 percent above the prescribed height limit.</li> <li>The maximum building height and FAR may be restricted pursuant to the Ontario International Airport Land Use Compatibility Plan (ONT ALUCP). Refer to the ALUCP for properties affected by airport safety zones for additional development criteria and policies that may affect allowable land uses.</li> <li>The use of surrounding roads, drive aisles and truck parking lots to address the open land requirement for the Chino Airport Overlay zone is discussed in Chapter 2 (Section 2.2: Airport Influence Areas).</li> </ol>		



Table 4.3 (Off Street Parking Design Standards) establishes the design standards for off-street parking in the Specific Plan area. Refer to the Ontario Development Code for any standard not addressed in Table 4.3.

**Table 4.3: Off-Street Parking and Loading Design Standards**

Development Standard	Requirement
<b>Parking Space Dimensions</b>	
1. Standard parking	9 feet wide by 18 feet long
2. Tractor trailer parking	12 feet wide by 45 feet long
3. At grade loading space	12 feet wide by 18 feet long
Minimum aisle width with 90-degree parking angle	24 feet
Maximum gradient at parking space	5 percent measured in any direction
<b>Dock-High Loading Facilities</b>	
1. Dock high loading door loading space	12 feet wide by 45 feet long with 14-foot minimum vertical clearance measure from finish service of loading dock.
2. Truck maneuvering area	Designed to accommodate the minimum practical turning radius of a 53-foot semi-trailer and tractor combination.

Table 4.4 (Required Number of Parking and Loading Spaces) specifies the number of parking spaces that must be provided by land use. For a use not specified in the table, refer to the Ontario Development Code, Table 6.03-1: Off-Street Parking Requirements.

**Table 4.4: Required Number of Parking and Loading Spaces**

Land Use	Number of Required Spaces
Multi-Tenant Business Park	3 spaces per 1,000 square feet plus required parking for "general business offices" when exceeding 10 percent of GFA; plus, one trailer parking space per 4 dock-high loading doors
General office when office use exceeds 10 percent of building gross floor area.	4 spaces per 1,000 square feet of gross floor area
Industrial - speculative buildings (includes office uses if less than 10 percent of building gross floor area)	Per 1,000 square feet of gross floor area: <ul style="list-style-type: none"> <li>Up to 50,000 sq ft: 1.85 spaces</li> <li>50,001 – 100,000 sq ft: 1 space</li> <li>100,001 sq ft and over: 0.5 space</li> </ul> plus one tractor trailer parking space per four dock-high loading doors.
Manufacturing (includes office uses if less than 10 percent of building gross floor area)	1.85 spaces per 1,000 square feet of gross floor area, plus one tractor trailer parking space per four dock-high loading doors.
Restaurants (includes outdoor seating area up to 25 percent of gross floor area) <ul style="list-style-type: none"> <li>Under 2,000 square feet</li> <li>More than 2,000 square feet</li> </ul>	<ul style="list-style-type: none"> <li>5 spaces per 1,000 square feet of gross floor area</li> <li>10 spaces per 1,000 square feet of gross floor area</li> </ul>
Warehousing and Distribution (includes office uses if less than 10 percent of building gross floor area)	1 space per 1,000 square feet of gross floor area for first 20,000 square feet; 0.5 space per 1,000 square feet of additional gross floor area, plus one tractor trailer parking space per four dock-high loading doors plus required parking for "general business offices" and other associated uses, when those uses exceed ten percent of the building gross floor area.

Sufficient off-street loading and unloading spaces shall be provided on each development site, and adequate provisions and space shall be made for maneuvering freight vehicles and handling all freight. All loading activity, including turnaround and maneuvering, shall be made on site. Buildings, structures, and loading facilities shall be designed and placed on the site so that vehicles, whether rear loading or side loading, may be loaded or unloaded at any loading dock, door, or area without extending beyond the property line.

#### 4.4 OTHER DEVELOPMENT STANDARDS

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Development projects located within the West Ontario Commerce Center are subject to the following general development standards. For any standard not addressed in this Specific Plan, the Ontario Development Code shall apply.

##### Screening

1. Loading docks and truck parking areas shall be visually screened from Carpenter Avenue, Merrill Avenue, and Eucalyptus Avenue. Screening may include landscaping, berms, decorative walls, or any other appropriate screening material or combination of materials. Tubular steel fencing in conjunction with a minimum five-foot wide planter area may be used to screen truck parking areas only along Cucamonga Creek Channel.
2. Outdoor storage requires a use permit and shall be limited to predefined areas with a height not-to-exceed the screen wall(s). Storage areas shall be screened from public view by decorative walls or landscaping at a maximum height of fourteen feet and a minimum height of eight feet.
3. Ground- or roof-mounted mechanical equipment shall be architecturally screened from public view, including views from the Cucamonga Creek Multi-Purpose Trail. Ground mounted equipment shall be screened with decorative walls or landscaping.
4. Refuse enclosures shall be easily accessed by service vehicles but screened from public view within the building's façade or within a screened enclosure.

##### Landscaping

1. Landscape areas shall have a minimum dimension of five feet, exclusive of curbs and excepting vine pockets.
2. A minimum of 15 percent of landscape coverage is required and shall include all areas on the site that are not covered by buildings, structures, paving or impervious surface.
3. Landscape areas that are comprised of living plant material shall be planted at spacing no greater than mature plant diameter. Non-living ornamental features may comprise a maximum of five percent of a landscaped area and shall be of a permeable material.
4. All utilities shall be shown on plans to facilitate landscape design and tree placement. Utilities such as backflow devices and transformers shall be screened to at least 75 percent of the equipment. Transformers and backflow devices shall be located and dimensioned with a five-foot setback from hardscape for landscape screening.

5. Shade trees with irrigation shall be located in appropriate areas where space permits to reduce the impacts of heat gain by shading large areas of paving, building walls, roofs, and windows.
6. The landscape plan shall be designed for the intended function of the project and for the efficient use of water. Plants shall be selected and planted based upon their adaptability to the climate and the topographical conditions of the project site.
7. Landscape planter islands at least five feet in width (exclusive of curbs) and the length of the abutting parking space shall be placed every ten parking spaces. Planter islands shall include at least one tree, appropriate shrubs, and groundcover. Parking areas provided behind screen walls shall not be subject to this provision.
8. Landscape and irrigation plans shall incorporate water conservation features.

Landscape and irrigation plans shall be submitted for City review and approval subject to the requirements of the Ontario Development Code.

#### **Parking Lot Lighting**

1. Exterior lighting fixtures shall be directed downward to illuminate pedestrian pathways and avoid unnecessary glare.
2. Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 30 feet in height to minimize direct glare beyond the parking lot or service area.
3. Pole-mounted lights shall be shielded and the light directed away from public streets.
4. Exterior lighting must be consistent with the Chino Airport Land Use Compatibility Plan.
5. Parking lot lighting shall be designed to avoid light fixture placement in required tree locations.

#### **Environmental Performance and Sustainable Development**

1. Skylights shall be incorporated into warehouse/distribution building design to provide natural light and reduce lighting demand, at a rate of 2 percent throughout.
2. Site lighting shall use energy efficient LED (or similar) products.
3. Interior or exterior bicycle storage shall be provided consistent with the California Green Building Standards Code.
4. Drought tolerant landscaping with drip irrigation shall be used and shall include plantings such as trees, shrubs, groundcovers or vines. Optional amenities include benches, trellises, thematic fencing, and walkways.
5. High performance dual pane glazing shall be provided in office storefronts.

#### **Signage**

Project signage shall be provided consistent with the design guidelines in Chapter 5 of this Specific Plan. The approval of a comprehensive sign program shall be required:

- ❖ Whenever the floor area is in excess of 25,000 square feet;

- ❖ Whenever five or more separate commercial or industrial tenant spaces are present on the same site;
- ❖ Whenever the City determines that a comprehensive sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, the location of the site relative to other lots, buildings, or streets, and the like).

A comprehensive sign program for larger developments within the Plan Area will integrate a project's signs with the overall site design and the structures' design into a unified architectural statement. A comprehensive sign program provides a means for flexible application of sign regulations in order to provide incentive and latitude in the design and display of multiple signs.

## 5.0 DESIGN GUIDELINES

This chapter identifies the conceptual themes for site planning, architecture, and landscape design in the West Ontario Commerce Center. The guidelines are intended to ensure a cohesive and attractive development that meets the following objectives:

- ❖ Demonstrates that the West Ontario Commercial Center is a high quality development that complements and integrates into the community and adds value to the City.
- ❖ Creates a functional and sustainable place that ensures that the West Ontario Commerce Center is competitive regionally and appropriate for the Ontario Ranch community.
- ❖ Illustrates through site planning the distinctive characteristics of the two districts of the land use plan: Business Park District (Planning Area 1) and General Industrial District (Planning Area 2).
- ❖ Establishes criteria for building design and materials, landscape design, and site design that provide guidance to developers, builders, architects, landscape architects, and other professionals preparing plans for construction.
- ❖ Provides guidance to City staff and the Planning Commission in the review and evaluation of future development projects in the West Ontario Commerce Center.
- ❖ Incorporates construction and landscape design standards that promote energy and water conservation strategies.
- ❖ Implements the goals and policies of The Ontario Plan and the intent of the Ontario Development Code.

### 5.1 SITE DESIGN

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The Planning Areas within the West Ontario Commerce Center are designed to be architecturally consistent yet distinct through use and circulation. As indicated in Figure 3.1 (see Chapter 3), Planning Area 1 is oriented toward Eucalyptus Avenue and intended to serve as a buffer between the residential uses to the north and the industrial and/or warehouse and distribution uses of Planning Area 2.

***Site design within Planning Area 1 (Business Park District) shall incorporate the following design features, as feasible:***

- ❖ The arrangement of multiple buildings and associated circulation, and parking areas should reflect a well-organized site plan that emphasizes pedestrian connectivity and landscaped areas responsive to the public.
- ❖ Orient buildings to front onto Eucalyptus Avenue and create an inviting public perimeter.
- ❖ Provide pedestrian access to buildings visible from Eucalyptus Avenue, the parking areas, and perimeter sidewalks.
- ❖ Install enhanced paving, accent trees, and other landscape features that mark major building entries.

- ❖ Design parking areas along Hellman, Eucalyptus and Carpenter Avenues to include a landscape buffer with screening trees, and drought tolerant plants. (See Section 5.3 for additional information.)
- ❖ Plan landscaped areas, drive entrances, and/or buildings to separate parking areas and keep the parking lot from being the dominant visual element of the site.
- ❖ Locate visitor and short-term parking areas at the front and sides of buildings to be near primary building entrances.
- ❖ Orient elements such as trash enclosure areas, loading bay doors, and service docks to prevent visibility from Eucalyptus Avenue and screen such elements to minimize their visibility from Carpenter Avenue.
- ❖ Design loading and storage areas to provide for on-site backing and maneuvering, adequate parking for loading vehicles to ensure that normal traffic flow is not impeded, and orient such spaces away from Eucalyptus Avenue, as feasible.
- ❖ Design drive aisles that minimize impact to pedestrians, provide adequate stacking, and prevent the queuing of vehicles onto public streets.
- ❖ Strategically locate service entrances to not interfere with owner, tenant, or customer access.
- ❖ Design buildings with electrical rooms and adjacent transformers in locations away from front entry and not visible from streets.

***Site design within Planning Area 2 (General Industrial District) shall incorporate the following design features, as feasible:***

- ❖ Guide pedestrian access to the buildings from Hellman, Merrill, and Carpenter Avenues, and parking areas with building entrances marked by signage, architectural features, and landscaping features.
- ❖ Design parking areas along Merrill and Carpenter Avenues to include a landscape buffer with screening trees and drought tolerant plants. (See Section 5.3 for additional information)
- ❖ Design buildings with electrical rooms and adjacent transformers in locations away from front entry and not visible from streets.

## 5.2 ARCHITECTURAL DESIGN

The building design, materials, colors, and textures in the West Ontario Commerce Center establish its theme and character. The design elements in the two Planning Areas shall be compatible and complement each other; however, variation is encouraged to provide visual interest.



*Planning Area 1 Architectural Design Examples*

***Architectural design within Planning Area 1 (Business Park District) shall incorporate the following design features, as feasible:***

### ***Office, Light Industrial, and Commercial Development***

- ❖ Ensure consistency of materials, colors, fenestration, scale, and massing with the intended architectural style or theme of the West Ontario Commerce Center.
- ❖ Avoid blank walls. Provide sufficient vertical and horizontal articulation for elevations that are visible from public rights-of-way and Cucamonga Creek Channel.
- ❖ Feature the highest level of articulation on the front façade and on facades visible from public streets.

- ❖ Incorporate similar and complementary massing materials and details into rear and side yards.
- ❖ Apply materials in a consistent manner to all facades of the project.
- ❖ Terminate changes in material or color around the corner of the building to a logical termination point in relation to the architectural features or massing.
- ❖ Design entry features as a significant aspect of the building's overall composition. Entry monuments shall be designed in accordance with City of Ontario Traffic and Transportation Guidelines for monument placement.
- ❖ Use four different colors, materials, and/or textures on each building.
- ❖ Provide shade and visual relief through recessed or covered entrances.
- ❖ Have a recognizable base, middle, and top in each facade. Typical base treatments include textured materials, different colored materials or paint colors, or enriched landscaping. Typical top treatments include cornice elements, roof overhangs, stepped parapets, textured materials, different colored materials or paint colors, or vertical expressions.
- ❖ Roofing materials visible to public view may include metal standing seam and concrete tile.
- ❖ Decorative concrete, stucco, exterior plaster, tile, and stone are appropriate primary exterior materials for buildings. Veneers that are visibly prefabricated are not recommended.
- ❖ Unfinished exterior surfaces are not permitted on any building façade.
- ❖ Paint exposed downspouts, service doors, and mechanical screens the same color as the adjacent wall.

***Architectural design within Planning Area 2 (General Industrial District) shall incorporate the following design features, as feasible:***

- ❖ Ensure consistency of materials, colors, fenestration, scale, and massing with the intended architectural style or theme of the West Ontario Commerce Center.
- ❖ Avoid blank walls. Provide sufficient vertical and horizontal articulation for elevations that are visible from public rights-of-way and Cucamonga Creek Channel.
- ❖ Feature the highest level of articulation on the front façade and on facades visible from public streets.
- ❖ Incorporate similar and complementary massing materials and details into rear and side yards.
- ❖ Terminate changes in material or color around the corner of the building to a logical termination point in relation to the architectural features or massing.
- ❖ Highlight primary building entries through the massing of the building, special materials, colors, detailing, and/or other architectural treatment. Provide shade and visual relief through recessed or covered entrances.
- ❖ Portray a quality office appearance for primary entries, and tie the entry into the overall mass and building composition. Entries should not appear as an "add-on" or afterthought.
- ❖ Have a recognizable base, middle, and top in each facade. Typical base treatments include textured materials, different colored materials or paint colors, or enriched landscaping. Typical top treatments include cornice



elements, roof overhangs, stepped parapets, textured materials, different colored materials or paint colors, or vertical expressions.

- ❖ Roofing materials visible to public view may include metal standing seam and concrete tile.
- ❖ Decorative concrete, stucco, exterior plaster, tile, and stone are appropriate primary exterior materials for buildings. Veneers that are visibly prefabricated are not recommended.
- ❖ Unfinished exterior surfaces are not permitted on any building façade.
- ❖ Paint exposed downspouts, service doors, and mechanical screens the same color as the adjacent wall.



*Planning Area 2 Architectural Design Examples*

### 5.3 LANDSCAPE DESIGN

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The conceptual landscape plan for the West Ontario Commerce Center encourages durable landscape materials and designs that enhance the aesthetics of the structure, create and define public and private spaces, and provide shade and environmental benefits. The City of Ontario has developed the following guidelines to guarantee that intersection sight lines and pedestrian safety are preserved. All landscaping plans within the West Ontario Commerce Center will comply with City of Ontario Standard Drawings and Traffic and Transportation Guidelines for sight-distance.

Key features include:

- ❖ Provide a landscape setback on Merrill and Eucalyptus Avenues consistent with the Ontario Ranch *Streetscape Master Plan* as identified in Chapter 3, Section 3.3: Circulation and Parking Plan.
- ❖ Include in the drought-tolerant plant selection colorful shrubs and groundcovers, ornamental grasses and succulents, evergreen and deciduous trees, and species native to Southern California or naturalized to the arid Southern California climate.
- ❖ Design parking lot landscaping to reduce associated heat buildup, improve aesthetics, and integrate into onsite landscape design and adjacent streetscapes.
- ❖ Use landscaping to aid in the screening and buffering of mechanical equipment, trash collection areas, loading docks and outside storage areas from public view, without using berms. Landscape and provide an automatic irrigation system for all areas within the West Ontario Commerce Center that are not intended for a specific use.
- ❖ Design and grade projects to direct two-year storm event runoff from building roofs and paved areas into swaled landscape areas for retention/infiltration. In particular, open space, landscaped setback areas and trails are to be used for this purpose.

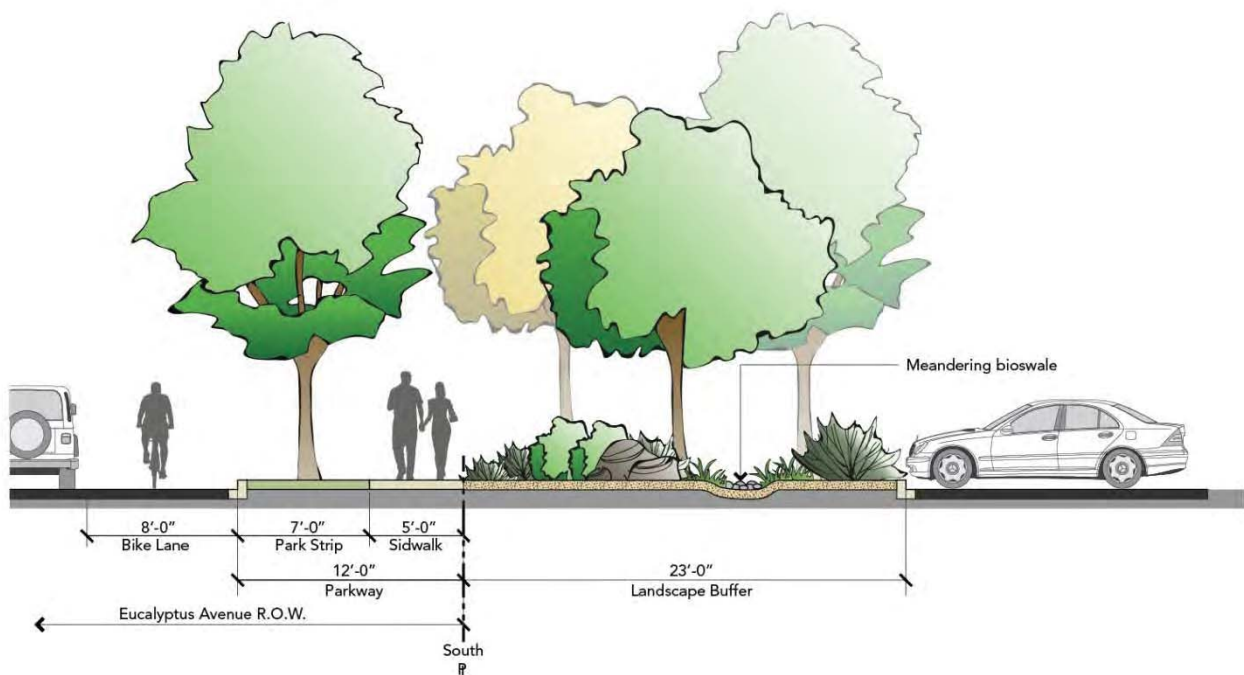
#### Streetscapes

The West Ontario Commerce Center uses streetscape design to present an aesthetically pleasing view for pedestrians and motorists, screen parking and loading areas from the public right-of-way, and integrate the development into the surrounding community. Streetscape designs presented are conceptual only; final grading, plantings, and tree locations are to be determined on a project-by-project basis. Slopes shall have a maximum 4:1 slope with dripline irrigation to prevent irrigation water runoff.

### *Eucalyptus Avenue*

The typical Eucalyptus Avenue section will feature a 12-foot parkway and 23-foot landscape setback defined in the *Ontario Ranch Streetscape Master Plan* as the “Neighborhood Edge.” The parkway will include a 7-foot curb-adjacent parkway strip generally planted with groundcover and a 5-foot sidewalk. The 35-foot Neighborhood Edge is intended provide a buffer between the West Ontario Commerce Center and the residential neighborhoods to the north as well as provide a visual statement and pleasing aesthetic along a major City thoroughfare (Figure 5.1).

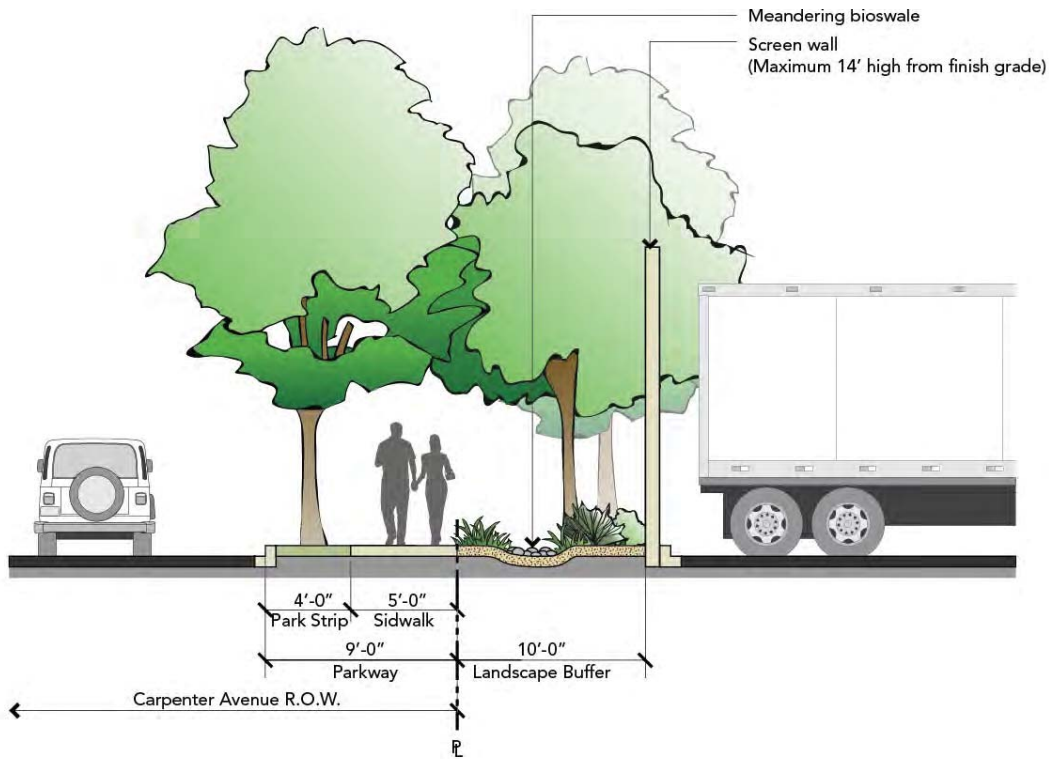
**FIGURE 5.1: EUCALYPTUS AVENUE CONCEPTUAL STREETSCAPE**



### Carpenter Avenue

The typical Carpenter Avenue section will feature a nine-foot parkway and a 10-foot landscape setback. The parkway will include a curb-adjacent parkway strip generally planted with deciduous and/or evergreen trees and groundcover and a five-foot sidewalk. The landscape setback in Planning Area 2 (General Industrial District) is primarily intended to soften the loading dock and parking area of the adjacent warehouse/distribution use. Trees, screenwalls, and bushes will be used to provide a visually pleasing yet functional buffer (Figure 5.2).

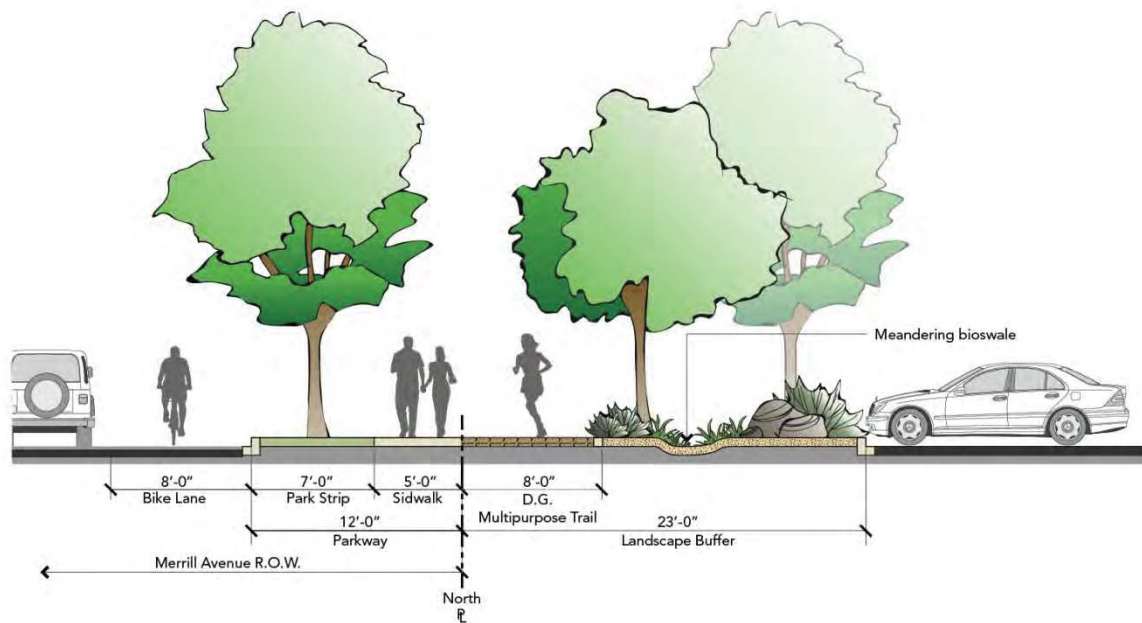
FIGURE 5.2: CARPENTER AVENUE CONCEPTUAL STREETSCAPE



### ***Merrill Avenue***

The typical Merrill Avenue section will feature an 8-foot on-street Class II bike lane, 12-foot parkway and 23-foot landscape setback defined in the *Ontario Ranch Streetscape Master Plan* as the “Neighborhood Edge.” The parkway will include a 7-foot curb-adjacent parkway strip generally planted with Toyon Trees, Coast Live Oak, and colorful groundcover and a five-foot sidewalk. The landscape setback will provide an attractive entry to Planning Area 2 (Figure 5.3).

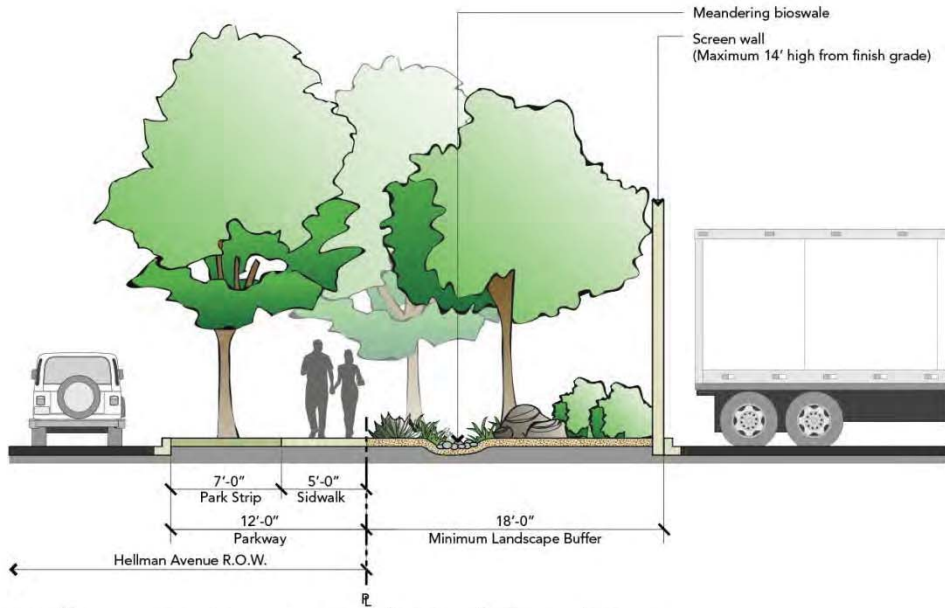
**FIGURE 5.3: MERRILL AVENUE CONCEPTUAL STREETSCAPE**



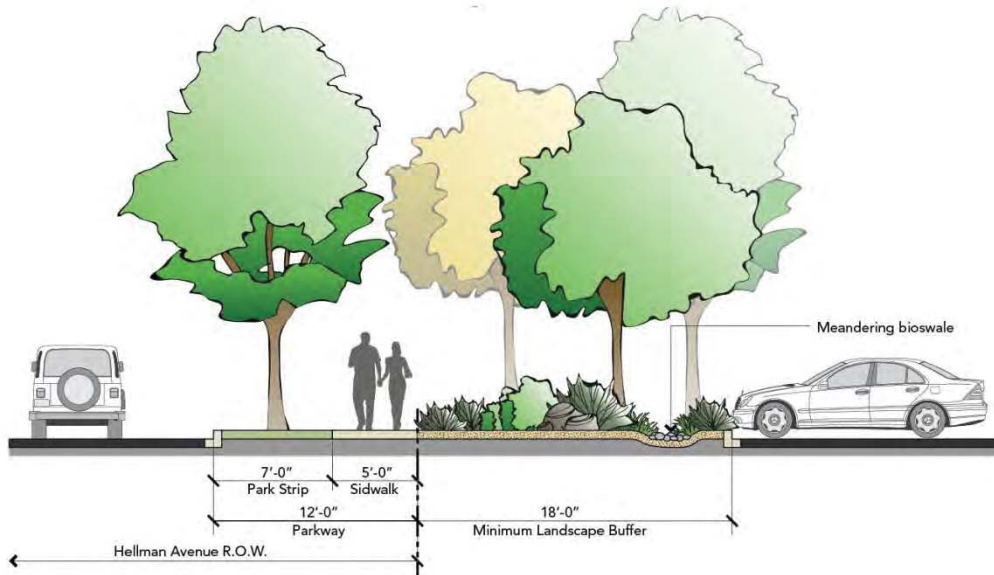
### ***Hellman Avenue***

The typical Hellman Avenue section will feature a 12-foot parkway adjacent to an 18-foot landscape setback. The parkway will include a seven-foot curb-adjacent parkway strip generally planted with Tulip Tree, Afghan Pine, Flowering Plum and generally planted with groundcover and a five-foot sidewalk. The landscape setback in Planning Area 2 (General Industrial District) is primarily intended to soften the loading dock and parking area of the adjacent warehouse/distribution use. Trees, and bushes will be used to provide a visually pleasing yet functional buffer (Figures 5.4 and 5.5).

FIGURE 5.4: HELLMAN AVENUE CONCEPTUAL STREETSCAPES



Hellman Avenue - Truck Yard Condition



Hellman Avenue - Parking Lot Condition

FIGURE 5.5: Merrill Avenue Conceptual Project Entry

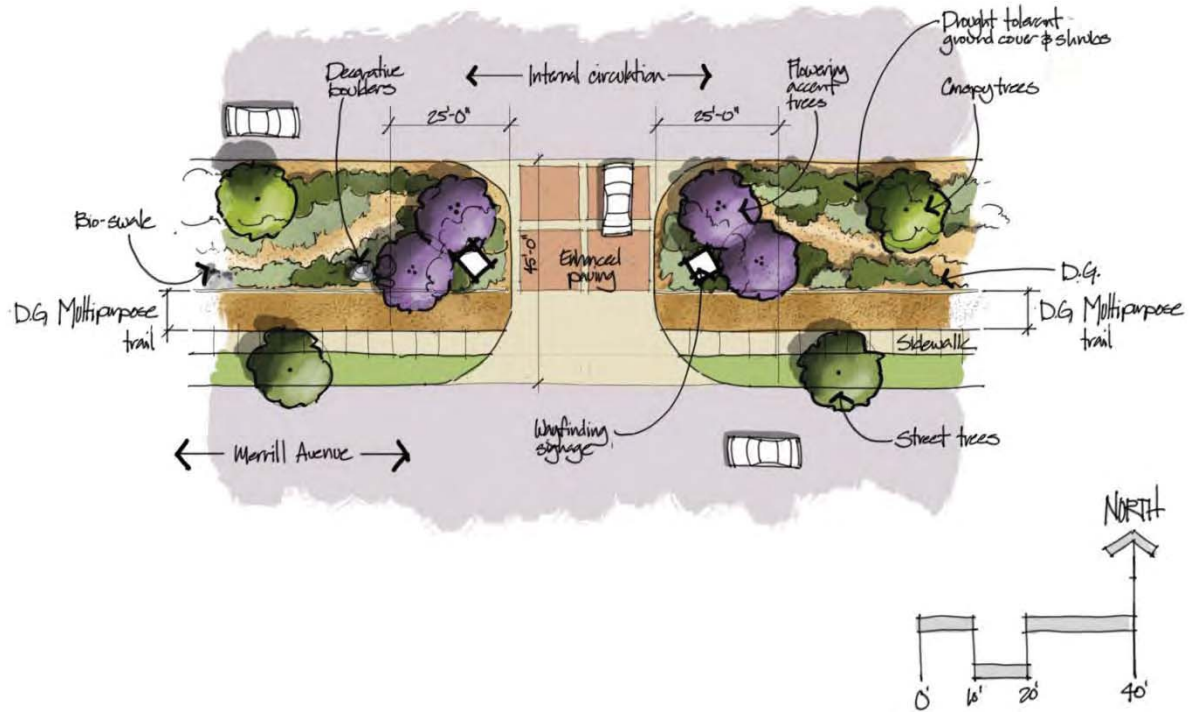


FIGURE 5.6: Carpenter Avenue Conceptual Project Entry



## Plant Palette

The Plant Palette shown in Table 5.1 establishes a base palette for the West Ontario Commerce Center and includes a variety of groundcovers, shrubs, ornamental grasses, and evergreen and deciduous trees. The selection complements the design theme of the Specific Plan area and features water-efficient, drought-tolerant species native to the region. Similar plant materials may be substituted for the species listed in Table 5.1 if the alternative plants are climate appropriate and enhance the thematic setting.

**Table 5.1: Plant Palette**

Botanical Name	Common Name	Use
<i>Chilopsis linearis</i>	Desert Willow	Tree
<i>Chitalpa tashkentensis</i>	Chitalpa	Tree
<i>Cinnamomum camphora</i>	Camphor Tree	Tree
<i>Cupressus sempervirens</i>	Italian Cypress	Tree
<i>Heteromeles arbutifolia</i>	Toyon	Tree
<i>Juniperus s. 'Skyrocket'</i>	Skyrocket Juniper	Tree
<i>Koelreuteria bipinnata</i>	Chinese Flame Tree	Tree
<i>Lagerstroemia i 'Muskogee'</i>	Crape Myrtle	Tree
<i>Magnolia g. 'Samuel Sommer'</i>	Magnolia	Tree
<i>Magnolia g. 'Little Gem'</i>	Magnolia	Tree
<i>Olea europaea</i>	Olive	Tree
<i>Pinus canariensis</i>	Canary Island Pine	Tree
<i>Pinus eldarica</i>	Afghan Pine	Tree
<i>Pistacia chinensis</i>	Chinese Pistache	Tree
<i>Platanus acerifolia</i>	London Plane	Tree
<i>Platanus racemosa</i>	California Sycamore	Tree
<i>Quercus agrifolia</i>	Coast Live Oak	Tree
<i>Schinus molle</i>	California Pepper	Tree
<i>Tristania conferta</i>	Brisbane Box	Tree
<i>Washingtonia filifera</i>	California Fan Palm	Tree
<i>Phoenix dactylifera</i>	Date Palm	Tree
<i>Acca sellowiana</i>	Pineapple Guava	Shrub
<i>Buxus j. Green Beauty'</i>	Japanese Boxwood	Hedge
<i>Callistemon 'Little John'</i>	Dwarf Bottle Brush	Shrub
<i>Carissa macrocarpa 'Tuttle'</i>	Natal Plum	Shrub
<i>Cistus 'Sunset Pink'</i>	Sunset Pink Rockrose	Shrub
<i>Dianella 'Little Rev'</i>	Dwarf Dianella	Shrub
<i>Dianella tasmanica</i>	Dianella	Shrub
<i>Dodonaea viscosa 'Purpurea'</i>	Hopseed Bush	Shrub
<i>Eleagnus pungens</i>	Silverberry	Shrub
<i>Leucophyllum f. 'Green Cloud'</i>	Texas Ranger	Shrub
<i>Ligustrum j. Texanum</i>	Texas Privet	Shrub
<i>Pittosporum tobira 'Variegata'</i>	Variegated Mock Orange	Hedge
<i>Pittosporum t. 'Wheeleri'</i>	Wheeler's Dwarf	Shrub
<i>Rhaphiolepis i. 'Clara'</i>	Indian Hawthorn	Hedge
<i>Rhaphiolepis i. 'Springtime'</i>	Indian Hawthorn	Hedge
<i>Rhamnus californica</i>	Coffeeberry	Shrub
<i>Rhamnus c. 'Mound San Bruno'</i>	Dwarf Coffeeberry	Shrub
<i>Rosmarinus o. 'Tuscan Blue'</i>	Rosemary	Shrub



**Table 5.1: Plant Palette**

Botanical Name	Common Name	Use
Salvia c. 'Allen Chickering'	Allen Chickering Sage	Shrub
Salvia greggii	Autumn Sage	Shrub
Salvia leucantha	Mexican Sage	Shrub
Westringia fruticosa	Coast Rosemary	Shrub
Xylosma congestum	Shiny Xylosma	Hedge
Agave 'Blue Flame'	Blue Flame Agave	Accent
Aloe maculata	Soap Aloe	Accent
Aloe petricola	Stone Aloe	Accent
Aloe polyphylla	Spiral Aloe	Accent
Aloe striata	Coral Aloe	Accent
Echeveria 'Ruffles'	Ruffles Echeveria	Accent
Hesperaloe parviflora	Red Yucca	Accent
Acacia redolens 'Low Boy'	Dwarf Acacia	Groundcover
Baccharis p. 'Pigeon Point'	Dwarf Coyote Bush	Groundcover
Baccharis p. 'Centennial'	Coyote Bush	Groundcover
Carex pansa	California Meadow Sedge	Grass
Carex tumulicola	Foothill Sedge	Grass
Festuca mairei	Altas Fescue	Grass
Festuca o. 'Glaucua'	Blue Fescue	Grass
Lonicera j. 'Halliana'	Hall's Honeysuckle	Groundcover
Muhlenbergia capillaris	Pink Muhly	Grass
Myoporum parvifolium	Myoporum	Groundcover
Rosa 'Flower Carpet' -Red	Red Flower Carpet Rose	Groundcover
Rosmarinus o. 'Huntington Carpet'	Prostrate Rosemary	Groundcover
Salvia 'Bee's Bliss'	Bee's Bliss Sage	Groundcover
Senecio mandraliscae	Blue Fingers	Groundcover
Sesleria autumnali	Moor Grass	Grass
Trachelospermum jasminode	Star Jasmin	Groundcover
Distictus buccinatoria	Blood-red Trumpet Vine	Vine

## 5.4 WALLS AND FENCES

Walls and fences are an important design feature in the West Ontario Commerce Center intended to both complement building and landscape architecture and provide functional elements. Any proposed entry gates shall be reviewed and approved by the City of Ontario Traffic and Transportation Division prior to installation, and permitted only if approved.



*Wall and Fence Examples*

Key features include:

- ❖ Provide attractive, durable, and complementary wall and fencing materials consistent with the Planning Area design theme.
- ❖ Offset and architecturally treat long expanses of wall surfaces every 100 feet with material changes, pilasters and posts, staggered walls, or landscape treatments to prevent monotony.
- ❖ Soften fencing with plants that may reach the height of the wall or fence at maturity.

- ❖ Construct sliding gates visible from a public street of tubular steel, vertical steel pickets, or high-density perforated metal screening painted to match or complement adjacent walls. Interior gates not visible to public view may be galvanized steel or chain link.
- ❖ Chain link fencing visible from public street rights-of-way is prohibited. However, tubular steel fencing may be used along the Cucamonga Creek Channel along the property line.

## 5.5 BUFFERING AND SCREENING

To alleviate the unsightly appearance of loading and service areas in the West Ontario Commerce Center, buffering and screening design features will be used to enhance the overall development. Any proposed entry gates shall be reviewed and approved by the City of Ontario Traffic and Transportation Division prior to installation.



*Buffering and Screening Examples*

Key features include:

### **Parking Lots**

- ❖ Buffer parking lots adjacent to and visible from public streets using a combination of architectural wing walls, portions of the building, decorative screen walls, and landscape buffers.
- ❖ Use landscaping, aesthetically pleasing masonry low walls, elevation changes or any combination to visually buffer parking lots.
- ❖ Use plants for screening that are a minimum of 3 feet tall at the time of installation.

### **Loading and Service Areas (Truck Courts)**

- ❖ Screen service areas with portions of the building, architectural wing walls, and landscaping.
- ❖ Clearly mark loading and delivery areas with directional signage.
- ❖ Design loading areas with enough space to maneuver without encroaching onto an adjoining street.
- ❖ Incorporate gated/screened entrances to loading areas into the overall architectural design of the development.
- ❖ Design walls and fencing used to screen truck courts high enough to hide the views of the top of loading bays or trailers at a maximum of 14-feet in height and a minimum of 8-feet in height, as measured from finished grade.



*Loading and Service Area Example*

## 5.6 LIGHTING

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Outdoor lighting in the West Ontario Commerce Center consists of two types: public lighting and site lighting. Public lighting refers to the lighting within the public right-of-way. Site lighting refers to on-site illumination for purposes of operations, safety, security, and nighttime ambiance. Lighting design shall coordinate with landscape plans to avoid required tree locations.

### Public Lighting

Lighting within the public right-of-way shall adhere to the standards and requirements of the City of Ontario.

### Site Lighting

Site lighting addresses illumination of parking lots, loading dock areas, pedestrian walkways, building entrances, signage, and architectural and landscape features. Key provisions include:

- ❖ Choose lighting fixtures that advance the Planning Area design theme and provide consistency throughout each Planning Area.
- ❖ Install ground or low mounted fixtures to provide for safety and convenience along the pedestrian movement walkways and corridors.
- ❖ Allow for building-mounted lights that are intended for architectural accent purposes, and may be used for general illumination if there is no light spill or distraction onto a roadway or adjacent property.
- ❖ Install exterior lights to accent entrances, activity areas, steps, ramps, and special features.

## 5.7 SIGNAGE

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Signage in the West Ontario Commerce Center will identify the center and tenants within the center, direct vehicular traffic, and provide on-site way-finding signage for pedestrians. A sign program is required for development in the West Ontario Commerce Center. Traffic signs regulating, warning, and/or guiding traffic on public roads shall conform to the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD).

Key signage features should include:

- ❖ Coordinate signage with the building design, materials, color, size, and placement.
- ❖ Avoid covering significant architectural elements with signage.
- ❖ Position flush mounted signs within architectural features and align with other signs on the block to maintain an existing pattern.
- ❖ Provide a unifying sign theme in single development with multiple users.
- ❖ Appropriately sign industrial sites to give direction to loading and receiving, visitor parking, and other special uses.

- ❖ Place parcel identification signs perpendicular to approaching vehicular traffic. If located within a landscaped planter, care should be taken to ensure that plant materials do not block visibility or damage the signage.
- ❖ Lighted signs, whether internally or externally illuminated, may be used. Can-type box signs with translucent backlit panels are discouraged. Signs with backlit or internally illuminated individual channel letters are strongly encouraged.
- ❖ To conserve energy, incorporate a standard shutoff time for illuminated signs for businesses that do not operate at night.
- ❖ Construct all signs from high quality materials and avoid exposed wiring, ballasts, conduits, fasteners, or similar hardware.



*Signage Examples*

## 5.8 SUSTAINABLE DESIGN STRATEGIES

The West Ontario Commerce Center is committed to sustainable design strategies that integrate principles of environmental stewardship into the design and construction process. Appropriate strategies will be determined for each project within the Specific Plan area. Strategies include, but are not limited to:

### Sustainable Construction & Technology Concepts

- ❖ Design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.
- ❖ Use passive design to improve building energy performance through skylights, building orientation, landscaping, and colors.
- ❖ Reduce the heat island effect by providing shade structures and trees that produce large canopies. In addition, choose roof and paving materials that possess a high level of solar reflectivity (cool roofs).
- ❖ Use recycled and other environmentally friendly building materials, wherever possible.

### Water Quality

- ❖ Use landscaped areas as for retention/infiltration swales and basins or bio-treatment, when infiltration is infeasible as required by the San Bernardino County MS4 Permit and Water Quality Management Plan.
- ❖ Utilize native and drought tolerant plants to reduce water demand.
- ❖ As feasible, integrate permeable pavement and perforated curbs throughout the project area to allow stormwater to enter planter areas and ultimately help with filtration and runoff.
- ❖ Whenever possible, use captured runoff to augment irrigation systems.
- ❖ Use irrigation systems that respond to changing weather conditions, irrigate by hydrozone, and use micro-irrigation techniques.
- ❖ The use of recycled water to irrigate landscape areas and for other uses is encouraged. For certain approved uses, the use of recycled water is required by the City of Ontario Recycled Water Master Plan.



*Water Quality Concepts*

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## 6.0 IMPLEMENTATION

This chapter summarizes the development process for implementation of the West Ontario Commerce Center Specific Plan and provides for the orderly development of the Specific Plan area.

### 6.1 APPLICABILITY

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The provisions, guidelines, and regulations contained within this Specific Plan provide the standards for land uses and development within the West Ontario Commerce Center. The Specific Plan supersedes the applicable development standards and regulations of the City of Ontario unless stated otherwise in this document. Whenever the provisions and development standards of the West Ontario Commerce Center Specific Plan conflict with those of the City of Ontario Development Code, the provisions of the Specific Plan shall take precedence. Where the Specific Plan is silent, the City of Ontario Development Code shall apply.

#### Definitions of Terms

The terms used within the West Ontario Commerce Center Specific Plan shall be the same as defined by the Ontario Development Code, unless otherwise noted.

### 6.2 SEVERABILITY

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The West Ontario Commerce Center Specific Plan serves as the implementation tool for the City's Policy Plan (General Plan). In the event that any provision of this Specific Plan or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent, and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof, which can be implemented without the invalid provision or application.

### 6.3 INTERPRETATION

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If an issue, condition, or situation occurs that is not sufficiently covered or provided for in this Specific Plan, those that are applicable for the most similar issue, condition, or situation shall be used. Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the Planning Director of the City of Ontario in a manner consistent with the goals, policies, objectives, and intent established in the West Ontario Commerce Center Specific Plan.

### 6.4 CONSISTENCY WITH OTHER PLANS AND REGULATIONS

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#### Consistency with the Ontario Plan

No land use, activity, or facility shall be permitted that is inconsistent with the objectives, policies, general land uses, and programs of The Ontario Plan.

## Consistency with Airport Land Use Compatibility Plans

Projects located within the West Ontario Commerce Center are subject to the restrictions and provisions of the Airport Land Use Compatibility Plans prepared for the Ontario International Airport and the Chino Airport.

## California Building Code

Projects located within the West Ontario Commerce Center must comply with the State of California Building Code as adopted and implemented by the City.

## CEQA

The City of Ontario is defined as the lead agency under the California Environmental Quality Act (CEQA) based upon its authority to approve the West Ontario Commerce Center Specific Plan. Concurrent with approval of this Specific Plan, the City Council will be required to certify the associated Environmental Impact Report (EIR), including a Mitigation Monitoring and Reporting Program to ensure that all approved EIR mitigation measures are implemented. The Planning Director shall be responsible for confirming that all applicable mitigation measures have been implemented in accordance with approved plans.

## 6.5 SPECIFIC PLAN REVISIONS

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It is recognized that modifications to the text or exhibits of this Specific Plan may be warranted in the future to accommodate unforeseen conditions or events. Revisions shall be processed in a manner prescribed by the City of Ontario Planning Department pursuant to the provisions in this section.

### Minor Modifications to the Specific Plan

Minor modifications to the West Ontario Commerce Center Specific Plan are processed administratively without the submission of a formal Specific Plan Amendment application and do not require a public hearing or review by the Planning Commission. The Planning Director of the City of Ontario shall have the authority to review and make a determination of approval, approval with conditions, or denial of a request for minor modification to the Specific Plan. The Director may, at his/her discretion, refer any such request to the Planning Commission or the City Council.

Minor modifications are defined as:

- ❖ Expansions or reductions to a Planning Area boundary or acreage, provided that the total acreage within each affected Planning Area is not modified by more than 20 percent.
- ❖ An increase in maximum building area for both single- and multi-tenant buildings of up to 20 percent, provided that the maximum square footage for the Planning Area established by this Specific Plan is not exceeded.

- ❖ A modification of up to 20 percent of the minimum lot area, minimum lot dimensions, or setback requirements for the Planning Area, if compatible with the surrounding land uses and consistent with overall design character of the West Ontario Commerce Center.
- ❖ Additions, deletions, or modifications to Table 4.1 Allowable Uses, which lists the permitted and conditionally permitted uses in the Planning Area.
- ❖ Minor modification of conceptual design criteria for architectural features and materials, landscape treatments, lighting, signage, and sustainable design strategies.
- ❖ Revisions to roadway alignment when the change results in centerline shift of less than 250 feet.
- ❖ Revisions to infrastructure facility sizing and precise location of dry utilities, water, sewer, and storm drainage improvements subject to approval of the City Engineer.
- ❖ Changes to the Phasing Plan, provided infrastructure is available to serve the phase as determined by the City Engineer.
- ❖ Revisions to exhibits in the Specific Plan that do not substantially change its intent or character.
- ❖ Modifications of a similar nature to those listed above, which are deemed minor by the Planning Director and conform to the purpose and intent of this Specific Plan and the Ontario Plan.

### Specific Plan Amendments

Proposed changes to this Specific Plan that do meet the criteria for a Minor Modification shall be subject to a formal Specific Plan Amendment application process pursuant to Section 4.01.035 of the Ontario Development Code and California Government Code Section 65450, et seq.

In the event that the proposed amendment requires supplemental environmental analysis pursuant to the California Environmental Quality Act (CEQA), the applicant will adhere to the City's adopted procedures and CEQA Guidelines.

## 6.6 SUBDIVISION MAPS

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Development within the West Ontario Commerce Center shall include the processing of tentative and final tract or parcel maps and/or lot line adjustments or mergers. All subdivision maps and lot mergers shall be reviewed and approved pursuant to Section 4.02.085 of the Ontario Development Code and all other applicable City codes and regulations, California Government Code Section 66410 et seq. (Subdivision Map Act) as well as the provisions of this Specific Plan.

## 6.7 DEVELOPMENT AND LAND USE REVIEW PROCEDURES

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Development and land use review procedures for development within the West Ontario Commerce Center shall be provided in this Specific Plan and in accordance with the Ontario Development Code.

## Development Plan Review

All development projects proposed for the West Ontario Commerce Center are subject to Development Plan review pursuant to Section 4.02.025 of the Ontario Development Code. The review is intended to ensure compliance with the provisions of this Specific Plan, protect the integrity and character of the physical fabric of the City, and encourage high quality development.

## Conditional Use Permit

A Conditional Use Permit is required for any use deemed “conditionally permitted” in Table 4.1 (Allowable Uses). An application for a Conditional Use Permit shall be processed pursuant to Section 4.02.015 of the Ontario Development Code.

## Administrative Use Permit

An Administrative Use Permit is required for any use deemed “administratively permitted” on Table 4.1 (Allowable Uses). An application for an Administrative Use Permit shall be processed pursuant to Section 4.03.015 of the Ontario Development Code.

## Appeals

Appeals of any decision of the Development Advisory Board, Zoning Administrator, Planning Director or the Planning Commission regarding implementation of this Specific Plan may be made by the applicant or any other aggrieved party pursuant to Division 2.04 of the Ontario Development Code.

## 6.8 DEVELOPMENT AGREEMENT

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A statutory development agreement authorized pursuant to California Government Code Sections 65864 et seq. is a required component of this Specific Plan. The Development Agreement shall include, but not be limited to, methods for financing, acquisition, and construction of necessary infrastructure. The Development Agreement shall be fully executed prior to recordation of the first Final Map.

## 6.9 SPECIFIC PLAN PHASING

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Implementation of this Specific Plan shall occur in two phases, as outlined in Chapter 3 (3.8: Infrastructure Phasing Plan):

- ❖ Phase 1: Construction of the storage, warehousing, and industrial uses in Planning Area 2
- ❖ Phase 2: Construction of the business park uses in Planning Area 1.

These phases may be developed as subphases and may occur either sequentially or concurrently with one another.

All development phasing shall meet the following objectives:

- ❖ The orderly build-out of the project based upon market and economic conditions;
- ❖ The provision of adequate parking, infrastructure, and public facilities concurrent with the development of each phase;
- ❖ The protection of the public health, safety, and welfare.

In approving a modification to the Phasing Plan, the Planning Director shall make the following findings:

- ❖ The modification is consistent with the Policy Plan (General Plan);
- ❖ The modification will not adversely affect the implementation of the Specific Plan;
- ❖ The modification will not be detrimental to public health, safety, and general welfare; and
- ❖ The modification will not delay the construction of the master plan improvements necessary to serve the development.

## 6.10 FINANCING OF PUBLIC IMPROVEMENTS

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The financing of the construction, operation, and maintenance of public infrastructure improvements, facilities, and services within the Specific Plan area shall be provided through a combination of mechanisms. Final determination of the scope of improvements, maintenance responsibilities, and funding sources shall be specified in the approved Development Agreement and executed prior to recordation of the first final map.

Financing options may include, but are not limited to, the following:

- ❖ Private capital investment by the project developer, the property owner(s), or a Property Owners Association.
- ❖ Private capital investment by a consortium of property owners and/or developers of the project and/or surrounding area.
- ❖ Community Facilities District (CFD) established pursuant to the Mello-Roos Community Facilities District Act of 1982, or other special district, to provide funding for the construction of public facilities or the provision of public services. City Council approval is a prerequisite for use of special district financing mechanisms.
- ❖ Development Impact Fee (DIF) credits to be applied for infrastructure completed by the project developer.
- ❖ Enhanced Infrastructure Financing District to fund infrastructure development through tax increment financing pursuant to Senate Bill 628.
- ❖ Community Revitalization and Investment Authorities (CRIA) to fund infrastructure development through tax increment financing pursuant to Assembly Bill 2.

## 6.11 MAINTENANCE PLAN

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Final determination of maintenance responsibilities for the public and private improvements constructed within the West Ontario Commerce Center shall be specified in the approved Development Agreement and executed prior to recordation of the first Final Map. However, it is anticipated that maintenance shall be generally shared by three entities as described below and outlined in Table 6.1 Maintenance Responsibilities.

### City of Ontario, Community Facilities District, Other Special District

The establishment of a community facilities district, landscape and lighting district, or other special district to fund the maintenance of public facilities shall be at the City's discretion. It is anticipated that public maintenance shall include the following:

- ❖ Right-of-way for public streets within the Specific Plan area (Merrill Avenue, Carpenter Avenue, Hellman Avenue, and Eucalyptus Avenue) shall be dedicated to the City of Ontario per the provisions of this Specific Plan (Chapter 3: Development Plan) and as approved by the City Engineer.
- ❖ Landscape improvements and public streetlights within the public right-of-way shall be maintained through a landscape and lighting district or other special maintenance district established by the City.
- ❖ All water, sewer, and storm drainage facilities located on-site shall be constructed by the developer and dedicated through easements to the City for maintenance purposes. However, the Property Owners Association shall maintain any permanent on-site water quality basins, trenches, swales and biotreatment filters required by the San Bernardino County MS4 Permit and Water Quality Management Plan. A new sewer trunk line to be constructed on Carpenter Avenue adjacent to the site's southwestern boundary may occur prior to development of the West Ontario Commerce Center Specific Plan as a continuation of neighboring development projects such as the Colony Commerce Center Specific Plan.
- ❖ The City shall maintain all off-site infrastructure improvements such as water, sewer, and storm drainage facilities.
- ❖ The City shall maintain any NPDES facilities located within the curb-to-curb area of all public streets. Operation and maintenance requirements for all NPDES stormwater runoff source control and treatment control Best Management Practices shall be identified in the approved Water Quality Management Plan for the project.

### Property Owners Association

A Property Owners Association (POA) shall be established for the maintenance of common areas, including such improvements as landscape areas and private parking and drive aisles within the West Ontario Commerce Center. It is anticipated that improvements to be maintained by the POA would include the following:

- ❖ Driveways, sidewalks, and landscaping;

- ❖ All internal open spaces, common areas, parking lots, and walkways;
- ❖ Parkways and landscaped setbacks (behind the curb) of public streets
- ❖ NPDES facilities within landscape setbacks and onsite common areas;
- ❖ Property identification signage and architectural elements located within the landscaped buffer; and
- ❖ Fencing and walls, including graffiti removal.

**Table 6.1: Maintenance Responsibilities**

Area of Responsibility	City or Special District	Property Owners Association	Utility
<b>Master Planned Roadways: Merrill Avenue, Eucalyptus Avenue, and Hellman Avenue</b>			
Curb-to-curb improvements	◆		
Behind the curb improvements - Landscaping within the public right-of-way (parkways) and sidewalks	◆		
<b>Carpenter Avenue</b>			
Curb-to-curb improvements	◆		
Behind the curb improvements - Landscaping within the public right-of-way (parkways) and sidewalks		◆	
<b>Other Improvements</b>			
Traffic signals and traffic control signs on public streets	◆		
Street lights in the public right-of-way	◆		
Cucamonga Creek Channel Multi-Purpose Trail (off-site)	◆		
Drive aisles		◆	
Off-street parking areas (on-site)		◆	
Screen walls and fences		◆	
Common open space		◆	
Landscaping within setback/landscape buffer areas		◆	
Monument signage		◆	
Walls and fences		◆	
Stormwater drainage/water quality control facilities within the curb-to-curb area of all public streets	◆		
Stormwater drainage/water quality control facilities behind the curb		◆	
Water, recycled water, and sewer infrastructure in the public right-of-way	◆		
Dry utilities: electricity, natural gas, communication systems			◆

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## 7.0 GENERAL PLAN CONSISTENCY

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Section 65440-65457) permits the adoption and administration of Specific Plans as an implementation tool for elements contained within a jurisdiction's local General Plan. Approval of this Specific Plan is based on the finding that the regulations, guidelines, and programs contained with West Ontario Commerce Center Specific Plan are consistent with The Ontario Plan. The Ontario Plan (TOP) establishes the direction and vision for the City of Ontario providing a single guidance system that will shape the Ontario community for the future. TOP provides for policies to accommodate change over a 30 year period commencing in 2010, the beginning of the planning period. TOP consists of a six part Component Framework: 1) Vision, 2) Governance Manual, 3) Policy Plan, 4) City Council Priorities, 5) Implementation, and 6) Tracking and Feedback. The following demonstrates that the West Ontario Commerce Center Specific Plan implements the goals and policies of the City's Policy Plan (General Plan).

### 7.1 LAND USE ELEMENT

<b>GOAL LU1:</b>	<b>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.</b>
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#### Policy LU1-2 Sustainable Community Strategy

We integrate state, regional, and local Sustainable Community/Smart Growth principles into the development and entitlement process.

*The West Ontario Commerce Center Specific Plan incorporates into its design and development standards and requirements that encourage the efficient use of energy resources through design, product selection, and operational techniques. The landscape guidelines require the use of native drought-resistant vegetation and shade trees to conserve water, improve comfort, augment neighborhood aesthetics, and maximize carbon capture and storage. Development standards related to environmental performance and sustainable development (Chapter 4: Land Use and Development Standards) address lighting, bicycle parking, sustainable landscaping, and energy efficiency. Sustainable design strategies (Chapter 5, Section 5.8: Sustainable Design Strategies) include design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. Protecting water quality and reducing water demand and runoff will be emphasized during development of the Plan area. Stormwater runoff source control and treatment practices will be incorporated into the Water Quality Management Plan for the project.*

### Policy LU1-3 Adequate Capacity

We require adequate infrastructure and services for all development.

*The West Ontario Commerce Center Specific Plan establishes a Phasing Plan that has been coordinated with all affected infrastructure providers and ensures that all uses on the project site are adequately served. Infrastructure development will occur in a timely manner. Potable and recycled water, sewer, fiber optic communications, and storm drain infrastructure improvements that will ultimately serve the Specific Plan area (Chapter 3: Development Plan) will be developed pursuant to applicable City of Ontario infrastructure master plans and any project development agreements.*

## **GOAL LU2: Compatibility between a wide-range of uses.**

### Policy LU2-3 Hazardous Uses

We regulate the development of industrial and similar uses that use, store, produce or transport toxic substances, air emissions, other pollutants or hazardous materials.

*The West Ontario Commerce Center Specific Plan complies with all federal, state, and local regulations pertaining to the use, storage, disposal, and transportation of hazardous materials, toxic substances, and other pollutants.*

### Policy LU2-5 Regulation of Uses

We regulate the location, concentration and operations of uses that have impacts on surrounding uses.

*The West Ontario Commerce Center Specific Plan is established on land with the Ontario Plan land use designations of Business Park and Industrial. The Policy Plan (General Plan) analyzed the impacts of business park and industrial uses and determined the appropriateness of the designation at this location. The Specific Plan development standards (Chapter 4: Land Use and Development Standards) identify specific permitted uses within the Plan to ensure that future uses are consistent with the Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan). Specifically, the conceptual site design and use regulations are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive. Planning Area 1 within the West Ontario Commerce Center is designed to create a buffer between the residential uses to the north and the industrial and/or warehouse and distribution uses of Planning Area 2 and surrounding proposed industrial developments. Loading areas will be designed to maximize truck maneuverability, safety, and consideration of adjacent uses, pursuant to Development Standards in Chapter 4.*

### Policy LU2-6 Infrastructure Compatibility

We require infrastructure to be aesthetically pleasing and in context with the community character.

*Design guidelines (Chapter 5: Design Guidelines) in the West Ontario Commerce Center Specific Plan are intended to support high-quality development that complements the surrounding community. Landscaped areas and drive entrances will be planned to separate parking areas and keep the parking lot from being the dominant visual element of the site. The Specific Plan also establishes landscape setbacks along all roadways within the Specific Plan area (Chapter 5: Design Guidelines) to create safe and attractive streets for pedestrians and motorists, and integrates its infrastructure plans with the adjacent land uses to ensure cohesive patterns of development.*

#### Policy LU2-9 Methane Gas Sites

We require sensitive land uses and new uses on former dairy farms or other methane-producing sites to be designed to minimize health risks.

*The West Ontario Commerce Center Specific Plan incorporates into its Implementation Plan requirements for the project to comply with any mitigation measures identified in the project environmental impact report, including those for soil remediation and proper venting to address the potential existence of methane gases within the Specific Plan area.*

**GOAL LU5: Integrated airport systems and facilities that minimize negative impacts to the community and maximize economic benefits.**

#### Policy LU5-7 ALUCP Consistency with Land Use Regulations

We comply with state law that requires policy plan/general plans, specific plans, and all new development be consistent with the policies and criteria set forth within an Airport Land Use Compatibility Plan for any public use airport.

*The West Ontario Commerce Center Specific Plan site is within the Ontario International Airport Influence Area and the Chino Airport Influence Area. The West Ontario Commerce Center Specific Plan outlines and acknowledges its compliance with the ALUCP requirements for the Ontario Airport and the Chino Airport in Chapter 2, Section 2.2: Airport Influence Areas.*

## 7.2 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.**

#### Policy CD1-2 Growth Areas

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

*The West Ontario Commerce Center Specific Plan contains design guidelines in Chapter 5 to guide future development, consistent with the vision for Ontario Ranch. The Specific*

*Plan design guidelines (Chapter 5: Design Guidelines) and development standards (Chapter 4: Land Use and Development Standards) are intended to ensure a cohesive and attractive development that complements and integrates into the community and adds value to the City.*

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

#### Policy CD2-1 Quality Architecture

We encourage all developments 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;
- ❖ Exterior building materials that are visually interesting, high quality, durable, and appropriate for the architectural style.

*The design guidelines in the West Ontario Commerce Center Specific Plan (Chapter 5: Design Guidelines) are intended ensure high quality building and site design, a clean and attractive appearance, and cohesive integrated design. The design elements in the two Planning Areas will be compatible and complement each other; however, variation is encouraged to provide visual interest. The Specific Plan materials, colors, fenestration, scale, and massing will be consistent with the intended architectural style or theme of the West Ontario Commerce Center.*

#### Policy CD2-5 Streetscapes

We design new and, when necessary, retrofit existing streets to improve walkability, bicycling and transit integration, strengthen connectivity, and enhance community identify through improvements to the public right-of-way such sidewalks, street trees, parkways, curbs, street lighting, and street furniture.

*The West Ontario Commerce Center Specific Plan specifies street improvements to Eucalyptus Avenue, Merrill Avenue, Hellman Avenue, and Carpenter Avenue through the Specific Plan area that comply with the guidelines of the Circulation Element and include consideration of parkways and street trees, pedestrian walkways, landscape buffers, street lighting, and street furniture. Streetscape design for the Plan area (Chapter 5, Section 5.3: Landscape Design) will present an aesthetically pleasing view for pedestrians and motorists, screen parking and loading areas from the public right-of-way, and integrate the Center into the surrounding community.*

#### Policy CD2-6 Connectivity

We promote development of local street patterns and pedestrian networks that create and unify neighborhoods, rather than divide them, and create cohesive and continuous corridors, rather than independent “islands”.

*The West Ontario Commerce Center Specific Plan provides for the efficient use of the street system by providing convenient connections with adjacent land uses in compliance with the vision of the Circulation Element. As part of the Specific Plan, roads will be improved with sidewalks, trails and bikeways to supplement vehicle transportation. The Specific Plan streetscape and street section designs provide for construction of public pedestrian sidewalks in the Specific Plan area to connect with adjacent existing and planned pedestrian circulation systems (Chapter 3, Section 3.3: Circulation and Parking Plan).*

#### Policy CD2-7 Sustainability

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

*The West Ontario Commerce Center is committed to sustainable design strategies that integrate principles of environmental stewardship into the design and construction process. The Specific Plan incorporates into its development standards and design guidelines sustainability principles (Chapter 4, Section 4.4: Environmental Performance and Sustainable Development and Chapter 5, Section 5.8: Sustainable Design Strategies) such as drought tolerant landscaping, skylights in warehouse/distribution buildings to provide natural light and reduce lighting demand, high performance dual pane glazing in office storefronts, and LED products for energy efficient site lighting. Design strategies include the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption. The use of recycled water to irrigate landscape areas and for other uses is encouraged and for certain approved uses, the use of recycled water is required consistent with the City of Ontario Recycled Water Master Plan.*

#### Policy CD2-9 Landscape Design

We encourage durable landscaping materials and designs that enhance the aesthetics of structure, create and define public and private spaces, and provide shade and environmental benefits.

*The conceptual landscape plan (Chapter 5, Section 5.3: Landscape Design) at the West Ontario Commerce Center encourages durable landscape materials and designs that enhance the aesthetics of structure, create and define public and private spaces, and provide shade and environmental benefits. Consistent with the vision for Ontario Ranch, as outlined in the Ontario Ranch Streetscape Master Plan the Specific Plan, the West Ontario Commerce Center Specific Plan provides for a landscape setback on Merrill and Eucalyptus Avenues, bike lanes, and pedestrian walkways. The landscape setback will include drought-tolerant plants featuring colorful shrubs and groundcovers, ornamental*

*grasses and succulents, evergreen and deciduous trees, and species native to Southern California or naturalized to the arid Southern California climate. The plant selection will complement the design theme of the Specific Plan area and feature water-efficient, drought-tolerant species native to the region. Parking lot landscaping will reduce associated heat buildup, improve aesthetics, and integrate into onsite landscape design and adjacent streetscapes.*

**Policy CD2-11 Entry Statements**

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

*The West Ontario Commerce Center Specific Plan establishes design guidelines pertaining to site planning, architectural design, landscape design, buffering and screening, walls and fences, lighting, and signs. These guidelines encourage high-quality development, transitions between types of uses, and a sense of place. Specific Plan guidelines encourage design entry features that are a significant aspect of the building’s overall composition, portray a quality appearance, tie the entry into the overall mass and building composition, and not appear as an “add-on” or afterthought (Chapter 5, Section 5.2: Architectural Design). Both Eucalyptus and Merrill Avenues will feature a 23-foot landscape setback adjacent to the Plan site that will provide an attractive entry to the site (Chapter 5, Section 5.3: Landscape Design).*

**Policy CD2-12 Site and Building Signage**

We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct uses to various aspects of the development and complement the character of the structure.

*The West Ontario Commerce Center Specific Plan requires the developer of the project to obtain approval by the City of a sign program to address parcel identification, building identification and directional signage within the Specific Plan area. Industrial uses on the site will be appropriately signed to give direction to loading and receiving, visitor parking, and other special uses. A comprehensive sign program (Chapter 4, Section 4.4: Other Development Standards) will be required for larger developments within the Plan Area and will integrate a project’s signs with the overall site design and the structures’ design into a unified architectural statement. A comprehensive sign program provides a means for flexible application of sign regulations in order to provide incentive and latitude in the design and display of multiple signs.*

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

### Policy CD3-1 Design

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

*The West Ontario Commerce Center Specific Plan has coordinated its street, trail, and bikeway designs with adjacent land uses and in compliance with The Ontario Plan Mobility Element. The West Ontario Commerce Center Specific Plan specifies street improvements to Eucalyptus Avenue, Merrill Avenue, Hellman Avenue, and Carpenter Avenue through the Specific Plan area that include consideration of parkways and street trees, pedestrian walkways, landscape buffers, street lighting, and street furniture. Streetscape design for the Plan area (Chapter 5, Section 5.3: Landscape Design) will present an aesthetically pleasing view for pedestrians and motorists, screen parking and loading areas from the public right-of-way, and integrate the Center into the surrounding community.*

### Policy CD3-5 Paving

We require sidewalks and road surfaces to be of a type and quality that contributes to the appearance and utility of streets and public places.

*The West Ontario Commerce Center Specific Plan incorporates into its development standards a requirement that design and materials for all sidewalks and road surfaces within the Specific Plan area be approved by the City's Engineering Department. Specific Plan design guidelines (Chapter 5: Design Guidelines) include the use of enhanced paving to mark major building entries and the use of paving materials that possesses a high level of solar reflectivity to reduce the heat island effect.*

**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 investment.**

### Policy CD5-1 Maintenance of Buildings and Property

We require all public and privately owned buildings and property (including trails and easements) to be properly and consistency maintained.

*The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6: Implementation, identifying the parties responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area.*

### Policy CD5-2 Maintenance of Infrastructure

We require the continued maintenance of infrastructure.

*The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6: Implementation, identifying the parties responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area.*

## 7.3 MOBILITY ELEMENT

**GOAL M1: A system of roadways that meets the mobility needs of a dynamic and prosperous Ontario.**

### Policy M1-1 Roadway Design and Maintenance

We require our roadways to:

- ❖ Comply with federal, state, and local design and safety standards.
- ❖ Meet the needs of multiple transportation modes and users.
- ❖ Handle the capacity envisioned in the Functional Roadway Classification Plan.
- ❖ Endeavour to maintain a peak hour Level of Service (LOS) E or better at all intersections.
- ❖ Be compatible with the streetscape and surrounding land uses.
- ❖ Be maintained in accordance with best practices and our Right-of-Way Management Plan

*The West Ontario Commerce Center Specific Plan is designed to comply with the Land Use Element and the Functional Roadway Classification Plan of the Mobility Element and, therefore, maintain a Level of Service of E or better at all intersections addressed in the project environmental impact report. Specific Plan development standards aim to minimize the effects of truck traffic on adjacent residential uses. The Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan) are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive.*

### Policy M1-2 Mitigation of Impacts

We require development to mitigate its traffic impact.

*The West Ontario Commerce Center Specific Plan requires all projects within the Specific Plan area to comply with all mitigation measures, conditions, and project design features identified in the project environmental impact report. The Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan) are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive. Buildings, structures, and loading facilities will be designed to ensure that loading and unloading activities occur on-site without extending beyond the property line.*

**GOAL M2: A system of trails and corridors that facilitate and encourage bicycling and walking.**



### Policy M2-1 Bikeway Plan

We maintain our Multipurpose Trails & Bikeway Corridor Plan to create a comprehensive system of on- and off-street bikeways that connect residential areas, businesses, schools, parks, and other key destination points.

*The West Ontario Commerce Center Specific Plan includes a circulation plan in Chapter 3 for providing connectivity to the trails and bikeway corridors identified in the Multipurpose Trails and Bikeway Corridor Plan, including installation of a Class II Bikeway along Merrill Avenue. A future bikeway/multipurpose trail will eventually be constructed on the north side of Eucalyptus Avenue as well, but it is not part of the West Ontario Commerce Center Specific Plan.*

### Policy M2-3 Pedestrian Walkways

We require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, and other key destination points.

*The West Ontario Commerce Center Specific Plan streetscape and street section designs provide for construction of public pedestrian sidewalks in the Specific Plan area to connect with adjacent existing and planned pedestrian circulation systems. Pedestrian sidewalks are separated from vehicular travel lanes by a landscaped parkway. Proposed improvements for the streets adjacent to the Specific Plan site are consistent with the City's Ontario Ranch Streetscape Master Plan (Chapter 3: Development Plan). Proposed improvements for Eucalyptus and Merrill Avenues include a five-foot sidewalk (adjacent to the project site), a seven-foot landscaped parkway adjacent to the street, and a 23-foot additional landscape buffer setback for a total 35-foot neighborhood edge. Proposed improvements for Hellman Avenue include a five-foot sidewalk (adjacent to the project site), a seven-foot landscaped parkway adjacent to the street, and an 18-foot additional landscaped buffer setback for a total 30-foot neighborhood edge condition. Proposed improvements for Carpenter Avenue include a five-foot sidewalk and a seven-foot landscaped area adjacent to the street (Chapter 3: Development Plan).*

<b>GOAL M3:</b>	<b>A public transit system that is a viable alternative to automobile travel and meets basic transportation needs of the transit dependent.</b>
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### Policy M3-2 Transit Facilities at New Development

We require new development to provide transit facilities, such as bus shelters, transit bays and turnouts, as needed.

*OmniTrans long-term transit corridor plans identify development of a transit corridor on Ontario Ranch Road Avenue located approximately one-half mile north of the Specific Plan area. OmniTrans transit corridor development will offer opportunities to influence new developments and provide intercounty connections from Ontario Ranch. In the immediate future (2 to 5 years), OmniTrans does not have plans for service in the immediate Specific*

Plan area based on their 2015-2020 Short-Range Transit Plan and on the limited funding available for increased operations. As development occurs in Ontario Ranch, OmniTrans expects for development of transit stops along Archibald Avenue, located approximately 0.3 miles east of the Specific Plan area, with transit stops placed every 0.1 to 0.25 miles. The West Ontario Commerce Center Specific Plan provides for the incorporation of a transit stop along any of the streets in the Specific Plan area, as determined necessary and appropriate by the OmniTrans System of San Bernardino County and consistent with OmniTrans' long-term plans.

**GOAL M4: An efficient flow of goods through the City that maximizes economic benefits and minimizes negative impacts.**

**Policy M4-1 Truck Routes**

We designate and maintain a network of City truck routes that provide for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses, as shown on the truck routes.

*The West Ontario Commerce Center Specific Plan is designed to enable easy vehicular access to the truck route network and to encourage its industrial users to implement effective goods movement strategies. The Land Use and Circulation Plans for the Specific Plan area (Chapter 3: Development Plan) are designed to discourage truck traffic traveling through residential neighborhoods and emphasize land uses that are less truck traffic intensive. Sufficient off-street loading and unloading spaces will be provided on site, and adequate provisions and space will be made for maneuvering freight vehicles and handling all freight. Buildings, structures, and loading facilities will be designed to ensure that loading and unloading activities occur on-site without extending beyond the property line.*

**7.4 ENVIRONMENTAL RESOURCES ELEMENT**

**GOAL ER1: A reliable and cost effective system that permits the City to manage its diverse water resources and needs.**

**Policy ER1-3 Conservation**

We require conservation strategies that reduce water usage.

*The West Ontario Commerce Center Specific Plan incorporates into its development standards and design guidelines water conservation strategies. Landscape and irrigation plans are encouraged to incorporate water conservation features. The Specific Plan landscaping plant selection complements the design theme of the Specific Plan area and features water-efficient, drought-tolerant species native to the region (Chapter 5: Design Guidelines). The use of recycled water to irrigate landscape areas and for other uses is encouraged and for certain approved uses, the use of recycled water is required consistent with the City of Ontario Recycled Water Master Plan. The Specific Plan encourages the*

*design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.*

#### **Policy ER1-5 Groundwater Management**

We protect groundwater quality by incorporating strategies that prevent pollution, require remediation where necessary, capture and treat urban run-off, and recharge the aquifer.

*The West Ontario Commerce Center Specific Plan incorporates into its development standards acknowledgement that prior to issuance of grading or construction permits, a Storm Water Pollution Prevention Plan (SWPPP) be prepared and approved by the City. The SWPPP will identify and detail all appropriate Best Management Practices (BMPs) to prevent pollutant discharge into storm drain systems and natural drainages and aquifers (Chapter 3, Section 3.7: Storm Drainage Plans). In addition to the preparation of a SWPPP, a WQMP will be prepared and approved which will enforce long-term BMPs to prevent pollutant discharges into storm drain systems, for the life of the project.*

#### **Policy ER1-6 Urban Run-off Quantity**

We encourage the use of low impact development strategies to intercept run-off, slow the discharge rate, increase infiltration, and ultimately reduce discharge volumes to traditional storm drain systems.

*The West Ontario Commerce Center Specific Plan incorporates into its development standards low impact development strategies including landscape designs that promotes water retention and incorporation of water conservation elements such as use of native plants; permeable surface designs in parking lots and areas with low traffic; and parking lots that drain to landscaped areas to provide treatment, retention, or infiltration (Chapter 3, Section 3.7: Storm Drainage Plans).*

#### **Policy ER1-7 Urban Run-off Quality**

We require the control and management of urban run-off, consistent with Regional Water Quality Control Board regulations.

*The West Ontario Commerce Center Specific Plan incorporates into its Development Plan acknowledgement that prior to issuance of grading or construction permits, a Water Quality Management Plan (WQMP) is required to minimize stormwater runoff and provide on-site opportunities for groundwater recharge that are integrated into project design and amenities. The grading and drainage of the West Ontario Commerce Center Specific Plan area will be designed to retain/infiltrate, harvest & re-use or biotreat surface runoff, in order to comply with the current requirements of the San Bernardino County NPDES Stormwater Program's Water Quality Management (WQMP) for significant new development projects (Chapter 3, Section 3.7: Storm Drainage Plans).*

#### **Policy ER1-8 Wastewater Management**

We require the management of wastewater discharge and collection consistent with waste discharge requirements adopted by the Regional Water Quality Control Board.

*The West Ontario Commerce Center Specific Plan provides for design of a wastewater system consistent with City and Regional Water Quality Board requirements. Sewer services to the West Ontario Commerce Center will be provided by the City of Ontario consistent with the City's Sewer Master Plan. A new 18-inch sewer trunk line will be constructed on Carpenter Avenue adjacent to the site's western boundary, and a portion of Merrill at the sites' southern boundary (Chapter 3, Section 3.4: Water and Sewer Plans).*

**GOAL ER3: Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.**

#### Policy ER3-1 Conservation Strategy

We require conservation as the first strategy to be employed to meet applicable energy-saving standards.

*The West Ontario Commerce Center Specific Plan incorporates into its development standards and design guidelines energy-saving conservation strategies. Development standards related to environmental performance and sustainable development (Chapter 4: Land Use and Development Standards) address lighting, bicycle parking, sustainable landscaping, and energy efficiency. Sustainable design strategies (Chapter 5, Section 5.8: Sustainable Design Strategies) include design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.*

#### Policy ER3-3 Building and Site Design

We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.

*The West Ontario Commerce Center Specific Plan incorporates into its development standards and design guidelines energy-saving conservation strategies. The Plan's Sustainable Design Strategies (Chapter 5, Section 5.8) include the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption and the use of passive design to improve building energy performance through skylights, building orientation, landscaping, and colors.*

**GOAL ER4: Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.**

**Policy ER4-1 Indoor Air Quality**

We comply with State Green Building Codes relative to indoor air quality.

*The West Ontario Commerce Center Specific Plan requires future development projects in the Specific Plan area to comply with the State of California Building Code as adopted and implemented by the City. The Plan's Sustainable Design Strategies (Chapter 5, Section 5.8) include the design and construction of energy efficient buildings to reduce air, water, and land pollution.*

**GOAL ER5: Protected high value habitat and farming and mineral resources extraction activities that are compatible with adjacent development.**

**Policy ER5-2 Entitlement and Permitting Process**

We comply with state and federal regulations regarding protected species.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report.*

## 7.5 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.**

**Policy S1-1 Implementation of Regulations and Standards**

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

*The West Ontario Commerce Center Specific Plan requires all future development projects to comply with the State of California Building Code as adopted and implemented by the City.*

**Policy S1-2 Entitlement and Permitting Process**

We follow state guidelines and the California Building Code to determine when development proposals must conduct geotechnical and geological investigations.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with state guidelines and the California Building Code. Research of available maps indicates that the Specific Plan site is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, there was no visible evidence of faulting during a geotechnical investigation conducted in 2015.*

**GOAL S2: Minimized risk of injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.**

**Policy S2-1 Entitlement and Permitting Process**

We follow state guidelines and the California Building Code to determine when development proposals require hydrological studies prepared by a State-certified engineer to assess the impact that the new development will have on the flooding potential of existing development down-gradient.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all applicable mitigation measures of the project environmental impact report, state guidelines, and the California Building Code regarding flooding and inundation hazards.*

**GOAL S3: Reduced risk of death, injury, property damage and economic loss due to fires, accidents and normal everyday occurrences through prompt and capable emergency response.**

**Policy S3-8 Fire Prevention through Environmental Design**

We require new development to incorporate fire prevention consideration in the design of streetscapes, sites, open spaces and buildings.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with the City's development review process, which provides for review by the City's Fire Department and potential redesign to incorporate fire prevention design elements in streetscapes, sites, open space, and buildings.*

**GOAL S4: An environment where noise does not adversely affect the public's health, safety, and welfare.**

**Policy S4-1 Noise Mitigation**

We utilize the City's noise ordinance, building codes, and subdivision and development codes to mitigate noise impacts.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project*

*environmental impact report, the City's noise ordinance, subdivision and development codes, and the California Building Code to mitigate noise impacts.*

**GOAL S5: Reduced risk of injury, property damage and economic loss resulting from windstorms and wind-related hazards.**

**Policy S5-2 Dust Control Measures**

We require the implementation of Best Management Practices for dust control at all excavation and grading projects.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report, the construction management plan, and any subdivision and development codes regarding dust control.*

**GOAL S6: Reduced potential for hazardous materials exposure and contamination.**

**Policy S6-9 Remediation of Methane**

We require development to assess and mitigate the presence of methane, per regulatory standards and guidelines.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with any and all mitigation measures of the project environmental impact report.*

**GOAL S7: Neighborhoods and commercial and industrial districts that are kept safe through a multi-faceted approach of prevention, suppression, community involvement, and a system of continuous monitoring.**

**Policy S7-4 Crime Prevention through Environmental Design (CPTED)**

We require new development to incorporate CPTED in the design of streetscapes, sites, open spaces and buildings.

*The West Ontario Commerce Center Specific Plan acknowledges that all projects within the Specific Plan area shall comply with the City's development review process, which provides for review by the City's Police Department and potential redesign to incorporate crime prevention design elements in streetscapes, sites, open space, and buildings. Parcel lighting (Chapter 5, Section 5.6: Lighting) addresses illumination of parking lots, loading dock areas, pedestrian walkways, building entrances, signage, and architectural and landscape features. A key provision includes the installation of ground or low mounted fixtures to provide for safety and convenience along the pedestrian movement walkways and corridors. Site design for the Specific Plan (Chapter 5, Section 5.1: Site Design) also*

*helps guide pedestrian access to the site buildings from adjacent streets and parking areas with building entrances marked by signage, architectural features, and landscaping features. The Specific Plan also establishes landscape setbacks along all roadways within the Specific Plan area (Chapter 5: Design Guidelines) to create safe and attractive streets for pedestrians and motorists, and integrates its infrastructure plans with the adjacent land uses to ensure cohesive patterns of development.*

## 7.6 COMMUNITY ECONOMICS ELEMENT

**GOAL CE1: A complete community that provides for all incomes and stages of life.**

### Policy CE1-1 Jobs-Housing Balance

We pursue improvement to the Inland Empire’s balance between jobs and housing by promoting job growth that reduces the regional economy’s reliance on out-community.

*The West Ontario Commerce Center Specific Plan anticipates the creation of 600 jobs in warehousing, logistics, light manufacturing, and administration within the Specific Plan area, which helps improve the region’s jobs-housing balance. Actual job creation depends on the type of land uses ultimately developed on the site as a wide-range of commercial, office, and industrial uses are permitted in this Specific Plan. The Land Use Plan (Chapter 3, Section 3.1) implements the vision of the Ontario Plan by providing opportunities for employment in manufacturing, distribution, research and development, service, and supporting retail at intensities designed to meet the demand of current and future market conditions.*

### Policy CE1-5 Business Attraction

We proactively attract new and expanding businesses to Ontario in order to increase the City’s share of growing sector of regional and global economy.

*The West Ontario Commerce Center Specific Plan provides for the construction of over two million square feet of industrial development in compliance with City and regional planning goals and strategies that facilitate goods movement throughout the SCAG region (Chapter 3, Section 3.1: Land Use Plan).*

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

### Policy CE2-1 Development Projects

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



*The West Ontario Commerce Center Specific Plan contains design guidelines in Chapter 5 to guide future development, consistent with the vision for Ontario Ranch. The guidelines are intended to ensure a cohesive and attractive development that complements and integrates into the community and adds value to the City. The Specific Plan also establishes landscape setbacks along all roadways within the Specific Plan area (Chapter 5: Design Guidelines) to create safe and attractive streets for pedestrians and motorists, and integrates its infrastructure plans with the adjacent land uses to ensure cohesive patterns of development.*

#### **Policy CE2-2 Development Review**

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

*The West Ontario Commerce Center Specific Plan establishes land uses (Chapter 3: Development Plan), site design, building design, and landscape design standards (Chapter 5: Design Guidelines) that ensure a high-quality development that is competitive regionally and appropriate for the Ontario Ranch community.*

#### **Policy CE2-5 Private Maintenance**

We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

*The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6 (Section 6.11: Maintenance Plan) identifying the public, private, or utility providers responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area. A Property Owners Association (POA) will be established for the maintenance of common areas, including such improvements as landscape areas and drive aisles within the West Ontario Commerce Center.*

#### **Policy CE2-6 Public Maintenance**

We require the establishment and operation of maintenance districts or other vehicles to fund the long-term operation and maintenance of the public realm whether on private land, in rights-of-way, or on publicly-owned property.

*The West Ontario Commerce Center Specific Plan includes a Maintenance Responsibility Matrix in Chapter 6 (Section 6.11: Maintenance Plan) identifying the public, private, or utility providers responsible for maintenance of roadways, parkways, trails, sidewalks, common areas, walls and monuments, infrastructure, and utilities within the Specific Plan area. Right-of-way for public streets within the Specific Plan area (Merrill Avenue, Carpenter Avenue, Hellman Avenue, and Eucalyptus Avenue) and infrastructure improvements shall be dedicated to the City of Ontario for maintenance purposes. Landscape improvements and public streetlights within the public right-of-way shall be maintained through a landscape and lighting district or other special maintenance district*

*established by the City. Dry utilities such as electricity, natural gas, communication systems will be maintained by the appropriate utility company.*



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## ***Planning Department Land Development Division Conditions of Approval***

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**Meeting Date:** April 24, 2018  
**File No:** PSP16-002  
**Related Files:** PGPA16-002, PWIL17-009 and PWIL18-004

**Project Description:** A Specific Plan (File No. PSP16-002 - West Ontario Commerce Center) request to establish land use designations, development standards, design guidelines and infrastructure improvements for approximately 119 acres of land, which includes the potential development of up to 2,905,510 square feet of industrial and business park development. The project site is bounded by Eucalyptus Avenue to the north, Cucamonga Creek Channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west; **submitted by REDA, OLV.**

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

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

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

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

**2.1 Specific Plan.** The following shall be submitted to the Planning Department within 30 days following City Council approval of the Specific Plan/Specific Plan Amendment:

- (a) Ten (10) copies of the final Specific Plan document;
- (b) One complete, unbound copy of the final Specific Plan document;
- (c) One CD containing a complete Microsoft Word copy of the final Specific Plan document, including all required revisions;
- (d) Five CDs, each containing a complete PDF copy of the final Specific Plan document, including all required revisions; and
- (e) One CD containing a complete electronic website version of the final Specific Plan document, including all required revisions.

**2.2 Indemnification.** The applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of

Ontario or its agents, officers or employees to attack, set aside, void or annul any approval of the City of Ontario, whether by its City Council, Planning Commission or other authorized board or officer. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**2.3**     Additional Fees.

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Henry Noh, Planning Department

**FROM:** Lora L. Gearhart, Fire Protection Analyst  
Bureau of Fire Prevention

**DATE:** October 6, 2016

**SUBJECT:** PSP16-002 - A request for Specific Plan (West Ontario Commerce Center) approval, to establish land use designations, development standards, design guidelines and infrastructure improvements that will govern the development of 125 acres of land generally bonded to the north by Eucalyptus Avenue, Merrill Avenue to the south, Cucamonga Creek Flood Control Channel to the east and Carpenter Avenue to the west. Related Files: PGPA16-002 & PZC16-002 APN No(s): 218-261-23, 218-261-22, 218-261-32, 218-271-08, 218-271-13, 218-261-16, 218-271-18

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

- 
1. The emergency response times to this new development do not meet the current criteria for the service delivery model of the Fire Department. New, relocated or replacement fire station facilities may be required and will be evaluated during the EIR review by the City.
  2. Water infrastructure used for fire protection must be in place prior to building permit. Two separate points of connection to a circulating public water main from separate mains are required for each building within the development.
  3. Two means of emergency ingress and egress are required for all future development. Provisions for secondary access for emergency vehicles, preferably by means of fully improved publically maintained streets
  4. 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. Buildings that are obstructed by other buildings shall have a building directory and or signage at street frontage.

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



# CITY OF ONTARIO

## MEMORANDUM

TO: Otto Kroutil, Development Director  
Scott Murphy, Planning Director  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Raymond Lee, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
Sheldon Yu, Municipal Utility Company  
Doug Sorel, Police Department  
Art Andres, Deputy Fire Chief/Fire Marshal  
Tom Danna, T. E., Traffic/Transportation Manager  
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)  
Steve Wilson, Engineering/NPDES  
Bob Gluck, Code Enforcement Director

FROM:

DATE: April 12, 2016

SUBJECT: FILE #: PSP-16-002 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 request for Specific Plan (West Ontario Commerce Center) approval, establishing land use designations, and development standards and guidelines that will govern the development of 125 acres of land generally bounded by Eucalyptus Avenue to the north, San Bernardino Flood Control channel to the east, Merrill Avenue to the south, and Carpenter Avenue to the west.

Related Files: PGPA16-002 & PZC16-002

APN No(s): 218-261-23, 218-261-22, 218-261-32, 218-271-08, 218-271-13, 218-261-16, 218-271-18

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

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

The plan does not adequately address the departmental concerns.

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

POLICE  
Department

DOUGLAS SOREL  
Signature

MOBILITY ANALYST  
Title

4/12/16  
Date

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT,  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** April 13, 2016  
**SUBJECT:** PSP-16-002

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

---

### Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT:** A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APNS: 1048-572-13 AND 1048-572-11)

**RECOMMENDATION:** That the City Council consider and adopt an ordinance approving a Planned Unit Development, File No. PUD17-004, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project.

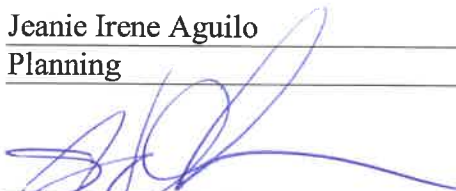
**COUNCIL GOALS:** Invest in the Growth and Evolution of the City's Economy  
Operate in a Businesslike Manner  
Focus Resources in Ontario's Commercial and Residential Neighborhoods

**FISCAL IMPACT:** None.

**BACKGROUND:** On June 19, 2018, the City Council introduced and waived further reading of an ordinance approving the Planned Unit Development. The project site is comprised of 0.29 acres of land located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district. The property surrounding the Project site is characterized by residential land uses to the north and east, commercial uses to the west, and First Christian Church to the south.

The Ontario Plan ("TOP") envisioned revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core, enhancing the historic character of the district, and concentrating the most intense/dense development along Euclid Avenue and Holt Boulevard. The Downtown Mixed Use area is intended to create an intensive mixture of retail, office, and residential uses in a pedestrian-friendly atmosphere. The Ontario Plan specifies a residential density

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director, Development Agency

Prepared by: Jeanie Irene Aguilo  
Department: Planning  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

12



range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District.

The Ontario Plan Downtown Mixed Use District (MU-1) requires the establishment of a Planned Unit Development (PUD) for new development. In compliance with this requirement, the Applicant has submitted the Bungalows on Vine PUD (included as Attachment “A” to the attached Ordinance), which is consistent with the vision and the goals and policies of the Policy Plan.

The PUD establishes standards and guidelines to facilitate the development of apartment units (8 units in total). A Development Plan (File No. PDEV17-011) was submitted for concurrent processing with the PUD, which is designed with medium density, two-story buildings focused along the B Street and Vine Avenue frontage. Consistent with the requirements of the MU-1 (Downtown Mixed Use) zoning district, the Bungalows on Vine PUD allows for the development of the project site at a density of 25 to 30 dwelling units per acre, with a maximum building height of up to 35 feet or 2 stories. The project is proposed at a density of 27.59 dwelling units per acre, with an overall building height of 22.67 feet (2 stories), meeting the minimum requirements of the PUD and the Policy Plan.

On May 22, 2018, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission voted (6-0) to approve a resolution recommending that the City Council approve the PUD document.

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

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

**ENVIRONMENTAL REVIEW:** The 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, meeting each of the following conditions: [1] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [2] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] the project site has no value as habitat for endangered, rare, or threatened species; [4] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-004, A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, AND DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-572-13 AND 1048-572-11.

WHEREAS, AB HOLDINGS, LLC ("Applicant") has filed an Application for the approval of a Planned Unit Development, File No. PUD17-004, as described in the title of this Ordinance (hereinafter referred to as "Application" or "Project"); and

WHEREAS, the Application applies to 0.29 acres of land located 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district, and is presently vacant; and

WHEREAS, the property to the north of the project site is within the MU-1 (Downtown Mixed Use) zoning district, and is developed with a multiple-family residential land use. The property to the east is within the MU-1 zoning district, and is developed with a single-family residential land use. The property to the south is within the MU-1 zoning district, and is developed with a place of worship. The property to the west is within the MU-1 zoning district, and is developed with a place of worship; and

WHEREAS, the project site is comprised of 0.29 acres of land located at 214 North Vine Avenue and 422 West B Street, within the MU-1 (Downtown Mixed Use) zoning district. The MU-1 (Downtown Mixed Use) zoning district was established to create an intensive mixture of retail, office, and residential uses in a pedestrian friendly atmosphere. The property surrounding the Project site is characterized by residential land uses to the north and east, commercial uses to the west, and First Christian Church to the south; and

WHEREAS, The Ontario Plan ("TOP") envisioned revitalization of the City's downtown area, in part, by infusing high-density residential and mixed-use developments into the downtown core, ensuring the historic character of the district is enhanced, and concentrating the most intense/dense development along Euclid Avenue and Holt Boulevard. Furthermore, The Ontario Plan specifies a residential density range of 25 to 75 units per acre and a maximum floor area ratio of 2.0 for commercial office and retail developments within the Downtown Mixed Use District; and

WHEREAS, the project site is located within the Ontario Plan Downtown Mixed Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Policy Plan specifies that the Downtown Area is to be

implemented through the approval of an Area Plan or Planned Unit Development (PUD) prior to the development of properties within the Area. In compliance with this requirement, the Applicant has submitted the Bungalows on Vine PUD (included as Attachment "A" to the attached Resolution), which is consistent with this vision and the goals and policies of the Policy Plan; and

WHEREAS, the PUD establishes standards and guidelines to facilitate the development of apartment units (8 units in total). A Development Plan (File No. PDEV17-011) was submitted for concurrent processing with the PUD, which is designed with medium density, two-story buildings focused along the B Street and Vine Avenue frontage. Consistent with the requirements of the MU-1 (Downtown Mixed Use) zoning district, the Bungalows on Vine PUD allows for the development of the project site at a density of 25 to 30 dwelling units per acre, with a maximum building height of up to 35 feet or 2 stories. The project is proposed at a density of 27.59 dwelling units per acre, with an overall building height of 22.67 feet (2 stories), meeting the minimum requirements of the PUD and the Policy Plan; and

WHEREAS, on May 22, 2018, the Planning Commission conducted a public hearing to consider the above-described PUD and concluded the hearing on that date. After considering all public testimony on the application, the Planning Commission voted (6-0) to approve a resolution recommending that the City Council approve the PUD document; and

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

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the 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;

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the initial study, Addendum, and the Project, and

concluded said hearing on that date, voting to issue Resolution No. PC18-056 recommending the City Council approve the Application; and

WHEREAS, on June 19, 2018, the City Council 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 Ordinance have occurred.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario, as follows:

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

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

(2) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, meeting each of the following conditions: [1] the Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations; [2] the proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses; [3] the project site has no value as habitat for endangered, rare, or threatened species; [4] approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and [5] the Project site can be adequately served by all required utilities and public services.

(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 City Council.

**SECTION 2. Ontario International Airport Land Use Compatibility Plan (“ALUCP”) Compliance.** The California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) requires that an Airport Land Use Compatibility Plan be prepared for all public use airports in the State; and requires that local land use plans and individual development proposals must be consistent with the policies set forth in the adopted Airport Land Use Compatibility Plan. On April 19, 2011, the City Council of the City of Ontario approved and adopted the Ontario International Airport Land use Compatibility Plan (“ALUCP”), establishing the Airport Influence Area for Ontario International Airport (“ONT”), which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts

of current and future airport activity. As the decision-making body for the Project, the City Council 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 City Council, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

**SECTION 3. Concluding Facts and Reasons.** Based upon the substantial evidence presented to the City Council during the above-referenced hearing, and upon the specific findings set forth in Sections 1 and 2, above, the City Council hereby concludes as follows:

(1) ***The proposed PUD, or amendment thereto, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed project is located within the Mixed Use land use district of the Policy Plan Land Use Map, and the MU-1 (Downtown Mixed Use) 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 PUD, or amendment thereto, would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*** The Planning Commission has required certain safeguards, and has required certain changes, which have been established to ensure that: [i] the purposes of the Planned Unit Development 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.

(3) ***In the case of an application affecting specific properties, the proposed PUD, or amendment thereto, will not adversely affect the harmonious relationship with adjacent properties and land uses.*** A thorough review and analysis of the proposed project and its potential to adversely impact properties surrounding the subject site was completed by City staff. As a result of this review, certain design considerations were incorporated into the project to mitigate identified impacts to an acceptable level, including the use of upgraded materials, the inclusion of certain architectural design elements on building exteriors, intensified landscape elements, and decorative hardscape elements.

(4) ***In the case of an application affecting specific property(ies), the subject site is physically suitable, including, but not limited to, parcel size, shape, access, and availability of utilities, for the request and anticipated development.*** In preparing the proposed PUD, a thorough review and analysis of the proposed project and

the project site's physical suitability for the proposed project was completed, including analysis of the project size, shape, intensity of development, building height, building setbacks, site access, site landscaping and drainage, fences and walls, vehicle circulation, pedestrian connections, availability of mass transit, necessary street dedication and easements, public right-of-way improvements, availability of utilities and other infrastructure needs, off-street parking and circulation, building orientation and streetscapes, architectural character, building materials and color, and site signage.

(5) ***The proposed PUD is superior to that which could be obtained through the application of the Development Code or a specific plan.*** The proposed PUD addresses aspects of the project that are specifically related to the Development Plan proposed in conjunction with the PUD application, including necessary building setbacks, site access points, off-street parking and site circulation, and architectural character.

**SECTION 4.** ***City Council Action.*** Based upon the findings and conclusions set forth in Sections 1 through 3, above, the City Council hereby APPROVES the herein described Bungalows on Vine Planned Unit Development, attached hereto as "Attachment A," and incorporated herein by this reference.

**SECTION 5.** ***Indemnification.*** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void, or annul this approval. The City of Ontario shall promptly notify the applicant of any such claim, action, or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

**SECTION 7.** ***Severability.*** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 8.** ***Effective Date.*** This Ordinance shall become effective 30 days following its adoption.

**SECTION 9.** ***Publication and Posting.*** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within 15 days following the adoption. The City Clerk shall post a

certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 3<sup>rd</sup> day of July 2018.

---

PAUL S. LEON, MAYOR

ATTEST:

---

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

---

BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3109 was duly introduced at a regular meeting of the City Council of the City of Ontario held June 19, 2018 and adopted at the regular meeting held July 3, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3109 duly passed and adopted by the Ontario City Council at their regular meeting held July 3, 2018 and that Summaries of the Ordinance were published on June 26, 2018 and July 10, 2018, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



**ATTACHMENT A:**

**File No. PUD17-004;  
Bungalows on Vine Planned Unit Development**

*(Document follows this page)*



# **BUNGALOWS ON VINE**

*Planned Unit Development*

**Ontario, California**



**[APPROVAL DATE]**  
**FILE NO. PUD17-004**

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# 1. INTRODUCTION

This document is intended to function as a set of planning and design principles, development regulations and performance standards to guide and govern the development of an infill area of two adjacent vacant lots within a developed area. The development is two adjacent properties, The South facing lot facing “B” Street and the other, site facing west is fronting on Vine Avenue. To the rear of the “B” Street lot, access is available through the existing alley known as West Vesta Street (see Figure 1.1 Project Location Map).

The project site is located within the Ontario Plan Downtown Mixed Use District (MU-1) which requires the establishment of a Planned Unit Development (PUD) prior to development. The Planned Unit Development (PUD) is set forth in the Ontario Development code section 4.01.030 (Planned Unit Development (PUD) and Amendments). Upon approval, this PUD will establish the land use and development standards for this particular project site. The Bungalows on Vine Planned Unit Development (PUD) will replace the existing zone district designations and zoning standards that apply to the affected properties. Unless otherwise defined herein, definitions and interpretations contained in the Development code shall apply.

City staff and private developers shall rely on this PUD to determine whether precise plans for development will be adequate and will meet the City’s land use and design objectives.

Figure 1-1: Project Location Map

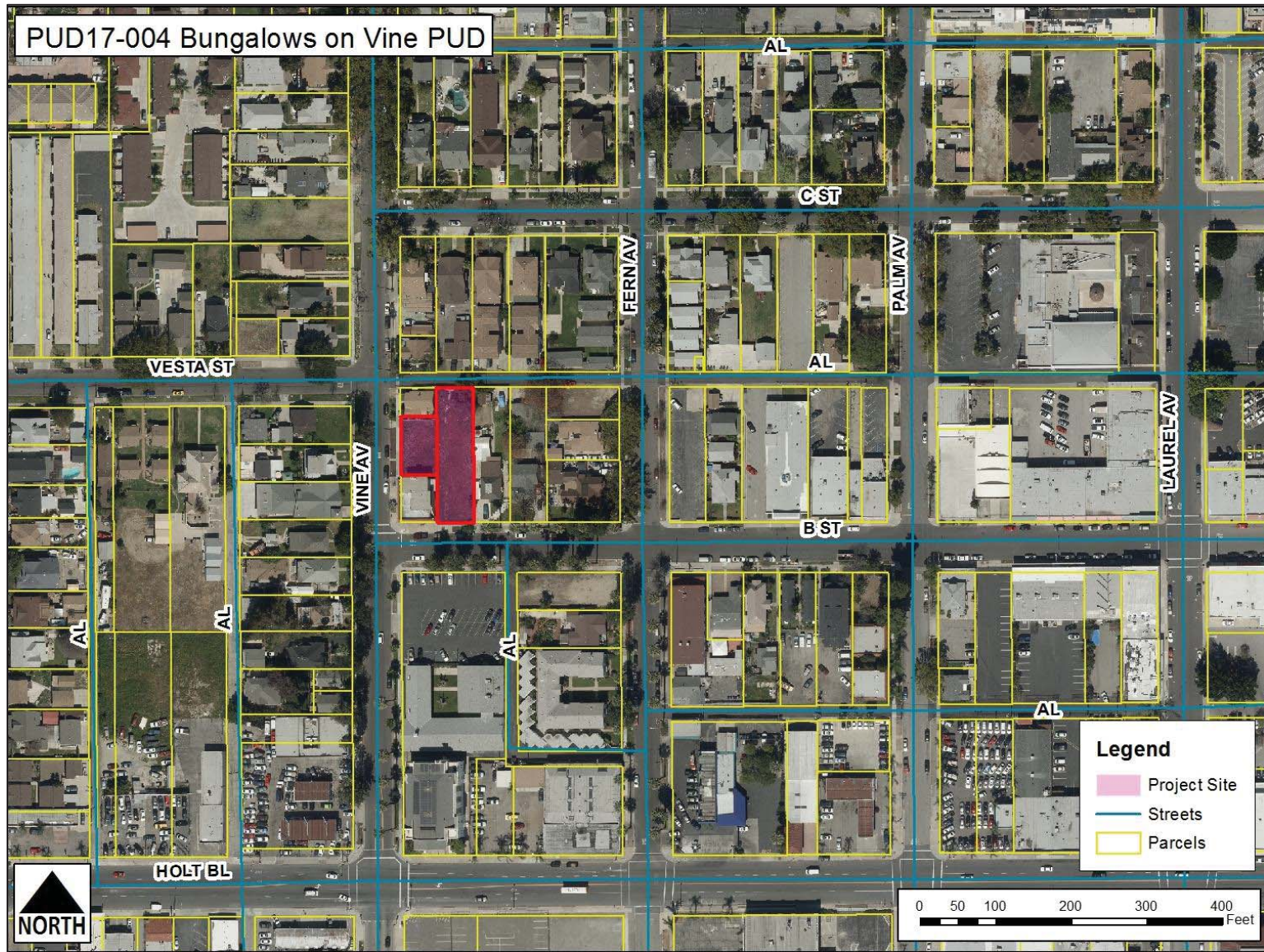
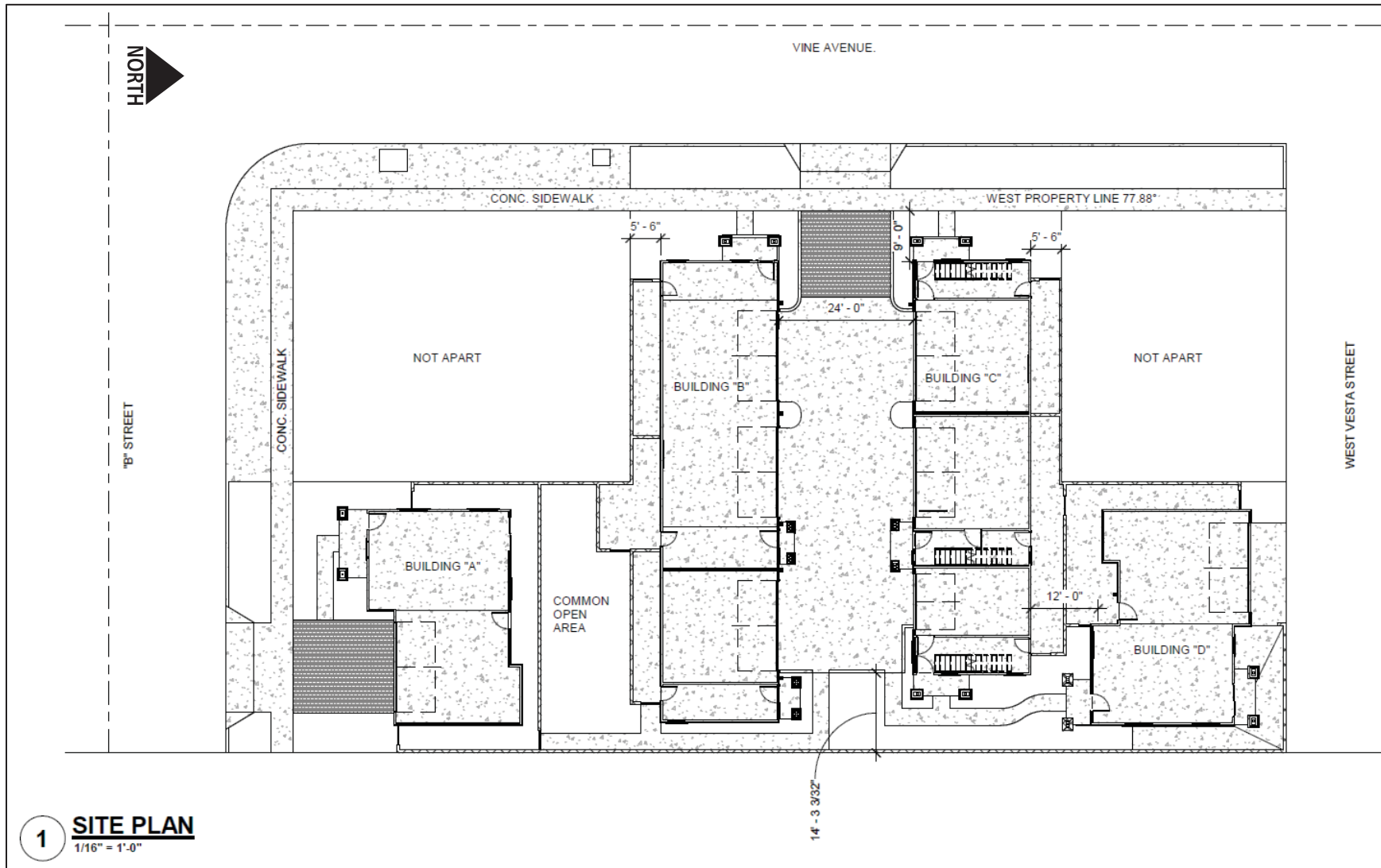


Figure 1-2: Site Plan





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## 2. OBJECTIVES

The Ontario Plan, which includes the City's General Plan, designates the project area as part of the Downtown Mixed Use District (see Figure 2-1: Downtown Land Use District Map). The Downtown Mixed Use District designation requires approval of a Planned Unit Development (PUD) to develop the property. Additionally, the designation specifies a residential density range of 25-75 units per acre and a maximum floor area ratio (FAR) of 2.0 for office and retail uses.

The Ontario Plan goals and policies furthered by this Planned Unit Development are as follows:

### 2.1. Land Use Element Goals and Policies

- i. LU1 – Balance. 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.
  - a. 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.
- ii. LU2 – Compatibility. Compatibility between a wide range of uses.
  - a. LU2-2 Buffers. We require new uses to provide mitigation or buffers between existing uses where potential adverse impacts could occur.
    - The PUD takes into consideration the existing uses on the surrounding properties and provides privacy buffers with decorative masonry walls, landscaping and setbacks.
- iii. LU3 – Flexibility. Staff, regulations and processes that support and allow flexible response to conditions and circumstances in order to achieve the Vision.
  - a. LU3-1 Development Standards. We maintain clear development standards which allow flexibility to achieve our Vision.

### 2.2. Housing Use Element Goals and Policies

- i. H1 – Neighborhoods and Housing. Stable neighborhoods of quality housing, ample community services and public facilities, well-maintained infrastructure, and public safety that foster a positive sense of identity.
  - a. H1-4 Historical Preservation. We support the preservation and enhancement of residential structures, properties, street designs, lot

configurations, and other reminders of Ontario’s past that are considered to be local historical or cultural resources.

- The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
- ii. H2 – Housing Supply and Diversity. 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.
- a. H2-5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices and other best practices.
    - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.
  - b. H2-6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.

### **2.3. Community Design Element Goals and Policies**

- i. CD1 – Image and Identity. A dynamic, progressive city containing distinct neighborhoods and commercial districts that foster a positive sense of identity and belonging among residents, visitors, and businesses.
- a. 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.
  - b. CD1-2 Growth Areas. We require development in growth areas to be distinctive and unique places within which there are cohesive design themes.
    - The PUD is located within the Residential District of Downtown Ontario. The PUD will ensure the architectural enhancements complement the existing historic housing surrounding the project.

- ii. CD2 – Design Quality. A high level of design quality resulting in public spaces, streetscapes, and developments that are attractive, safe, functional and distinct.
  - a. 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.

#### **2.4. Center City Redevelopment Plan Objectives**

The Center City Redevelopment Plan was established to provide the framework and the process to guide the development of projects within the study area of the Redevelopment plan. The following list of objectives have been identified from the Redevelopment plan as pertaining to the Planned Unit Development (PUD).

- i. Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use, and conserve energy and resources through mixed use development
- ii. Create a healthy and exciting urban environment, with the ability to work, live, shop and play within a small area, combine daytime and nighttime use, and conserve energy and resources through mixed use development.
- iii. Provide improvements necessary for the elimination of blight and provide for the orderly development of commercial, industrial and residential areas within the redevelopment area.
- iv. Maximize the housing opportunities for the residential areas.
- v. Encourage and facilitate medium and high density development, including, but not limited to, condominiums, townhomes, apartments and similar compatible uses.

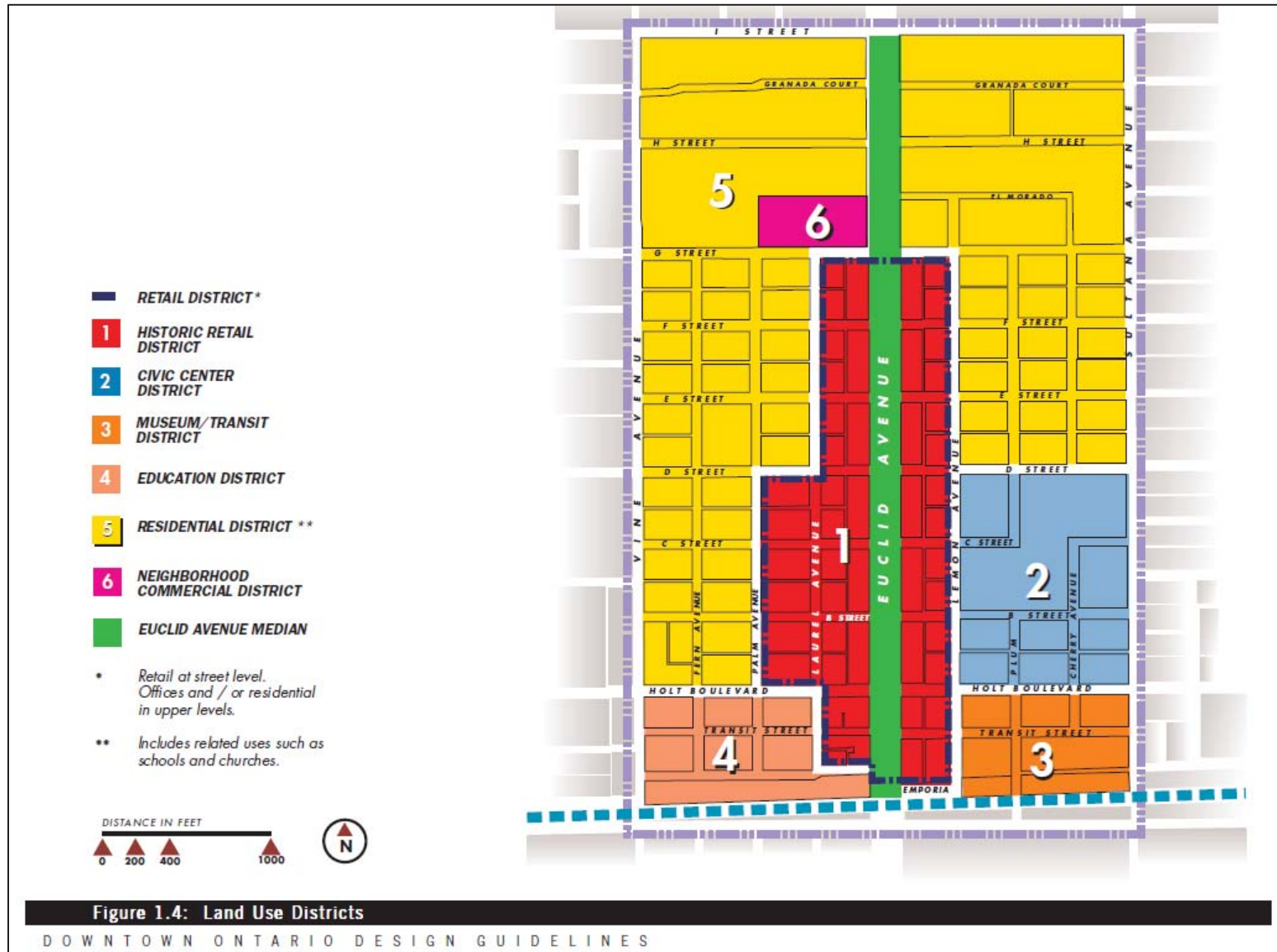
- vi. Create an attractive and pleasant environment in the project area through the use of proper design, open space and other amenities to enhance the aesthetic quality.

## **2.5. Bungalows on Vine Street Objectives**

This Planned Unit Development provides guidelines for development of the project area. The following objectives are intended to provide a general framework for establishing development standards to ensure proper development of the project area.

- i. Develop high quality, rental housing
- ii. Establish appropriate relationships among new residential neighborhoods as well as with adjacent land use
- iii. Provide new housing designed for families with children
- iv. Provide area of private and passive open space with each unit to include private balconies and porches with private yard areas.

Figure 2-1: Downtown Land Use District Map



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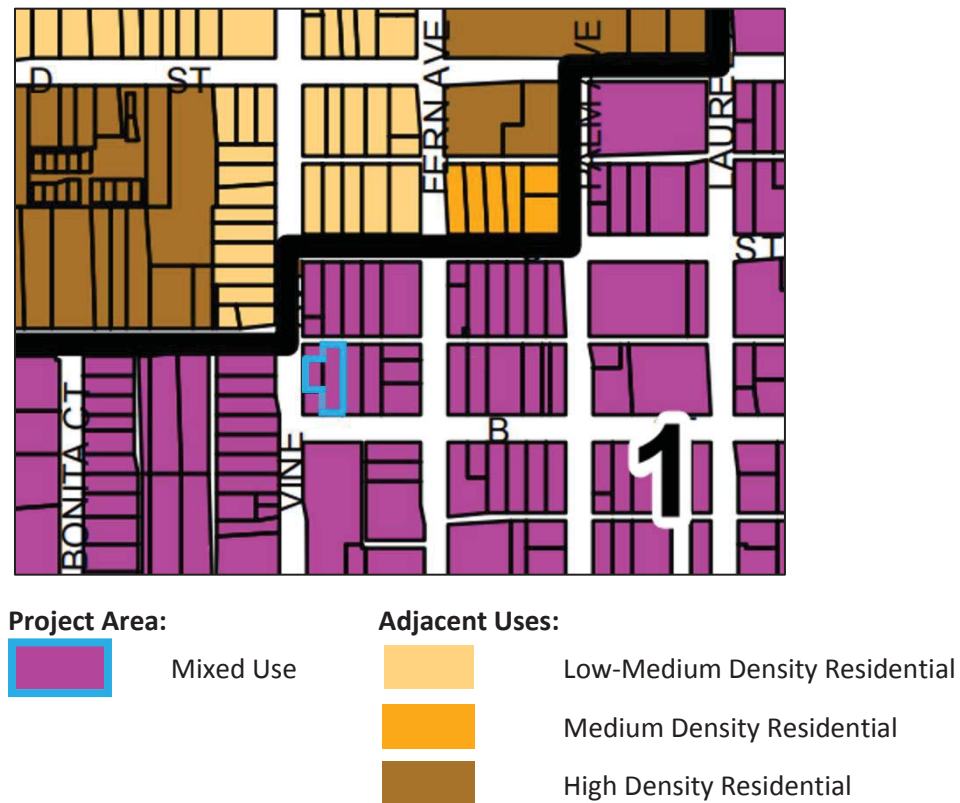
### 3. LAND USE PLAN

#### 3.1. Land Use Plan /Allowable Uses

The Project site is located within the Downtown Mixed Use Area Policy Plan (General Plan) land use district, and the MU-1 (Downtown Mixed-Use) zoning district, which implements the Downtown Mixed Use area. The MU-1 zoning district was established to accommodate and intensive mixture of vertical and horizontal retail and office uses at a development intensity of up to 2.0 FAR, and residential uses at a density of 25 to 75 dwelling units per acre. Development projects within the MU-1 zoning district are intended to maintain a pedestrian friendly atmosphere, while at the same time enhancing the historic character of the area.

Consistent with the intent of the Downtown Mixed Use Area and the MU-1 zoning district, the project site is designated Multiple Family Residential (MFR) land use designation. Exhibit 3.1 (Land Use Plan) depicts the Planned Unit Development boundary and land use designation.

**Figure 3-1: Land Use District Map [Exhibit LU—1 Land Use Plan of TOP]**





### **3.2. Residential Use**

The project site will be developed with a mixture of both attached and detached housing units. Two buildings consisting of three attached units and two separate buildings consisting of single detached units. All units will be two story with two car parking garages below and the living areas on upper / second level. Interior first floor garage access with interior laundry rooms and staircase access to living areas above.

### **3.3. Permitted Uses List**

The Permitted Land uses within the Bungalows on Vine Planned Unit Development (PUD) are as follows:

- i. Multiple family residential dwellings
- ii. Motor vehicle parking ancillary to multiple family housing developments
- iii. Temporary uses as permitted within the residential districts of the City of Ontario Development Code subject to an Administrative Permit.
- iv. Other land use compatible with multiple family residential development projects, as determined by the Zoning Administrator.

Uses may be prohibited through rental contracts and agreements as provided by the owner and project management, unless prohibited by Federal, State or local laws.

## 4. DEVELOPMENT REGULATIONS

### 4.1. Residential Density

Residential density shall be allow 25 to 30 dwelling units per acre.

### 4.2. Project Density

This particular combined infill project site consist of 0.29 acres. This zone density will require a minimum of 7 dwellings and a maximum of 8 dwellings. An 8 unit multiple family development has been proposed.

### 4.3. Building Height

No structure shall exceed 35 feet in height, except that the maximum height may be exceeded by roof mounted equipment, architectural projections, chimneys, elevator towers, parapet walls and any other roof top structures by up to 10% of the allowed building height. No rooftop equipment shall be visible from anywhere on the project site, public streets or adjacent properties, and shall be fully screened with appropriate architectural parapet walls or appropriate roof treatments. Roof mounted equipment shall not exceed the height of the structures and appurtenances used to screen the equipment.

- i. No roof mounted equipment proposed. All HVAC units shall be placed within the attic space of the proposed roof structure, and condenser units shall be ground-mounted and properly screened.

### 4.4. Building Setbacks

**Table 4-1: Minimum Building Setbacks**

Minimum Street Setbacks:	Distance
▪ Vine Avenue	9 FT
▪ B Street	9 FT
▪ Vesta Street (Alley)	5 FT
Interior Side Setback	5 FT
Rear Setback	5 FT
Porches, Patio Covers, and Similar Architectural Projections**	5 FT
Minimum Building Separation	6 FT

\*\*No projection may encroach into any necessary easements

All setbacks shall be measured from the ultimate property lines. Placement of buildings, structures, fences, walls, utility facilities, yards etc. will be based on the streets rights of way and the property line dimensions. Allowable encroachments in yards include (maximum 6'-0" high) property line fences and gates, landscaping, paving, and public utilities.

#### **4.5. Access**

Along Vine Avenue one driveway access is allowed, providing primary access to the site. One access driveway will be allowed to serve the single family unit facing "B" Street. One access driveway will be allowed to serve the single family unit facing Vesta Street (alley).

#### **4.6. Open Space**

Open space shall be provided for the passive and the active recreation opportunities within the project site. Two types of open space are required, private and common open space. These open space areas are for the use of the on-site residents and their guests. Required street setback areas are not counted towards the common open space requirements.

#### **4.7. Private Open Space**

Private open space shall be provided for each residential unit in order to provide private outdoor areas which can be enjoyed for the exclusive use by the occupant of the residential unit and their guests. Types of areas considered private open space include balconies, decks and patios and enclosed yard areas.

Private open space shall be provided for all residential units, and shall have direct access from each residential unit. Residential units shall have a minimum size of private open space pursuant to Section 6.01.010.E (Open Space Requirements for Single-Family Small Lot Subdivisions, and Multiple-Family and Mixed-Use Development Projects) of the Ontario Development Code. The space may be provided in multiple areas (e.g. balconies, covered porches, a yard and a patio, etc.) As long as the total area of the spaces meets the minimum private open space requirement for the unit. The minimum dimension for private open space shall be no less than 6 feet in any direction.

#### **4.8. Common Open Space**

Common Open Space shall be provided to allow for both passive and active types of recreation, along with the site landscape amenities. These areas are for use by project residents and their guests. The amount of required common open space is based on the number of dwelling units developed.

Areas not considered in common open space include (1) parking areas; (2) walkways along or between buildings; (3) parking area landscaping; (4) street setback areas; and (5) other areas not intended for active or passive recreation.

#### **4.9. Landscaping**

##### **i. Site Landscaping**

A conceptual landscape plan shall be submitted with each Development Plan within the Bungalows on Vine PUD area. The plan shall specify all landscape and hardscape elements for the development plan site. Detailed Landscape and Irrigation plans shall be required prior to the issuance of building permits. The detailed plans shall show location of ground mounted utility boxes and equipment, along with the methods of screening for these items from the public right of way and adjacent residences where possible (see Figure 4-1: Conceptual Landscape Planting Legend).

The Landscape and irrigation plan shall be designed with water conservation in mind, utilizing “California friendly” species and drought tolerant planting materials. The landscaping and irrigation shall comply with AB 1881, and all other laws and regulations related to planting materials.

##### **ii. Compliance with State and Federal Laws**

- a. Provide landscaping and an irrigation system, which promotes the conservation of water as required by the Water Conservation in Landscaping Act of 2006 (AB 1881), commencing with the California Government Code Section 65591.

#### **4.10. Screening**

##### **i. General Requirements**

- a. All roof and ground mounted mechanical equipment shall be screened pursuant to the requirements of the Ontario Development Code.

- b. Screening shall include plant and building materials compatible with the project design so it is well integrated and hidden within the project area.
- c. Building and plant materials used for screening shall be compatible with the architectural style and planting palette used on the project area.
- d. All ground level screening shall comply with the requirements of the Ontario Development Code Section 6.02.030 (Protection of Intersection Visibility).

ii. **Fences, Walls, and Hedges**

Fences, walls and hedges shall comply with Section 6.02.030 (Protection of Intersection visibility) of the Ontario Development Code, Engineering Department corner sight distance standards, and all other applicable city standards. Fences and wall shall be made of decorative materials that are compatible with, or enhance the overall architectural character of the project. All fences, walls and hedges shall be in scale with the development, and shall be used for screening, site enhancement, and creating a safer living environment for residents and their guests. All decorative walls, monuments, and/or other similar features, shall not encroach in to the public street right of way.

Figure 4-1: Conceptual Landscape Planting Legend

PROPOSED PLANTING LEGEND							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUAN.	SPACING	WUCOLS#	NOTES
<b>TREES</b>							
	CERCIS OCCIDENTALIS	WESTERN REDBUD CALIFORNIA NATIVE	.36" BOX 48" BOX	2 1	PER PLAN	0.4	TREE FORM DECIDUOUS
	LAGERSTROEMIA L. 'MUSKOGEE'	MUSKOGEE ORANGE MYRTLE	24" BOX (ST. TREE) 48" BOX	2 2	PER PLAN	0.4	TREE FORM DECIDUOUS
	OLEA EUROPAEA 'WILSONI'	FRUITLESS OLIVE	48" BOX 60" BOX	2 1	PER PLAN	0.4	TREE FORM EVERGREEN
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	36" BOX	2	PER PLAN	0.4	TREE FORM EVERGREEN
	PODOCARPUS GRACILIOR	FERN PINE	15 GAL	1	PER PLAN	0.4	LOW BRANCHED EVERGREEN
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM STREET TREE	17" BTH	1	PER PLAN	0.2	BTH=BROWN TRUNK HEIGHT
<b>SHRUBS</b>							
	LANTANA 'CHAPEL HILL'	CHAPEL HILL YELLOW LANTANA	1 GAL	18	PER PLAN	0.2	PROVIDE NURSERY TAGS
	LANTANA 'TEENY GENIE'	TEENY GENIE LANTANA	1 GAL	18	PER PLAN	0.2	PROVIDE NURSERY TAGS
	LEUCOPHYLLUM C. 'THUNDER CLOUD'	THUNDER CLOUD VIOLET SILVERLEAF	5 GAL	10	4'	0.2	PROVIDE NURSERY TAGS
	LOMANDRA LONGIFOLIA 'BREEZE'	BREEZE DWARF WMT RUSH	1 GAL	13	2.5'	0.3	PROVIDE NURSERY TAGS
	WANDERA D. 'MOYERS RED'	MOYERS RED HEAVENLY BAMBOO	5 GAL	10	4'	0.4	PROVIDE NURSERY TAGS
	PENNISETUM S. 'EATON CANYON'	DWARF FOUNTAIN GRASS	1 GAL	59	PER PLAN	0.3	PROVIDE NURSERY TAGS
	PODOCARPUS MACROPHYLLUM 'MAKI'	SHRUBBY YEW PINE	5 GAL	77	2.5'	0.2	PROVIDE NURSERY TAGS
<b>VINES</b>							
	PARTHENOCESSUS TRICUSPIDATA	BOSTON IVY	1 GAL	24	PER PLAN	0.2	PROVIDE NURSERY TAGS
<b>GROUND COVERS</b>							
	JUNIPERUS P. 'GREEN MOUND'	GREEN MOUND JUNIPER	1 GAL	19	3'	0.4	PROVIDE NURSERY TAGS
	ROSMARINUS O. 'HUNTINGTON CARPET'	HUNTINGTON CARPET ROSEMARY	1 GAL	32	±/-4'	0.2	PROVIDE NURSERY TAGS
	SOD	DWARF TALL FESCUE	LAWN	370 S.F.		0.7	AVAILABLE FROM AG SOD
	ORGANIC MULCH	SHREDDED BARK MULCH INSTALLED IN ALL SHRUB AREAS	3" DEEP	3,895 S.F.			AVAIL. THRU EARTHWORKS OR EQUAL

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## **5. PARKING AND CIRCULATION**

### **5.1. Site Accessibility**

The site shall be designed to promote safety for residents by only allowing limited vehicular and pedestrian access into and across the site. This can be achieved through building orientation and placement, to minimize the use of gates and fencing. Amenities shall be properly gated limiting access to residents and their guests.

### **5.2. Vehicle Circulation**

The project site shall be designed to reduce the number of dead end aisles in the parking access to the individual garages, and shall provide all guest parking outside of development (on or off site) to ensure accessibility. Location of drive aisles and entries shall be approved by the City Engineer. Vehicular circulation shall be designed in a way that promotes pedestrian safety and proper access to the parking garage areas.

### **5.3. Pedestrian Circulation**

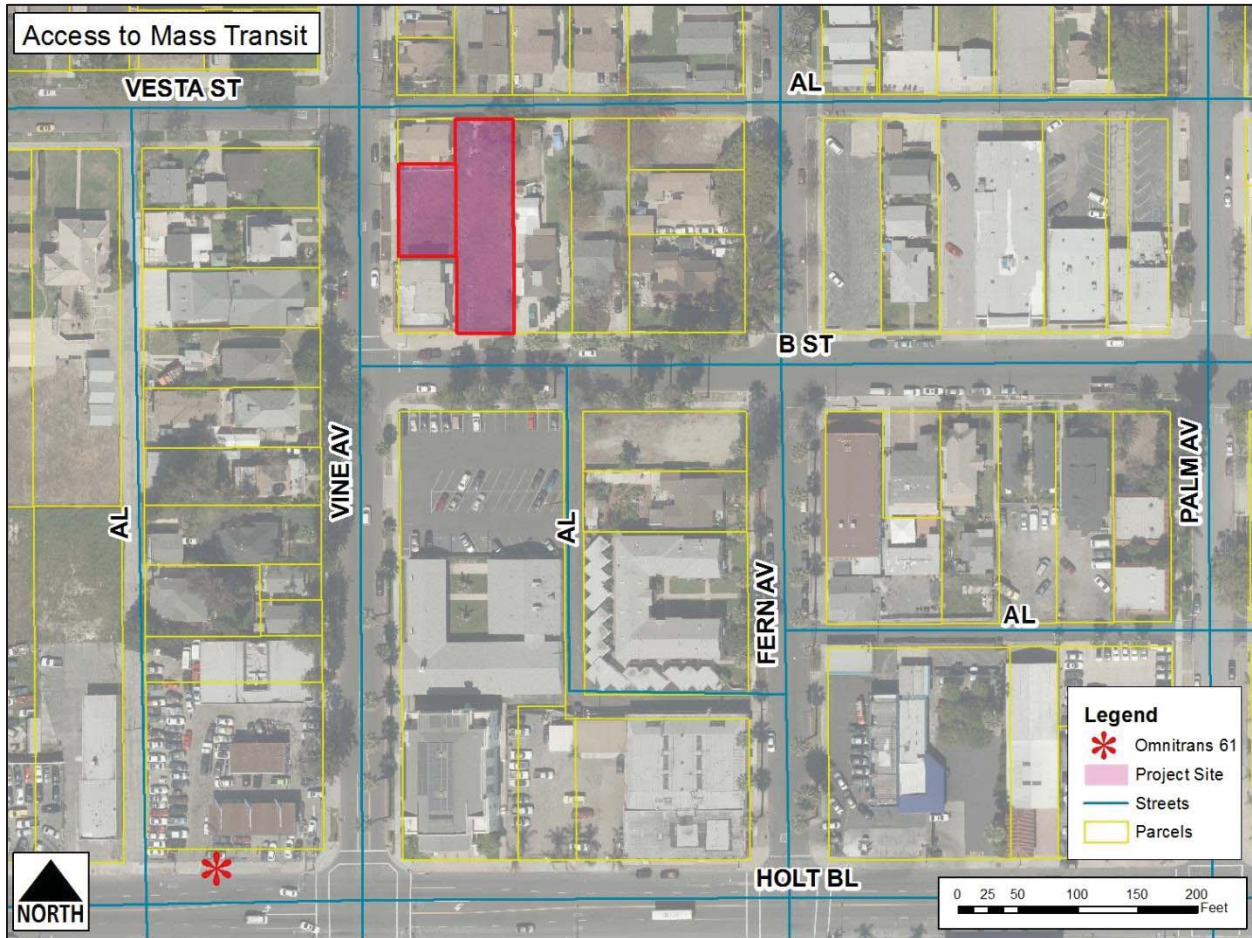
Site design must provide for safe pedestrian circulation across the project site by separating the pedestrian areas from the vehicular access. This includes, but is not limited to, accessibility from the parking motor court to garages area to unit entries, site amenities, and perimeter sidewalk areas. Fencing and gates may be used to limit public access to resident-only areas.

### **5.4. Access to Mass Transit**

Proposed Development Project within the PUD area should encourage the use of the existing bus stops by providing pedestrian connections to westbound line [Omnitrans 61] with a bus stop located on the northwest corner of Holt Boulevard and Vine Avenue (see Figure 5-1: Access to Mass Transit).



Figure 5-1: Access to Mass Transit



**5.5. Public Right-of-Way Improvements**

- i. The public right-of-way shall be improved with each proposed development. The public right-of-way improvements required are to include, but are not limited to the following: street pavement, curb & gutter, parkway landscaping, parkway irrigation, public sidewalk, traffic signing and striping, street lights, bus stop, bus shelter and amenities. The extent of the required improvements shall be determined for each development plan. At a minimum the improvements shall incorporate all items along the street frontages of the properties to be developed with proper transitioning if the entire block frontage is not being installed with a particular development. Improvements along the street frontage for the entire block may be required at the time of development plan review.

## **5.6. Infrastructure**

Water service for this PUD site will be provided by utilizing the existing water lines under Vine Avenue and B Street. Waste / sanitary sewer connections from the PUD project site will also connect in two locations to existing Sewer lines located in Vine Avenue and B Street. Regarding the on- site storm water drainage, the site development area is less than the min. area required for WQMP requirements. Storm water runoff will be directed to the nearest catch basin, storm drain located in Vine Avenue.

## **5.7. Parking Requirements**

### **i. On-Site Parking Requirements**

The number of parking spaces provided is based on the number of bedrooms contained within each of the dwelling units proposed, and is subject to the following requirements.

- a. All required resident parking spaces shall be provided on-site, except fractional spaces may be provided off-site;
- b. At least one covered parking space (s) shall be used for the parking of the occupant (s) operable automobile (s) only
- c. Each dwelling unit is intended for occupancy by one family only, regardless of bedroom size (s) provided in a particular unit. Parking for dwellings shall be provided on-site, pursuant to the requirements of Table 5-1: Minimum Parking Requirements below, except that guest parking may be provided on-street, pursuant to Section 5.7.ii (On-Street Parking) of this Planned Unit Development (PUD).

**Table 5-1: Minimum Parking Requirements**

Use	Parking Spaces Required
Multi-Family Dwellings:	
<ul style="list-style-type: none"> <li>• One-Bedroom Unit</li> </ul>	1.75 parking spaces per unit (at least one space shall be in a garage or carport)
<ul style="list-style-type: none"> <li>• Two or more Bedroom Unit</li> </ul>	2.0 parking spaces per unit (at least one space shall be in a garage or carport)
Guest Parking	1 Space per 5 dwellings

**ii. On-street Parking Requirements**

On-street parking may be utilized to satisfy guest parking requirements, subject to the following conditions:

- a. On-street parking may be used to satisfy guest parking requirements only, and shall not be used for required resident parking.
- b. On-street parking shall only be counted along the public streets surrounding the project site, on the side of the street adjoining the project, excluding the alley to the north of the site (West Vesta Street).
- c. On-street parallel parking spaces shall be calculated by the length of unobstructed curb adjacent to the project site.

**iii. Parking Standards**

All parking space size and location requirements shall conform to the standards set forth in Section 6.03.045 (Off-Street Parking Standards) of the Ontario Development Code.

## **6. DESIGN GUIDELINES**

### **6.1. Building Orientation and Streetscapes**

Building orientation shall be designed to minimize noise impacts, aide in providing site safety, create proper accessibility to unit entries and parking garage areas. Maximize views from each of the residential units. Design should be done in a way to maximize each unit’s ability to provide private and open space while prioritizing privacy for all tenants.

### **6.2. Architectural Character**

The PUD Architectural style and design is a modern interpretation of the “Craftsman Bungalow” style. The design will provide lower roof pitch (4:12), open rafter tails, rough sawn posts and beams, gabled roofs with gable end slat style vents. Field areas shall be a combination of horizontal siding and stucco plaster walls. Areas with street frontages will have covered porches with river rock stone veneered columns and open post and beam accents.

### **6.3. Architectural Details**

The four buildings designed for this PUD, site are consistent in design, detail with a Craftsman style throughout the project. All buildings are designed to match and complement each other. Architectural details should complement and enhance openings, and accentuate overall design of the buildings. Detailing can be achieved through the use of different colors and materials to create interesting exterior elevations.

### **6.4. Materials and Color**

Materials and color scheme shall be compatible with, and complementary to the overall style of the development project. All buildings on the site will utilize a combination of light and dark colors to break up the building planes. Light colored doors, trim, window casings, and sills will define openings and entries. All colors shall be complementary to the architectural style and utilize primarily earth tones. Materials specified will be a combination of stucco plaster, horizontal shiplap siding, stone veneer for columns, rough sawn exposed wood beams, posts and rafter tails. A dimensional architectural style shake style roof shingle shall be used for the roof covering.

**6.5. On-Site Lighting**

- i. Decorative light fixtures attached to the buildings shall be compatible with the architectural style of the buildings, shall be provided for this development.
- ii. All other on-site lighting shall meet development standard of the Ontario Development Code.

**6.6. Signage**

Signs within the project area shall comply with the Division 8.01 (Sign Regulations) of the Ontario Development code.

**6.7. Off Site Improvements**

All off-site improvements shall be installed in accordance with the City standards, and to the satisfaction of the City Engineering department.

## **7. ADMINISTRATION**

### **7.1. Items Not Addressed in PUD**

Any terms, requirements, or regulations not addressed within this PLANNED UNIT DEVELOPMENT document shall be governed by the City of Ontario Development Code, the regulations of the General Mixed Use zones and City Standards.

### **7.2. Development Applications**

Development Plan approval, pursuant to the requirements of Ontario Development Code Section 4.02.025 (Development Plans), shall be required for the physical alteration of a lot, the construction of a building, or the addition or significant alteration of an existing building. A Development Plan application shall be submitted to the Planning Department on a City application form pursuant to the requirements of Ontario Development Code Division 2.02 (Application Filing and Processing), commencing with Subsection B (Discretionary Permits and Actions) of Section 2.02.015 (Application Processing Procedures).

### **7.3. Administrative Exceptions**

Deviation from the development standards set forth in this document may be granted up to a maximum of 10 percent by the Zoning Administrator. Any deviation that is greater than 10 percent shall require variance approval.

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: CONSIDERATION OF REQUEST TO TRANSFER TOWING CARRIER PERMIT OF UNITED ROAD TOWING, INC., DBA BILL & WAG'S TOWING, INC.**

**RECOMMENDATION:** That the City Council make a determination whether to approve a request to transfer towing carrier permit held by United Road Towing, Inc., dba Bill & Wag's Towing, Inc. to Fleet Sales & Consulting, Inc. dba Bill and Wag's Towing.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**FISCAL IMPACT:** There is no negative fiscal impact associated with the potential transfer of the towing carrier permit. If the transfer is approved, Fleet will withdraw its Government Claim against the City for unpaid storage fees and damages.

**BACKGROUND:** United Road Towing, Inc., dba Bill & Wag's Towing, Inc. holds a current towing carrier permit which entitles the company to provide rotational tow service in the City of Ontario through April 6, 2020.

Fleet purchased the assets of United Road Towing, Inc., dba Bill & Wag's Towing in 2017. Fleet requested approval of the transfer of the permit to Fleet as required by Ontario Municipal Code Section 4-19.16. The City's Administrative Services Agency and the Ontario Police Department evaluated Fleet's business and operational qualifications. Staff recommended approval of the transfer request. The City Council rejected the transfer request on the ground that Fleet's experience was unknown.

Fleet has since submitted information concerning the experience of Fleet's officers and employees. Fleet's President Casey Kirk has been in the transportation industry since 1998 including extensive involvement with Statewide Towing & Recovery where she managed operations for seven years. Ms. Kirk is a longtime associate member of the California Tow Truck Association. One of the tow managers at Fleet had been working for Bill & Wag's since 1991, and another of the tow managers had been working there

**STAFF MEMBER PRESENTING:** Scott Ochoa, City Manager / Derek Williams, Chief of Police

Prepared by: David Sheasby / Scott Melendrez  
Department: City Administration / Police

City Manager  
Approval:



Submitted to Council/O.H.A. 07/03/2018

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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since 2000. Both of these experienced individuals are now involved in day-to-day towing operations at Fleet. Bill Robertson, a founder of Bill & Wag's, provides consulting services to Fleet. Additionally, the City has confirmed that since the original consideration of the transfer, Fleet has been providing tow service to the general public as well as other public agencies. The City's Business License Department and the Ontario Police Department have not received any complaints or negative inquiries pertaining to Fleet's operations.

Fleet has submitted a claim against the City under Government Code § 910 for unpaid storage fees and damages related to the denial of the application to transfer the permit. Fleet has agreed to withdraw the claim if the transfer is approved.

Staff recommends that the City Council approve the transfer of the permit from United Road Towing Inc., to Fleet.



# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: STATE OF CALIFORNIA DEPARTMENT OF JUSTICE PROPOSITION 56  
TOBACCO ENFORCEMENT GRANT**

**RECOMMENDATION:** That the City Council authorize the City Manager or designee to execute grant documents to accept a 24-month grant for \$45,200 from the California Department of Justice to fund overtime enforcement operations to address tobacco-related problems in the community.

**COUNCIL GOALS:** Maintain the Current High Level of Public Safety  
Pursue City's Goals and Objectives by Working with Other Governmental Agencies  
Focus Resources in Ontario's Commercial and Residential Neighborhoods  
Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities

**FISCAL IMPACT:** The Ontario Police Department has been awarded \$45,200 from the California Department of Justice in response to a Request for Proposals for activities of Local Law Enforcement Agencies to be funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016. The grant will reimburse the City for training and overtime costs incurred while conducting field enforcement operations. The grant period is July 1, 2018 – June 30, 2020. The associated grant revenue and expenditure adjustments will be presented in the next Quarterly Budget Report to the City Council. The City is not required to provide matching funds for the grant award.

**BACKGROUND:** Funding for the Tobacco Enforcement Grant program is awarded to local law enforcement agencies in response to the DOJ's Request for Proposals for Activities of Local Law Enforcement Agencies funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, approved by the voters as Proposition 56. These grant funds are distributed to help agencies expand their efforts in addressing tobacco-related problems at the point of sale using enforcement and training strategies. The grant requires a sworn officer to be appointed to the program to coordinate enforcement action and training. This is the first year of the program and it is expected the program will result in a higher rates of tobacco-retailing law and ordinance compliance.

**STAFF MEMBER PRESENTING:** Derek Williams, Chief of Police

Prepared by: Douglas Sorel  
Department: Police  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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The proposed spending plan for the tobacco enforcement grant is as follows:

• Personnel Overtime	
(FY 2018-19)	\$20,000
(FY 2019-20)	20,000
• Travel/training	
(FY 2018-19)	\$2,500
(FY 2019-20)	2,500
• Operating Expenses	
Buy money	
(FY 2018-19)	\$100
(FY 2019-20)	<u>100</u>
<b>TOTAL</b>	<b><u>\$45,200</u></b>

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: AN AGREEMENT FOR RECORDS AND ARCHIVE STORAGE/MANAGEMENT AND CERTIFIED DESTRUCTION SERVICES**

**RECOMMENDATION:** That the City Council authorize the City Manager to execute a three-year letter of agreement (on file in the Records Management Department) with Laguna Vault, LLC dba Docu-Trust, of San Bernardino, California, for records and archive storage/management and certified destruction with an annual estimated cost of \$30,000; and authorize up to two one-year extensions under the same terms, conditions and billing rates for a total five-year estimate of \$150,000.

**COUNCIL GOALS: Operate in a Businesslike Manner**

**FISCAL IMPACT:** The annual cost for citywide records storage, archival and document destruction services is estimated to be \$30,000, or \$150,000 for the proposed five-year term (including the extension periods). Appropriations to cover the costs are included in the Records Management Department's baseline operating budget as well as the other primary using departments' budgets. Appropriations for future years will be included in the subsequent fiscal years' proposed budgets for City Council consideration.

**BACKGROUND:** In May 2013, the City solicited proposals for records and archive storage/management and certified destruction services. Five proposals were received with responses covering a variety of services ranging from destruction services only to the full complement of services requested by the City. Laguna Vault, LLC dba Docu-Trust, located in San Bernardino, California, submitted a proposal that provides all of the requested services and meets all required specifications. Docu-Trust has fulfilled that contract well and has agreed to hold pricing at the current level for an additional five years with no increases.

Based on the positive experience with Docu-Trust and the City's ongoing document management needs, staff recommends the award of an agreement to Docu-Trust. The proposed agreement is for an initial period of three years with the option to extend for up to two additional one-year periods. The City can terminate the agreement at any time, with or without cause, with written notice to the vendor.

**STAFF MEMBER PRESENTING:** Al C. Boling, Assistant City Manager

Prepared by: Vicki Kasad  
Department: Records Management  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: A CONSTRUCTION CONTRACT FOR WELL NO. 47 EMERGENCY BACKUP POWER UPGRADES**

**RECOMMENDATION:** That the City Council approve the plans and specifications and award a construction contract for Project No. UT 1008 (on file with the Records Management Department) to Cora Constructors, Inc. of Palm Desert, California, for the construction of emergency backup power upgrades for Well No. 47 in the amount of \$795,000 plus a 15% contingency of \$119,250, for a total amount of \$914,250; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

**COUNCIL GOALS:** Invest in the City's Infrastructure (Water, Sewers, Streets, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The adopted Fiscal Year 2018-19 Capital Improvement Program includes appropriations from the Water Capital Fund for this project. The recommended contract award to Cora Constructors, Inc. is \$795,000 plus a 15% contingency of \$119,250 for a total amount of \$914,250. There is no impact to the General Fund.

**BACKGROUND:** The Water Master Plan recommends equipping a sufficient number of wells with backup power to ensure that the residents and businesses of the City of Ontario have a reliable water service in the event of a power outage. A sudden loss of power caused by an emergency, such as an earthquake, would limit the City's ability to pump water from its wells. Four of the City's twenty-two operating wells currently have stationary emergency backup generators, and eight wells are equipped for connecting mobile emergency generators. These well sites were selected based on several factors including age of the well, water production capacity, electrical requirements, and hydraulic pressure zone. A location map is provided for reference.

After opening the original bids on December 5, 2017, a bid protest letter was received from the then second lowest bidder. Staff, with consultation from the City Attorney's office, determined it was in the best interest of the City to reject all bids in accordance with Ontario Municipal Code Title 2, Chapter 6,

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Omar Gonzalez  
Department: MU/Engineering

City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

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Section 2-6.20(a) and rebid the project. The City Council rejected the bids on March 6, 2018; and the project was rebid on March 19, 2018.

On April 12, 2018, six bids were received for Well No. 47 Emergency Backup Power Upgrades (UT 1008). The bids ranged from \$795,000 to \$1,273,770 and are summarized below.

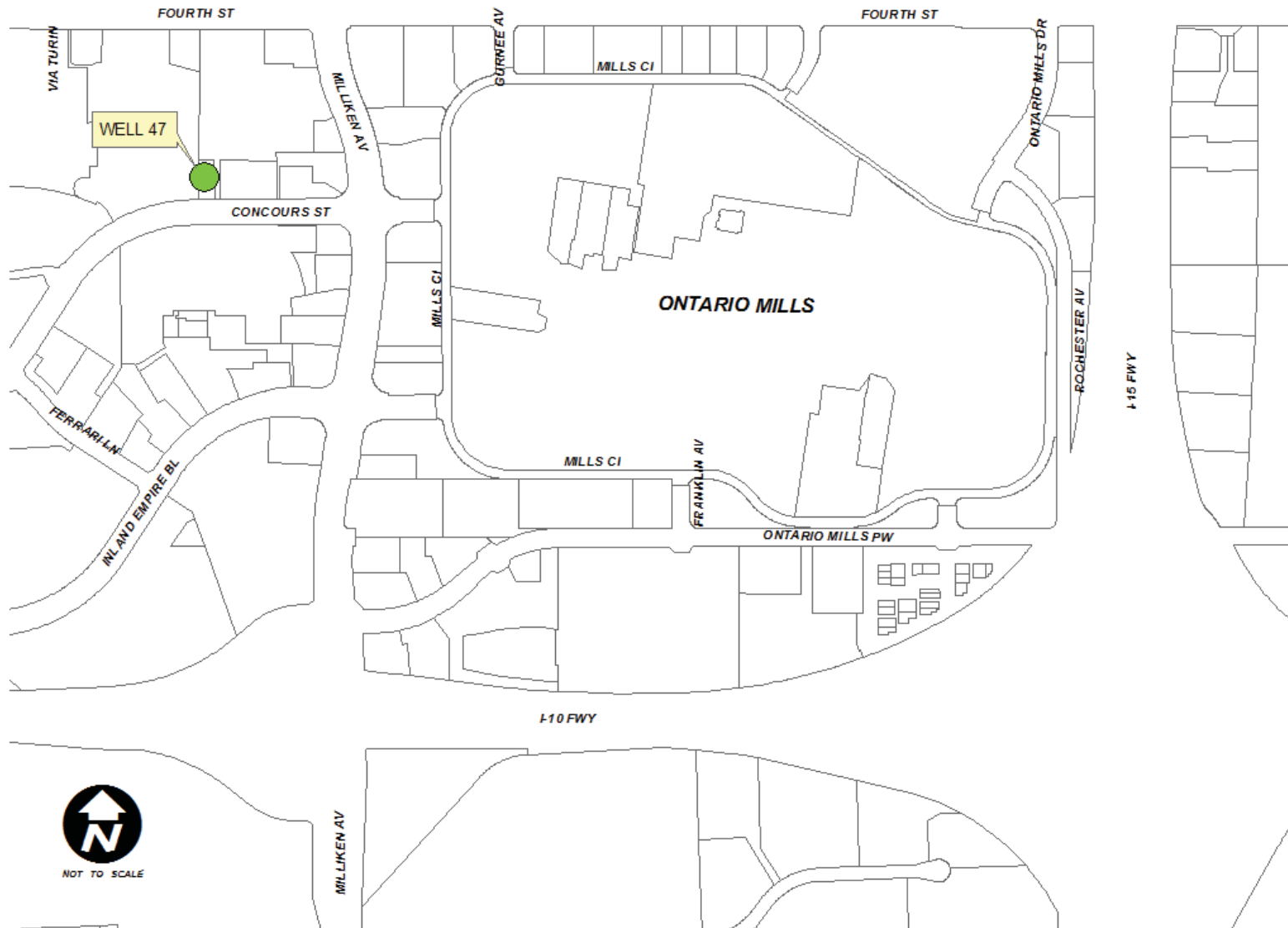
<b><u>Bidder</u></b>	<b><u>Location</u></b>	<b><u>Bid Amount</u></b>
<b>Cora Constructors, Inc.</b>	<b>Palm Desert, CA</b>	<b>\$ 795,000</b>
AMTEK Construction	Whittier, CA	\$ 813,223
Pacific Hydrotech Corp.	Perris, CA	\$ 819,000
Trinity Construction	Cedar Glen, CA	\$ 930,584
High Volt Electric	Chatsworth, CA	\$1,082,474
Minco Construction	Gardena, CA	\$1,273,770

Cora Constructors, Inc., located in Palm Desert, California, submitted the lowest responsive bid that met all the plan and specification requirements for the project. Staff recommends award of the contract to Cora Constructors, Inc. based on their expertise, their ability to perform the work in a timely manner, and the successful completion of this type of work in the past.

The project is a component of the 2012 Infrastructure Master Plans approved by the City Council on December 4, 2012. A Mitigated Negative Declaration was prepared and approved for the 2012 Infrastructure Master Plans pursuant to the provisions of CEQA. An analysis of the project has determined that there is no significant deviation from the description of this component of the overall 2012 Infrastructure Master Plans. Thus, no further CEQA analysis is required.



WELL NO 47 EMERGENCY BACKUP POWER UPGRADES  
OMUC PROJECT NO. UT 1008



SITE LOCATION EXHIBIT

# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
CONSENT CALENDAR

**SUBJECT: A CONSTRUCTION CONTRACT FOR PAVEMENT REHABILITATION AT THE ONTARIO MUNICIPAL SERVICES CENTER (OMSC)**

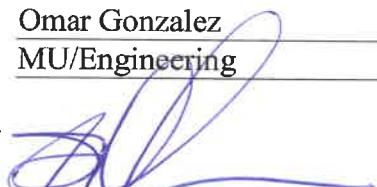
**RECOMMENDATION:** That the City Council approve the plans and specifications and award a construction contract for Project No. UT 1003 (on file with the Records Management Department) to Palp, Inc. dba Excel Paving Company of Long Beach, California, for the construction of pavement rehabilitation and improvements at the OMSC in the amount of \$2,649,321 plus a 15% contingency of \$397,398, for a total amount of \$3,046,719; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities.

**COUNCIL GOALS:** Invest in the City's Infrastructure (Water, Sewers, Streets, Parks, Storm Drains and Public Facilities)

**FISCAL IMPACT:** The Fiscal Year 2017-18 Capital Improvement Program included appropriations for this project which will be carried over to Fiscal Year 2018-19. The recommended contract award to Palp, Inc. dba Excel Paving Company is \$2,649,321 plus a 15% contingency of \$397,398, for a total amount of \$3,046,719. There is no impact to the General Fund.

**BACKGROUND:** The OMSC encompasses approximately 46 acres located at 1425 South Bon View Avenue. Current City functions operating at this facility include Municipal Utilities Operations, Integrated Waste Operations, Parks Maintenance, Street Maintenance, Vehicle and Equipment Fleet Maintenance, Facilities Maintenance, Warehousing, Household Hazardous Waste Collections, CNG fueling services, and associated administrative support and other ancillary functions. Over the past several years, numerous investments in facility improvements have been completed to bring the facility up to various industry standards and to meet operational needs. Among these are bioswales to meet water quality requirements, drainage improvements to mitigate onsite flooding, new parking lot lighting and security systems, and pavement rehabilitation for portions of the site.

**STAFF MEMBER PRESENTING:** Scott Burton, Utilities General Manager

Prepared by: Omar Gonzalez  
Department: MU/Engineering  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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The first phase of pavement rehabilitation and drainage improvements was completed in 2016 in the visitor and employee parking areas, the public CNG fueling station, and a portion of the operational area within the facility.

The second phase covers the remaining portions of the operational area. This project consists of removal and replacement of failed areas of asphalt concrete pavement, construction of new asphalt concrete paving, concrete pavement, cross gutters, curb and gutters, parking lot striping, adjustment of existing utility frames, covers, and vault covers to new finish pavement grades, installation of communication conduit and vaults, installation of new area lighting poles, and electrical improvements and service cabinet modifications. A location map is provided for reference.

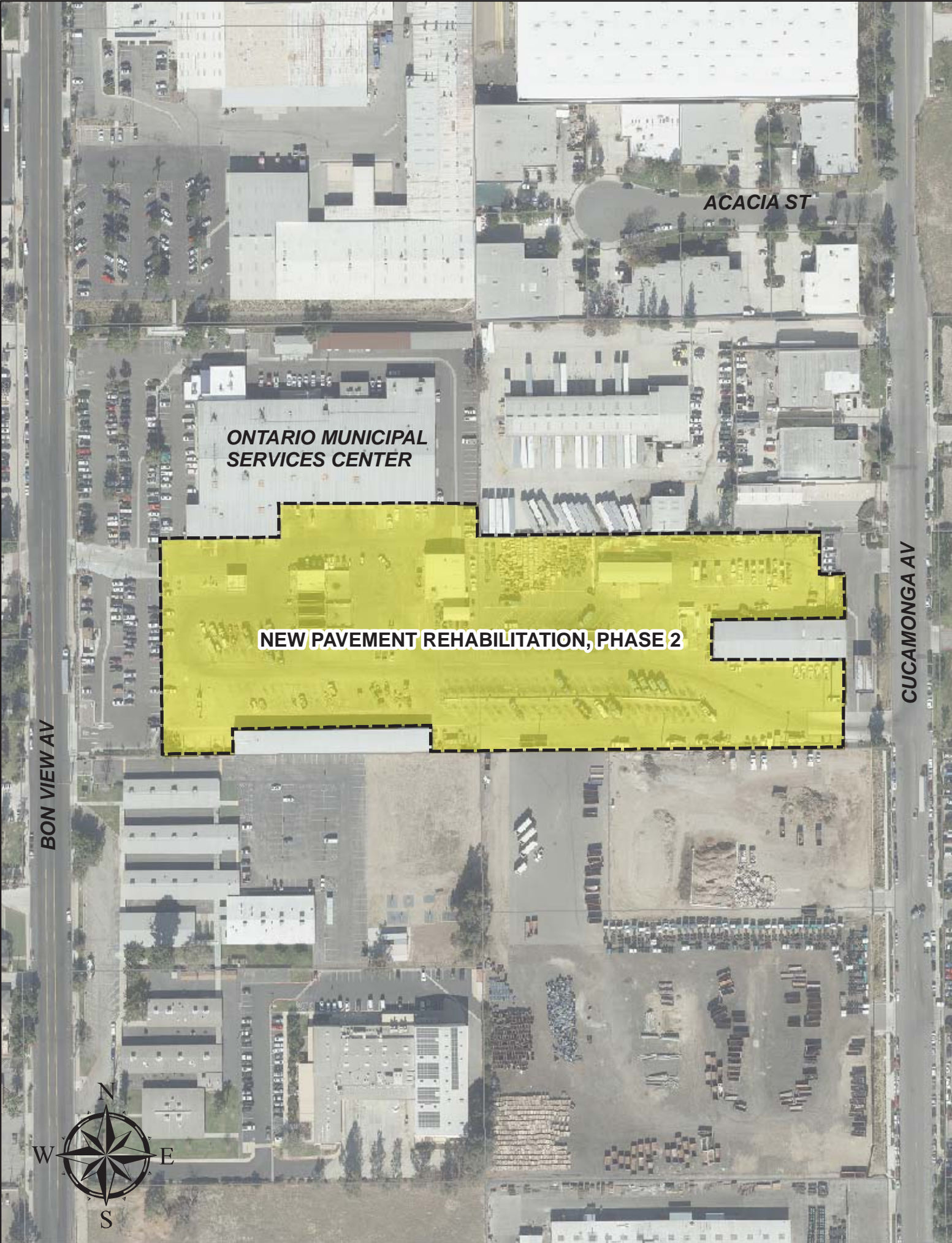
On April 19, 2018, five bids were received for OMSC Pavement Rehabilitation Plan, Phase 2 (UT 1003). The bids ranged from \$2,649,321 to \$3,255,201 as summarized below.

<b><u>Bidder</u></b>	<b><u>Location</u></b>	<b><u>Bid Amount</u></b>
<b>Palp, Inc. dba Excel Paving Company</b>	<b>Long Beach, CA</b>	<b>\$2,649,321</b>
Sully-Miller Contracting Co.	Brea, CA	\$2,664,000
All American Asphalt	Corona, CA	\$2,697,770
R. J. Noble Company	Orange, CA	\$2,993,871
Granite Construction Co.	Indio, CA	\$3,255,201

Palp, Inc. dba Excel Paving Co., located in Long Beach, California, submitted the lowest responsive bid that met all the plan and specification requirements for the project. Staff recommends the award of the contract to Palp, Inc. dba Excel Paving Co. based on their expertise, their ability to perform the work in a timely manner, and the successful completion of this type of work in the past.

**ENVIRONMENTAL REVIEW:** The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt from CEQA pursuant to Section 15268, which states that ministerial projects are exempt from the requirements of CEQA. In addition, Section 15061(b) (3) states that where it can be seen with certainty, the activity is not subject to CEQA. Thus, no further CEQA analysis is required.





ACACIA ST

ONTARIO MUNICIPAL SERVICES CENTER

NEW PAVEMENT REHABILITATION, PHASE 2

CUCAMONGA AV

BON VIEW AV



# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
PUBLIC HEARINGS

**SUBJECT: A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, ENTITLED PURCHASING SYSTEM, OF THE ONTARIO MUNICIPAL CODE AND IMPLEMENTING THE UNIFORM GUIDANCE PROCUREMENT STANDARDS PURSUANT TO SECTIONS 200.317 THROUGH 200.326 OF THE CODE OF FEDERAL REGULATIONS; AND AUTHORIZING ACCEPTANCE OF ELECTRONIC BID BONDS**

**RECOMMENDATION:** That the City Council introduce and waive further reading of an ordinance:


- (A) Amending Chapter 6 of Title 2 of the Ontario Municipal Code and establishing the rules and regulations of the City's current Purchasing System;
- (B) Implementing the Uniform Guidance pursuant to Sections 200.317 through 200.326 of the Code of Federal Regulations; and
- (C) Authorizing acceptance of electronic bid bonds.

**COUNCIL GOALS:** Operate in a Businesslike Manner

**FISCAL IMPACT:** None.

**BACKGROUND:** The Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called "Uniform Guidance", was officially implemented on December 26, 2014 by the Council on Financial Assistance Reform. The Uniform Guidance is a "government-wide framework for grants management" and is an authoritative set of rules and requirements for Federal awards that synthesizes and supersedes guidance from earlier OMB circulars. It is aimed to reduce the administrative burden on award recipients and guard against the risk of waste and misuse of Federal funds. Among other things, the OMB's Uniform Guidance does the following:

**STAFF MEMBER PRESENTING:** Grant D. Yee, Executive Director of Finance

Prepared by: Amy Chang  
Department: Management Services  
City Manager Approval: 

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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- Removes previous guidance that is conflicting and establishes standard language;
- Directs the focus of audits on areas that have been identified as at risk for waste, fraud and abuse;
- Lays the groundwork for Federal agencies to standardize the processing of data;
- Clarifies and updates cost reporting guidelines for award recipients; and
- Establishes a method of procurement to be followed:
  - “Micro-purchase” procurement threshold is for any purchases \$3,500 and under, which may be procured without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
  - “Small purchase” procurement threshold is for any purchases \$3,501 to \$150,000, which may be procured by price or rate quotations obtained from an adequate number of qualified sources.
  - “Sealed bid” procurement threshold is for any purchases over \$150,000, which may be procured by formal sealed bidding with formal advertising. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The “sealed bid” method is the preferred method for procuring construction.

The City of Ontario receives Federal funding through various grant programs. As a result, the City of Ontario is subject to the requirements of the Uniform Guidance procurement standards pursuant to Sections 200.317 through 200.326 of the Code of Federal Regulations, which became effective for Federal grants awarded after December 26, 2014 with award recipients expected to be in full compliance by July 1, 2018. Grant award recipient entities that do not conform to the Uniform Guidance could be subject to audits, cost disallowances and high-risk classifications.

The ordinance, as proposed, authorizes the City to amend Chapter 6 of Title 2 of the Ontario Municipal Code to implement the Uniform Guidance procurement standards and to accept electronic bid bonds. The current Chapter 6 of Title 2 of the Ontario Municipal Code, entitled Purchasing System, was adopted with Ordinance No. 2632 on June 5, 1997 and later was amended by Ordinance Nos. 2698, 2737, 2764 and 3054.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 2-6.07, 2-6.13, AND 2-6.22 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE PURCHASE OF GOODS, SERVICES AND PUBLIC PROJECTS

WHEREAS, Article XI, Section 7, of the California Constitution authorizes the City of Ontario to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, California Public Contract Code authorizes the use of internet based bidding, and in particular, Public Contract Code Section 1600 states, "Notwithstanding any other provision of law, counties, a city and county, and state agencies may enter into and make payment on contracts by way of electronic transmission, including, but not limited to, the issuance of solicitation documents, and the receipt of responses thereto"; and

WHEREAS, Public Contract Code section 1601 further provides that any public entity may adopt methods and procedures to do any of the following:

- (1) Receive bids on public works or other contracts over the internet, but only if no bid can be opened before the bid deadline and all bids can be verified as authentic.
- (2) Receive supporting materials submitted pursuant to a public works contract over the internet. For purposes of this section, "supporting materials" includes, but is not limited to, payment requests, shop drawings, schedules, notices of claims, and certified payrolls; and

WHEREAS, the City wishes to provide for the flexibility to allow for the submission of electronic security bonds as part of public works contracts entered into with the City; and

WHEREAS, the federal Office of Management and Budget ("OMB") provides guidance regarding the procurement procedures for local agencies that receive federal funds. Among other things, OMB requires local agencies that receive federal funding to adopt certain procurement policies that reflect federal regulations by June 30, 2018 for implementation beginning July 1, 2018; and

WHEREAS, the City Council desires to make certain changes to its Municipal Code to comply with federal regulations; and

WHEREAS, all other prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-6.07 of Chapter 6 of Title 2 of the Ontario Municipal Code is hereby amended to read as follows:

“Section 2-6.07. Use of Electronic Means.

(a) Consistent with the stated policy of promoting efficient public contract law, consistent with the best of modern practice and research, and pursuant to the authority granted by Public Contract Code Section 1600 and 1601, the City shall be authorized to utilize electronic means in the procurement and administration of contracts, so long as the purpose and intent of applicable state law, this Chapter, and any supplemental rules or regulations are met.

(b) Without limiting the nature of the foregoing, the City may utilize online bidding and selling methods, electronic signatures in accordance with applicable state, local and federal law, and electronic mail for delivery of notices when “mailed” notice is required herein. For purposes of this Chapter, “supporting materials”, as that term is used in Public Contract Code section 1601 shall be deemed to include security bonds, which the City may, in its sole and absolute discretion, allow to be submitted electronically, consistent with any supplemental regulations, adopted in accordance with Section 2-6.06, implementing the submission of electronic security bonds. Whenever “sealed” bids or proposals are called for, any electronic means may be used so long as such electronic means provide for the secured submission of the required data. Whenever bids are required to be “opened”, such bids shall be deemed “opened” if and when they are made available to both the City and the public simultaneously, in a public setting, including, without limitation, by way of making such bids available in an electronic format that is readable by the public. If provisions of this section are in conflict with any other resolution or ordinance of the City, this section shall prevail.”

SECTION 2. Section 2-6.13 of Chapter 6 of Title 2 of the Ontario Municipal Code is hereby amended to read as follows:

“Section 2-6.13. Public Projects.

(a) Small. Public projects of forty-five thousand dollars (\$45,000) or less may be performed by the employees of the City by force account, by negotiated contract, a contract obtained by way of an alternative procedure, or by purchase order. In addition, the City may, but shall not be legally required, unless the project is subject to federal funding requirements, to use one of the procurement methods set forth in subdivisions (b) or (c) hereof.

(b) Medium. Public projects of one hundred seventy-five thousand dollars (\$175,000) or less shall be let to contract by informal procedures as set forth in this Chapter. In addition, the City may, but shall not be legally required to, use the procurement method set forth in subdivision (c) hereof.

(c) Large. Public projects of more than one hundred seventy-five thousand dollars (\$175,000) shall, except as otherwise provided in this Chapter, be let to contract by formal bidding procedure.

(d) If, as, and when the amounts set forth above are amended by the State, this ordinance shall be deemed to have been amended to reflect such changes, without the need for further action on the part of the City. Such changes by the State shall be deemed to be incorporated by reference herein.”

SECTION 3. Section 2-6.22 of Chapter 6 of Title 2 of the Ontario Municipal Code is hereby amended to read as follows:

“Section 2-6.22. Local Preference.

The City has established a local preference in order to promote the community’s economic health and to encourage local participation in the procurement process. For the purchase of goods, with the exception of materials for public works projects, the City may grant to vendors located within the City limits of Ontario a 1¾% advantage in the City’s determination of low bid due to the ultimate receipt by the City and County of a proportionate amount of the sales tax associated with the purchase of the goods solicited. A vendor whose sales tax is reportable outside of the City but within the County of San Bernardino will receive a ¾% advantage in low bid determination. This section shall not apply to procurements subject to federal funding requirements.

SECTION 4. The City Council hereby finds that this Ordinance is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) (“CEQA”) because it constitutes continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making, pursuant to State CEQA Guidelines Section 15378(b)(2). Therefore, City staff is hereby directed to file a Notice of Exemption with the County Clerk within three (3) days following the adoption of this Ordinance.

SECTION 5. If any Section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

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PAUL S. LEON, MAYOR

ATTEST:

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SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

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BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held July 3, 2018 and adopted at the regular meeting held \_\_\_\_\_, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. \_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held \_\_\_\_\_ and that Summaries of the Ordinance were published on \_\_\_\_\_ and \_\_\_\_\_, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)



# CITY OF ONTARIO

Agenda Report  
July 3, 2018

SECTION:  
PUBLIC HEARINGS

**SUBJECT:** A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-004) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE CENTER LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,379,501 SQUARE FEET OF INDUSTRIAL DEVELOPMENT ON 57.58 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE AT 9467 EAST MERRILL AVENUE, WITHIN PLANNING AREA 1 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN (APNS: 0218-292-05 AND 0218-311-11)

**RECOMMENDATION:** That the City Council introduce and waive further reading of an ordinance approving a Development Agreement (File No. PDA17-004, on file with the Records Management Department) between the City of Ontario and Colony Commerce Center LLC, to establish the terms for the development of Planning Area 1 of the Colony Commerce Center West Specific Plan.

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


Operate in a Businesslike Manner

Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)

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

**FISCAL IMPACT:** The proposed Development Agreement will provide funding from a community facilities district (CFD) for additional City services required to support the Colony Commerce Center West Specific Plan development, thereby mitigating the increased cost associated with such services. In addition, the City will receive Public Service Funding fees plus development impact, compliance processing, licensing, and permitting fees. No Original Model Colony revenue will be used to support the Ontario Ranch development.

**STAFF MEMBER PRESENTING:** Scott Murphy, AICP, Executive Director, Development Agency

Prepared by: Rudy Zeledon  
Department: Planning  
City Manager:   
Approval: \_\_\_\_\_

Submitted to Council/O.H.A. 07/03/2018  
Approved: \_\_\_\_\_  
Continued to: \_\_\_\_\_  
Denied: \_\_\_\_\_

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**BACKGROUND:** On October 3, 2017, the City Council approved the Colony Commerce Center West Specific Plan (File No. PSP15-001) and certified the Environmental Impact Report (EIR) for the Specific Plan. The Specific Plan establishes the land use designations, development standards, design guidelines and infrastructure improvements for 123.17 acres of land, which includes the potential development of 2,951,146 square feet of industrial development. The applicant, Colony Commerce Center LLC, has submitted a Development Plan (File No. PDEV17-052) to construct a 1,255,517 square foot industrial building within Planning Area 1 of the Specific Plan. The Development Plan entitlement will be going forth to the Planning Commission for review and approval at a future date. The applicant has requested to go forward with the Development Agreement, prior to the development entitlement approval to establish the terms for the development of Planning Area 1 of the Colony Commerce Center West Specific Plan.

The Ontario Ranch financial commitments required for construction of properties within a specific plan are substantial. Therefore, in order to adequately forecast these costs and gain assurance that the project may proceed under the existing policies, rules and regulations, Colony Commerce Center LLC, has requested that the City enter into negotiations to create a Development Agreement (“Agreement”).

The Development Agreement proposes to include 57.58 acres of land within Planning Area 1 of the Colony Commerce Center West Specific Plan as shown in the attached Exhibit “A”. The Agreement grants Colony Commerce Center LLC, a vested right to develop Planning Area 1 of the Specific Plan, as long as Colony Commerce Center LLC, complies with the terms and conditions of the Colony Commerce Center West Specific Plan and Environmental Impact Report.

The term of the Development Agreement is for ten years with a five year option. The main points of the agreement address funding for all new City expenses created by the project which includes: Development Impact Fees (DIF) for construction of public improvements (i.e. streets and bridges, police, and fire, etc.); Public Service Funding to ensure adequate provisions of public services (police, fire and other public services); the creation of a Community Facilities District (CFD) for reimbursement of public improvements and maintenance of public facilities.

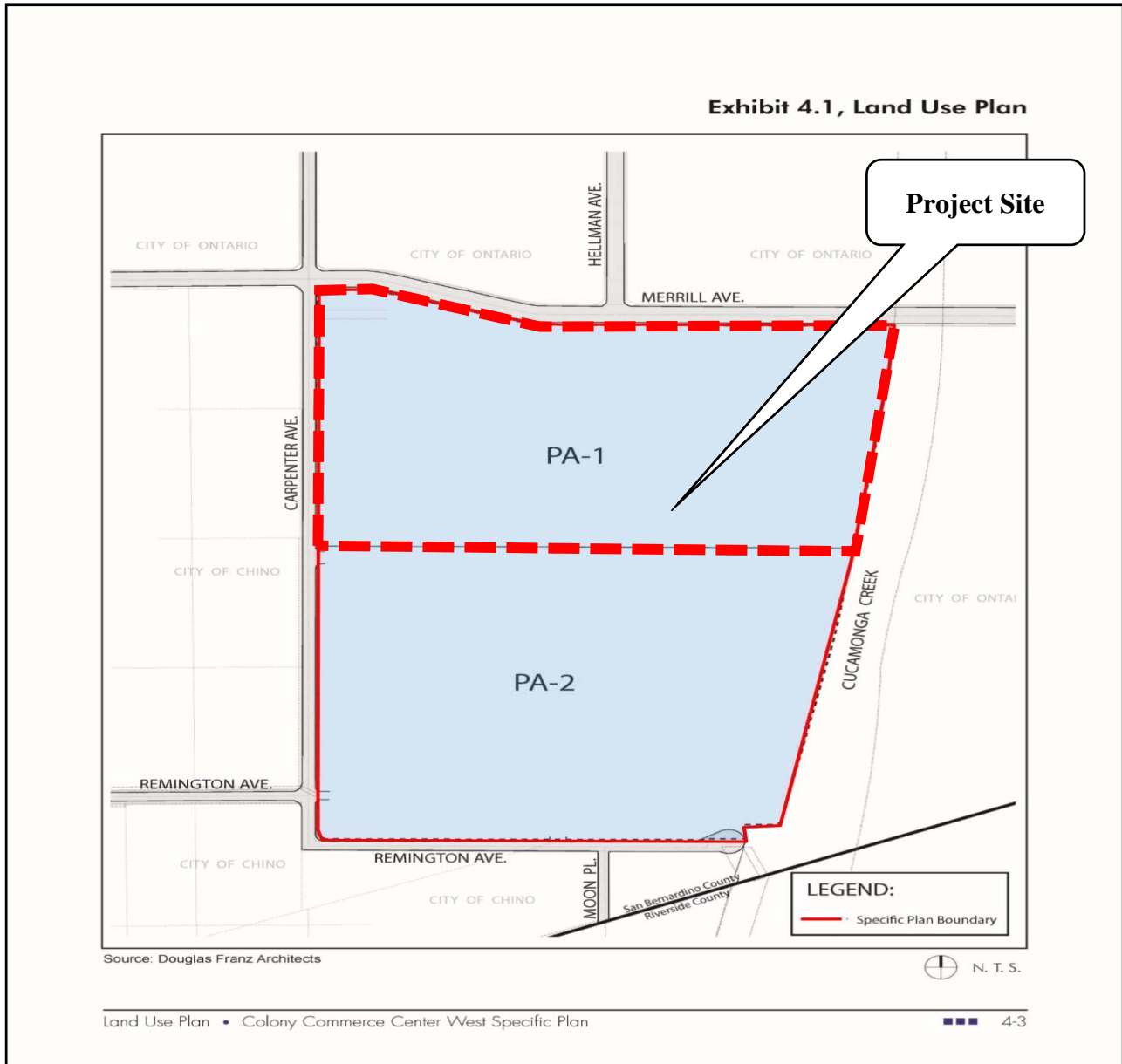
In considering the application at their meeting of May 22, 2018, the Planning Commission found that the Development Agreement was consistent with State law, The Ontario Plan, the City’s Development Agreement policies, and other Development Agreements previously approved for Ontario Ranch developments and, with a 6 to 0 vote (Resolution No. PC18-063), recommended approval of the Development Agreement to the City Council.

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

**AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) COMPLIANCE:** The project site is located within the Airport Influence Area of the Ontario International Airport (ONT) and has been found to be consistent with the policies and criteria set forth within the ALUCP for ONT. The project site is also located within the Airport Influence of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics.

**ENVIRONMENTAL REVIEW:** The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) that was certified by the City Council on October 3, 2017. This application is consistent with the EIR and introduces no new significant environmental impacts. All adopted mitigation measures shall be a condition of project approval and are incorporated herein by reference.

**EXHIBIT "A"**  
**COLONY COMMERCE CENTER WEST SPECIFIC PLAN**



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-004) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE CENTER LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,379,501 SQUARE FEET OF INDUSTRIAL DEVELOPMENT ON 57.58 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE AT 9467 EAST MERRILL AVENUE, WITHIN PLANNING AREA 1 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (APNS: 0218-292-05 AND 0218-311-11).

WHEREAS, California Government Code Section 65864 now provides, in pertinent part, as follows:

“The Legislature finds and declares that:

(a) The lack of certainty in the approval process of development projects can result in a waste of resources, escalate the cost of housing and other developments to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the Applicant for a development project that upon approval of the project, the Applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.”

WHEREAS, California Government Code Section 65865 provides, in pertinent part, as follows:

“Any city ... may enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article ...”

WHEREAS, California Government Code Section 65865.2. provides, in part, as follows:

“A Development Agreement shall specify the duration of the Agreement, the permitted uses of the property, the density of intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for discretionary actions shall not prevent development of the land for the uses

and to the density of intensity of development set forth in this Agreement ...”

WHEREAS, on April 4, 1995, the City Council of the City of Ontario adopted Resolution No. 95-22 establishing procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, on September 10, 2002, the City Council of the City of Ontario adopted Resolution No. 2002-100 which revised the procedures and requirements whereby the City of Ontario may consider Development Agreements; and

WHEREAS, attached to this Ordinance, marked Exhibit “A” and incorporated herein by this reference, is the proposed Development Agreement between Colony Commerce Center LLC and the City of Ontario, File No. PDA17-004, concerning 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan and as legally described in the attached Development Agreement. Hereinafter in this Ordinance, the Development Agreement is referred to as the “Development Agreement” or “Agreement”; and

WHEREAS, on August 22, 2017, the Planning Commission of the City of Ontario conducted a duly noticed public hearing and issued Resolution PC17-054 recommending City Council certification of the Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) and issued Resolution PC17-055 recommending to City Council approval of the Colony Commerce Center West Specific Plan (File No. PSP15-001); and

WHEREAS, on October 3, 2017, the City Council of the City of Ontario conducted a duly noticed public hearing and adopted Resolution No. 2017-118 for the certification of the Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) and issued Ordinance No. 3080 approving the Colony Commerce Center West Specific Plan (File No. PSP15-001); and

WHEREAS, the environmental impacts of this project were analyzed in the Colony Commerce Center West Specific Plan (File No. PSP15-001) EIR (SCH# 2015061023), which was certified by the City Council on October 3, 2017. This application is consistent with the EIR and introduces no new significant environmental impacts. All mitigation measures shall be a condition of project approval and are incorporated herein by reference; and

WHEREAS, the project is contingent upon City Council approval of the Colony Commerce Center West Specific Plan and certification and adoption of EIR (SCH# 2015061023); and

WHEREAS, on May 22, 2018, the Planning Commission of the City of Ontario conducted a hearing to consider the Agreement and concluded said hearing on that date. After considering the public testimony, the Planning Commission voted 6 to 0 to recommend approval (Resolution No. 18-063) of the Development Agreement to the City Council; and

WHEREAS, on July 3, 2018, the City Council of the City of Ontario conducted a public hearing to consider the Agreement and concluded said hearing on that date; and

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

NOW, THEREFORE, it is hereby found, determined, and ordained by the City Council of the City of Ontario as follows:

**SECTION 1. *Environmental Determination and Findings.*** As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the previously adopted Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) and supporting documentation. Based upon the facts and information contained in the Colony Commerce Center West Specific Plan EIR (SCH# 2006051081) and supporting documentation, the City Council finds as follows:

a. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) contains a complete and accurate reporting of the environmental impacts associated with the Project; and

b. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) was completed in compliance with CEQA and the Guidelines promulgated thereunder; and

c. The previous Colony Commerce Center West Specific Plan EIR (SCH# 2015061023) reflects the independent judgment of the City Council; and

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

**SECTION 2. *Subsequent or Supplemental Environmental Review Not Required.*** Based on the information presented to the City Council, and the specific findings set forth in Section 1, above, the City Council finds that the preparation of a subsequent or supplemental EIR is not required for the Project, as the Project:

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

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

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was reviewed, that shows any of the following:

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

(b) Significant effects examined will be substantially more severe than shown in the EIR; or

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

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

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

**SECTION 4. Airport Land Use Compatibility Plan (ALUCP) Consistency.** As the decision-making body for the Project, the City Council has reviewed and considered the facts and information contained in the Application and supporting documentation, and finds that, at the time of Project implementation, the Project will be consistent with the policies and criteria set forth within the ONT ALUCP and the Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics for Chino Airport.

**SECTION 5. Concluding Facts and Reasons.** Based upon substantial evidence presented to the City Council during the above-referenced hearing on July 3, 2018, including written and oral staff reports, together with public testimony, the City Council hereby specifically finds as follows:

a. The Development Agreement applies to of 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan, and is presently vacant and previously used for dairy and agricultural uses; and

b. The property to the north of the Project Site is zoned SP/AG (Specific Plan/ Agriculture Preserve), and is presently used for agricultural purposes. The property to the east is developed with the Cucamonga Creek Flood Control Channel. The property to the south is within Planning 2 (Industrial zone) of the Colony Commerce Center West Specific Plan and developed with agriculture uses. The property to the west is within the City of Chino and currently under construction with industrial buildings; and



c. The Development Agreement establishes parameters for the development Planning Area 1 of the Colony Commerce Center West Specific Plan for industrial development. The Development Agreement also grants Colony Commerce Center LLC, the right to develop, the ability to quantify the fees; and establish the terms and conditions that apply to those projects. These terms and conditions are consistent with The Ontario Plan Policy Plan (General Plan), design guidelines and development standards for the Colony Commerce Center West Specific Plan.

d. The Development Agreement focuses 57.58 acres of land generally located on the southeast corner of Merrill Avenue and Carpenter Avenue at 9467 East Merrill Avenue, within Planning Area 1 of the Colony Commerce Center West Specific Plan; and

e. The Development Agreement will provide for the development of up to 1,379,501 square feet of industrial uses as established for Planning Area 1 of the Colony Commerce Center West Specific Plan; and

f. The Development Agreement has been prepared in conformance with the goals and policies of The Ontario Plan Policy Plan (General Plan); and

g. The Development Agreement does not conflict with the Land Use Policies of The Ontario Plan Policy Plan (General Plan) and will provide for development, within the district, in a manner consistent with the Policy Plan and with related development; and

h. This Development Agreement will promote the goals and objectives of the Land Use Element of the Policy Plan; and

i. This Development Agreement will not be materially injurious or detrimental to the adjacent properties and will have a significant impact on the environment or the surrounding properties. The environmental impacts of this project were analyzed in the EIR (SCH# 2015061023) prepared for the Colony Commerce Center West Specific Plan (File No. PSP15-001) and certified by the City Council on October 3, 2017. All adopted mitigation measures of the related EIR shall be a condition of project approval and are incorporated herein by reference.

**SECTION 6. City Council Action.** Based upon the findings and conclusions set forth in paragraphs 1, 2, 3 and 4 above, the City Council hereby APPROVES the Development Agreement to the City Council subject to each and every condition set forth in the Colony Commerce Center West Specific Plan and EIR, incorporated by this reference.

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

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

**SECTION 9. Severability.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 10. Effective Date.** This Ordinance shall become effective 30 days following its adoption.

**SECTION 11. Publication and Posting.** The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California, within 15 days following the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
PAUL S. LEON, MAYOR

ATTEST:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER LLP  
CITY ATTORNEY

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

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. \_\_\_\_\_ was duly introduced at a regular meeting of the City Council of the City of Ontario held \_\_\_\_\_ and adopted at the regular meeting held \_\_\_\_\_, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. \_\_\_\_\_ duly passed and adopted by the Ontario City Council at their regular meeting held \_\_\_\_\_ and that Summaries of the Ordinance were published on \_\_\_\_\_ and \_\_\_\_\_, in the Inland Valley Daily Bulletin newspaper.

\_\_\_\_\_  
SHEILA MAUTZ, CITY CLERK

(SEAL)

**ATTACHMENT A:**

**Development Agreement  
Between  
The City of Ontario and Colony Commerce Center LLC  
File No. PDA17-004  
(*Document follows this page*)**

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

City of Ontario  
303 East "B" Street  
Ontario California, California 91764  
Attn: City Clerk

Exempt from Fees Per Gov. Code § 6301

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Space above this line for Recorder's Use Only

**DEVELOPMENT AGREEMENT**

**By and Between**

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

**and**

**COLONY COMMERCE CENTER LLC**

**a Delaware limited liability company**

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

**San Bernardino County, California**

## **DEVELOPMENT AGREEMENT NO. PDA17-004**

This Development Agreement (hereinafter "Agreement") is entered into effective as of the \_\_\_\_ day of \_\_\_\_\_, 2018 by and among the City of Ontario, a California municipal corporation (hereinafter "CITY"), and Colony Commerce Center LLC, a Delaware limited liability company (hereinafter "OWNER"):

### **RECITALS**

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code and Section 4.01.015 of the Ontario Development Code; and

WHEREAS, OWNER is the lessee of the Property pursuant to the terms of a sixty nine year ground lease, but is defined herein as OWNER as a result of the fact that OWNER will construct and operate the Project contemplated herein;

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

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

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

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

WHEREAS, all of the procedures of the California Environmental Quality Act have been met with respect to approving the Project, the Agreement, the Colony Commerce Center Specific Plan and the Final Environmental Impact Report (State Clearinghouse No. 2015061023 (the "FEIR"). The City Council found and determined that the FEIR was prepared in accordance with the requirements of the California Environmental Quality Act and adequately describes the impacts of the Project described in the FEIR, which included consideration of this Agreement; and

WHEREAS, this Agreement and the Project are consistent with the CITY's Comprehensive General Plan and the Colony Commerce Center Specific Plan; and

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

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

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864 et seq. of the Government Code are intended; and

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and

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

WHEREAS, the Property is located in an area of the City of Ontario that has been known as the “New Model Colony” area and the New Model Colony area has now been renamed as “Ontario Ranch”; and

WHEREAS, Owner’s Property is within the modified boundaries defined in Exhibit A of the Construction Agreement between the CITY and NMC Builders and the Property covered by this Agreement is what is known as a “Phase 2 Water Property”; as such, the OWNER shall be required to provide funding for CITY’s future construction of the “Phase 2 Water Improvements” which will result in the availability of additional Net MDD Water Availability required for the development as shown on Exhibit “I-1”;and

WHEREAS, Owner is made aware of the South Archibald Trichloroethylene (TCE) Plume “Disclosure Letter” (Exhibit “J”). To the extent applicable, Owner may wish to provide the attached Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T10000004658](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000004658).

## **COVENANTS**

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

### **1. DEFINITIONS AND EXHIBITS.**

1.1 **Definitions.** The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “CITY” means the City of Ontario, California, a California municipal corporation.

1.1.3 “Construction Agreement” means that certain Agreement for the Financing and Construction of Phases I and II Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony, entered into between the CITY and NMC Builders as of the 4th day of October, 2005, and all future amendments thereto and including the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve and Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders as of the 21<sup>st</sup> day of August, 2012, and that certain Amendment to the First Amended and Restated Agreement for the Financing and Construction of Limited Infrastructure Improvements to Serve an Easterly Portion of the New Model Colony entered into between the CITY and NMC Builders, LLC as of the 19<sup>th</sup> day of September, 2017.

1.1.4 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of public infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. “Development” does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.5 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) general plans, specific plans and specific plan amendments;
- (b) tentative and final subdivision, and parcel maps and Development Plans;
- (c) development plan review.

1.1.6 “Development Exaction” means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.7 “Development Impact Fee” means a monetary exaction, other than a tax or special assessment, whether characterized as a fee or a tax and whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and, for purposes of this Agreement only, includes fees collected under development agreements adopted



pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4. For purposes of this Agreement only, "Development Impact Fee" shall not include processing fees and charges imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued, including, without limitation, fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 of the Government Code, fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of the Government Code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code, as such codes may be amended or superseded, including by amendment or replacement.

1.1.8 "Development Plan" means the Existing Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.9 "Effective Date" means the date that the ordinance approving this Agreement goes into effect.

1.1.10 "Existing Development Approvals" means all Development Approvals approved or issued on or prior to the Effective Date. Existing Development Approvals includes the Approvals incorporated herein as Exhibit "C" and all other Approvals which are a matter of public record on the Effective Date.

1.1.11 "Existing Land Use Regulations" means all Land Use Regulations in effect on the date of the first reading of the Ordinance adopting and approving this Agreement. Existing Land Use Regulations includes the Regulations incorporated herein as Exhibit "D" and all other Land Use Regulations that are in effect and a matter of public record on such date.

1.1.12 "General Plan" means the The Ontario Plan adopted on January 26, 2010.

1.1.13 "Improvement" or "Improvements" means those public improvements required to support the development of the Project as described in Development Plan No.17-052 and as further described in Exhibits "F-1 through F-7" (the "Infrastructure Improvements Exhibits").

1.1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and

size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. "Land Use Regulations" does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of similar rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.15 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.16 "Net MDD" means net maximum daily water demand.

1.1.17 "NMC Builders" means the consortium of investors and developers responsible for the construction of infrastructure within the New Model Colony operating as NMC Builders, LLC.

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

1.1.19 "Phase 2 Water EDUs" means the number of equivalent dwelling units or non-residential square footage assigned to OWNER upon payment to CITY of the Phase 2 Water Participation Fee for the Project and evidenced by the issuance by CITY of a Certificate of Phase 2 Net MDD Availability in the form attached as Exhibit G.

1.1.20 "Phase 2 Water Improvements" means the future water infrastructure Improvements required for the issuance by CITY of the "Water Availability Equivalents" (WAE) for the Project.

1.1.21 "Phase 2 Water Participation Fee" means the fee paid to CITY upon CITY approval of the first Development Approval for the Project, to fund the Property's respective share of the projected costs of the design and construction of the Phase 2 Water Improvements by City. The Phase 2 Water Participation Fee shall be the calculated amount of the Regional Water DIF for the Project based upon the number of square feet, and land use category for non-residential square footage of the Project.

1.1.22 "Project" means the development of the Property contemplated by the Development Plan, as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

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

1.1.24 “Reservations of Authority” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.4 of this Agreement.

1.1.25 “Amendment to the Construction Agreement” means the amendment to the Construction Agreement modifying the boundaries of the property in Exhibit A of such Construction Agreement to include the Property covered by this Agreement and to provide for the additional funds required for CITY’s future construction of the “Phase 2 Water Improvements” described in a modification to Exhibit C-3 of the Construction Agreement.

1.1.26 “Specific Plan” means that certain specific plan adopted by the City Council, and entitled, “Colony Commerce Center West Specific Plan.”

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

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

1.1.29 “Water Availability Equivalent (WAE)” means a designated portion of the total Net MDD made available through the construction of each Phase described in the Water Phasing Plan of the Construction Agreement. The number of Water Availability Equivalents (of portions thereof) required for the approval of Development Plan No. 17-052 shall be based upon water demand factors and assumptions listed in the Construction Agreement and shown in Exhibit “I-2”.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” — Legal Description of the Property.

Exhibit “B” — Map showing Property and its location.

Exhibit “C” — Existing Development Approvals.

Exhibit “D” — Existing Land Use Regulations.

Exhibit “E” — (Not Used)

Exhibit “F” — Infrastructure Improvements Exhibits

Exhibit F-1 Domestic Water

Exhibit F-2 Recycled Water

Exhibit F-3	Sewer
Exhibit F-4	Storm Drain
Exhibit F-5	Streets
Exhibit F-6	Bridge Expansion
Exhibit F-7	Fiber Optic Communications

Exhibit "G" – Form of Certificate of Net MDD to be issued by CITY

Exhibit "H" – Form of Certificate of DIF Credit to be issued by CITY

Exhibit "I-1" – Ontario Ranch Water Supply Phasing Plan

Exhibit "I-2" – Water Demand Equivalents by Land Use

Exhibit "J" - Form of Disclosure letter

## 2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it has a legal or equitable interest in the Property pursuant to the terms of a sixty nine year ground lease on the Property. To the extent OWNER does not own fee simple title to the Property, OWNER shall, prior to the Effective Date, obtain written consent from the current fee owner of the Property agreeing to the terms of this Agreement and the recordation thereof.

2.3 Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years thereafter unless this term is modified or extended pursuant to the provisions of this Agreement. The term of this Agreement may be extended for an additional five (5) years following expiration of the initial ten (10) year term, provided the following have occurred:

- (a) OWNER provides at least 180 days written notice to CITY prior to expiration of the initial term; and
- (b) OWNER is not then in uncured default of this Agreement.

## 2.4 Assignment.

2.4.1 Right to Assign. OWNER shall have the right to sell, transfer or assign its leasehold interest in the Property, pursuant to the terms of the sixty-nine year ground lease on the Property, to any person, partnership, limited liability company, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such sale, transfer or assignment made pursuant to the terms of the sixty-nine year

ground lease of the Property shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement with respect to Owner's leasehold interest in the Property and be made in strict compliance with the following:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all of OWNER'S leasehold interest in the Property. OWNER may be required to provide disclosure that the Property is within the South Archibald Trichloroethylene (TCE) Plume (Exhibit "J"). OWNER may wish to provide the attached Disclosure Letter (Exhibit I) as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq.

(b) Concurrent with any such sale, transfer or assignment, or within fifteen (15) business days thereafter, OWNER shall notify CITY's City Manager, in writing, of such sale, transfer or assignment and shall provide CITY with: (1) an executed agreement, in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement with respect to the OWNER'S leasehold interest in the portion of the Property so sold, transferred or assigned.

(c) Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed. The City Manager shall have the authority to review, consider and either approve, conditionally approve, or deny any proposed sale, transfer or assignment that is not made in compliance with this section 2.4.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment made pursuant to the terms of the sixty-nine year ground lease of the Property, a transferring OWNER shall continue to be obligated under this Agreement unless such transferring OWNER is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring OWNER of the following conditions:

(a) OWNER no longer has a legal or equitable interest in OWNER'S leasehold interest in the Property sold, transferred or assigned.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed an agreement as required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee of OWNER'S leasehold interest in the Property provides CITY with security equivalent to any security previously provided by

OWNER (if any) to secure performance of its obligations hereunder which are to be performed upon the OWNER'S leasehold interest in the Property sold, transferred or assigned.

2.4.3 Effect of Assignment and Release of Obligations. In the event of a sale, transfer or assignment pursuant to the provisions of Section 2.4.2 above:

(a) The assignee shall be liable for the performance of all obligations of OWNER with respect to transferred leasehold interest in the property, but shall have no obligations with respect to the portions of the Property, if any, not transferred (the "Retained Property").

(b) The assignee's exercise, use and enjoyment of the OWNER'S leasehold interest in the Property or portion thereof shall be subject to the terms of this Agreement to the same extent as if the assignee were the OWNER.

2.4.4 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section 2.4.

(a)

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only in the manner provided for in Government Code Section 65868.1. Any amendment of this Agreement, which amendment has been requested by OWNER, shall be considered by the CITY only upon the payment of the applicable processing charge. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement. Either Party or successor in interest, may propose an amendment to or cancellation, in whole or in part, of this Agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided otherwise in this Agreement or in Government Code Section 65865.1. For purposes of this section, the term "successor in interest" shall mean any person having a legal or equitable interest in the whole of the Property, or any portion thereof as to which such person wishes to amend or cancel this Agreement. The procedure for proposing and adopting an amendment to, or cancellation of, in whole or in part, this Agreement shall be the same as the procedure for adopting and entering into this Agreement in the first instance. Notwithstanding the foregoing sentence, if the CITY initiates the proposed amendment to, or cancellation of, in whole or in part, this Agreement, CITY shall first give notice to the OWNER of its intention to initiate such proceedings at least sixty (60) days in advance of the giving the public notice of intention to consider the amendment or cancellation.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.

(d) Completion of the Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement. Upon such termination, any public facilities, Phase 2 Water Participation Fees or services mitigation fees paid pursuant to Sections 4.2 and 4.4 of this Agreement by OWNER to CITY on which construction has not yet begun shall be refunded to OWNER by CITY within thirty (30) days.

## 2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person, including, without limitation, by courier, to the recipient named below; or (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below. All notices shall be addressed as follows:

If to CITY:

Scott Ochoa, City Manager  
City of Ontario  
303 East "B" Street  
Ontario California, California 91764  
with a copy to:

John Brown, City Attorney  
Best Best & Krieger  
2855 East Guasti Road, Suite 400  
Ontario CA 91761

If to OWNER:

Tyson Chave  
COLONY COMMERCE CENTER LLC  
a Delaware limited liability company  
3546 Concourse Street, Suite 100  
Ontario, CA 91764  
tchave@prologis.com

With a copy to:

Thomas Donahue  
3546 Concourse Street, Suite 100  
Ontario, CA 91764  
tdonahue@prologis.com

With a copy to:

John A. Ramirez  
Rutan & Tucker, LLP  
611 Anton Blvd.  
Costa Mesa, CA 92626  
jramirez@rutan.com

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

### 3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority in Section 3.4, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.



3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority in Section 3.4, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, CITY shall exercise discretion in accordance with the same manner as it exercises its discretion under its police powers, including the Reservations of Authority set forth herein; provided however, that such discretion shall not prevent development of the Property for the uses and to the density or intensity of development set forth in this Agreement.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.3.1 Infrastructure Improvement Exhibits. Attached hereto as Exhibit "F-1" through "F-7" are a description of the Infrastructure Improvements needed for the development of the Property ("the Infrastructure Improvement Exhibits").

3.4 Reservations of Authority.

3.4.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the CITY shall not be prevented from applying new rules, regulations and policies upon the OWNER, nor shall a development agreement prevent the CITY from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations and policies where the new rules, regulations and policies consist of the following:

(a) Processing fees by CITY to cover costs of processing applications for development approvals or for monitoring compliance with any development approvals;

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records and any other matter of procedure;

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including all uniform codes adopted by the CITY and any local amendments to those codes adopted by the CITY; provided however that OWNER shall have a vested right to develop the

Property in accordance with, and to the extent of, the standards and specifications that are expressly identified in the Specific Plan and the building codes in effect as of the Effective Date;

(d) Regulations that may conflict with this Agreement and the Development Plan but that are reasonably necessary to protect the occupants of the Project and/or of the immediate community from a condition perilous to their health or safety;

(e) Regulations that do not conflict with those rules, regulations and policies set forth in this Agreement or the Development Plan and which do not impose additional obligations, costs, and expenses on Owner or the Project;

(f) Regulations that may conflict with this Agreement but to which the OWNER consents.

3.4.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations that do not conflict with the Development Plan and/or the Existing Development Approvals, nor shall this Agreement prevent CITY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan and/or the Existing Development Approvals.

3.4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce. In the event OWNER alleges that such State or Federal laws or regulations preclude or prevent compliance with one or more provisions of this Agreement, and the CITY does not agree, the OWNER may, at its sole cost and expense, seek declaratory relief (or other similar non-monetary remedies); provided however, that nothing contained in this Section 3.6.3 shall impose on CITY any monetary liability for contesting such declaratory relief (or other similar non-monetary relief).

3.4.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms if necessary, to reserve to CITY all such power and authority which cannot be restricted by contract.

3.5 Public Works; Utilities. If OWNER is required by this Agreement or a condition of project approval to construct any public works facilities which will be dedicated to CITY or

any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to CITY or such other public agency should it have undertaken such construction. As a condition of development approval, OWNER shall connect the Project to all utilities necessary to provide adequate water, recycled water, sewer, gas, electric, and other utility service to the Project. As a further condition of development approval, OWNER shall to the extent possible contract with the CITY for CITY-owned or operated utilities for this purpose, for such price and on such terms as may be available to similarly situated customers in the CITY.

3.5.1 OWNER agrees that development of the Project shall require the construction of storm drain Improvements from the Property to the connection with the Cucamonga Creek Channel as described in Exhibit F-4. OWNER shall be responsible for the construction of the necessary extension of storm drain facilities, as described in Exhibit F-4. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY. OWNER agrees that OWNER shall not sublease or assign OWNER's interest in the Property or any portion thereof, nor shall OWNER request (and CITY shall not issue) a final occupancy permit for any building prior to completion of the storm drain Improvements described in Exhibit F-4. OWNER and CITY agree that OWNER shall perform the following, prior to requesting that CITY issue a temporary occupancy permit for any structures on the Property:

- a. Complete the design plans for the Storm Drain Improvements in Merrill Avenue as described in Exhibit F-4;
- b. Complete the construction of the Storm Drain Improvements in Merrill Avenue, with the exception of the final connection to the Cucamonga Creek Channel requiring permits from the County of San Bernardino County and the Army Corps of Engineers (ACOE);
- c. Submit completed applications to the County of San Bernardino and the Army Corps of Engineers for all permits required for the connection of the Storm Drain Improvements to Cucamonga Creek Channel;
- d. Make all commercially reasonable efforts to receive approval from the Army Corps of Engineers for construction plans for the connection of the Merrill Avenue Storm Drain Improvements to the Cucamonga Creek Channel;
- e. Provide to CITY, written evidence, on a bi-monthly basis, of such reasonable efforts demonstrating progress towards the issuance of the required permits from the Army Corps of Engineers. A summary of communications (email and telephone) communications requesting status updates on ACOE permit and plan check shall be deemed to demonstrate progress as described above.

Upon satisfaction of the above conditions by OWNER, CITY shall consider OWNER's request for the issuance of a temporary occupancy permit. CITY agrees that such

temporary occupancy permit may remain valid until such time that OWNER completes the construction of the final connection of the Merrill Avenue Storm Drain Improvements to the Cucamonga Creek Channel.

OWNER agrees that, upon issuance of the required permits for the construction of the Storm Drain Improvements by the County of San Bernardino and the Army Corps of Engineers, OWNER shall construct and complete the final connection of the Storm Drain Improvements to the Cucamonga Creek Channel. OWNER agrees that OWNER shall complete the construction of the final connection of the Storm Drain Improvements to the Cucamonga Creek Channel prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

3.5.2 OWNER agrees that development of the Project shall require the construction of street improvements as described in Exhibit F-5. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property prior to Substantial Completion of the street Improvements as described in Exhibits F-5. For purposes of the foregoing, street improvements shall be deemed Substantially Complete if the final lift of pavement has not been completed (i.e., Owner may install the final lift after completion of all other construction). CITY agrees that OWNER may request that CITY issue temporary certificates of occupancy on a building-by-building basis prior to Substantial Completion of the street improvements. OWNER agrees that the street improvements shall be completed and subject to final acceptance by CITY prior to the release of any security for the construction of the street improvements.

3.5.3 OWNER agrees that development of the Project shall require the construction of the widening of the Merrill Avenue bridge over the Cucamonga Creek Channel as described in Exhibit F-6. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the bridge expansion Improvements described in Exhibit F-6. OWNER and CITY agree that OWNER shall have completed the following, prior to requesting that CITY issue a temporary occupancy permit for any structures on the Property:

- a. Complete the design plans for the Merrill Avenue Bridge Improvements as described in Exhibit F-6;
- b. Submit completed applications to the County of San Bernardino and the Army Corps of Engineers (ACOE) for all permits required for the construction of the Merrill Avenue Bridge Improvements in Cucamonga Creek Channel;
- c. Make all commercially reasonable efforts to receive approval from the Army Corps of Engineers for construction plans for the Merrill Avenue Bridge Improvements;

- d. Provide to CITY written evidence, on a bi-monthly basis, of such reasonable efforts demonstrating progress towards the issuance of the required permits from the Army Corps of Engineers. A summary of communications (email and telephone) communications requesting status updates on ACOE permit and plan check shall be deemed to demonstrate progress as described above.;

Upon satisfaction of the above conditions by OWNER, then CITY shall consider OWNER's request for a temporary occupancy permit. CITY agrees that such temporary occupancy permit may remain valid until such time that OWNER completes the construction of the final Merrill Avenue Bridge Improvements can be completed over the Cucamonga Creek Channel.

OWNER agrees that, upon issuance of the required permits for the construction of the Merrill Avenue Bridge Improvements by the County of San Bernardino and the Army Corps of Engineers, OWNER shall construct and complete the Merrill Avenue Bridge Improvements. OWNER agrees that OWNER shall complete the construction of the Merrill Avenue Bridge Improvements prior to the expiration of any temporary certificate of occupancy issued by CITY for any structure on the Property.

3.5.4 OWNER agrees that development of the Property shall require the extension of permanent master planned water and recycled water utility Improvements as described in Exhibit F-1 and F-2 consisting generally of the construction of the extension of permanent master planned water and recycled water utility Improvements to serve the Property. OWNER and CITY agree that CITY may issue grading, building and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY upon completion of sufficient water and recycled water improvements to serve the Property from at least one point of connection and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings on the Property until the completion of the water and recycled water improvements described in Exhibit F-1 and F-2. CITY agrees that OWNER may request a temporary occupancy permit for a building and, if OWNER requests that a temporary certificate of occupancy be issued for a building prior to the completion of the extension of permanent master planned water utility Improvements from two (2) points of connection to serve the Property that CITY shall consider such request and may issue temporary certificates of occupancy on a building-by-building basis prior to completion of the water and recycled water improvements. OWNER agrees that OWNER shall not make such a request until there is permanent water and recycled water service from a minimum of one point of connection and sufficient water is available for fire protection purposes for any other buildings while under construction. OWNER and CITY agree that a portion of the water utility Improvements described in Exhibit F-1 may be constructed by others. If such water utility Improvements are constructed by others and completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those water utility Improvements constructed and completed by others and accepted by CITY.

3.5.5 OWNER agrees that development of the Property shall require the construction of permanent master planned sewer Improvements as described in Exhibit F-3. OWNER and CITY agree that CITY may issue grading, building permits and other required permits for OWNER to initiate construction of structures for the Property according to plans approved by CITY and OWNER agrees that OWNER shall not request and CITY shall not issue a final occupancy permit for any buildings prior to completion of the sewer improvements described in Exhibit F. CITY agrees that OWNER may request and, if requested by OWNER, CITY shall consider and may issue temporary certificates of occupancy on a building-by-building basis prior to the completion of the sewer improvements described in Exhibit F-3. OWNER and CITY agree that a portion of the sewer Improvements described in Exhibit F-3 may be constructed by others. If sewer Improvements are constructed by others and completed and accepted by CITY prior to OWNER's request to CITY of the required grading, building or other required permits for OWNER to initiate construction of structures for the Property, then OWNER shall not be required to construct those sewer Improvements constructed and completed by others and accepted by CITY.

3.6 Acquisition of Offsite Provision of Real Property Interests. In any instance where OWNER is required by any Development Approval or Land Use Regulation and the Construction Agreement to construct any public improvement on land not within OWNER'S CONTROL ("Offsite Improvements"), the CITY and OWNER shall cooperate in acquiring the necessary legal interest ("Offsite Property") in accordance with the procedures set forth in Section 2.4 of the Construction Agreement. This section 3.6 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not within OWNER's control, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the CITY upon the development of the Project under the Subdivision Map Act or other legal authority.

3.6.1 CITY Acquisition of Non-Construction Agreement Offsite Property. In the event OWNER is required to construct any public improvements on land not within OWNER's control, but such requirement is not based upon the Construction Agreement, Sections 3.6.1 and 3.6.2 shall control the acquisition of the necessary property interest(s) ("Non-Construction Agreement Offsite Property"). If the OWNER is unable to acquire such Non-Construction Agreement Offsite Property and following the written request from the OWNER to CITY, CITY agrees to use reasonable and diligent good faith efforts to acquire the Non-Construction Agreement Offsite Property from the owner or owners of record by negotiation to the extent permitted by law and consistent with this Agreement. If CITY is unable to acquire the Non-Construction Agreement Offsite Property by negotiation within thirty (30) days after OWNER'S written request, CITY shall, initiate proceedings utilizing its power of eminent domain to acquire that Non-Construction Agreement Subject Property at a public hearing noticed and conducted in accordance with California Code of Civil Procedure Section 1245.235 for the purpose of considering the adoption of a resolution of necessity concerning the Non-Construction Agreement Offsite Property, subject to the conditions set forth in this Section 3.6.1 The CITY and OWNER acknowledge that the timelines set forth in this Section 3.6.1 represent the maximum time periods which CITY and OWNER reasonably believe will be necessary to

complete the acquisition of any Non-Construction Agreement Offsite Property. CITY agrees to use reasonable good faith efforts to complete the actions described within lesser time periods, to the extent that it is reasonably able to do so, consistent with the legal constraints imposed upon CITY.

3.6.2 Owner's Option to Terminate Proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to making an offer to the owner of the Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease all acquisition proceedings with respect to that Non-Construction Agreement Offsite Property, whereupon CITY shall cease such proceedings. CITY shall provide written notice to OWNER no later than fifteen (15) days prior to the date of the hearing on CITY'S intent to consider the adoption of a resolution of necessity as to any Non-Construction Agreement Offsite Property. At any time within that fifteen (15) day period, OWNER may, at its option, notify CITY that it wants CITY to cease condemnation proceedings, whereupon CITY shall cease such proceedings. If OWNER does not notify CITY to cease condemnation proceedings within said fifteen (15) day period, then the CITY may proceed to consider and act upon the Non-Construction Agreement Offsite Property resolution of necessity. If CITY adopts such resolution of necessity, then CITY shall diligently institute condemnation proceedings and file a complaint in condemnation and seek an order of immediate possession with respect to the Non-Construction Agreement Offsite Property. If CITY is unable or unwilling to acquire Non-Construction Agreement Offsite Property, then OWNER is relieved of any condition of approval or requirements requiring the acquisition of such Non-Construction Agreement Offsite Property, and the CITY shall not refuse to issue building permits or occupancy permits based on the failure to acquire such Non-Construction Agreement Offsite Property.

3.7 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies. CITY agrees to cooperate fully, at no cost to CITY, with OWNER in obtaining any required permits or compliance with the regulations of other public agencies provided such cooperation is not in conflict with any laws, regulations or policies of the CITY.

3.8 Tentative Parcel Maps; Extension. With respect to applications by OWNER for tentative parcel maps for portions of the Property, CITY agrees that OWNER may file and process tentative maps in accordance with Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code and the applicable provisions of CITY's subdivision ordinance, as the same may be amended from time to time. In accordance with the provisions of Section 66452.6 of the Government Code, each tentative subdivision map or tentative parcel map, heretofore or hereafter approved in connection with development of the Property, shall be deemed to have been granted an extension of time to and until the date that is five (5) years following the Effective Date of this Agreement. The CITY's City Council may, in its discretion, extend any such map for an additional period of up to five (5) years beyond its original term, so long as the

subdivider files a written request for an extension with CITY prior to the expiration of the initial five (5) year term.

#### 4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project.

#### 4.2 Development Impact Fees.

4.2.1 Amount of Development Impact Fee. Development Impact Fees (DIF) shall be paid by OWNER. The Development Impact Fee amounts to be paid by OWNER shall be the amounts that are in effect at the time such amounts are due. Nothing contained in this Agreement shall affect the ability of CITY to impose new Development Impact Fees or amend the amounts of existing Development Impact Fees. Additionally, nothing contained in this Agreement shall affect the ability of other public agencies that are not controlled by CITY to impose and amend, from time to time, Development Impact Fees established or imposed by such other public agencies, even though such Development Impact Fees may be collected by CITY.

4.2.2 Time of Payment. The Development Impact Fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of building permit for each applicable building (subject to the application/use of available fee credits), except for the Open Space and Habitat Acquisition Development Impact fee, which shall be paid by OWNER to CITY prior to the issuance of a grading permit.

#### 4.3 Responsibility for Construction of Public Improvements.

4.3.1 Timely Construction of Public Infrastructure. The phasing of the area wide infrastructure construction within the Ontario Ranch area shall be as approved by the CITY. OWNER shall be responsible for the timely construction and completion of all public infrastructure required for the Project as shown on the attached Exhibits "F-1" through "F-7" and any and all Development Plan conditions. Unless otherwise specified in the Development Plan conditions, and subject to the provisions of Section 3.5 and 3.6, all other required Improvements for each Development Plan, shall be completed and operational prior to, and as a condition precedent to, OWNER requesting and CITY's granting of a final occupancy permit for any buildings to be constructed on the Property. All Infrastructure and Improvements shall be completed as required by the Subdivision Agreement/Parcel Map conditions for Development Plan 17-052.

4.3.2 Availability and Use of Recycled Water. OWNER agrees that recycled water shall be available and utilized by OWNER for all construction-related water uses including prior to, and during, any grading of the Property



4.3.3 Construction of DIF Program Infrastructure To the extent OWNER is required to construct and completes construction of public improvements that are included in CITY's Development Impact Fee Program, CITY agrees that CITY shall issue DIF Credit and DIF Reimbursement in accordance with the provisions of a separate Fee Credit Agreement between CITY and OWNER. Limitations on the use of DIF Credit issued to OWNER to offset OWNER's DIF payment obligations shall also be subject to the provisions of a separate Fee Credit Agreement. OWNER may also be eligible to receive reimbursement from DIF collected by CITY and paid by other development that benefits from OWNER's construction of DIF Program Infrastructure. Any such DIF Reimbursement shall be subject to a Fee Credit Agreement between CITY and OWNER. CITY and OWNER agree that the Fee Credit Agreement between CITY and OWNER shall comply with CITY's adopted policies applicable to such agreements.

#### 4.4 Public Services Funding Fee.

4.4.1 Requirement for Payment of Public Services Funding Fee. In order to ensure that the adequate provision of public services, including without limitation, police, fire and other public safety services, are available to each Project in a timely manner, OWNER shall pay to CITY a "Public Services Funding Fee." The Public Services Funding Fee shall apply to residential and non-residential uses as set forth below.

4.4.2 Public Services Funding Fee Amount. OWNER shall pay a Public Services Funding fee in a single installment payment in the amount of Fifty-Nine Cents (\$.59) per square foot of each non-residential building. The single installment for non-residential uses shall be due and payable on a building-by-building basis prior to the issuance of the building permit for a non-residential building. The amount of the Single Installment for non-residential uses shall automatically increase by percentage increase (but no decrease) in the Consumer Price Index (Los Angeles-Anaheim-Riverside County), 1950-2001 (1982-84=100) over the preceding year on January 1<sup>st</sup> of each year, beginning on January 1, 2019. OWNER may exercise the option to pay any single installment amounts for the remainder of the non-residential square footage within the Project on or before December 31<sup>st</sup>, before the Single Installment amount is automatically increased

#### 4.5 Net MDD/Water Availability Equivalents.

4.5.1 Assigned Net MDD/Water Availability Equivalents. The City has agreed with NMC Builders to reserve exclusively for Members of NMC Builders, including OWNER, Net MDD made available through the construction of water system improvements funded by NMC Builders and/or OWNER. OWNER acknowledges that the provisions of the Construction Agreement Amendment require that the City shall not issue building permits or certificates of occupancy for the area of development within the New Model Colony served by the water system improvements funded by NMC Builders, except to the bearer of a Certificate of Net MDD Water Availability.

4.5.2 Requirement for NMC Builders LLC Membership as a Phase 2 Water Member. OWNER and CITY agree that OWNER's payment to CITY required by Section 4.5.3 below represents OWNER's contribution to the funding required for the future construction of the Phase 2 Water Improvements and the availability of additional Net MDD Water Availability required for the development of the Property described in Exhibit A of this Agreement. CITY and OWNER also agree that CITY approval of this Agreement shall be conditioned upon OWNER agreement to become a Member of NMC Builders LLC.

4.5.3 CITY Issuance of Water Availability Equivalents. Within 30 days after the effectiveness of this Development Agreement, OWNER shall pay to CITY the applicable Phase 2 Water Participation Fee. The Phase 2 Water Participation Fee shall be calculated based on the amount of the Regional Water DIF for the applicable land use category, the maximum square footage of the structures within Planning Area 1 of the Colony Commerce Center Specific Plan of 1,379,501 Square Feet. The calculated amount of the Phase 2 Water Participation Fee shall be paid to CITY within 30 days after the effectiveness of this Development Agreement or, at OWNER's option, the Phase 2 Water Participation Fee may be paid to CITY in two (2) installments. The first installment shall be fifty percent (50%) of the total Phase 2 Water Participation Fee and such first installment shall be due and payable to CITY within 30 days after the effective date of this Development Agreement. The second installment shall be the remaining amount of the Phase 2 Water Participation Fee and such second installment shall be due and payable to CITY within one (1) year after the payment of the first installment, or prior to, and as a condition precedent to the recording of any final Development Plan for the Project, whichever occurs first. Upon OWNER's complete payment to CITY of the Phase 2 Water Participation Fee CITY shall issue a Certificate of Water Availability Equivalents in the form attached hereto as Exhibit G. Such Water Availability Equivalents Certificate shall be issued by CITY within thirty (30) days of the receipt of such required payment. CITY and OWNER agree that the amount of Water Availability Equivalents issued to OWNER shall be based on the maximum projected need for Water Availability Equivalents required for the Property based upon water demand factors and assumptions listed in Exhibit C-2R of the Phase 2 Water Amendment, "Water Demand Equivalents by Land Use" for each land use category. Additionally, within thirty (30) days of CITY's receipt of OWNER's complete payment as required this Section, CITY shall issue a certificate of DIF Credit against OWNER's DIF obligations in the regional water DIF Category. The amount of the DIF Credit issued by CITY shall be equivalent to OWNER's payment to CITY of the Phase 2 Water Participation Fee. The form of the Certificate of DIF Credit shall be as described in Exhibit H, attached hereto and incorporated herein.

4.6 Requirement for other Water System Improvements. A Certificate of Net MDD Availability is evidence only of available water capacity and does not satisfy any other conditions applicable to OWNER's Project, including those relating to design and construction of master-planned potable water and recycled water transmission and distribution system for the respective pressure zone and other public infrastructure requirements.

4.7 Compliance with Public Benefits Requirements.

4.7.1 Failure to Provide Public Benefits. In the event OWNER fails or refuses to comply with any condition referenced in Section 4.1 through 4.6, or challenges (whether administratively or through legal proceedings) the imposition of such conditions, OWNER shall be deemed in default of this Agreement pursuant to Section 8 hereof, thereby entitling the CITY to any and all remedies available to it, including, without limitation, the right of the CITY to withhold OWNER's Project-related building permits, certificates of occupancy, or discretionary approvals, without liability. Nothing herein shall waive Owner's right to assert a default (or failure to perform) by the City has excused Owner's performance under this Agreement.

## 5. FINANCING OF PUBLIC IMPROVEMENTS.

5.1 Financing Mechanism(s). OWNER agrees that, prior to the recordation of any Development Plan, the property subject to such Development Plan shall be included in a CFD to finance City services through annual special taxes that will initially be \$.30 per square foot for Non-Residential buildings for the CITY's fiscal year 2018-19. These amounts shall be subject to an automatic increase at a rate not to exceed four (4%) percent per year. Depending on the fiscal year that the CFD is formed and the CFD tax is levied, the annual special taxes may be higher. CITY shall be the sole and exclusive lead agency in the formation of any CFD, assessment district or other public financing mechanism within the Property; provided however, that the proceeds of any such CFD, assessment district, or financing mechanism may be used, subject to restrictions that may be imposed by applicable law, for the purposes of acquiring, constructing or maintaining public facilities to be owned or operated by other public agencies, including, without limitation those facilities owned or operated by a school district. The parties hereto, by this provision, shall not prohibit or otherwise limit the CITY's ability to take any and all necessary steps requisite to the formation of the CFD to finance CITY services through annual special taxes as set forth in this Section 5.1. Formation of any CFD, assessment district or other public financing mechanism within the Property, shall be subject to CITY's ability to make all findings required by applicable law and complying with all applicable legal procedures and requirements including, without limitation, CITY's public financing district policies as such policies may be amended from time to time. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district.

## 6. REVIEW FOR COMPLIANCE.

### 6.1 Periodic and Special Reviews.

6.1.1 Time for and Initiation of Periodic Review. The CITY shall review this Agreement every twelve (12) months from the Effective Date in order to ascertain the good faith compliance by the OWNER with the terms of this Agreement. The OWNER shall submit an Annual Monitoring Report to CITY, in a form acceptable to the City Manager, along with any applicable processing charge within ten (10) days after each anniversary date of the Effective Date of this Agreement. Within fifteen (15) days after the receipt of the Annual Monitoring Report, CITY shall review the Annual Monitoring

Report. Prior to the expiration of the fifteen (15) day review period, CITY shall either issue a notice of continuing compliance or a notice of non-compliance and a notice of CITY's intent to conduct a Special Review pursuant to Sections 6.1.2 through 6.1.6. Issuance of a notice of continuing compliance may be issued by the City Manager or his designee.

6.1.2 Initiation of Special Review. A special review may be called either by agreement between the parties or by initiation in one or more of the following ways:

- (a) Recommendation of the Planning staff;
- (b) Affirmative vote of at least four (4) members of the Planning Commission; or
- (c) Affirmative vote of at least three (3) members of the City Council.

6.1.3 Notice of Special Review. The City Manager shall begin the special review proceeding by giving notice that the CITY intends to undertake a special review of this Agreement to the OWNER. Such notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

6.1.4 Public Hearing. The Planning Commission shall conduct a hearing at which the OWNER must demonstrate good faith compliance with the terms of this Agreement. The burden of proof on this issue is upon the OWNER.

6.1.5 Findings Upon Public Hearing. The Planning Commission shall determine upon the basis of substantial evidence whether or not the OWNER has, for the period under review, complied in good faith with the terms and conditions of this Agreement.

6.1.6 Procedure Upon Findings.

(a) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period is concluded.

(b) If the Planning Commission finds and determines on the basis of substantial evidence that the OWNER has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission may recommend to the City Council to modify or terminate this Agreement.

(c) The OWNER may appeal a determination pursuant to paragraph (b) to the City Council in accordance with the CITY's rule for consideration of appeals in zoning matters generally.

6.2 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.1.6(b), the CITY determines to proceed with modification or termination of this Agreement, the CITY shall give notice to the property OWNER of its intention so to do. The notice shall contain:

- (a) The time and place of the hearing;

- (b) A statement as to whether or not the CITY proposes to terminate or to modify this Agreement; and
- (c) Other information that the CITY considers necessary to inform the OWNER of the nature of the proceeding.

6.3 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, the OWNER shall be given an opportunity to be heard. The OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on the OWNER. If the City Council finds, based upon substantial evidence in the administrative record, that the OWNER has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate this Agreement or modify this Agreement and impose those conditions to the action it takes as it considers necessary to protect the interests of the CITY. The decision of the City Council shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.4 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon written request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Planning Director and City Council that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Planning Director or City Council.

7. [OMITTED]

## 8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof. In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER. OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or

- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application or interpretation or effect of the provisions of this Agreement.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

- (a) Money damages are unavailable against CITY and OWNER as provided in Section 8.1 above.
- (b) Due to the size, nature and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 Release. Except for nondamage remedies, including the remedy of specific performance and judicial review as provided for in Section 6.5, OWNER, for itself, its successors and assignees, hereby releases the CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon the CITY because it entered into this Agreement or because of the terms of this Agreement.

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 6.3 herein, CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default

within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

## 9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. CITY has determined that this Agreement is consistent with its Comprehensive General Plan, as such General Plan exists as of the Effective Date ("General Plan"), and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with CITY's determination. CITY shall have no liability in damages under this Agreement for any failure of CITY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any such claim, action or proceeding, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action or proceeding, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold CITY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, to the extent relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of CITY. OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents, employees and independent

contractors in any legal action based upon such alleged acts or omissions. CITY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, to the extent based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property during OWNER'S period of leasehold interest in the Property, including, but not limited to, soil and groundwater conditions caused by OWNER but not including any CITY liability related to South Archibald Trichloroethylene (TCE) Plume , and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission. CITY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, CITY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend CITY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse CITY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of this Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

## 10. MORTGAGEE PROTECTION.

(a)

## 11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the San Bernardino County Recorder by the City Clerk within ten (10) days after the CITY executes this Agreement, as required by Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement as provided for herein and in Government Code Section 65868, or if the CITY terminates or modifies the agreement as provided for herein and in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of this Agreement, the City Clerk shall have notice of such action recorded with the San Bernardino County Recorder.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.



11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Singular and Plural. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such

events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of San Bernardino, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement. The City Manager may delegate his powers and duties under this Agreement to an Assistant City Manager or other management level employee of the CITY.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Planning Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto.

11.20 Estoppel Certificate. Within thirty (30) business days following a written request by any of the parties, the other party shall execute and deliver to the requesting party a statement certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the responding party alleges that specified (date and nature) defaults exist. The statement shall also provide any other reasonable information requested. The failure to timely deliver this statement shall constitute a conclusive presumption that this Agreement is in full force and effect without modification except as may be represented by the requesting party and that there are no uncured defaults in the performance of the requesting party, except as may be represented by the requesting party. OWNER shall pay to CITY all costs incurred by CITY in connection with the issuance of estoppel certificates requested by Owner under this Section 11.20 prior to CITY's issuance of such certificates.

11.21 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

**[SIGNATURES CONTAINED ON FOLLOWING PAGE]**

**SIGNATURE PAGE  
TO DEVELOPMENT AGREEMENT**

**“OWNER”**

COLONY COMMERCE CENTER LLC  
a Delaware limited liability company

By: \_\_\_\_\_

Name: Tyson Chave

Title: Senior Vice President

Date: \_\_\_\_\_

**“CITY”**

CITY OF ONTARIO

By: \_\_\_\_\_  
Scott Ochoa  
City Manager

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk, Ontario

APPROVED AS TO FORM:

BEST, BEST & KREIGER LLP

\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2018, before \_\_\_\_\_ me,  
\_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_(Seal)

**EXHIBIT "A"**  
**TO DEVELOPMENT AGREEMENT**

**Legal Description of Property**

That portion of Government Lot 3 and the Northwest 1/4 of the Southeast 1/4 of Section 22, Township 2 South, Range 7 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Township Plat thereof described as follows:  
**Commencing** at the Northwesterly corner of said Government Lot 3;

Thence South 89°46'36" East 30.00 feet along the northerly line of said Government Lot 3, to the easterly line of Carpenter Street as established by Resolution 96.37, recorded March 5, 1996 as Instrument No. 96-76690 Official Records of said County and the **Point of Beginning**;

Thence South 00°01'47" West 25.00 feet, parallel with the westerly line of said Government Lot 3;

Thence North 89°46'36" West 5.00 feet to the easterly line of Carpenter Avenue, 50 feet wide, as per Record of Survey filed in Book 3 of Records of Survey, Page 71 in said County;  
Thence South 00°01'47" West 1165.32 feet, along said easterly line to a line that is 129.75 feet northerly of and parallel with the southerly line of said Government Lot 3;

Thence South 89°46'24" East 2020.61 feet along said parallel line to the westerly line of the property conveyed to San Bernardino County Flood Control District by Deed Recorded September 27, 1977 in Book 9271 Page 539 Official Records, being on a 7900.00 foot radius non-tangent curve, concave northwesterly, to which a radial line bears South 82°32'52" East; Thence Northeasterly 185.93 feet along the arc of said curve and said westerly line through a central angle of 01°20'55";

Thence North 06°06'13" East 462.37 feet to the beginning of a 11900.00 foot radius curve, concave northwesterly;

Thence Northeasterly 422.89 feet along the arc of said curve through a central angle of 02°02'10";

Thence North 22°34'01" West 86.35 feet;

Thence North 55°16'51" West 35.01 feet to the southerly line of Merrill Avenue, 50 feet wide, as per said Record of Survey filed in Book 3 of Records of Survey, Page 71;

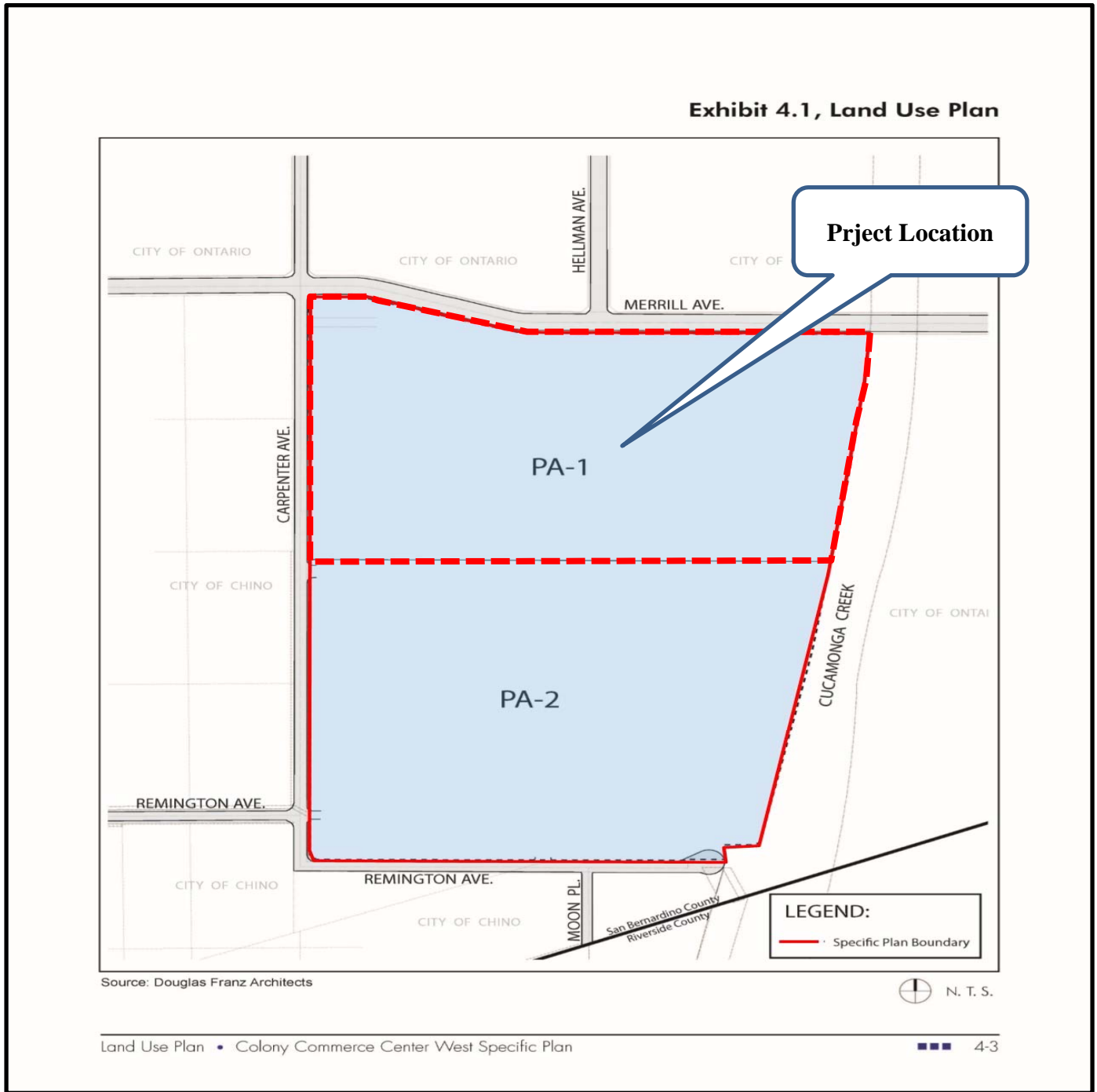
Thence North 89°46'36" West 1453.21 feet, leaving said westerly line and along said southerly line, to the beginning of a 1044.00 foot radius non-tangent curve, concave northeasterly, to which a radial line bears South 11°10'16" West, said curve being concentric with and 69.00 feet distant southerly of that certain reverse curve having a radius of 975 feet as described in Deed to said County recorded on August 17, 1943, in Book 1631, Page 7, Official Records of said County;

Thence Northwesterly 104.70 feet along the arc of said curve and said southerly line through a central angle of 05°44'45" to the northerly line said Government Lot 3;  
Thence North 89°46'36" West 506.94, along said northerly line to the **Point of Beginning**.

APNS: 0218-292-05 AND 0218-311-11

# EXHIBIT "B" TO DEVELOPMENT AGREEMENT

## Map showing Property and its location





**EXHIBIT "C"**  
**TO DEVELOPMENT AGREEMENT**

**Existing Development Approvals**

On August 22, 2017, the Planning Commission:

- a) Issued Resolution No. issued Resolution PC17-054 recommending City Council certification of the Colony Commerce Center West Specific Plan EIR.
- b) Issued Resolution PC17-055 recommending City Council approval of the Colony Commerce Center West Specific Plan (File No. PSP15-001).

On October 3, 2017, the City Council:

- a) Issued Resolution 2017-118 to certifying the Colony Commerce Center West Specific Plan EIR (SCH #2015061023).
- b) Adopted Ordinance No. 3080 approving the Colony Commerce Center West Specific Plan EIR.

On May 22, 2018, the Planning Commission:

- a) Issued Resolution No. PC18-063 recommending City Council approval of the Development Agreement (File No. PDA17-004).

**EXHIBIT "D"**  
**TO DEVELOPMENT AGREEMENT**

**Existing Land Use Regulations**

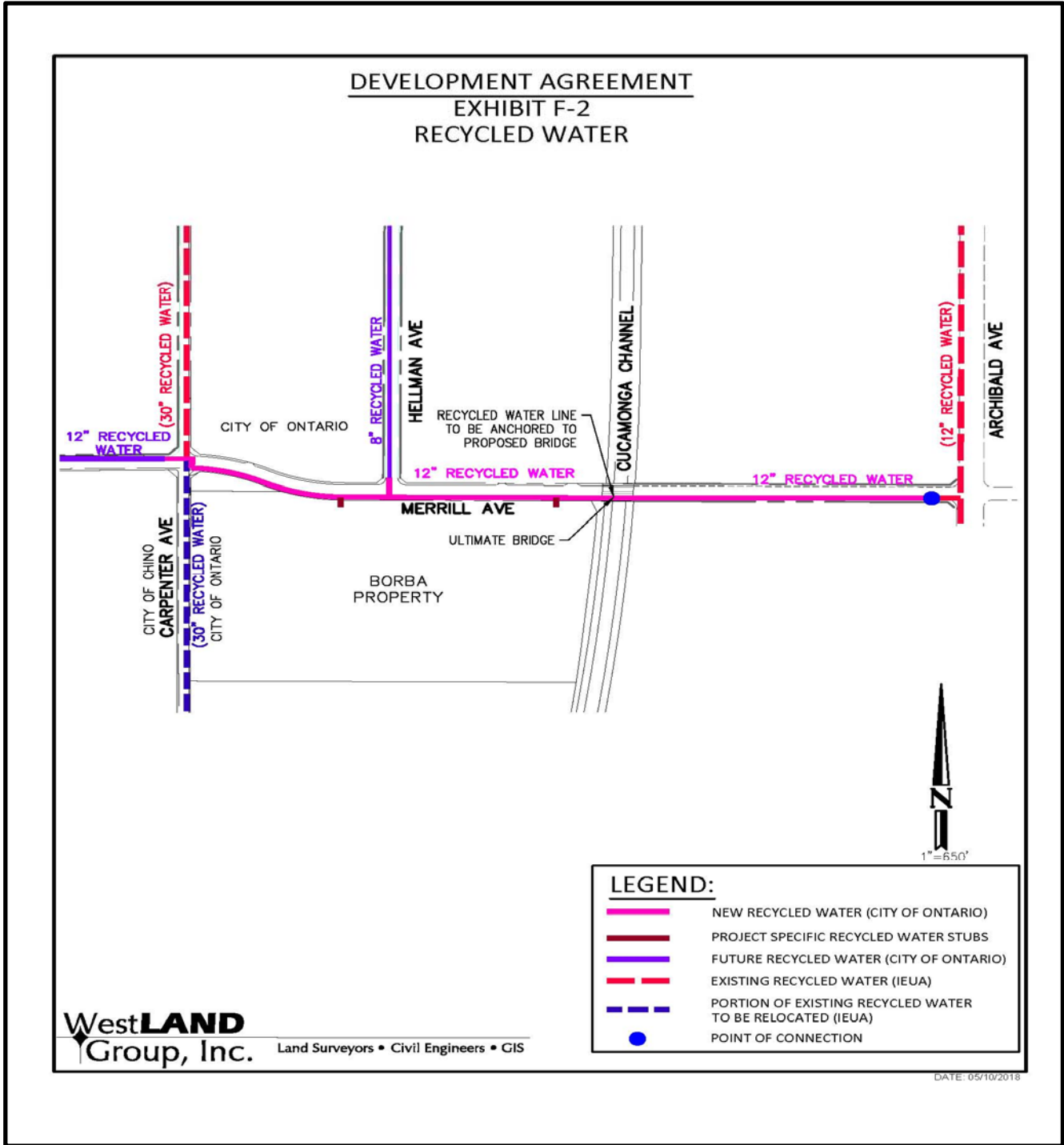
These documents are listed for reference only:

1. The Colony Commerce Center West Specific Plan (File No. PSP15-001) Environmental Impact Report, Resolution No. 2017-118
2. The Colony Commerce Center West Specific Plan (File No. PSP15-001), Ordinance No. 3080.
3. City of Ontario Municipal Code
  - a. Six – Sanitation & Health
  - b. Seven – Public Works
  - c. Eight – Building Regulations
  - d. Nine – Development Code



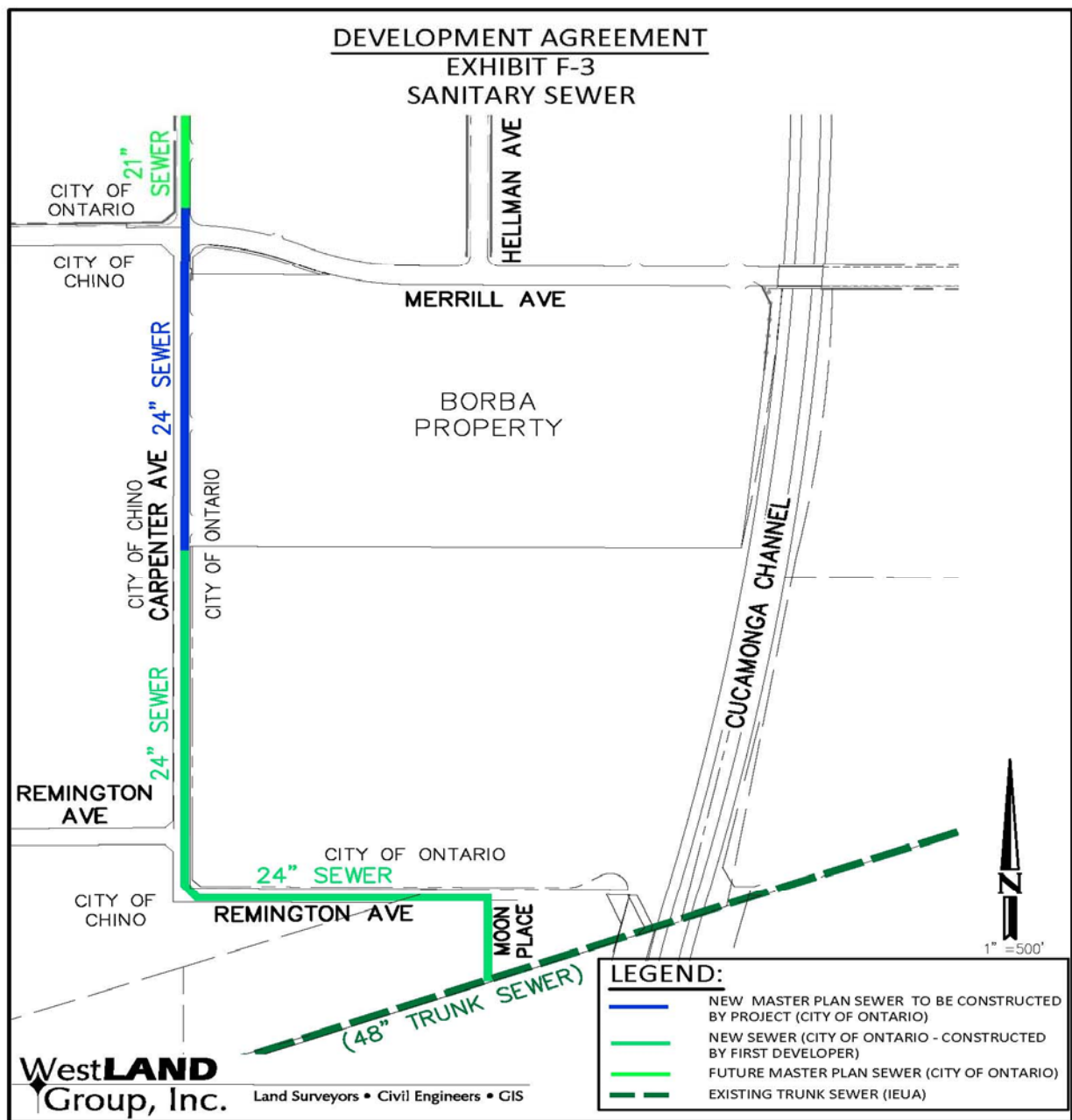
# EXHIBIT "F-2"

## Required Infrastructure Improvements



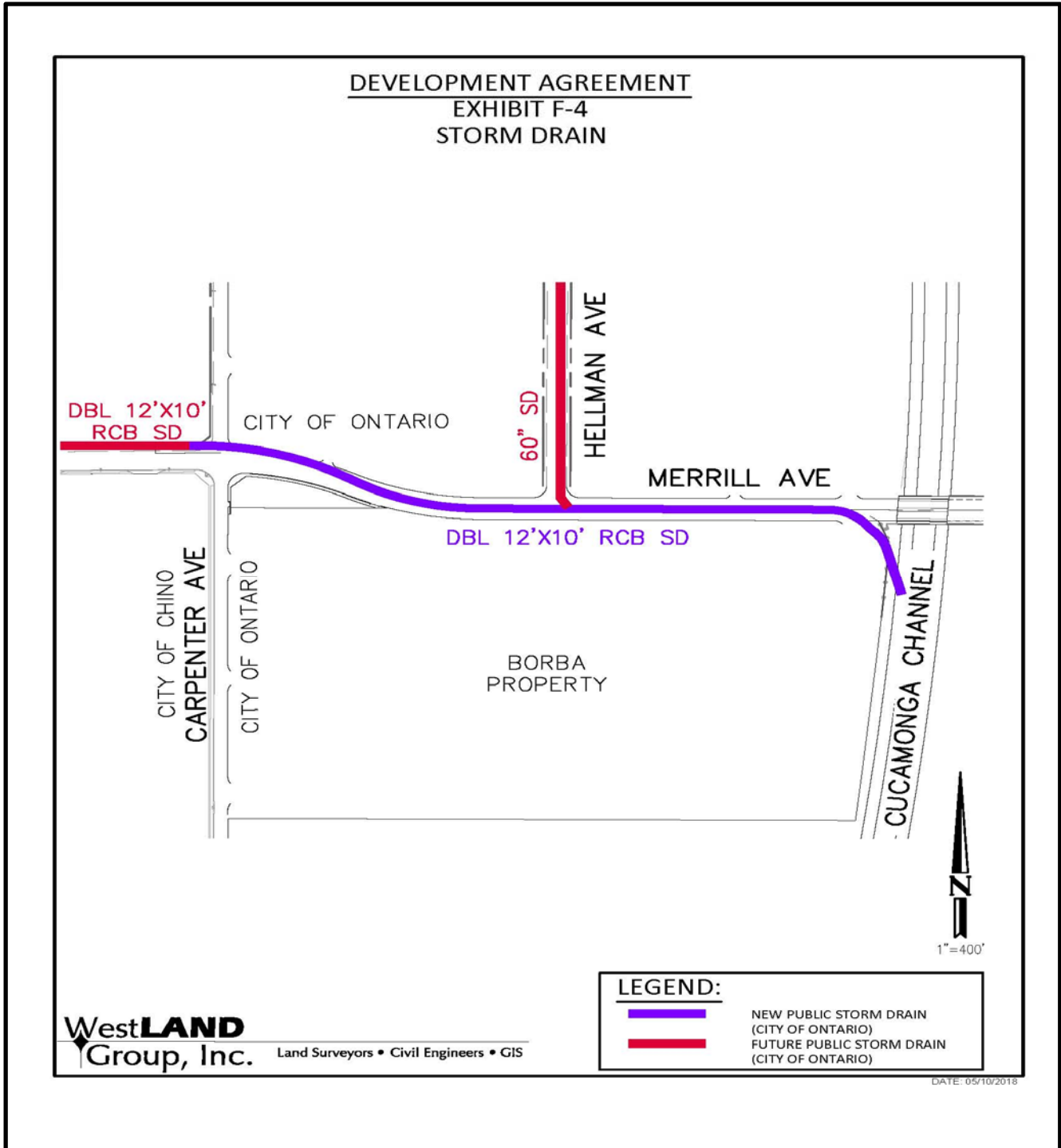
# EXHIBIT "F-3"

## Required Infrastructure Improvements



# EXHIBIT "F-4"

## Required Infrastructure Improvements



# EXHIBIT "F-5"

## Required Infrastructure Improvements

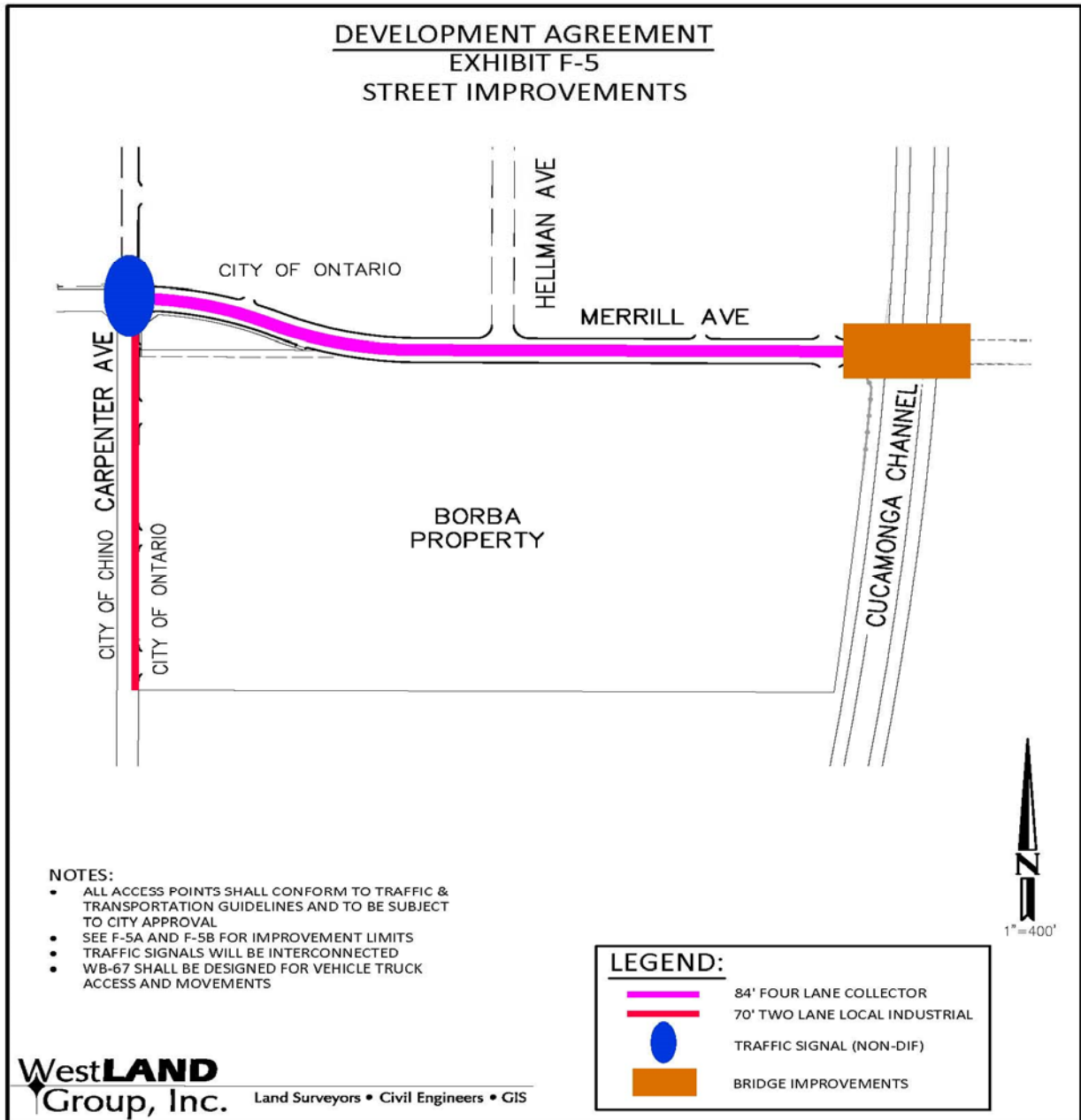
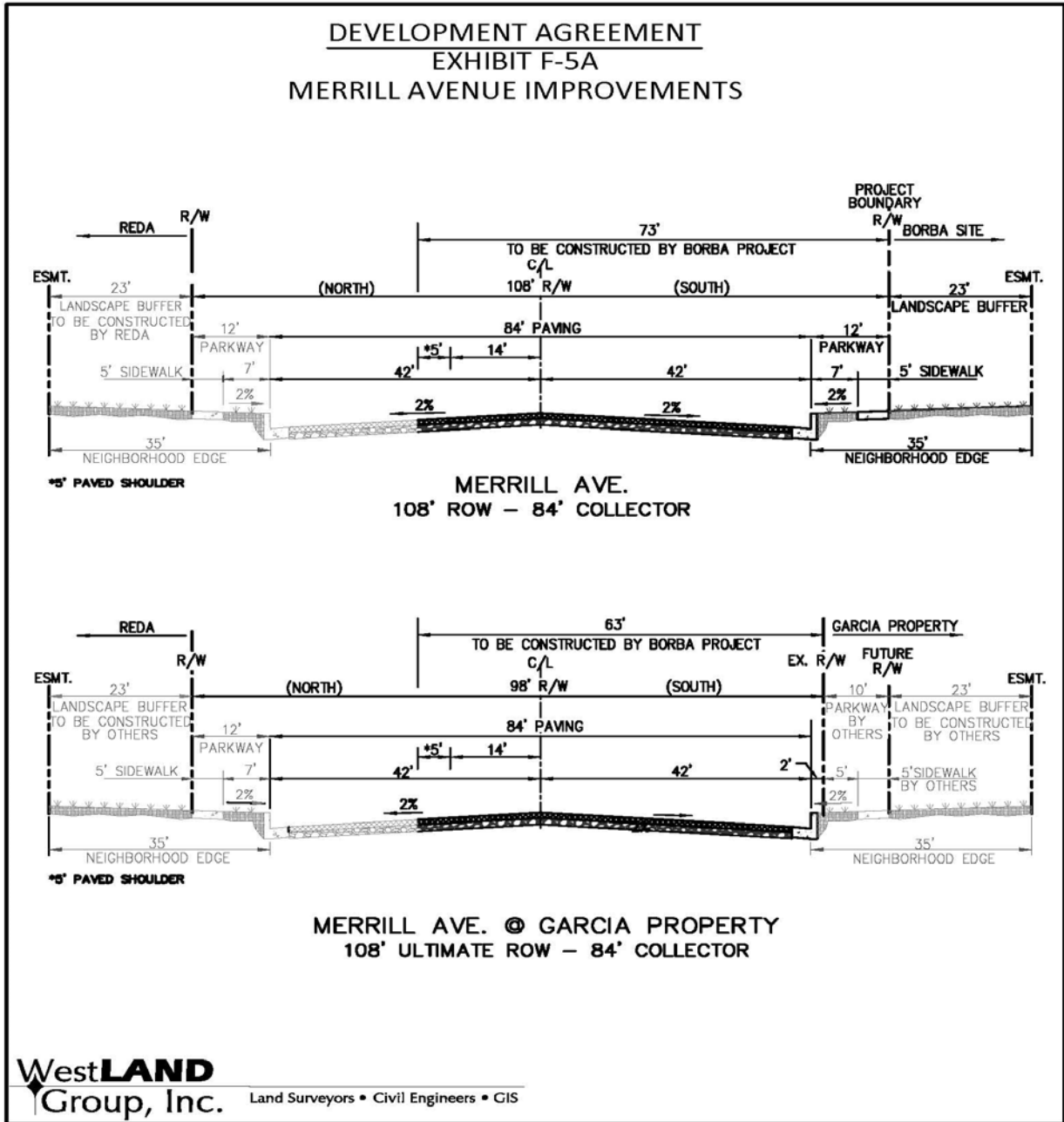


EXHIBIT "F-5A"

Required Infrastructure Improvements



**WestLAND**  
Group, Inc.

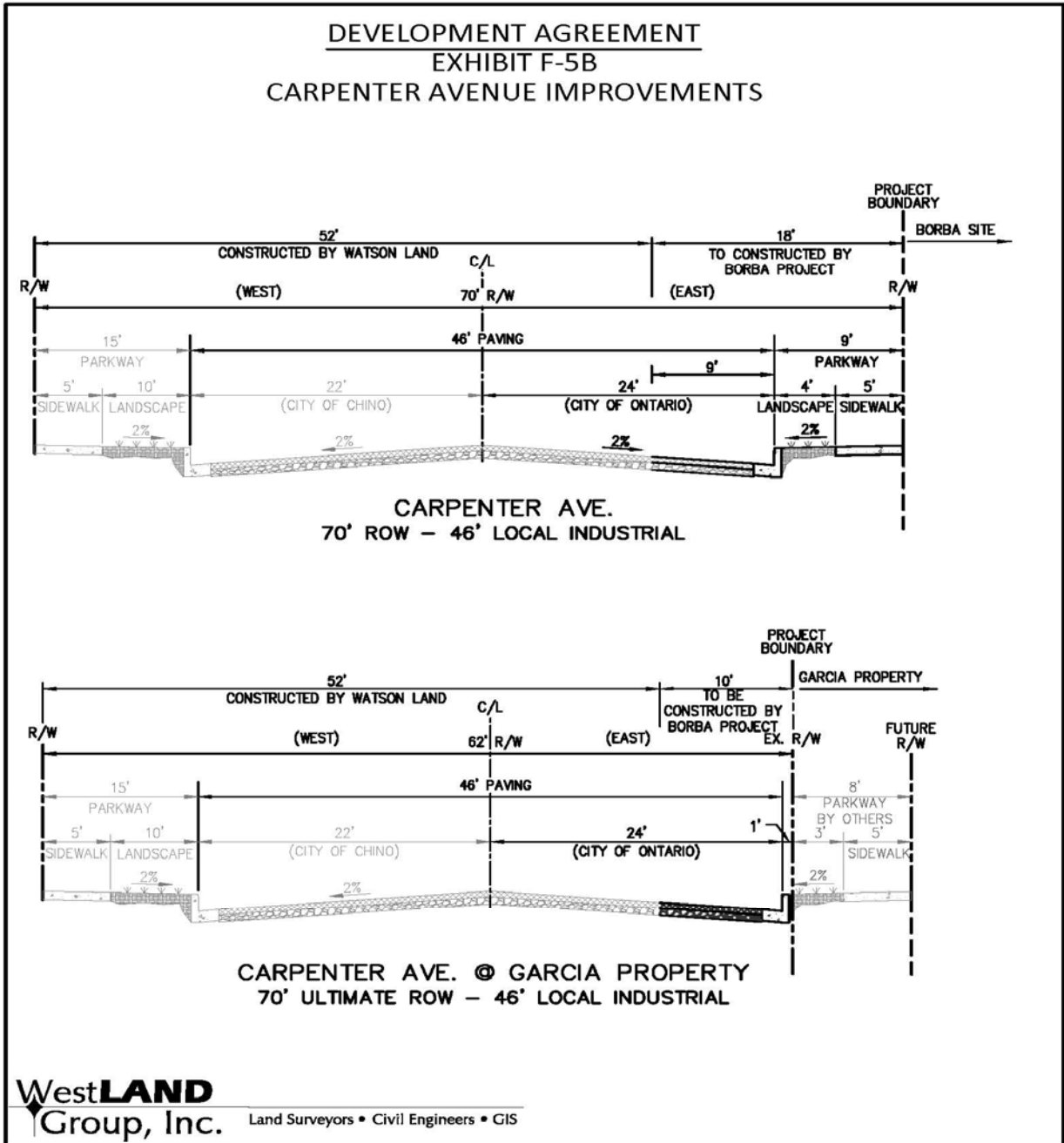
Land Surveyors • Civil Engineers • GIS

DATE: 05/10/2018



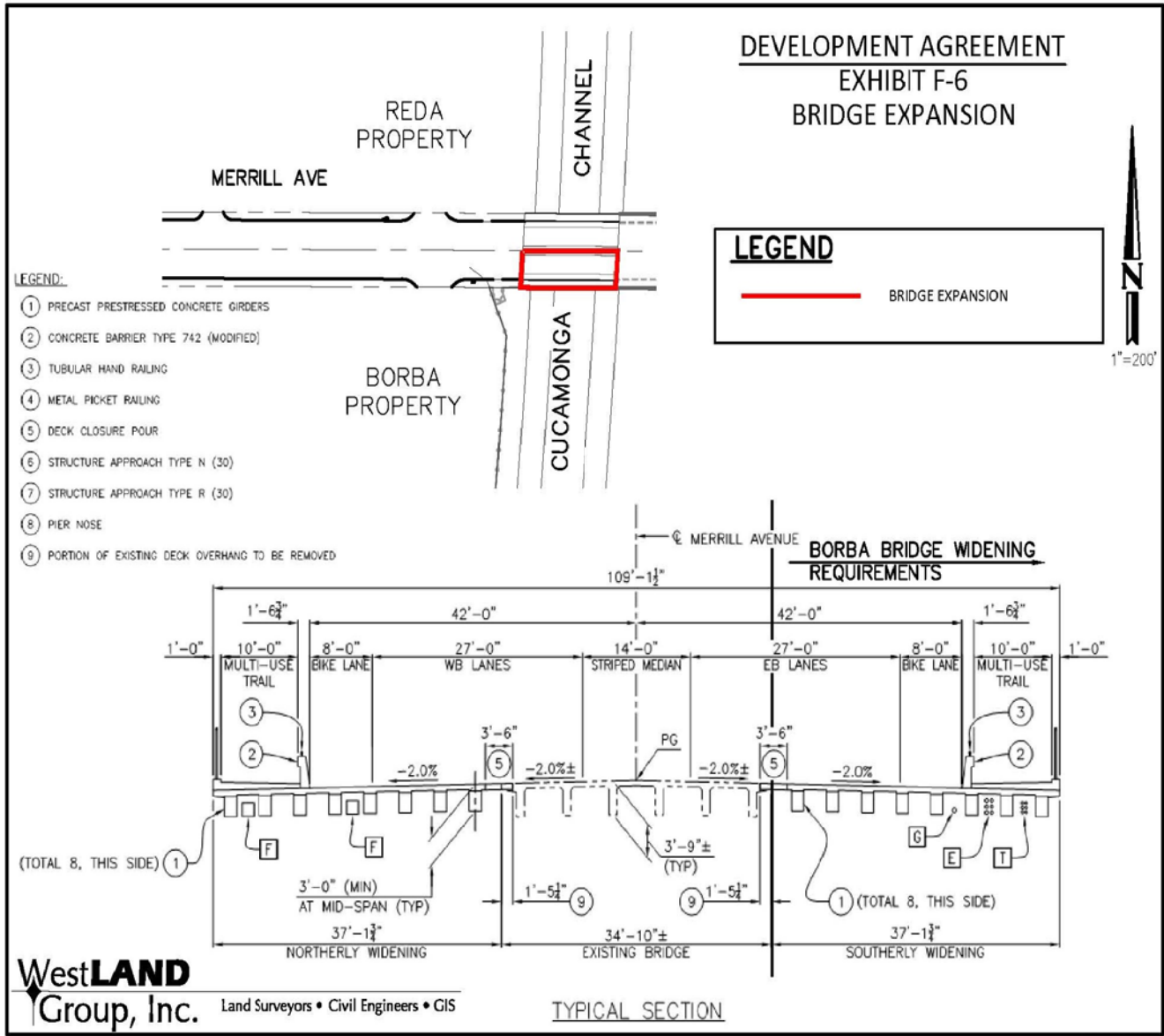
EXHIBIT "F-5B"

Required Infrastructure Improvements



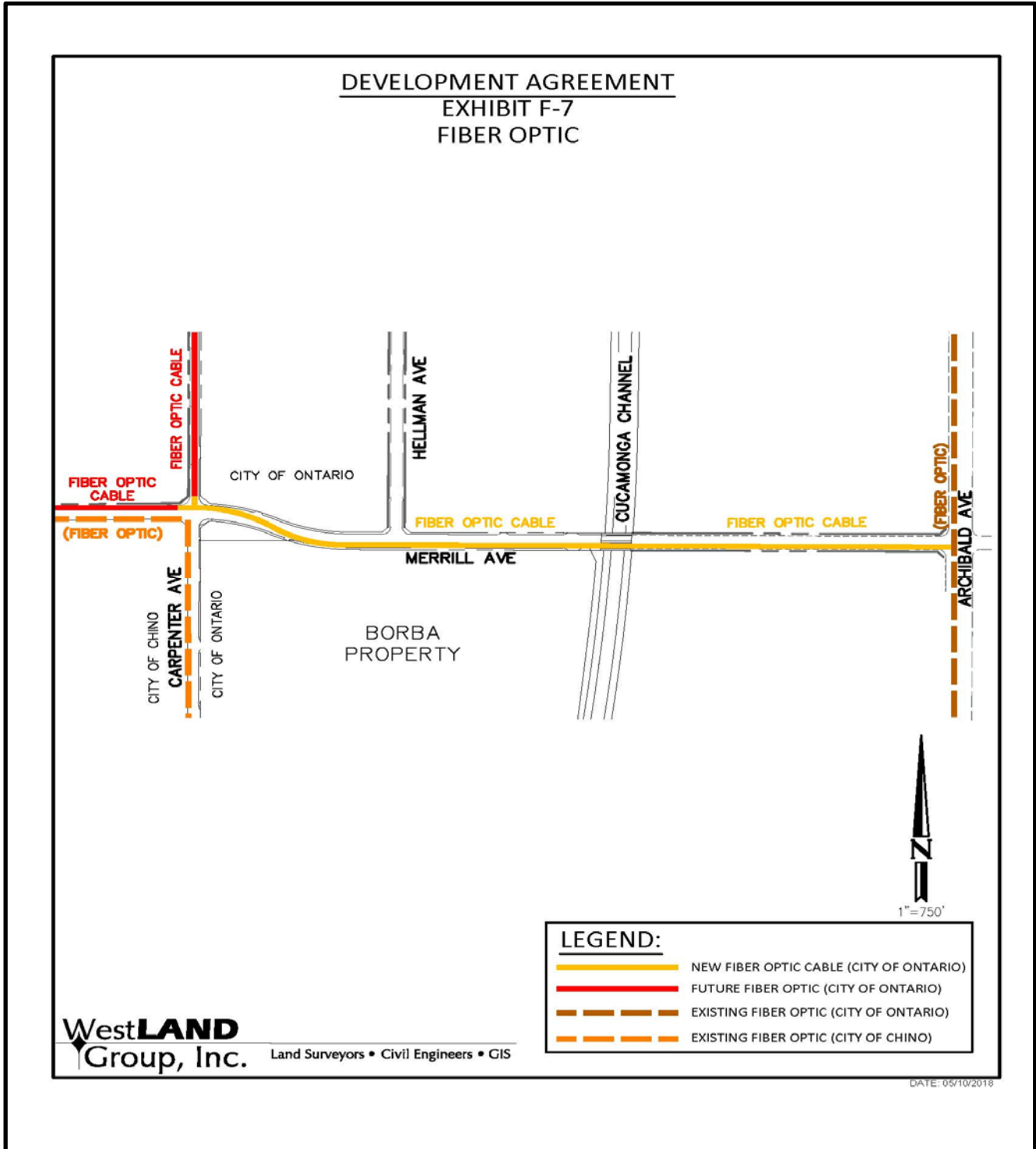
**EXHIBIT "F-6"**

**Required Infrastructure Improvements**



# EXHIBIT "F-7"

## Required Infrastructure Improvements



**EXHIBIT "G"**  
**TO DEVELOPMENT AGREEMENT**

FORM OF CERTIFICATE OF NET MDD AVAILABILITY

Pursuant to Section \_\_\_\_ of this Agreement between the City of Ontario, a California municipal corporation, and Prologis , a Delaware corporation, hereinafter called "OWNER", the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called "Agreement", the City of Ontario hereby certifies based on CITY receipt of payment of OWNER's share of the funding for the Phase 2 Water Improvements, that OWNER is entitled to the following Net MDD Water Availability.

Amount of Net MDD \_\_\_\_\_ gpm

\_\_\_\_\_  
Scott Ochoa, City Manager

Dated: \_\_\_\_\_

**Exhibit "H"**

**FORM OF CERTIFICATE OF REGIONAL DIF CREDIT**

Pursuant to Section 4.5.2 of this Agreement by and between the City of Ontario and Prologis , dated \_\_\_\_\_, 2018, the terms and definitions of which are hereby incorporated herein by this reference and hereinafter called the "Development Agreement", the City of Ontario hereby certifies that OWNER is entitled to the following amount and nature of DIF Credits in the Regional Water DIF Infrastructure Category:

Amount of Credit: \$ \_\_\_\_\_

\_\_\_\_\_  
Scott Ochoa, City Manager

Dated: \_\_\_\_\_

## Exhibit "I-1"

### ONTARIO RANCH WATER SUPPLY PHASING PLAN

<b><u>Phase 2</u></b>	<b><u>Water Availability Equivalency</u></b>	<b><u>Estimated Net MDD Available<sup>1</sup></u></b>
<b><u>Phase 2 A</u></b>		
<b><u>Supply &amp; Storage</u></b>		
1. 1 - Additional Ground Water Well and Collection lines - Design and Construction	8,250 gpm <sup>2</sup>	<b>7,750 gpm<sup>2</sup></b>
<b><u>Pipelines (Transmission &amp; Distribution)<sup>2</sup></u></b>		
2. 925 Zone Transmission lines – Design and Construction		
3. Temporary Pressure Reducing Station <sup>3</sup> – Design and Construction		
<b><u>Phase 2B</u></b>		
<b><u>Supply &amp; Storage</u></b>		
4. 1 – Additional Ground Water Well and Collection lines – Design and Construction	10,500 gpm <sup>2</sup>	<b>9,860 gpm<sup>2</sup></b>
5. 1 – 6 million gallon Reservoir – 925 Zone – Design and Construction		

(1) Upon Completion of the construction of all of the improvements described for each Phase a Certificate of Net MDD Availability shall be issued to Developer for the corresponding amount of Net MDD. Net MDD means the maximum daily demand on the potable water supply, net of the water requirements for public schools and parks. The Water Availability Equivalency includes the estimated requirements for public schools and parks. The amount of Net MDD specified is the cumulative amount for which building permits may be issued upon funding of the corresponding and all preceding Phases of improvements.

(2) The ability of a particular development to utilize Net MDD assigned to it by the Developer will require the completion of design and construction of Master-planned potable and recycled water transmission and distribution pipelines for the respective pressure zone. Other factors may include its location, the particular land use and Water Availability Equivalents assigned to it as specified in Exhibit C-2.

(3) Pressure reducing stations are a component of the pipeline transmission and distribution system.

## EXHIBIT "I-2"

**Available Water Supply - See Exhibit C-1R for Net MDD Available**

**Table A - Water Demand Equivalents By Land Use**

The Ontario Plan  Land Use	Potable Water			Recycled Water	
	Water Demand Factor (ADD)		Water Demand Equivalents (WDE) <sup>2</sup>	Recycled Water Demand Factor <sup>1</sup> (ADD)	Recycled Water Demand Of Total Water Demand
	(gpd/du)	(gpd/ac)	(gpm/unit)	(gpd/ac)	(%)
Detached Dwellings (less than 5 units per acre)	544		0.57	900	28%
Detached or Attached Dwellings (between 5 and 11 units per acre)	464		0.48	1,000	21%
Attached Dwellings (between 11 and 25 units per acre)	323		0.34	1,500	18%
High Density Dwellings (25+ units per acre)	152		0.16	1,500	27%
Commercial Lodging	150		0.16	1,700	50%
Retail/Services Uses		2,200	2.29	2,300	51%
Office Uses		3,400	3.54	2,300	40%
Business Park Uses		2,200	2.29	2,200	50%
Industrial Uses		2,000	2.08	2,200	52%
Institutional Use		2,200	2.29	1,600	42%
Parks		1,000	1.04	1,400	58%
Schools		3,500	3.65	1,600	31%

<sup>1</sup>Recycled Water Demands include irrigation for right-of-way (medians and parkways), neighborhood edge, pocket parks, and common areas.

<sup>2</sup> The WDE is based on the Maximum Day Demand (MDD) with a peaking factor of 1.5 in the NMC for all land use categories.

**Table B - Example Water Supply Calculation**

Land Use	Acres <sup>1</sup> (gross)	Residential Units	WDE Factor (gpm)	Potable MDD (gpm)	Recycled Water ADD (gpm)
<b>Development</b>					
Detached Dwellings (less than 5 units per acre)	1,284	5,061	0.57	2,868	803
Detached or Attached Dwellings (between 5 and 11 units per acre)	369	2,530	0.48	1,223	256
Attached Dwellings (between 11 and 25 units per acre)	194	3,410	0.34	1,147	202
Retail/Services Uses (per acre) <sup>2</sup>	104		2.29	239	166
<b>TOTAL</b>	<b>1,950</b>	<b>11,001</b>		<b>5,477</b>	<b>1,428</b>

Three (3) Wells Are required to Support this example, assuming each well produces 2,000 gpm and connection to the Recycled Water System maximizing Recycled Water Use.

<sup>1</sup> Residential Acres are estimated based on the weighted average derived from the average number of units per land use category.

<sup>2</sup> Commercial acreage is calculated from a total square footage of 1,361,000 SF with an average Floor to Area Ratio (FAR) of 0.30 for commercial services in The Ontario Plan.

Exhibit "J"

**FORM OF PLUME DISCLOSURE LETTER**

**C I T Y O F**



**O N T A R I O**

ONTARIO MUNICIPAL UTILITIES COMPANY

PAUL S. LEON  
MAYOR

DEBRA DORST-PORADA  
MAYOR PRO TEM

ALAN D. WAPNER  
JIM W. BOWMAN  
RUBEN VALENCIA  
COUNCIL MEMBERS

March 2017

AL C. BOLING  
CITY MANAGER

SHEILA MAUTZ  
CITY CLERK

JAMES R. MILHISER  
TREASURER

SCOTT BURTON  
UTILITIES GENERAL MANAGER

**DISCLOSURE NOTICE  
SOUTH ARCHIBALD TRICHLOROETHYLENE PLUME**

Dear Property Owner/Developer/Applicant:

The City of Ontario ("City") has approved or will be approving development in the Ontario Ranch area in the next few years, subject to the appropriate and required statutory process. This letter is intended to serve as notice to all potential property owners of the existence of a groundwater plume, known as the South Archibald Trichloroethylene (TCE) Plume which may exist in, under or near owner's property.

The groundwater plume is in an area in the central Chino Basin south of the Pomona Freeway, west of Turner Avenue, east of Grove Avenue, and north of Kimball Avenue. The plume primarily consists of TCE, a discontinued industrial solvent, and is subject to a clean-up under the oversight and direction of the Santa Ana Regional Water Quality Control Board ("Regional Board").

The Regional Board's approved clean-up procedure involves the removal and treatment of groundwater containing TCE via groundwater wells to reduce the plume concentrations and control its migration. In addition, the City is providing potable water supplies for domestic purposes to residences with private domestic wells affected by the plume. Finally, the Regional Board will continue to monitor all impacted areas and private domestic wells to ensure that residents' health and the environment are properly safeguarded. These remedial actions are documented in a Remedial Action Plan approved by the Regional Board in September 2016.

Further and current information may be found on the Regional Board's Geotracker website at [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000004658](https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).

Property owners may wish to include this letter as a part of a Real Estate Transfer Disclosure under California Civil Code Section 1102 et seq.

1425 SOUTH BON VIEW - ONTARIO, CALIFORNIA 91761-4406 - (909) 395-2605 - FAX (909) 395-2601