



## **CITY OF ONTARIO DEVELOPMENT ADVISORY BOARD**

### **AGENDA**

**March 19, 2018**

- ▶ **All documents for public review are on file in the Planning Department located in City Hall at 303 East “B” St., Ontario, CA 91764.**

**MEETING WILL BE HELD AT 1:30 PM IN ONTARIO CITY COUNCIL CHAMBERS  
LOCATED AT 303 East “B” St.**

Scott Ochoa, City Manager  
Hassan Haghani, Development Director  
John P. Andrews, Economic Development Director  
Kevin Shear, Building Official  
Scott Murphy, Assistant Development Director (Planning)  
Louis Abi-Younes, City Engineer  
Chief Brad Kaylor, Police Department  
Fire Marshal Paul Ehrman, Fire Department  
Scott Burton, Utilities General Manager  
Brent Schultz, Housing and Municipal Services Director

### **PUBLIC COMMENTS**

*Citizens wishing to address the Development Advisory Board on any matter that is not on the agenda may do so at this time. Please state your name and address clearly for the record and limit your remarks to five minutes.*

*Please note that while the Development Advisory Board values your comments, the members cannot respond nor take action until such time as the matter may appear on the forthcoming agenda.*

## **AGENDA ITEMS**

*For each of the items listed below the public will be provided an opportunity to speak. After a staff report is provided, the chairperson will open the public hearing. At that time the applicant will be allowed five (5) minutes to make a presentation on the case. Members of the public will then be allowed five (5) minutes each to speak. The Development Advisory Board may ask the speakers questions relative to the case and the testimony provided. The question period will not count against your time limit. After all persons have spoken, the applicant will be allowed three minutes to summarize or rebut any public testimony. The chairperson will then close the public hearing portion of the hearing and deliberate the matter.*

## **CONSENT CALENDAR ITEMS**

### **A. MINUTES APPROVAL**

Development Advisory Board Minutes of March 5, 2018, approved as written.

## **PUBLIC HEARING ITEMS**

### **B. ENVIRONMENTAL ASSESSMENT, DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT REVIEW FOR FILE NO. PDEV17-033 AND PCUP17-015:**

A Development Plan (File No. PDEV17-033) and Conditional Use Permit (File No. PCUP17-015) to construct and establish a drive-thru restaurant for Raising Cane's Chicken Fingers, totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP). (APN: 1008-431-21); **submitted by Raising Cane's Chicken Fingers. Planning Commission action is required.**

#### **1. CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section §15332

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

Motion to recommend Approval/Denial

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

Motion to recommend Approval/Denial

### **C. ENVIRONMENTAL ASSESSMENT AND CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW FOR FILE NOS. PCUP17-021 AND PDEV17-**

**046:** A Development Plan (File No. PDEV17-046) to construct a 4,500 square-foot self-service carwash (Fast 5 Xpress) in conjunction with a Conditional Use Permit (File No.

PCUP17-021) to establish and operate the drive-thru carwash, on 0.93 acres of land, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 0216-081-25) **submitted by Fast 5 Xpress Car Wash. Planning Commission action is required.**

**1. CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section §15332

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

Motion to recommend Approval/Denial

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

Motion to recommend Approval/Denial

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

**1. CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section §15332

**2. File No. PCUP18-001 (Conditional Use Permit)**

Motion to recommend Approval/Denial

**3. File No. PDEV18-003 (Development Plan)**

Motion to recommend Approval/Denial

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

**1. CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section §15303

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

Motion to recommend Approval/Denial

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

Motion to recommend Approval/Denial

**F. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV17-056:** A Development Plan (File No. PDEV17-056) to construct 229 single-family homes on 59.8 acres of land located within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan, located at the southeast corner of Archibald Avenue and Schaefer Avenue. The environmental impacts of this project were previously analyzed in an addendum to The Avenue Specific Plan EIR (SCH# 2005071109) that was adopted by the City Council on June 17, 2014. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APNs: 0218-201-15 and 0218-201-44) **submitted by Western Pacific Housing, Inc., DBA: D.R. Horton. Planning Commission action is required.**

**1. CEQA Determination**

No action necessary – use of previous EIR

2. **File No. PDEV17-056** (Development Plan)

Motion to recommend Approval/Denial

If you wish to appeal a decision of the **Development Advisory Board**, you must do so within ten (10) days of the **Development Advisory Board** action. Please contact the **Planning Department** for information regarding the appeal process.

If you challenge any action of the **Development Advisory Board** 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 **Development Advisory Board** at, or prior to, the public hearing.

The next **Development Advisory Board** meets on **April 2, 2018**.

I, Maureen Duran, Office Specialist of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **March 15, 2018**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.

  
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**CITY OF ONTARIO**

**Development Advisory Board**

**Minutes**

**March 5, 2018**

**BOARD MEMBERS PRESENT**

Rudy Zeledon, Acting Chairman, Planning Department  
Kevin Shear, Building Department  
Paul Ehrman, Fire Department  
Joe De Sousa, Housing and Municipal Services Agency  
Bryan Lirley, Engineering Department  
Doug Sorel, Police Department

**BOARD MEMBERS ABSENT**

Khoi Do, Engineering Department  
Charity Hernandez, Economic Development Agency  
Ahmed Aly, Municipal Utilities Company

**STAFF MEMBERS PRESENT**

Antonio Alejos, Engineering Department  
Luis Batres, Planning Department  
Maureen Duran, Planning Department  
Gwen Berendsen, Planning Department  
Alexis Vaughn, Planning Department

**PUBLIC COMMENTS**

No one responded from the audience.

**CONSENT CALENDAR ITEMS**

- A. **APPROVAL OF MINUTES:** Motion to approve the minutes of the February 21, 2018, meeting of the Development Advisory Board was made by Mr. Shear; seconded by Mr. De Sousa; and approved unanimously by those present (6-0).

**PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV18-002:** A Development Plan (File No. PDEV18-002) to add a 1,500 square foot addition and a 55' by 55' service drive shade canopy to an existing 82,347 square foot auto dealership (Mercedes Benz) on 8.17 acres at 3787 E. Guasti Road, within the Auto land use designation of the Ontario Gateway Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with File No. PSP05-005, for which an Environmental Impact Report (SCH#2006091039) was certified by City Council on June 19, 2007. This project introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport, and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan (ALUCP); (APN: 210-212-55), **submitted by Mr. Fletcher Jones III, President.**

Representative and Architect Deeg Snyder was present. Mr. Snyder mentioned the proposed sun canopy product may be different than previously stated depending on what the need is once they evaluate it. Mr. Zeledon stated when they decide on the product please inform Mr. Batres and they can move forward from there. Mr. Snyder agreed to the conditions.

Motion to approve **File No. PDEV18-002** subject to conditions was made by Mr. Shear; seconded by Mr. De Sousa; and approved unanimously by those present (6-0).

There being no further business, the meeting was adjourned.

Respectfully submitted,



Maureen Duran  
Recording Secretary



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP17-015

**DESCRIPTION:** A Conditional Use Permit to establish a drive-thru in conjunction with a fast food restaurant (Raising Cane's Chicken Fingers) totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan (APNs: 1008-431-21 & 1008-431-22); **submitted by Raising Cane's Chicken Fingers.**

## Part I—BACKGROUND & ANALYSIS

RAISING CANE'S CHICKEN FINGERS, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP17-015, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 0.81 acres of land located at 1437 North Mountain Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

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

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

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



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

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

### ***Part II—RECITALS***

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 Development Advisory Board ("DAB") the responsibility and authority to review and make recommendations to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: *Environmental Determination and Findings.*** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, meeting the following conditions:

- (a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare, or threatened species;
- (d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The Project site can be adequately served by all required utilities and public services.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

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

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

Map 2-5). As a result, the DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) **The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the Main Street District land use district of the Mountain Village Specific Plan, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed fast food restaurant with drive-thru will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Main Street District land use district of the Mountain Village Specific Plan; and

(2) **The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.** The proposed fast food restaurant with drive-thru will be located within the General Commercial land use district of the Policy Plan Land Use Map, and the Main Street District land use district of the Mountain Village Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(3) **The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.** The proposed fast food restaurant with drive-thru is located within the General Commercial land use district, and the Main Street District land use district of the Mountain Village Specific Plan, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use, consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code and Mountain Village Specific Plan; and

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

**SECTION 5: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

**SECTION 6: Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this

approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**SECTION 7: Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

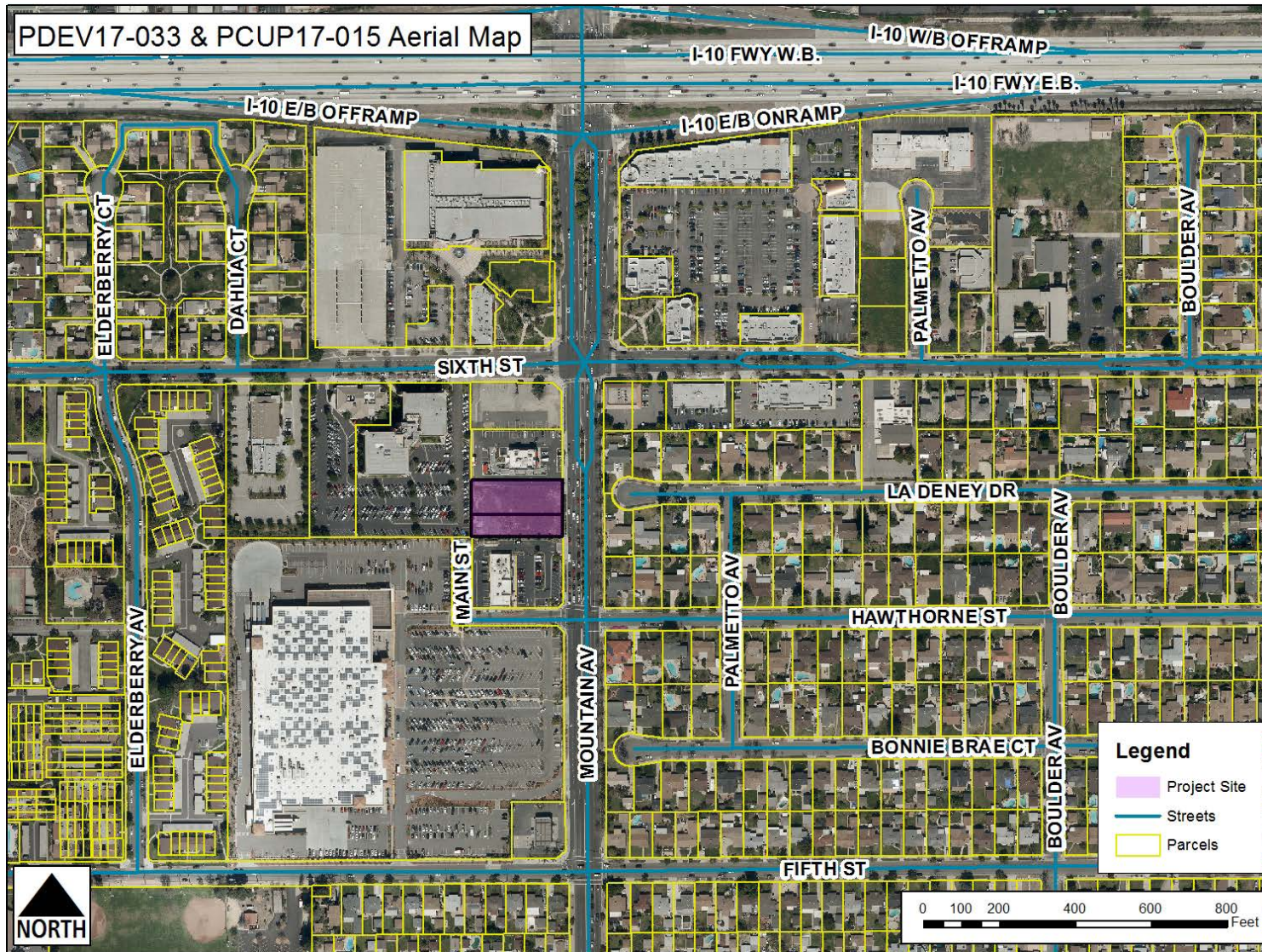
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APPROVED AND ADOPTED this 19th day of March 2018.

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Development Advisory Board Chairman

Exhibit A—PROJECT LOCATION MAP



**Exhibit B—PROJECT SITE UTILIZATION MAP**

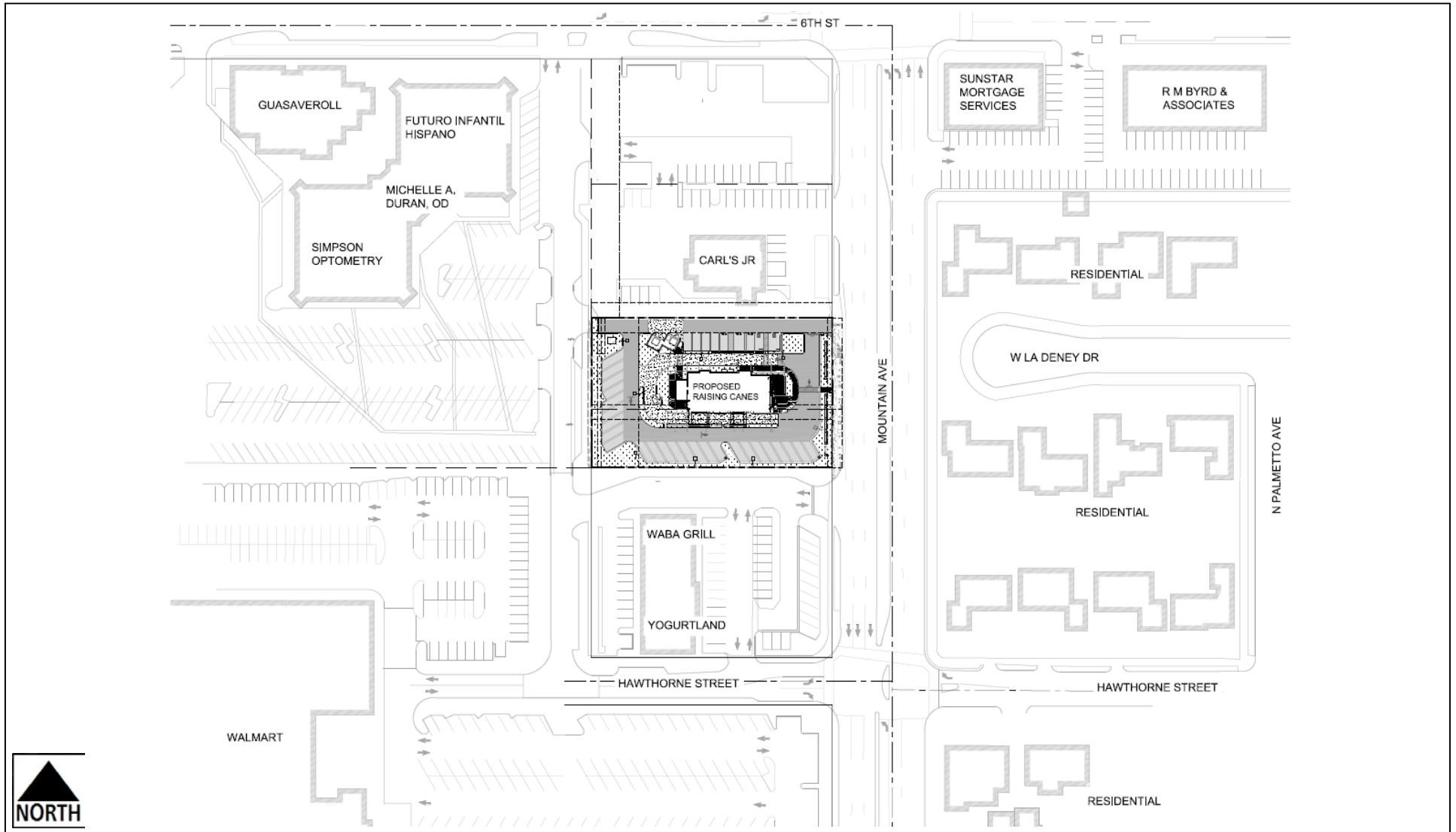
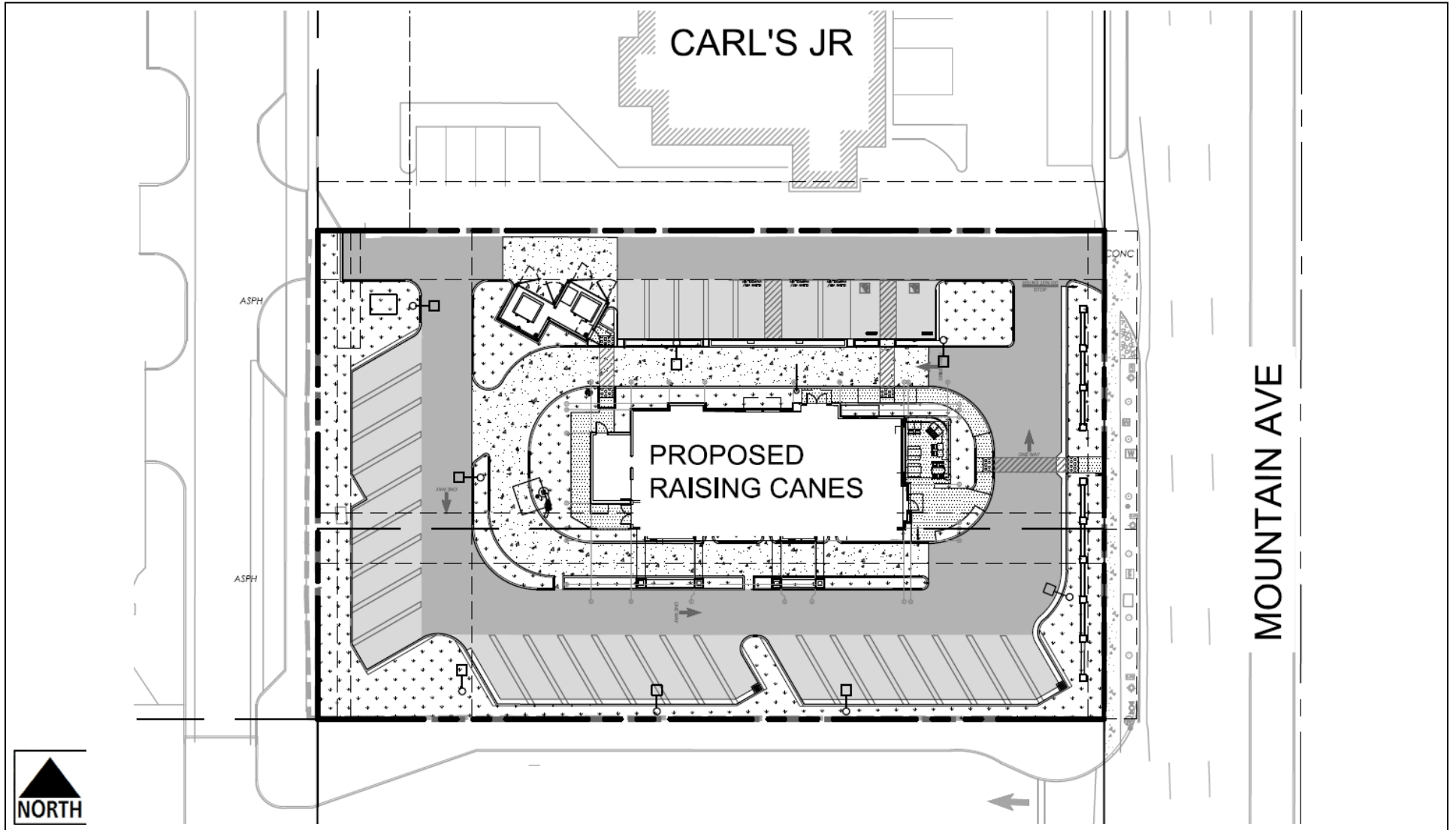


Exhibit C—SITE PLAN



**Exhibit D—ELEVATIONS**



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



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



**Exhibit D—ELEVATIONS**

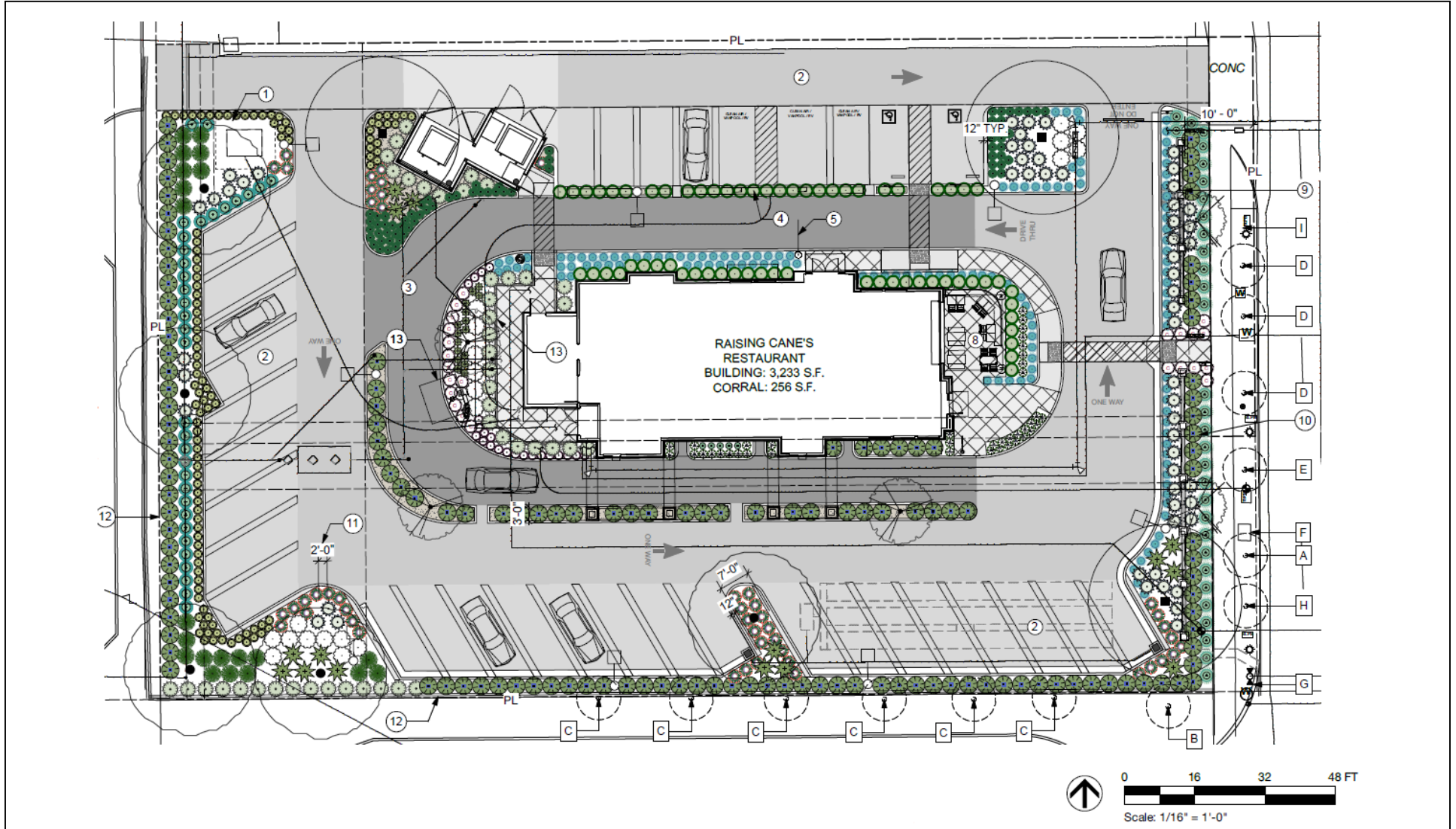


**01** | WEST ELEVATION  
1/4" = 1'-0"



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

Exhibit E—LANDSCAPE PLAN



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



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

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

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**Meeting Date:** March 19, 2018

**File No:** PCUP17-015

**Related Files:** PDEV17-033

**Project Description:** A Conditional Use Permit (File No. PCUP17-015) to establish a drive-thru restaurant for Raising Cane's Chicken Fingers, totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan (APNs: 1008-431-21 & 1008-431-22); **submitted by Raising Cane's Chicken Fingers.**

**Prepared By:** Jeanie Irene Aguilo, Assistant Planner  
Phone: 909.395.2418 (direct)  
Email: jaguilo@ontarioca.gov

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

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

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

**2.1 Time Limits.**

**(a)** Conditional Use Permit approval shall become null and void two years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

### **2.3** Landscaping.

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

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

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

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

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

### **2.5** Parking, Circulation and Access.

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

**(b)** All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

**(c)** Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

**(e)** Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

**(f)** Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

**2.6** Outdoor Loading and Storage Areas.

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

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

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

**2.7** Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

**2.8** Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

**2.12** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.14** Additional Fees.

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

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

**2.15** Additional Requirements.

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



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

SUBJECT: FILE #: PCUP17-015 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, August 10, 2017**.

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

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

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

Building

Department

Signature

Title

Date



# CITY OF ONTARIO MEMORANDUM

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



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

KS:lm



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

SUBJECT: FILE #: PCUP17-015

Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, August 10, 2017**.

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

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

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

*Code*  
Department

*Jackie Do*  
Signature

*Supervisor*  
Title

*7/31/17*  
Date



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: November 02, 2017

SUBJECT: FILE #: PCUP17-015 Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, August 10, 2017**.

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

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

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

The plan does not adequately address the departmental concerns.

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

Landscape Planning Carolyn Bell Sr. Landscape Architect  
Department Signature Title Date 4/29/17



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PDEV17-033

**DESCRIPTION:** A Development Plan to construct a fast food restaurant (Raising Cane's Chicken Fingers) with drive-thru, totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan (APNs: 1008-431-21 & 1008-431-22); **submitted by Raising Cane's Chicken Fingers.**

## **Part I—BACKGROUND & ANALYSIS**

RAISING CANE'S CHICKEN FINGERS, (herein after referred to as "Applicant") has filed an application requesting Development Plan approval, File No. PDEV17-033, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 0.81 acres of land located at 1437 North Mountain Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

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

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

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

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

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

### ***Part II—RECITALS***

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 Development Advisory Board ("DAB") the responsibility and authority to review and recommendation to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: Environmental Determination and Findings.** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the CEQA Guidelines, and meeting all of the following conditions:

- (a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare, or threatened species;
- (d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The Project site can be adequately served by all required utilities and public services.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

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

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

Map 2-5). As a result, the DAB, therefore, finds and determines that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the policies and criteria set forth within the ALUCP.

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

(1) **The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.** The proposed Project is located within the General Commercial land use district of the Policy Plan Land Use Map, and the Main Street District land use district of the Mountain Village Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

(2) **The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the Main Street District land use district of the Mountain Village Specific Plan, including standards relative to the particular land use proposed (drive-thru restaurant), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

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

(4) **The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Mountain Village Specific Plan that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular commercial land use being proposed. As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Mountain Village Specific Plan.

**SECTION 5: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

**SECTION 6: Indemnification.** The Applicant shall agree to defend, indemnify and hold harmless, the City of Ontario or its agents, officers, and employees from any claim, action or proceeding against the City of Ontario or its agents, officers or employees to attack, set aside, void or annul this

approval. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

**SECTION 7: Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

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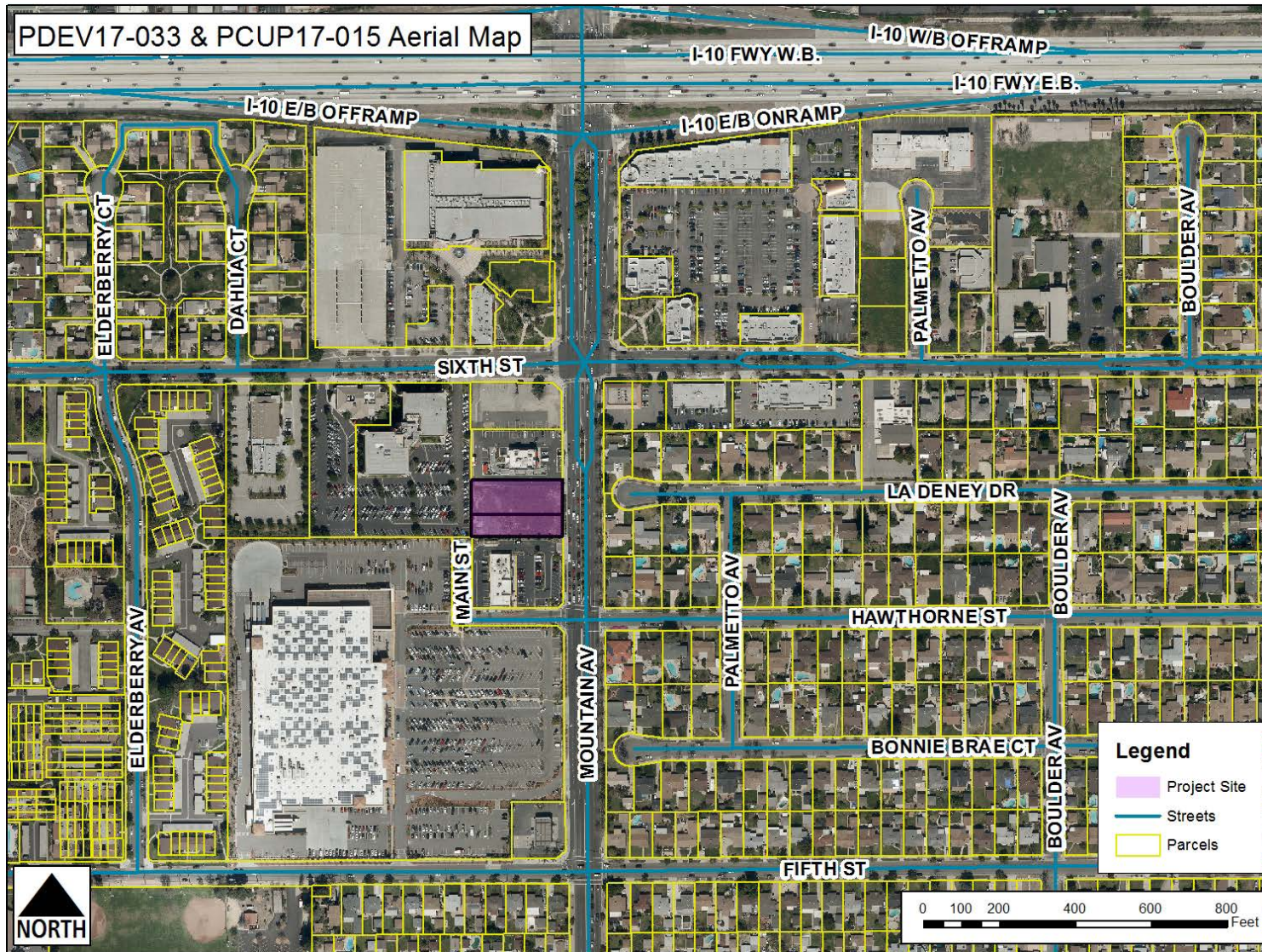
APPROVED AND ADOPTED this 19th day of March 2018.

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Development Advisory Board Chairman



Exhibit A—PROJECT LOCATION MAP



**Exhibit B—PROJECT SITE UTILIZATION MAP**

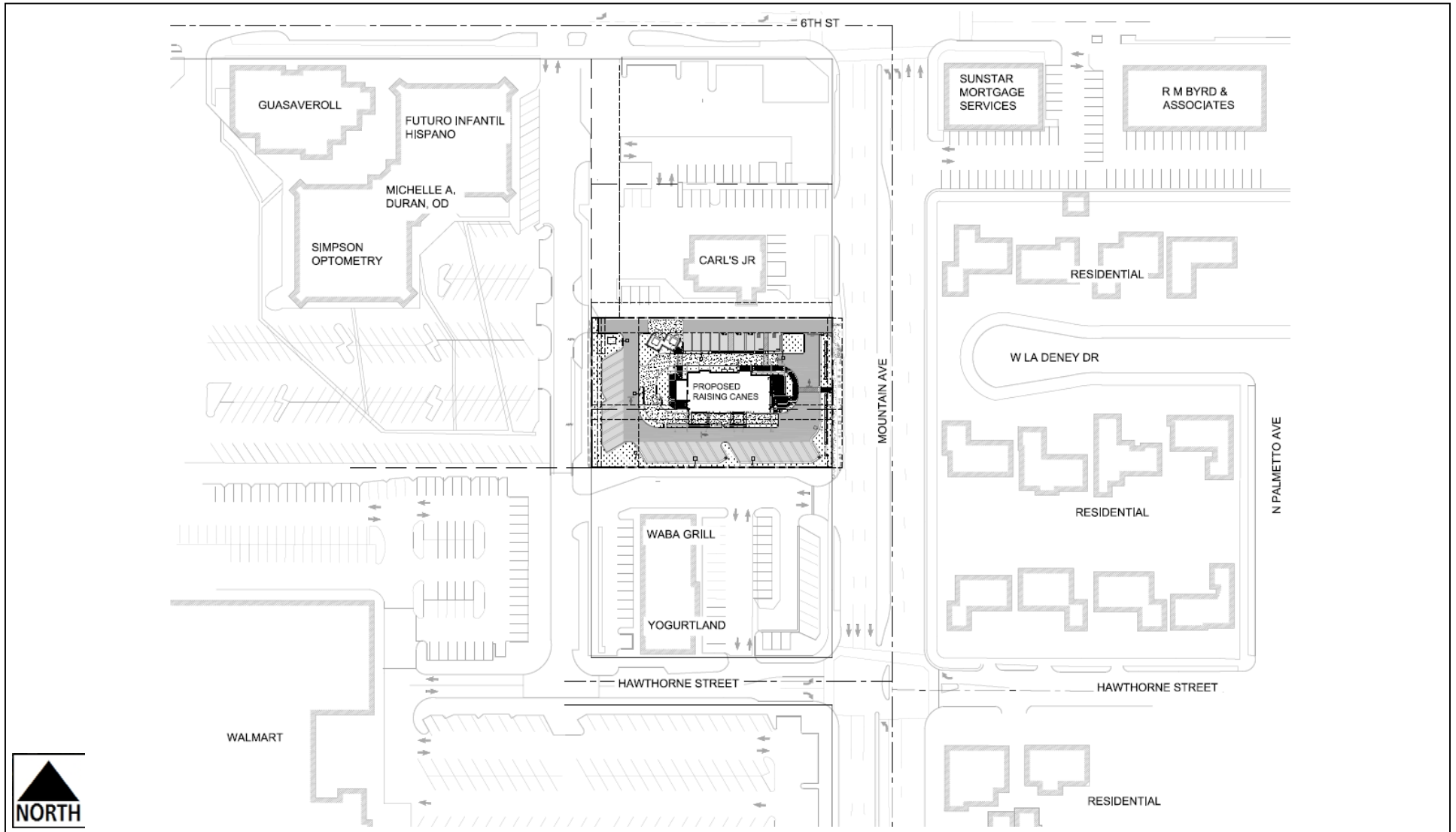
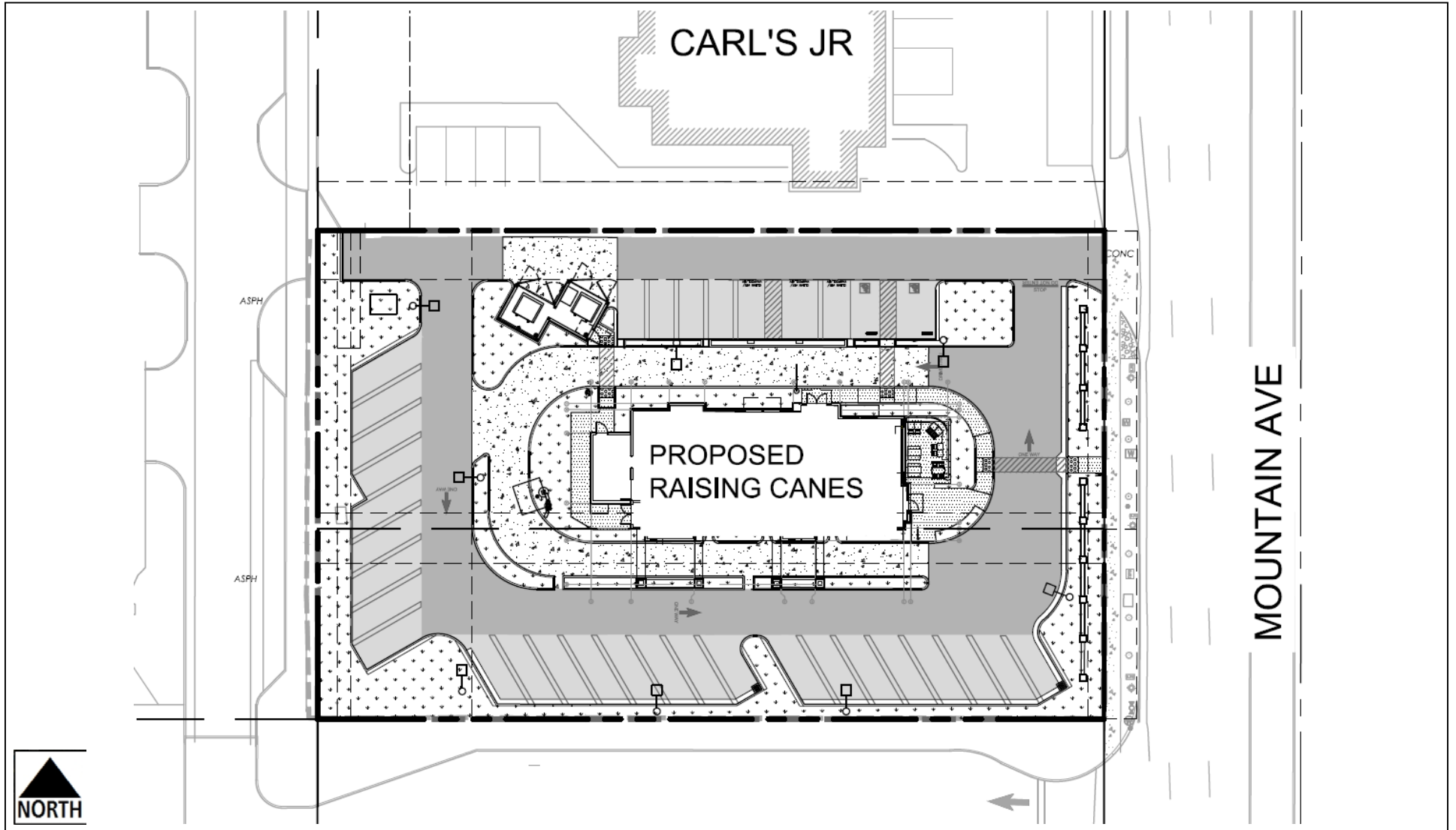


Exhibit C—SITE PLAN



**Exhibit D—ELEVATIONS**



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



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

**Exhibit D—ELEVATIONS**

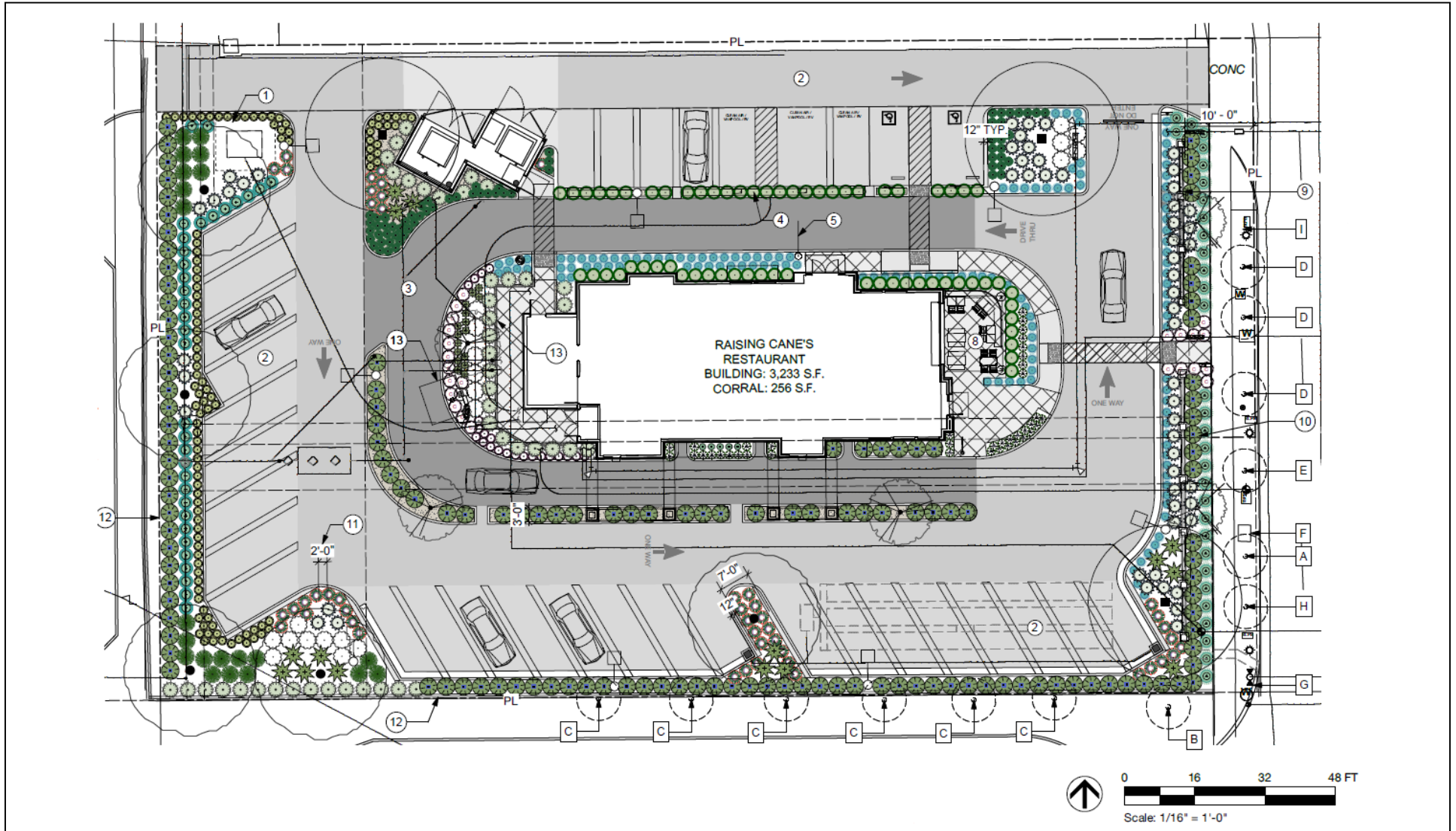


**01** | WEST ELEVATION  
1/4" = 1'-0"



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

Exhibit E—LANDSCAPE PLAN



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



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

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

**Meeting Date:** March 19, 2018

**File No:** PDEV17-033

**Related Files:** PCUP17-015

**Project Description:** A Development Plan (File No. PDEV17-033) to construct a drive-thru restaurant for Raising Cane's Chicken Fingers, totaling 3,233 square feet on 0.81 acres of land, located at 1437 North Mountain Avenue, within the Main Street District of the Mountain Village Specific Plan (APNs: 1008-431-21 & 1008-431-22); **submitted by Raising Cane's Chicken Fingers.**

**Prepared By:** Jeanie Irene Aguilo, Assistant Planner  
Phone: 909.395.2418 (direct)  
Email: jaguilo@ontarioca.gov

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

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

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

**2.1** Time Limits.

**(a)** Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.



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

**2.3** Landscaping.

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

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

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

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

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

**2.5** Parking, Circulation and Access.

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

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

**2.6** Outdoor Loading and Storage Areas.

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

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

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

## 2.7 Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

## 2.8 Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

## 2.12 Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.14** Additional Fees.

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

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

**2.15** Additional Requirements.

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



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: November 02, 2017

SUBJECT: FILE #: PDEV17-033

Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, November 16, 2017**.

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

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

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

The plan does not adequately address the departmental concerns.

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

11/29/17

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

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

<b>PRELIMINARY PLAN CORRECTIONS</b>	
<b>Sign Off</b>	
	11/28/17
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: <b>Carolyn Bell, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
--	---------------------------------

D.A.B. File No.: PDEV17-033 Rev 1	Case Planner: Jeanie Irene Aguilo
--------------------------------------	--------------------------------------

Project Name and Location: Raising Canes Restaurant 1425 N Mountain ave
---

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

<input checked="" type="checkbox"/>	<b>A Preliminary Landscape Plan (dated 10/30/17 ) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.</b>
<input type="checkbox"/>	<b>A Preliminary Landscape Plan (dated ) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.</b>

**CORRECTIONS REQUIRED**

Civil Plans

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

Landscape Plans

6. Replace short lived, high maintenance or poor performing plants: Yucca. **Not corrected. Reduce quantity of short lived or poor winter appearance plants: Perennials and grasses.**
7. Change to a better upright shade trees in narrow parking lot planter by drive through; instead of Chitalpa consider Callistemon citrinus, Tristania laurina, or similar.
8. Change plant symbols to be legible at 11x17" size. Complicated symbol design is difficult to read.
9. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:
 

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

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Aguilo, Assistant Planner  
Planning Department

**FROM:** Paul Ehrman, Fire Marshal  
Fire Department

**DATE:** August 7, 2017

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

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

### **SITE AND BUILDING FEATURES:**

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

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.

### **3.0 WATER SUPPLY**

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

### **4.0 FIRE PROTECTION SYSTEMS**

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13. All new fire sprinkler systems,

except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

- ☒ 4.4 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- ☒ 4.7 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

## **5.0 BUILDING CONSTRUCTION FEATURES**

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.
- ☒ 5.8 The building shall be provided with a Public Safety 800 MHZ radio amplification system per the Ontario Municipal Code Section 4-11.09 (n) and the CFC. The design and installation shall be approved by the Fire Department.

## **6.0 OTHER SPECIAL USES**

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials



are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.

<END.>



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Aguilo, Planning Department

**FROM:** Douglas Sorel, Police Department

**DATE:** August 14, 2017

**SUBJECT:** PDEV17-033 – A DEVELOPMENT PLAN TO CONSTRUCT A RAISING CANE’S FAST FOOD RESTAURANT WITH DRIVE-THRU AT 1437 NORTH MOUNTAIN AVENUE

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The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the building as stated in the Standard Conditions. The numbers shall be at a minimum 3 feet tall and 1 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions.

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

- The Applicant shall install a video surveillance system on the site. Cameras shall cover at a minimum all entry doors, all cash registers, and at least one camera shall capture any vehicle utilizing the drive-thru. Cameras shall be positioned so as to maximize the coverage of patrons and vehicles in these areas. Cameras shall record at least 15 frames per second and at a minimum of 640x480 lines of resolution. Recordings shall be stored for a minimum of 30 days and made available upon request to any member of the Ontario Police Department.
- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.

- Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

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



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

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

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, August 10, 2017**.

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

21-ft

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

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

Airport Planning Department  
Signature: Lorena Mejia  
Title: Senior Planner  
Date: 9/7/17

CO:2017-050

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-033  
 Address: 1437 N. Mountain Avenue  
 APN: 1008-431-21  
 Existing Land Use: Vacant Lot  
 Proposed Land Use: 3,233 SF fast food restaurant with drive-thru (Raising Cane's Chicken Fingers)  
 Site Acreage: 0.81 Proposed Structure Height: 21 ft  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Jeanie Aguilo  
 Date: 9/7/17  
 CD No.: 2017-050  
 PALU No.: n/a

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

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

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6  
 Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

Airport Planner Signature: 



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

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

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, August 10, 2017**.

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

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

- The plan does adequately address the departmental concerns at this time.
  - No comments
  - Report attached (1 copy and email 1 copy)
  - Standard Conditions of Approval apply

- The plan does not adequately address the departmental concerns.
  - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

*Building*  
Department

Signature

Title

Date

# CITY OF ONTARIO MEMORANDUM

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



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

---

### Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: July 27, 2017

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

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, August 10, 2017**.

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

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

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

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





## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
<b>PROJECT FILE NO. PDEV17-033</b> RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> <b>ORIGINAL</b> <input type="checkbox"/> REVISED: __/__/__	

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

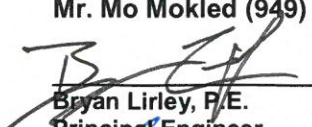
**CITY PROJECT PLANNER & PHONE NO:** Jeanie Aguilo  
Assistant Planner (909) 395-2418

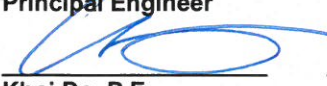
**DAB MEETING DATE:** March 19, 2018

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

**LOCATION:** 1437 North Mountain Avenue

**APPLICANT:** PMDG, Inc.  
Mr. Mo Mokled (949) 430-7017

**REVIEWED BY:**  3/12/18  
Bryan Lirley, P.E. Date  
Principal Engineer

**APPROVED BY:**  3/12/18  
Khoi Do, P.E. Date  
Assistant City Engineer





estimate spreadsheet (available for download on the City's website: [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us)) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.

- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Management Services at (909) 395-2353 to initiate the CFD application process.
- 1.13 New Model Colony (NMC) Developments: 
  - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
  - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
  - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: \_\_\_\_\_

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

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

- 2.01 Record Parcel Map/Tract Map No. \_\_\_\_\_ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcel is comprised of two (2) recognized parcels in the City of Ontario per Parcel 1 and Parcel 2 of P.M. No. 3244, bk. 29, pg. 17 O.R San Bernardino County. A lot line adjustment is required to consolidate the parcels.**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of \_\_\_\_\_ .
- 2.05 **Apply for a:**  Certificate of Compliance with a Record of Survey;  **Lot Line Adjustment** 
  - Make a Dedication of Easement.
- 2.06 **Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan ( WQMP), as applicable to the project.**
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property



developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at [http://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000004658](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).

- 2.08 **Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies: 
  - State of California Department of Transportation (Caltrans)
  - San Bernardino County Road Department (SBCRD)
  - San Bernardino County Flood Control District (SBCFCD)
  - Federal Emergency Management Agency (FEMA)
  - Cucamonga Valley Water District (CVWD) for sewer/water service
  - United States Army Corps of Engineers (USACE)
  - California Department of Fish & Game
  - Inland Empire Utilities Agency (IEUA)
  - Other: \_\_\_\_\_
- 2.10 Dedicate to the City of Ontario the right-of-way described below: 

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

Property line corner 'cut-back' required at the intersection of \_\_\_\_\_ and \_\_\_\_\_.
- 2.11 Dedicate to the City of Ontario the following easement(s): \_\_\_\_\_ 

\_\_\_\_\_
- 2.12 New Model Colony (NMC) Developments: 
  - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
  - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
  - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 **Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements. 10% of the construction cost estimate shall be retained in accordance with City procedure for warranty security.**
- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.



- 2.15 Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$17,000.00, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.
- 2.16 Other conditions: \_\_\_\_\_

**B. PUBLIC IMPROVEMENTS**  
 (See attached Exhibit 'A' for plan check submittal requirements.)

- 2.17 Developer/applicant shall construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, The Ontario Plan and the adopted specific plan for the area. These public improvements shall include, but not be limited to, the following (checked boxes):

In lieu of construction of the Main Street improvements, developer/applicant shall pay to the Engineering Department an in lieu fee for the "Fair Share" of the total cost of Main Street, based on the site frontage, currently estimated at \$167,121.00.

Improvement	Mountain Ave.	Sewer Easement	Future Main Street	N/A
<b>Curb and Gutter</b>	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New; 17 ft.+/- from C/L</b> <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> <b>Remove and replace</b>	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
<b>AC Pavement</b>	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
<b>PCC Pavement (Truck Route Only)</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Drive Approach</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace <input type="checkbox"/> replace
<b>Sidewalk</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>ADA Access Ramp</b>	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Parkway</b>	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> <b>Trees</b> <input checked="" type="checkbox"/> <b>Landscaping (w/irrigation)</b>	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)



Raised Landscaped Median	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Fire Hydrant	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral & reconnection of exist laterals	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Reconnection of exist. services.	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	<b>*Abandonment of existing sewer mains</b>	<b>Demolition of existing parking lot</b>	_____
Other	_____	_____	_____	_____



Improvements	_____	_____	_____	_____
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**Specific notes for improvements listed in item no. 2.17, above: \*Abandonment of existing sewer mains within the easements is included in the in lieu fee and will not be physically required of this project.**

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): \_\_\_\_\_
- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide  water service  sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.
- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately \_\_\_\_\_, for undergrounding of utilities in accordance with Section 7-7.303.e of the City's Municipal Code.
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 **An 8-inch sewer main is available for connection by this project in the existing sewer easement along the west side of the property. (Ref: Sewer plan bar code: S11753)**
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 **Other conditions: 1) Developer/applicant shall design and construct a sewer connection to the existing 8-inch main within the easement along the west property line. The design shall be such that, if possible, it may be utilized in the future as the same lateral connection to the proposed sewer main in future Main Street.**  
  
**2) Developer/applicant (occupant) shall apply for a Wastewater Discharge Permit for this establishment and shall comply with all requirements of the permit. Requirements of the permit may include, but not be limited to, installation of wastewater pretreatment equipment (clarifier). For Wastewater Discharge Permit application questions, contact Michael Birmelin, Environmental Programs Director at (909) 395-2661.**

**D. WATER**

- 2.27 **A 12-inch water main is available for connection by this project in Mountain Avenue. (Ref: Water plan bar code: unknown)**
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.29 **Other conditions: 1) Developer/applicant shall provide two (2) separate points of connection to the 12-inch water main in Mountain Avenue for domestic service and irrigation service with a back flow device.**  
  
**2) Developer/applicant shall construct a fire service connection to the 12-inch water main in Mountain Avenue with a DCDA in accordance with City standards.**



**3) Developer/applicant shall up-grade the existing fire hydrant on the project frontage to current City standard.**

**E. RECYCLED WATER**

- 2.30 A \_\_\_\_\_ inch recycled water main is available for connection by this project in \_\_\_\_\_. (Ref: Recycled Water plan bar code: \_\_\_\_\_)
- 2.31 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.32 Design and construct an on-site recycled water ready system for this project. A recycled water main does not currently exist in the vicinity of this project, but is planned for the near future. If Applicant would like to connect to this recycled water main when it becomes available, the cost for the connection shall be borne solely by the Applicant.
- 2.33 Submit two (2) hard copies and one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.

Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2687 regarding this requirement.

- 2.34 Other conditions: \_\_\_\_\_

**F. TRAFFIC / TRANSPORTATION**

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer:
  - 1. On-site and off-site circulation
  - 2. Traffic level of service (LOS) at 'build-out' and future years
  - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions: \_\_\_\_\_

**G. DRAINAGE / HYDROLOGY**

- 2.38 A \_\_\_\_\_ inch storm drain main is available to accept flows from this project in \_\_\_\_\_. (Ref: Storm Drain plan bar code: \_\_\_\_\_)
- 2.39 **Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.**
- 2.40 **An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.**
- 2.41 **Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.**





- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 Other conditions: \_\_\_\_\_

**H. STORM WATER QUALITY / NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES)**

- 2.44 401 Water Quality Certification/404 Permit – Submit a copy of any applicable 401 Certification or 404 Permit for the subject project to the City project engineer. Development that will affect any body of surface water (i.e. lake, creek, open drainage channel, etc.) may require a 401 Water Quality Certification from the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and a 404 Permit from the United States Army Corps of Engineers (USACE). The groups of water bodies classified in these requirements are perennial (flow year round) and ephemeral (flow during rain conditions, only) and include, but are not limited to, direct connections into San Bernardino County Flood Control District (SBCFCD) channels.  
If a 401 Certification and/or a 404 Permit are not required, a letter confirming this from Applicant's engineer shall be submitted.  
Contact information: USACE (Los Angeles District) (213) 452-3414; RWQCB (951) 782-4130.
- 2.45 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcountry.gov/dpw/land/npdes.asp>.**
- 2.46 Other conditions: \_\_\_\_\_

**J. SPECIAL DISTRICTS**

- 2.47 File an application, together with an initial payment deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community facilities District Act of 1982. The application and fee shall be submitted a minimum three (3) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.
- 2.48 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.49 Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole. Generally located \_\_\_\_\_, see Fiber Optic Exhibit herein.
- 2.50 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Information Technology Department at (909) 395-2000, regarding this requirement.

**L. Solid Waste**

- 2.51 **Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual located on line at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>**
- 2.52 Other conditions: \_\_\_\_\_

**3. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPLICANT SHALL:**



- 3.01 Set new monuments in place of any monuments that have been damaged or destroyed as a result of construction of the subject project. Monuments shall be set in accordance with City of Ontario standards and to the satisfaction of the City Engineer.
- 3.02 Complete all requirements for recycled water usage. 
  - 1) Procure from the OMUC a copy of the letter of confirmation from the California Department of Public Health (CDPH) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
  - 2) Obtain clearance from the OMUC confirming completion of recycled water improvements and passing of shutdown tests and cross connection inspection, upon availability/usage of recycled water.
  - 3) Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.
- 3.03 The applicant/developer shall submit all final survey documents prepared by a Licensed Surveyor registered in the State of California detailing all survey monuments that have been preserved, revised, adjusted or set along with any maps, corner records or Records of Survey needed to comply with these Conditions of Approvals and the latest edition of the California Professional Land Survey Act. These documents are to be reviewed and approved by the City Survey Office.
- 3.04 NMC Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 **Confirm payment of all Development Impact Fees (DIF) to the Building Department.**
- 3.06 **Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).**



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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Project Number: **PDEV 17-033**

**The following items are required to be included with the first plan check submittal:**

1.  **A copy of this check list**
2.  **Payment of fee for Plan Checking**
3.  **One (1) copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.**
4.  **One (1) copy of project Conditions of Approval**
5.  Two (2) sets of Potable and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size).
6.  Three (3) sets of Public Street improvement plan with street cross-sections
7.  Three (3) sets of Private Street improvement plan with street cross-sections
8.  Four (4) sets of Public Water improvement plan (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size)
9.  Four (4) sets of Recycled Water improvement plan (include recycled water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size and an exhibit showing the limits of areas being irrigated by each recycled water meter)
10.  Four (4) sets of Public Sewer improvement plan
11.  Five (5) sets of Public Storm Drain improvement plan
12.  Three (3) sets of Public Street Light improvement plan
13.  Three (3) sets of Signing and Striping improvement plan
14.  Three (3) sets of Fiber Optic plan (include Auto CAD electronic submittal)
15.  Three (3) sets of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
16.  Three (3) sets of Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.
17.  **Two (2) copies of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
18.  **One (1) copy of Hydrology/Drainage study**
19.  **One (1) copy of Soils/Geology report**
20.  Payment for Final Map/Parcel Map processing fee
21.  Three (3) copies of Final Map/Parcel Map
22.  One (1) copy of approved Tentative Map



- 23.  **One (1) copy of Preliminary Title Report (current within 30 days)**
- 24.  One (1) copy of Traverse Closure Calculations
- 25.  One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.
- 26.  Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use
- 27.  Other: \_\_\_\_\_



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP17-021

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

## **Part I—BACKGROUND & ANALYSIS**

FAST 5 XPRESS CAR WASH, (herein after referred to as “Applicant”) has filed an application requesting Development Plan approval, File No. PCUP17-021, as described in the subject of this Decision (herein after referred to as “Application” or “Project”).

(1) **Project Setting:** The project site is comprised of 0.93 acres of land located at 2345 S. Grove Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

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

(2) **Project Description:**

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

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

Advisory Board to review Conditional Use Permits in conjunction with Development Plans and make a recommendation to the Planning Commission.

The intent of a CUP application and review is to ensure that the proposed use will be operated in a manner consistent with all local regulations, and to ensure the use will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity. The applicant, Fast 5 Xpress, has been successfully operating self-service-style carwashes at approximately 10 other locations in Southern California. Fast 5 Xpress is in the planning stages for an additional 10 locations, including the City of Ontario.

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

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

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

Per the City of Ontario’s Municipal Code, the allowed equivalent noise level for Mobile Home Parks and for Commercial Property is 65 dBA from 7 a.m. to 10 p.m., unless the ambient noise exceeds the respective City noise limit. The acoustical analysis, performed by Advanced Engineering Acoustics, concluded that since the “proposed project is not planning to operate after 10 p.m., the new project noise study found that the combination of the ambient noise and proposed abated project’s daytime operational car wash noise would not exceed the mobile home noise limit or the city mixed-use noise limit of 65 dBA (see **Exhibit C: Abated Worst Noise Contours**). With incorporation of the acoustical analysis’ noise mitigation measures, the proposed project’s worst-case combined car wash and ambient noise measurements would be in compliance with City of Ontario noise standards. At the time of the acoustical analysis’ submission, two vacuum stations were proposed at the southeast corner of the site, adjacent to the east property line, near the Mobile Home Park and hotel. The applicant has since relocated those vacuum spaces to be in line with the remainder of the vacuums along the south elevation of the building as described above. Additionally, the proposed block wall was only six feet, rather than eight. Since the project now includes a taller wall and

does not propose the two vacuum stalls at the southeast corner of the project site, it can be concluded that the worst-case noise scenario would continue to be below the thresholds as previously analyzed.

### **Part II—RECITALS**

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 Development Advisory Board ("DAB") the responsibility and authority to review and make recommendation to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: *Environmental Determination and Findings.*** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Developments) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions described in this section.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

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

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

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

(1) **The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.** The proposed location, as well as the scale and intensity, of the Conditional Use Permit is in accord with the objectives and purposes of the Commercial land use designation of the Grove Avenue Specific Plan. Furthermore, the proposed car wash land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the Specific Plan. The scale and intensity of the proposed carwash is consistent with other permitted land uses located within the Commercial land use designation of the Grove Avenue Specific Plan. The Commercial land use designation allows for general retail, service, and commercial uses, and permits other specific uses with similar characteristics with a Conditional Use Permit. This type of land use district is intended to provide commercial sales and retail facilities which support business operations within the Grove Avenue Corridor and/or serve the needs of airport-bound visitors, especially uses which can take advantage of high traffic volumes along Grove Avenue. The proposed Conditional Use Permit application is for establishing a self-service carwash. A Development Plan has been submitted in conjunction with the proposed Conditional Use Permit to construct a 4,500 square-foot building to accommodate the carwash and related functions. Furthermore, the project



site is currently developed with a restaurant, which will be demolished to accommodate the carwash facility, and is surrounded on the north, west, and south by other existing commercial uses. The proposed use is not anticipated to create any impacts with implementation of the project's Conditions of Approval; therefore, the proposed use is consistent with the objectives, purposes, and development standards and guidelines of the City's Development Code and the Grove Avenue Specific Plan; and

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed car wash land use will be located within the General Commercial land use district of the Policy Plan Land Use Map, and the Commercial land use designation of the Grove Avenue Specific Plan. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan. The General Commercial land use accommodates local and regional serving retail, personal service, entertainment, dining, office, tourist-serving, and related commercial uses. The proposed Conditional Use Permit and Development Plan applications are for establishing a self-service carwash, which falls under personal services and related commercial uses. The project will be consistent with an array of TOP goals and policies, such as the incorporation of a variety of land uses and quality landscape and streetscape design, and improvement of the neighborhood. The proposed use is not anticipated to create any impacts with enforcement of the project's Conditions of Approval; therefore, the project is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

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

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Planning Commission has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Grove Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located. The project site is located within the Commercial land use designation of the Grove Avenue Specific Plan, for which a carwash is a conditionally-permitted use. The project proposes various improvements to the site, including enhanced landscaping at and beyond the parkway, improved drainage facilities, and a new eight-foot block wall along the east property line for safety and sound attenuation. Overall, the project will be conditioned to ensure

that the proposed use will not be detrimental or injurious to the surrounding property or persons working or living in the surrounding neighborhood.

**SECTION 5: *Development Advisory Board Action.*** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

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

**SECTION 7: *Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

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APPROVED AND ADOPTED this 19th day of March, 2018.

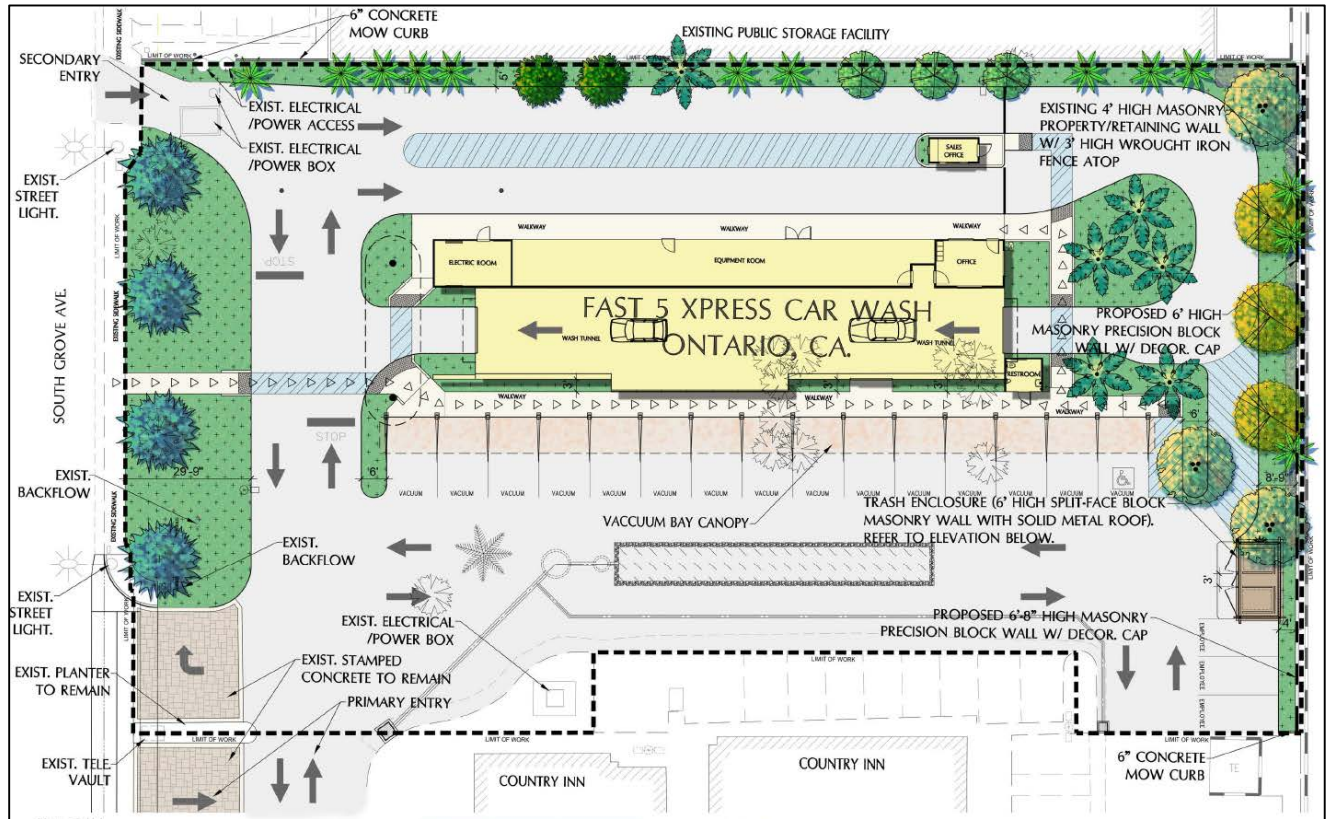
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Development Advisory Board Chairman

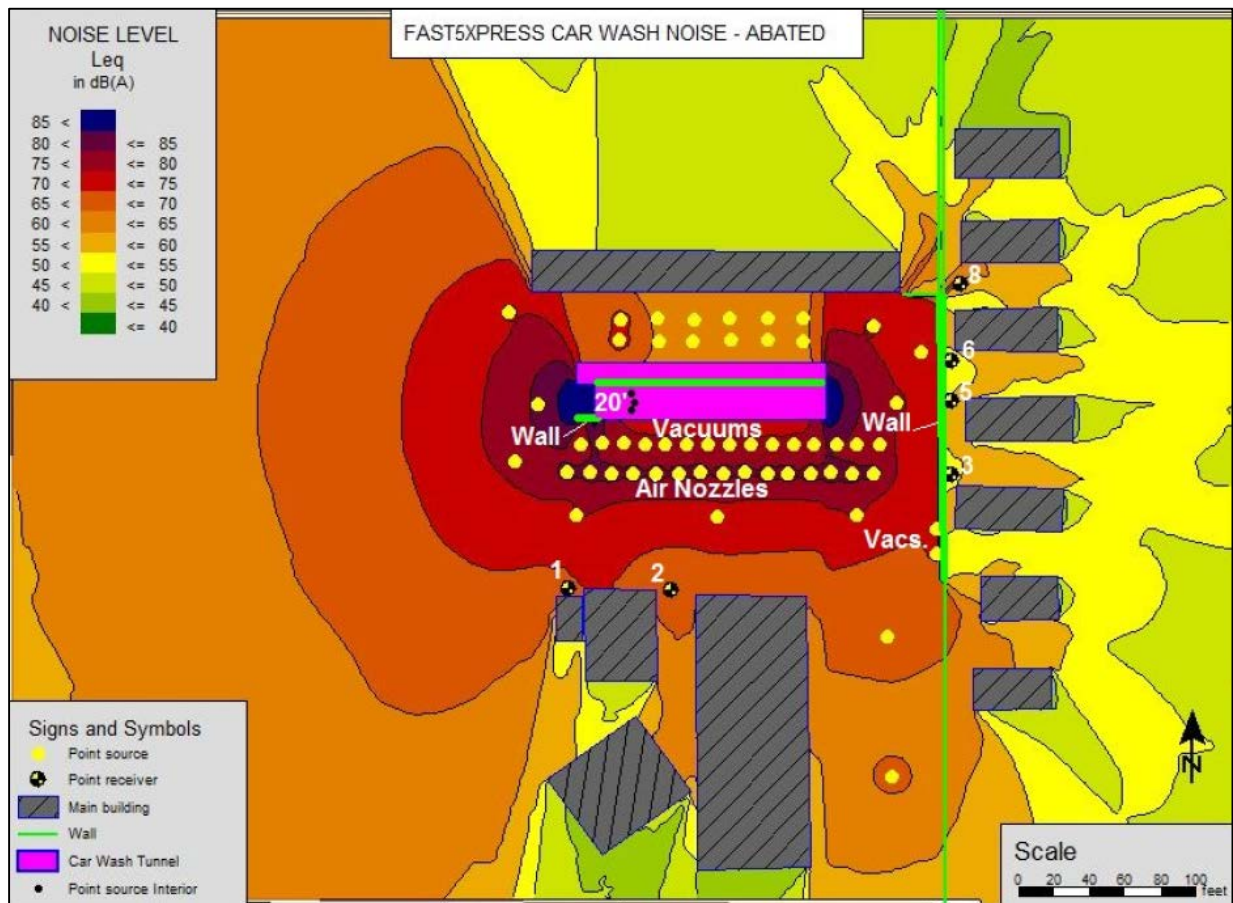
**Exhibit A—PROJECT LOCATION MAP**



**Exhibit B—SITE PLAN AND CONCEPTUAL LANDSCAPE PLAN**



**Exhibit C—ABATED WORST NOISE CONTOURS**



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



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

*Planning Department  
Land Development Division  
Conditions of Approval*

**Meeting Date:** March 19, 2018

**File No:** PCUP17-021

**Related Files:** PDEV17-046

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

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

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

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

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

**2.1** Time Limits.

**(a)** Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

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

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

**2.4** Additional Fees.

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

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

**2.5** Additional Requirements.

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

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

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

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

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

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

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

**(ii)** No patron car radios shall project sound.

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

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



- (c)** The property owner shall maintain the site free of graffiti and/or vandalism.
- (d)** The business and/or property owner shall promptly report any criminal activities occurring on-site to the Ontario Police Department.
- (e)** During regular business hours, the northern driveway approach on Grove Avenue shall be closed off when there are queued vehicles from the car wash within 40 feet from the Grove Avenue right-of-way.



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: September 18, 2017

SUBJECT: FILE #: PCUP17-021

Finance Acct#:

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

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

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

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

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



# CITY OF ONTARIO

## MEMORANDUM

TO: Hassan Haghani, Development Director  
Scott Murphy, Planning Director (Copy of Memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
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Bob Gluck, Code Enforcement Director  
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David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 18, 2017

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Finance Acct#:



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*B. S. S. S.*  
Department \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

# CITY OF ONTARIO

## MEMORANDUM

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

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

KS:lm





# CITY OF ONTARIO MEMORANDUM

TO: Hassan Haghani, Development Director  
 Scott Murphy, Planning Director (Copy of Memo only)  
 Cathy Wahlstrom, Principal Planner (Copy of memo only)  
 Charity Hernandez, Economic Development  
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 Steve Wilson, Engineering/NPDES  
 Bob Gluck, Code Enforcement Director  
 Jimmy Chang, IT Department  
 David Simpson, Development/IT (Copy of memo only)

FROM: Alexis Vaughn, Assistant Planner

DATE: September 18, 2017

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

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

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

*Broadband Ops.*      *Anno Vaca Sr. Systems Analyst*      *11/21/2017*  
 Department                      Signature                      Title                      Date



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PDEV17-046

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

## **Part I—BACKGROUND & ANALYSIS**

FAST 5 XPRESS CAR WASH, (herein after referred to as “Applicant”) has filed an application requesting Development Plan approval, File No. PDEV17-046, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 0.93 acres of land located at 2345 S. Grove Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

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

(2) **Project Description:**

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

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

Advisory Board to review Conditional Use Permits in conjunction with Development Plans and make a recommendation to the Planning Commission.

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

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

Per the City of Ontario's Municipal Code, the allowed equivalent noise level for Mobile Home Parks and for Commercial Property is 65 dBA from 7 a.m. to 10 p.m., unless the ambient noise exceeds the respective City noise limit. The acoustical analysis, performed by Advanced Engineering Acoustics, concluded that since the "proposed project is not planning to operate after 10 p.m.", the new project noise study finds that the combination of the ambient noise and proposed abated project's daytime operational car wash noise would not exceed the mobile home noise limit or the city mixed-use noise limit (see **Exhibit F: Abated Worst Noise Contours**). With incorporation of the acoustical analysis' noise mitigation measures, the proposed project's worst-case combined car wash and ambient noise measurements would be in compliance with City of Ontario noise standards. At the time of the acoustical analysis' submission, two vacuum stations were proposed at the southeast corner of the site, adjacent to the east property line, near the Mobile Home Park and hotel. The applicant has since relocated those vacuum spaces to be in line with the remainder of the vacuums along the south elevation of the building as described above. Additionally, the proposed block wall was only six feet, rather than eight. Since the project now includes a taller wall and does not propose the two vacuum stalls at the southeast corner of the project site, it can be concluded that the worst-case noise scenario would continue to be below the thresholds as previously analyzed.

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

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

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

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

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

- White stucco panels with vertical reveal lines;
- Orange metal awnings;
- Horizontal and angled metal parapets with a contrasting blue band at the base;
- Standing seam metal roof; and
- A decorative architectural element at the carwash tunnel exit along the west elevation, displaying signage for the building. In addition, 15 canopies will be provided for the vacuum stalls, as shown in **Figure 1: Vacuum Bay Canopy**, below.



**Figure 1: Vacuum Bay Canopy**

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



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

### **Part II—RECITALS**

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 Development Advisory Board ("DAB") the responsibility and authority to review and make recommendation to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: Environmental Determination and Findings.** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Developments) of the CEQA Guidelines, which consists of projects characterized as in-fill development meeting the conditions described in this section.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

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

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

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

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

contribute to the overall streetscape along Grove Avenue, per CD2-9 (Landscape Design) and CD3-6 (Landscaping); and

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

(3) ***The proposed development will complement and/or improve upon the quality of existing development in the vicinity of the project and the minimum safeguards necessary to protect the public health, safety and general welfare have been required of the proposed project.*** The Planning Commission has required certain safeguards, and imposed certain conditions of approval, which have been established to ensure that: [i] the purposes of the Grove Avenue Specific Plan are maintained; [ii] the project will not endanger the public health, safety or general welfare; [iii] the project will not result in any significant environmental impacts; [iv] the project will be in harmony with the area in which it is located; and [v] the project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Grove Avenue Specific Plan. The proposed project is complementary to the surrounding commercial development in terms of use and architecture, and will install an extensive landscape buffer along Grove Avenue. Additionally, conditions have been put in place to help mitigate any potential impacts to the Mobile Home Park residential units backing onto the project, along the east property line, and to the Country Inn hotel to the south. All oil, grease, and debris from the car wash bay are captured and hauled to an off-site location for treatment, and water from the car wash bay is recycled and reused. The facility uses non-toxic, biodegradable detergents. Additionally, a condition has been imposed that the on-site management close off the driveway at the northwest corner of the site, should the on-site queueing have cars stacked within 40 feet of the public right-of-way line, further promoting public safety on or near the site; and

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

**SECTION 5: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

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

**SECTION 7: Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

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APPROVED AND ADOPTED this 19th day of March, 2018.

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Development Advisory Board Chairman

**Exhibit A—PROJECT LOCATION MAP**



**Exhibit B—SITE PLAN AND CONCEPTUAL LANDSCAPE PLAN**

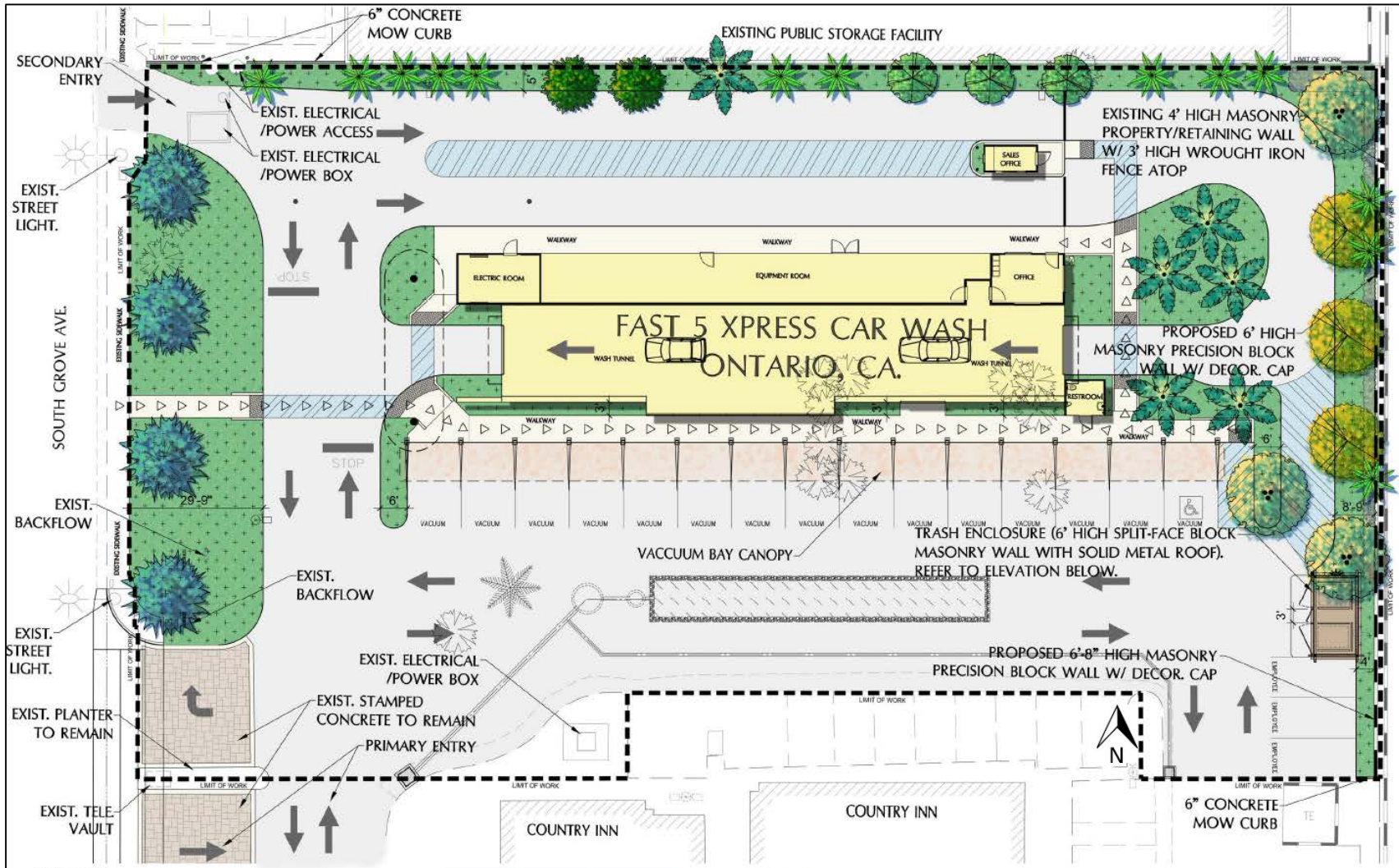
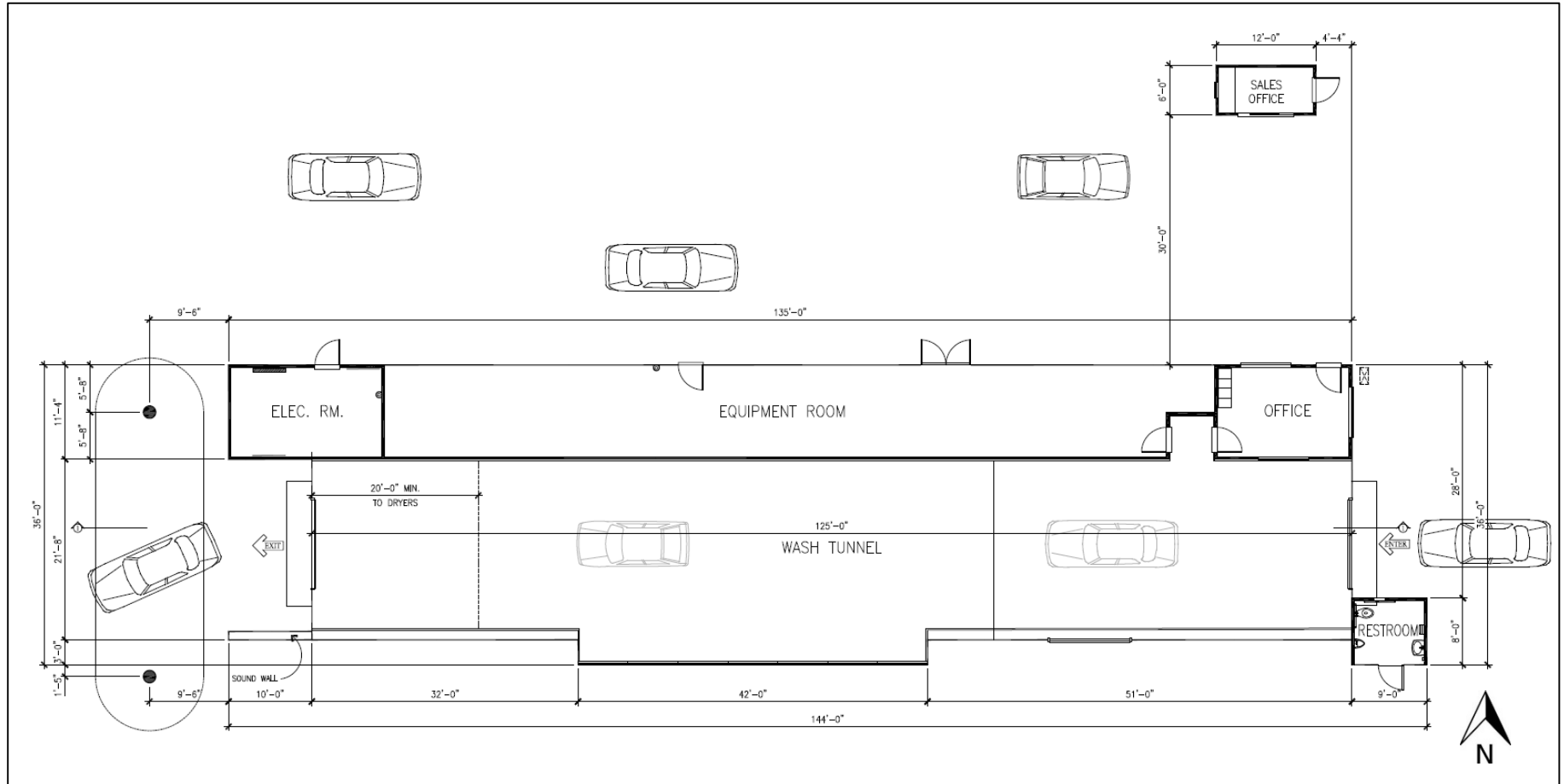
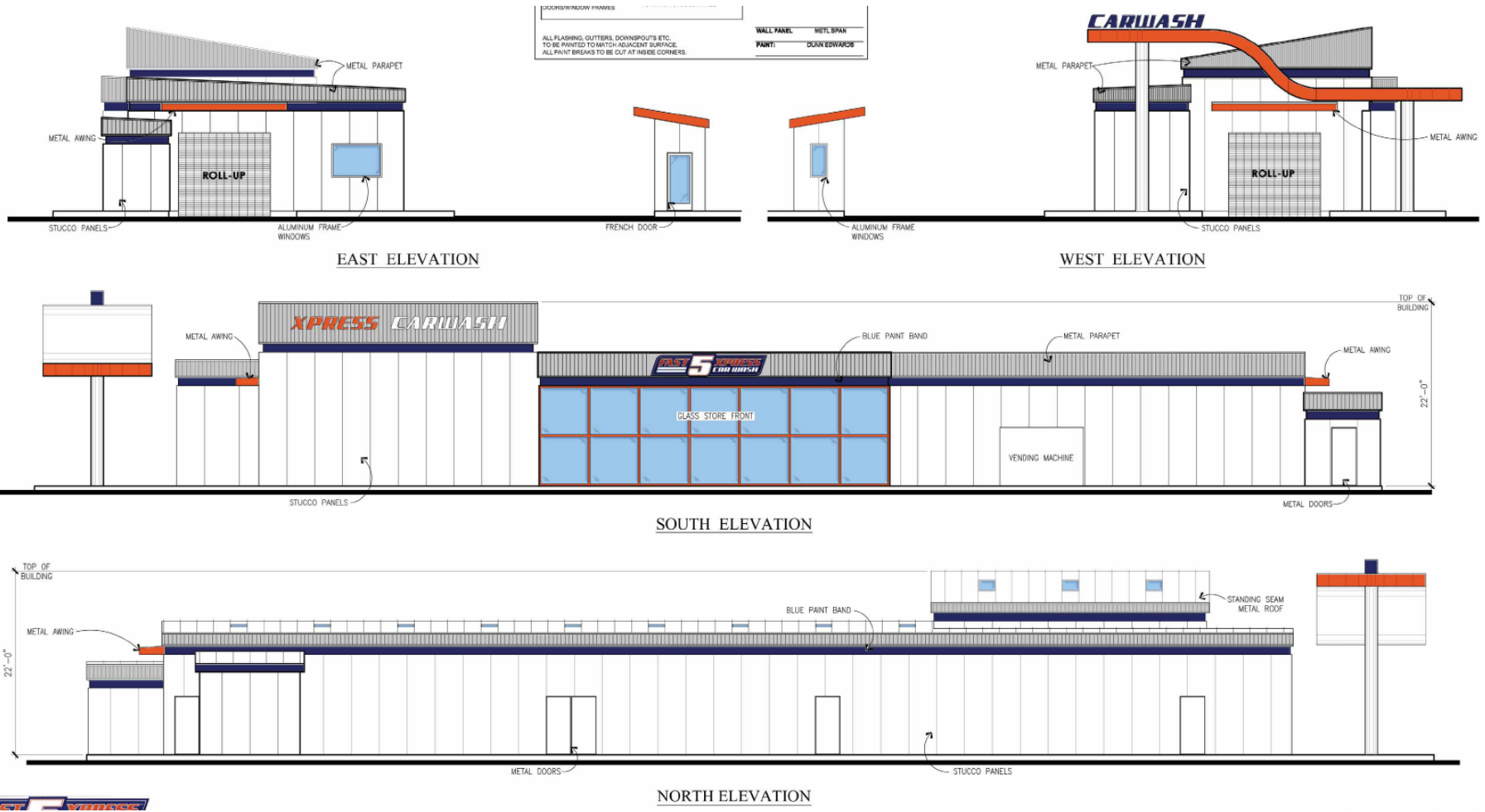


Exhibit C—FLOOR PLAN

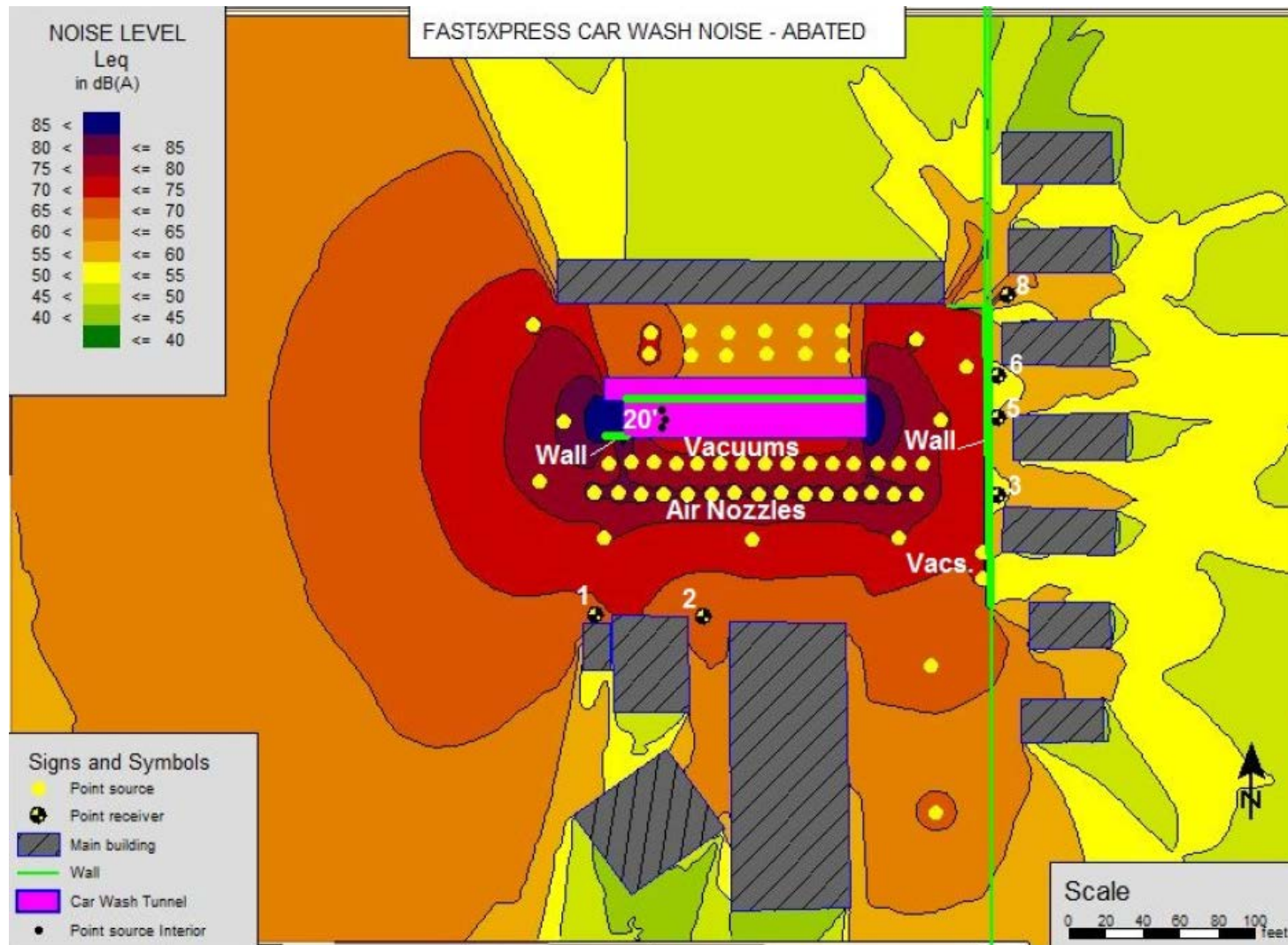


**Exhibit D— ELEVATIONS**





**Exhibit E— ABATED WORST NOISE CONTOURS**



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



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

*Planning Department  
Land Development Division  
Conditions of Approval*

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**Meeting Date:** March 19, 2018

**File No:** PDEV17-046

**Related Files:** PCUP17-021

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

**Prepared By:** Alexis Vaughn, Assistant Planner  
Phone: 909.395.2416 (direct)  
Email: [avaughn@ontarioca.gov](mailto:avaughn@ontarioca.gov)

---

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

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

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

**2.1** Time Limits.

**(a)** Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

### **2.3** Landscaping.

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

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

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

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

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

### **2.5** Parking, Circulation and Access.

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

(b) All drive approaches shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

### **2.6** Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking

areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

## **2.7** Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

**2.9** Signs. All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations). Signage requires a separate sign permit review and approval.

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

## **2.11** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.13** Additional Fees.

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

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

**2.14** Additional Requirements.

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

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

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

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

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

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

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

**(ii)** No patron car radios shall project sound.

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

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

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

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

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



# CITY OF ONTARIO MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: January 04, 2018

REVISION NO. 1

SUBJECT: FILE #: PDEV17-046

Finance Acct#:

The following project has been resubmitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, January 18, 2018**.

**PROJECT DESCRIPTION:** A Development Plan to construct a 4,500-square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land located at 2345 South Grove Avenue, within the Commercial land use district of the Grove Avenue Specific Plan (APN 0216-081-25). Related File: PCUP17-021.

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

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

The plan does not adequately address the departmental concerns.

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

Landscape Planning Carolyn Bell Sr landscape Architect  
 Department Signature Title Date 1/30/18

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

**PRELIMINARY PLAN CORRECTIONS**

Sign Off

*Carolyn Bell*  
Carolyn Bell, Sr. Landscape Planner

1/29/18  
Date

Reviewer's Name:  
**Carolyn Bell, Sr. Landscape Planner**

Phone:  
**(909) 395-2237**

D.A.B. File No.:  
PDEV17-046 Rev 1

Case Planner:  
Alexis Vaughn

Project Name and Location:  
Self Service Car Wash – Fast 5 Express  
2345 S Grove Ave  
Applicant/Representative:  
Don Vogel  
567 San Nicolas Dr ste 390  
Newport Beach, Ca 92660

<input checked="" type="checkbox"/>	<b>A Preliminary Landscape Plan (dated 1/3/18 ) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.</b>
<input type="checkbox"/>	<b>A Preliminary Landscape Plan (dated ) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.</b>

**CORRECTIONS REQUIRED**

Landscape Plans

1. Provide a tree inventory for existing trees: Include existing trees within 15' of adjacent property ( east side) that would be affected by new walls, footings or on-site tree planting.
2. Show appropriate parking lot shade trees with min 30' canopy at maturity such as Pistache, Ulmus, Koelreuteria, etc. Ok to avoid canopy area. Add shade trees in the west planter in place of 5 Queen palms. Relocate palms to narrow planters such as the NE and NW and SE planters at car wash bldg. Move Oak in 6' planter by ADA space to the larger planter area to north.
3. preliminary MAWA calculation.
4. Hydrozone #1, change moderate water plants to all low water plants or show 2 shrub hydrozones.
5. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Fees are:
  - Plan Check—less than 5 acres .....\$1,301.00
  - Inspection—Construction (up to 3 inspections per phase) .....\$278.00
  - Total Invoice #232018.....\$1509.00

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





# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

**DAB MEETING DATE:** March 19<sup>th</sup>, 2018

**PROJECT:** PDEV17-046, a Development Plan to construct a 4,500-square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land.

**APN:** 0216-081-25

**LOCATION:** 2345 South Grove Avenue

**PROJECT ENGINEER:** Antonio Alejos, Engineering Assistant *AA* (909) 395-2384

**PROJECT PLANNER:** Alexis Vaughn, Assistant Planner (909) 395-2416

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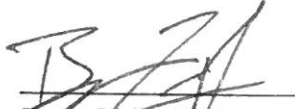
**The following items are the Conditions of Approval for the subject project:**

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. The Applicant/Developer shall equip the existing service for domestic and irrigation use with a backflow device per City standards.
3. The Applicant/Developer shall equip the existing sewer system with a sand & oil separator per City Standard Drawing Number 2202.
4. The Applicant/Developer shall abandon the existing sewer lateral and fire service no longer to be used per City standards.
5. The Applicant/Developer shall install parkway landscaping along the entire property frontage on Grove Avenue.
6. The Applicant/Developer shall replace the existing street light fixture with a current City approved LED equivalent fixture for one (1) existing street light located north of the southerly shared driveway approach fronting Grove Avenue in accordance with the Traffic & Transportation Guidelines Section 1.4 Street Light Plans.


7. The Applicant/Developer shall reconstruct the existing shared southerly driveway approach and conform to the City's standard commercial driveway approach per City Standard Drawing Number 1204.
  - a. The Applicant/Developer shall be responsible for street light relocation per City standards if the geometric changes to the driveway conflict with the existing street light.
8. The Applicant/Developer shall construct a new 2-bin trash enclosure with a solid roof per the Refuse & Recycling Planning Manual.
9. The Applicant/Developer or Occupant shall apply for a Wastewater Discharge Permit for the establishment, and shall comply will all the requirements of the Wastewater Discharge Permit.
  - a. Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact:
    - i. Michael Birmelin, Environmental Programs Director  
Email: [omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)  
Phone: (909) 395-2661
10. The Applicant/Developer shall pay an In-Lieu Fee, approximately \$25,000, to the Engineering Department for the installation of a future 48-inch storm drain along the project frontage at Grove Avenue. Final fee shall be determined based on the approved storm drain in-lieu fee cost estimate.
11. The Applicant/Developer shall pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$20,000, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.
12. Submit a Hydrology Report/Drainage Study. This study shall be approved by the Engineering Department prior to approval of any grading plan.
  - a. An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
13. Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.
14. Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.

Project File No. PDEV17-046 (Related to PCUP17-021)  
Project Engineer: Antonio Alejos  
DAB Date: 03/19/18

15. Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).
16. During regular business hours the northern driveway approach on Grove Avenue shall be closed-off when there are queued vehicles from the car wash within 40-ft from the Grove Avenue right-of-way.

  
\_\_\_\_\_  
Bryan Lirley, P.E.  
Principal Engineer

3/5/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Khoi Do, P.E.  
Assistant City Engineer

3/5/18  
\_\_\_\_\_  
Date



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Planning Department

**FROM:** Douglas Sorel, Police Department

**DATE:** September 27, 2017

**SUBJECT:** PDEV17-046 AND PCUP17-021: A DEVELOPMENT PLAN AND  
CONDITIONAL USE PERMIT APPLICATION TO CONSTRUCT AND  
ESTABLISH A CAR WASH AT 2345 SOUTH GROVE AVENUE

The "Standard Conditions of Approval" contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements below.

- Required lighting for walkways, driveways, doorways, parking lots and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed and maintained on the building as stated in the Standard Conditions.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.

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

- The business shall install and maintain a video surveillance system. Cameras shall be installed to cover, at a minimum, the car wash entrance, the car wash exit, all pedestrian doors leading into the business, all cash registers, and any coin payment boxes. Each camera shall record at a minimum resolution of 640x480 and a minimum of fifteen (15) frames per second. Recorded video shall be retained for a minimum of 30 days and made available to the Police Department upon request.
- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building.

structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Alexis Vaughn, Assistant Planner  
Planning Department

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

**DATE:** September 19, 2017

**SUBJECT:** PDEV17-046 - A Development Plan to construct a 4,500 square foot self-service carwash (Fast 5 Xpress) on 0.93 acres of land within the commercial land use designation of the Grove Avenue Specific Plan, located at 2345 South Grove Avenue. (APN 0216-081-25)

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

### **SITE AND BUILDING FEATURES:**

- A. 2016 CBC Type of Construction: Type V
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 4,509 Sq. Ft
- D. Number of Stories: 1
- E. Total Square Footage: 4,509 Sq. Ft
- F. 2016 CBC Occupancy Classification(s): B

### **CONDITIONS OF APPROVAL:**

#### **1.0 GENERAL**

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

1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

## **2.0 FIRE DEPARTMENT ACCESS**

2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.

2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.

2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.

2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

## **3.0 WATER SUPPLY**

3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 1750 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inchont (p.s.i.) residual operating pressure.

3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300’) apart, per Engineering Department specifications.

3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

## **4.0 FIRE PROTECTION SYSTEMS**

4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire

Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

- 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

## **5.0 BUILDING CONSTRUCTION FEATURES**

- 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

## **6.0 OTHER SPECIAL USES**

- 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.





# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Alexis Vaughn, Assistant Planner

DATE: September 18, 2017



SUBJECT: **FILE #: PDEV17-046**

Finance Acct#:

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

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

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

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

*Building*  
Department \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

# CITY OF ONTARIO MEMORANDUM

**TO:** PLANNING DEPARTMENT, Alexis Vaughn  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** October 2, 2017  
**SUBJECT:** PDEV17-046

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

---

### Conditions of Approval

1. Standard Conditions of Approval apply.

KS:1m



# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-046 and PCUP17-021  
 Address: 2345 South Grove Avenue  
 APN: 0216-081-25  
 Existing Land Use: restuarant  
 Proposed Land Use: 4,500 SF self service car wash  
 Site Acreage: 0.93 Proposed Structure Height: 25 ft  
 ONT-IAC Project Review: N/A  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Alexis Vaughn  
 Date: 11/7/17  
 CD No.: 2017-066  
 PALU No.: n/a

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

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

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6  
 Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

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





# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP18-001

**DESCRIPTION:** A Conditional Use Permit to establish a 5,781-square foot automobile sales facility (Carvana) on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 0210-551-01); **submitted by Carvana, LLC.**

### **Part I—BACKGROUND & ANALYSIS**

CARVANA, LLC, (herein after referred to as “Applicant”) has filed an application requesting Development Plan approval, File No. PCUP18-001, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Vacant	Office Commercial	OH (High Intensity Office)	N/A
<i>North:</i>	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	N/A
<i>South:</i>	Office	Office Commercial	SP (Specific Plan)	Office (Centrelake Specific Plan)
<i>East:</i>	Hotel	Office Commercial	SP (Specific Plan)	Commercial/Hotel (Centrelake Specific Plan)
<i>West:</i>	Vacant	Guasti Mixed Use	SP (Specific Plan)	Office/Commercial (Guasti Plaza Specific Plan)

The subject application is being processed in conjunction with a Zone Change request (refer to File No. PZC18-001), which will change the zoning designation on the project site from OH (High Intensity Office) to CR (Regional Commercial). Furthermore, the project has been conditioned such that project approval will not be final and conclusive until the Zone Change is approved by the City Council and enacted pursuant to State law.

(2) **Project Description:** The Applicant is requesting Conditional Use Permit approval to establish an automobile sales facility for Carvana, an on-line retailer of previously owned late model

automobiles. This application was filed in conjunction with a Development Plan (refer to File No. PDEV18-003) to construct the proposed facility.

The proposed facility will significantly differ from traditional automobile sales facilities. In lieu of utilizing large surface parking areas to store and display vehicle inventory on-site, the Applicant facilitates the sale of late model used vehicles online. Those vehicles are then made available for customer pickup at their state-of-the-art "vending machine" structure at one of their fulfillment centers (proposed automobile sales facility). The vending machine allows vehicles to be stacked temporarily, in a vertical configuration, until they are picked-up by their purchasers. Only cars that have been purchased on-line will be stored on the project site.

As shown in Exhibits C-1 and C-2 (Exterior Elevations), attached, the proposed facility consists of a contemporary, single-story building, which incorporates a 70-foot tall, seven level glass and steel tower, which stores vehicles that have been previously purchased on-line, which are ready to be picked up by their new owners. Prior to picking up their vehicle, the purchaser has been mailed a token, which activates the vending machine. Upon completing necessary paperwork, the purchaser may place their token in the vending machine, and their car is brought down from the tower via an automated delivery system, which delivers their vehicle to one of two delivery bays in the building.

Proposed hours of operation are Monday through Sunday, from 9:00AM to 7:00PM, by appointment only. The facility will ultimately employ 10 to 12 people at the proposed location, with employees working in shifts of 3 to 5 persons at any one time. Employee activities include setting up appointments with customers to schedule pick-up of their purchased vehicles, assisting in the off-loading of vehicles from delivery trucks, the loading of vehicles into the vending machine, finalization of purchase paperwork, and welcoming customers to the facility and presenting them with their new car.

The delivery of vehicles to the site will be via a nine-car delivery truck. The Applicant owns and operates their own fleet of delivery vehicles, and drivers are employees of the Applicant, thereby allowing the Applicant to control all aspects of vehicle deliveries to the site, including delivery days and times. The Applicant anticipates that there will be one delivery of vehicles to the site per day.

## ***Part II—RECITALS***

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 Development Advisory Board ("DAB") the responsibility and authority to review and make recommendation to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: *Environmental Determination and Findings.*** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) of the CEQA Guidelines, and is consistent with the following conditions.

(a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(c) The project site has no value as habitat for endangered, rare, or threatened species;

(d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

**SECTION 2: *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the DAB finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is

not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

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

(1) ***The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.*** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the CR (Regional Commercial) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located; and

(2) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed automobile sales facility land use will be located within the Commercial Office land use district of the Policy Plan Land Use Map, and the CR (Regional Commercial) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(3) ***The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code.*** The proposed automobile sales facility land use is located with the Commercial Office land use district, and the CR (Regional Commercial) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

(4) ***The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*** The Development Advisory Board has required certain safeguards, and impose certain conditions of approval, which have been established to ensure that: [i] the purposes of the Development Code are maintained; [ii] the project will not endanger the public health, safety or general



welfare; [iii] the project will not result in any significant environmental impacts; and [iv] the project will be in harmony with the surrounding area in which it is proposed to be located.

**SECTION 5: *Development Advisory Board Action.*** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVE the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

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

**SECTION 7: *Custodian of Records.*** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

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APPROVED AND ADOPTED this 19th day of March 2018.

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Development Advisory Board Chairman

**Exhibit A—PROJECT LOCATION MAP**

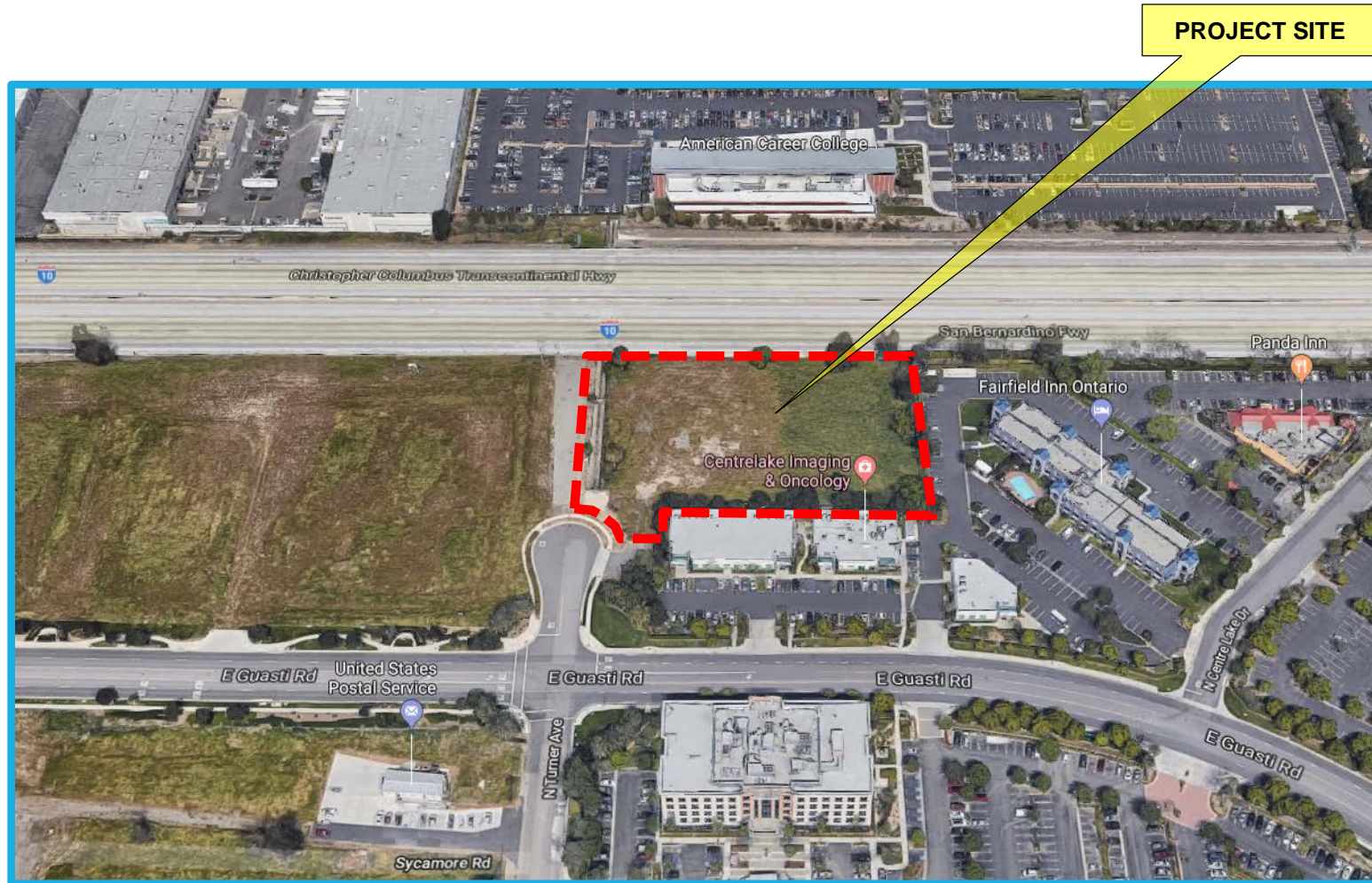
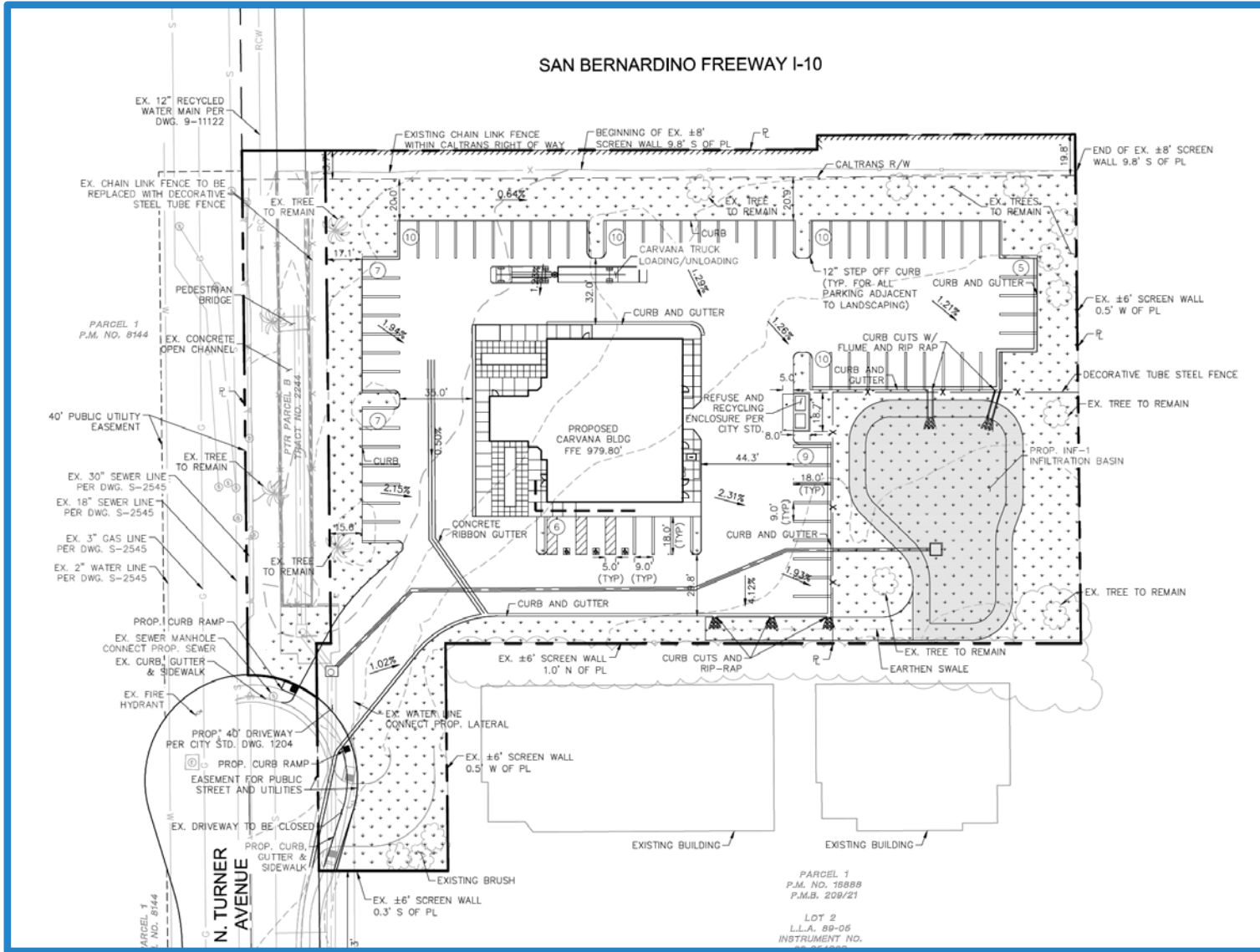
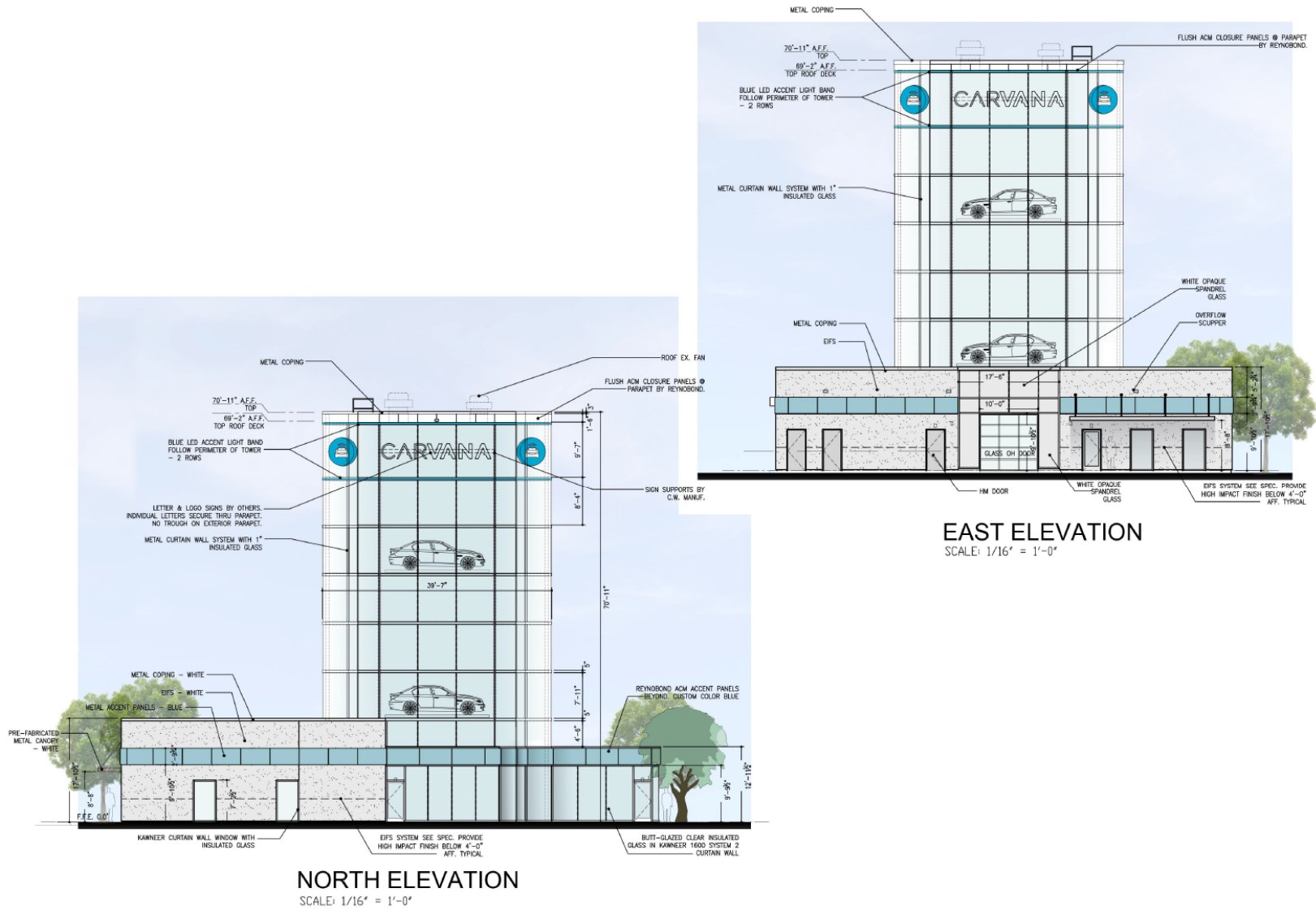


Exhibit B—SITE PLAN

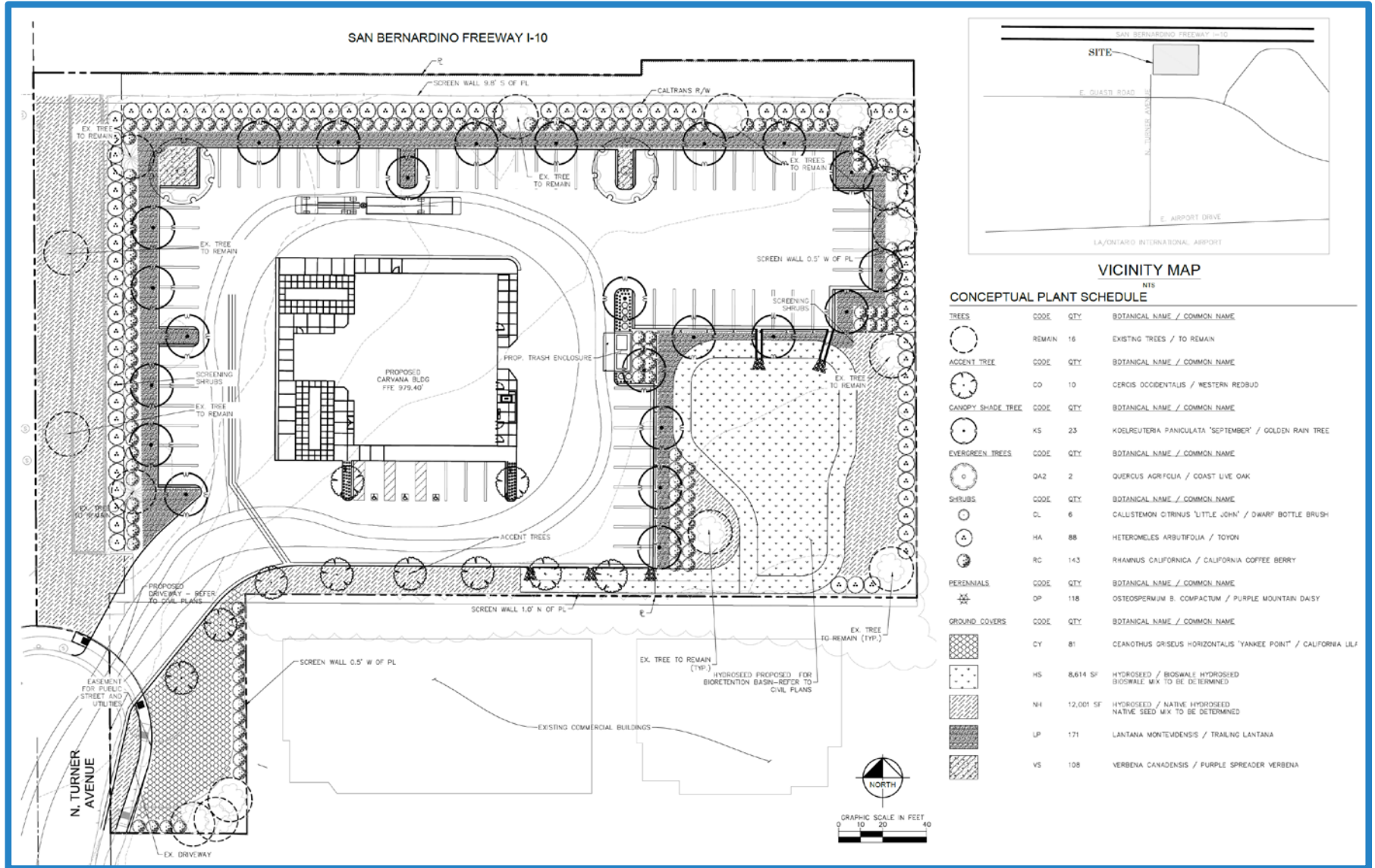


**Exhibit C1—EXTERIOR ELEVATIONS**





**Exhibit D—LANDSCAPE PLAN**



**CONCEPTUAL PLANT SCHEDULE**

TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME
REMAIN	REMAN	16	EXISTING TREES / TO REMAIN
ACCENT TREE	CODE	QTY	BOTANICAL NAME / COMMON NAME
CANOPY SHADE TREE	CODE	QTY	BOTANICAL NAME / COMMON NAME
EVERGREEN TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME
SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME
PERENNIALS	CODE	QTY	BOTANICAL NAME / COMMON NAME
GROUND COVERS	CODE	QTY	BOTANICAL NAME / COMMON NAME

CO	10	CERCIS OCCIDENTALIS / WESTERN REDBUD
KS	23	KOELREUTERIA PANICULATA 'SEPTEMBER' / GOLDEN RAIN TREE
DA2	2	QUERCUS AGRIFOLIA / COAST LIVE OAK
CL	6	CALLISTEMON CITRINUS 'LITTLE JOHN' / DWARF BOTTLE BRUSH
HA	88	HETEROMELES ARBUTIFOLIA / TOYON
RC	143	RHAMNUS CALIFORNICA / CALIFORNIA COFFEE BERRY
DP	118	OSTEOSPERMUM B. COMPACTUM / PURPLE MOUNTAIN DAISY
CY	81	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT' / CALIFORNIA LILY
HS	8,614 SF	HYDROSEED / BIOSWALE HYDROSEED BIOSWALE MIX TO BE DETERMINED
NH	12,001 SF	HYDROSEED / NATIVE HYDROSEED NATIVE SEED MIX TO BE DETERMINED
LP	171	LANTANA MONTEVIDENSIS / TRAILING LANTANA
VS	108	VERBENA CANADENSIS / PURPLE SPREADER VERBENA

## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



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

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

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**Meeting Date:** 03/19/2018

**File No:** PCUP18-001

**Related Files:** PPDEV18-003

**Project Description:** A Conditional Use Permit (File No. PCUP18-001) to establish a 5,781-square foot automobile sales facility (Carvana) on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 0210-551-01); **submitted by Carvana, LLC.**

**Prepared By:** Charles Mercier, Senior Planner  
Phone: 909.395.2425 (direct)  
Email: cmercier@ontarioca.gov

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

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

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

**2.1 Time Limit.** Conditional Use Permit approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.



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

### **2.3** Landscaping.

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

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

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

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

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

### **2.5** Parking, Circulation and Access.

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

(b) The Turner Avenue drive approach shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

### **2.6** Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking

areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

## **2.7** Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

## **2.11** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.13** Additional Fees. Following the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

**2.14** Additional Requirements.

**(a)** The approval of File No. PCUP18-001 shall not be final and conclusive until such time that the Ordinances for File Nos. PDCA18-001 (Development Code Amendment) and PZC18-001 (Zone Change) have been approved by the City Council and enacted pursuant to State law.

**(b)** The approval of File No. PCUP18-001 shall not be final and conclusive until File No. PDEV18-003 has been approved by the Planning Commission.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-003 & PCUP18-001

Address: 520 N Turner Ave

APN: 0210-551-01

Existing Land Use: Vacant

Proposed Land Use: Construct a 5,781 SF Auto Sales Facility

Site Acreage: 2.3 ac Proposed Structure Height: 70 FT

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Charles Mercier

Date: 2/20/18

CD No.: 2018-004

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>110 FT</u>	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

The maximum height limit for the project site is 110 feet and any construction equipment such as cranes or any other equipment exceeding 110 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need to be filed and approved by the FAA prior to operating any such equipment.

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

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

**PRELIMINARY PLAN CORRECTIONS**

**Sign Off**

<i>Carolyn Bell</i>	2/5/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: <b>Carolyn Bell, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.: PDEV18-003 & PCUP18-001	Case Planner: Chuck Mercier
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Project Name and Location: Carvana Commercial Building 520 N Turner Ave
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Applicant/Representative: Sean matsler – Manatt, Phelps & Phillips, LLP 695 Town Center Drive 14 <sup>th</sup> Flr Costa Mesa, CA 92626
--

<input checked="" type="checkbox"/>	<b>A Preliminary Landscape Plan (dated 1/10/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.</b>
<input type="checkbox"/>	<b>A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.</b>

**CORRECTIONS REQUIRED**

Civil/ Site Plans

1. Show transformers located in planter areas, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Located on level grade. Coordinate with landscape plans.
2. Show backflow devices shall be located in planter areas and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
3. Locate utilities including light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
4. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
5. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs. Call out 12" wide curbs, pavers or DG paving with edging where parking spaces are adjacent to planters.
6. Show parking lot island tree planters at each row end, missing on the NE and NW sides of the building.
7. Show outdoor employee break area with table or bench and shade trees on the south and west sides.

Landscape Plans

8. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
9. Show backflows, trash enclosures and transformers, and show a 4' set back from paving with

landscape screening.

10. Show light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans to show all utilities on the landscape plans. Coordinate so utilities are clear of required tree locations.
11. Show parkway landscape and street trees spaced 30' apart.
12. Show ADA access route from the public sidewalk, ADA path to employee break area and ADA path to adjacent industrial buildings within the same development. Include required ADA parking spaces and access aisles.
13. Show parking lot island tree planters at each row end.
14. Call out type of proposed irrigation system (dripline and tree stream spray bubblers) and include preliminary MAWA calculation.
15. Show landscape hydrozones to separate water use areas or note type in legend.
16. Note that irrigation plans shall provide systems for trees with stream bubblers with pc screens.
17. Replace short lived, high maintenance or poor performing plants: Lantana, Ceanothus (except in afternoon shade areas), Agave, except where protected from frost. Remove hydroseed proposed for the concrete channel area.
18. Street trees for this project are: Brachychiton populneus 24" box 25-30' oc.
19. Show concrete mowstrips to identify property lines along open areas or to separate ownership or between maintenance areas.
20. Construction plans shall be designed and signed by a licensed landscape architect.
21. Show outdoor patio or employee break area with table or bench and shade trees on the south and west sides.
22. Show minimum on-site tree sizes per the Landscape Development standards, see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon.
23. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, Sambucus Mexicana, etc.) in appropriate locations.
24. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
25. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—less than 5 acres .....	\$1,301.00
Inspection—Construction (up to 3 inspections per phase) .....	\$278.00
Total .....	\$1,579.00

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

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Charles Mercier  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** January 12, 2018  
**SUBJECT:** PCUP18-001

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

KS:lm



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Chuck Mercier, Planning Department

**FROM:** Douglas Sorel, Police Department

**DATE:** January 23, 2018

**SUBJECT:** PCUP18-001: A REQUEST FOR A CUP TO ESTABLISH AN  
AUTOMOTIVE SALES BUSINESS AT TURNER AVENUE AND  
INTERSTATE 10

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The Applicant proposes to operate an automotive sales business at the location. The Ontario Police Department has no objection to the establishment of an auto sales business at the location provided the following conditions are met:

1. Vehicles shall not be parked, stored, or otherwise kept on the public street in violation of any posted street sign or the Ontario Municipal Code.
2. Graffiti abatement by the business owner/licensee or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed unabated on the premises for more than 72 hours. Abatement shall take the form of removal, or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated. Additionally, the business owner/licensee, or management shall notify the City within 24 hours at (909) 395-2626 (graffiti hotline) of any graffiti elsewhere on the property not under the business owner/licensee's or management control so that it may be abated by the property owner and/or the City's graffiti team.
3. The applicant will be responsible for keeping the grounds of the business clean from debris and litter as much as possible.

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





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Charles, Senior Planner  
Planning Department

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

**DATE:** January 15, 2018

**SUBJECT:** PDEV18-003 - A Development Plan to construct a 5,781-square foot, 70-foot high commercial building for automotive sales (Carvana) in conjunction with a Conditional Use Permit to establish and operate an automotive sales facility, on 2.33 acres of land, located at the southeast corner of Interstate-10 Freeway and Turner Avenue, at 520 North Turner Avenue, within the OH (High Intensity Office) zoning district (APN: 0210-551-01). Related File: PCUP18-001.

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

### **SITE AND BUILDING FEATURES:**

- A. 2016 CBC Type of Construction: Not listed
- B. Type of Roof Materials: Not listed
- C. Ground Floor Area(s): 5,781 Sq. Ft.
- D. Number of Stories: One Story (70 Ft. High)
- E. Total Square Footage: 5,781 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): M

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### **4.0 FIRE PROTECTION SYSTEMS**

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

## **5.0 BUILDING CONSTRUCTION FEATURES**

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

## **6.0 OTHER SPECIAL USES**

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.

## **7.0 PROJECT SPECIFIC CONDITIONS**

- ☒ 7.1 After meeting with the project manager, it was disclosed that the racking system that holds the automobiles has a built-in sprinkler system. It was agreed that the structure itself would not require a separate sprinkler system.



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Charles Mercier, Senior Planner

DATE: January 10, 2018

SUBJECT: FILE #: PCUP18-001

Finance Acct#:



The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, January 24, 2018**.

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

**PROJECT DESCRIPTION:** A Conditional Use Permit to establish and operate an automotive sales use in conjunction with a Development Plan to construct a 5,781 square foot, 70 foot high (8 Tier) tower commercial building for automotive sales (Carvana) on 2.33 acres of land, within the High Intensity Office zoning district, located on the southeast corner of the I-10 Freeway and Turner Avenue (520 N. Turner Avenue). APN: 0210-551-01  
 Related Files:PDEV18-003

- The plan does adequately address the departmental concerns at this time.
  - No comments
  - Report attached (1 copy and email 1 copy)
  - Standard Conditions of Approval apply

- The plan does not adequately address the departmental concerns.
  - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Code                      RLR                      1-11-18                      Code Mgr  
 Department                      Signature                      Title                      Date



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PDEV18-003

**DESCRIPTION:** A Development Plan to construct a 5,781-square foot, 70-foot high automobile sales facility (Carvana) on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 0210-551-01); **submitted by Carvana, LLC.**

## **Part I—BACKGROUND & ANALYSIS**

CARVANA, LLC, (herein after referred to as “Applicant”) has filed an application requesting Development Plan approval, File No. PDEV18-003, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Vacant	Office Commercial	OH (High Intensity Office)	N/A
<i>North:</i>	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	I-10 (San Bernardino Freeway)	N/A
<i>South:</i>	Office	Office Commercial	SP (Specific Plan)	Office (Centrelake Specific Plan)
<i>East:</i>	Hotel	Office Commercial	SP (Specific Plan)	Commercial/Hotel (Centrelake Specific Plan)
<i>West:</i>	Vacant	Guasti Mixed Use	SP (Specific Plan)	Office/Commercial (Guasti Plaza Specific Plan)

The subject application is being processed in conjunction with a Zone Change request (refer to File No. PZC18-001), which will change the zoning designation on the project site from OH (High Intensity Office) to CR (Regional Commercial). Furthermore, the project has been conditioned such that project approval will not be final and conclusive until the Zone Change is approved by the City Council and enacted pursuant to State law.

(2) **Project Description:** The Applicant is requesting Development Plan approval to construct an automobile sales facility for Carvana, an on-line retailer of previously owned late model automobiles.

This application was filed in conjunction with a Conditional Use Permit (refer to File No. PCUP18-001) to establish the proposed facility.

The proposed facility will significantly differ from traditional automobile sales facilities. In lieu of utilizing large surface parking areas to store and display vehicle inventory on-site, the Applicant facilitates the sale of late model used vehicles online. Those vehicles are then made available for customer pickup at their state-of-the-art "vending machine" structure at one of their fulfillment centers (proposed automobile sales facility). The vending machine allows vehicles to be stacked temporarily, in a vertical configuration, until they are picked-up by their purchasers. Only cars that have been purchased on-line will be stored on the project site.

As shown in Exhibits C-1 and C-2 (Exterior Elevations), attached, the proposed facility consists of a contemporary, single-story building, which incorporates a 70-foot tall, seven level glass and steel tower, which stores vehicles that have been previously purchased on-line, which are ready to be picked up by their new owners. Prior to picking up their vehicle, the purchaser has been mailed a token, which activates the vending machine. Upon completing necessary paperwork, the purchaser may place their token in the vending machine, and their car is brought down from the tower via an automated delivery system, which delivers their vehicle to one of two delivery bays in the building.

Proposed hours of operation are Monday through Sunday, from 9:00AM to 7:00PM, by appointment only. The facility will ultimately employ 10 to 12 people at the proposed location, with employees working in shifts of 3 to 5 persons at any one time. Employee activities include setting up appointments with customers to schedule pick-up of their purchased vehicles, assisting in the off-loading of vehicles from delivery trucks, the loading of vehicles into the vending machine, finalization of purchase paperwork, and welcoming customers to the facility and presenting them with their new car.

The delivery of vehicles to the site will be via a nine-car delivery truck. The Applicant owns and operates their own fleet of delivery vehicles, and drivers are employees of the Applicant, thereby allowing the Applicant to control all aspects of vehicle deliveries to the site, including delivery days and times. The Applicant anticipates that there will be one delivery of vehicles to the site per day.

## **Part II—RECITALS**

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 Development Advisory Board ("DAB") the responsibility and authority to review and make recommendation to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: *Environmental Determination and Findings.*** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) of the CEQA Guidelines, and is consistent with the following conditions.

- (a) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare, or threatened species;
- (d) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The Project site can be adequately served by all required utilities and public services.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

**SECTION 2: *Housing Element Compliance.*** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the DAB finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project will be consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan, as the project site is



not one of the properties in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix.

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

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

(1) ***The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.*** The proposed Project is located within the Commercial Office land use district of the Policy Plan Land Use Map, and the CR (Regional Commercial) zoning district, which will be in effect at time of project construction. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

(2) ***The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.*** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the CR (Regional Commercial) zoning district, which will be in effect at time of project construction, including standards relative to the particular land use proposed (automobile sales facility), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

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

(4) **The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (automobile sales facility). As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

**SECTION 5: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVE the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

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

**SECTION 7: Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

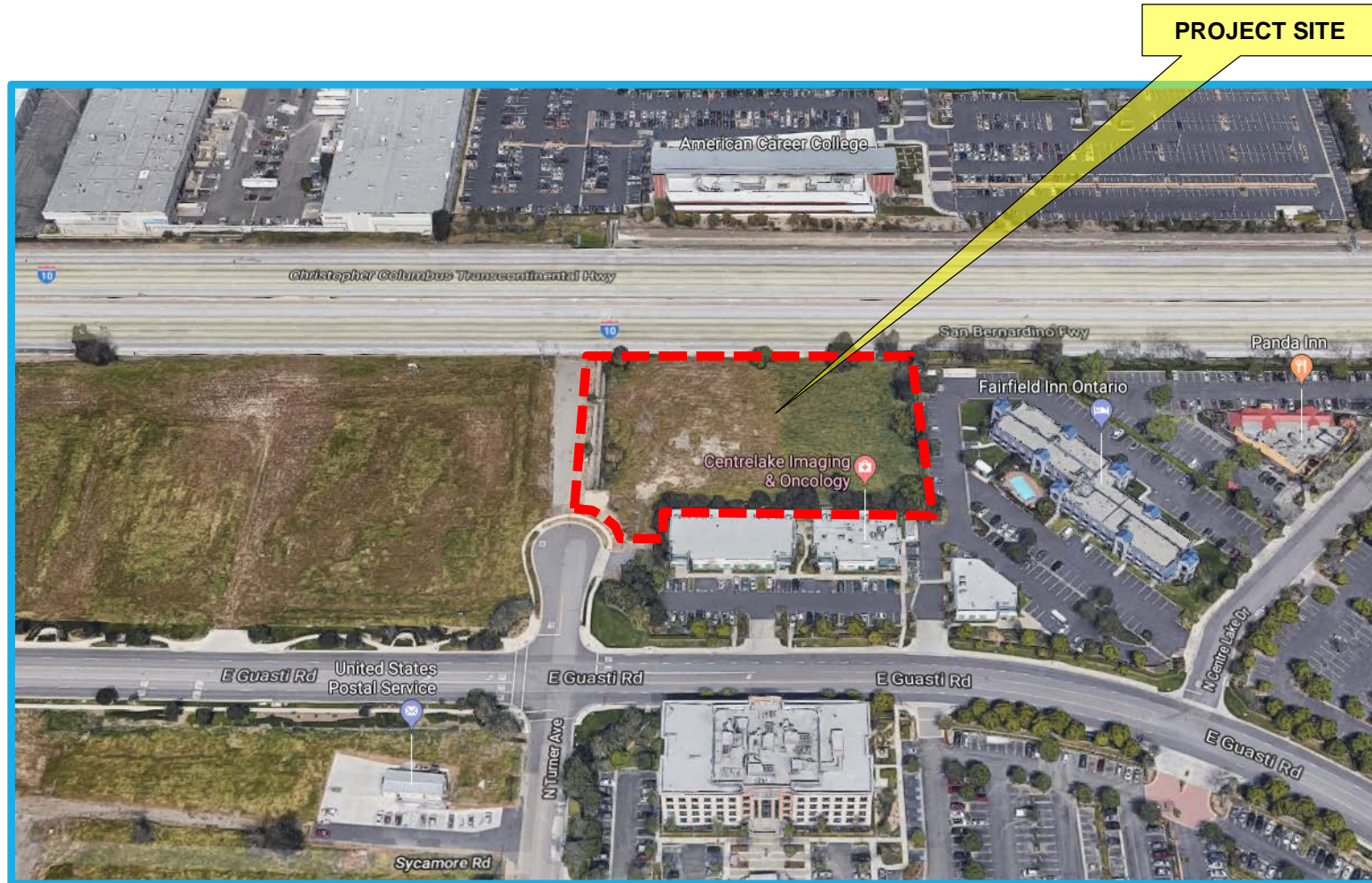
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APPROVED AND ADOPTED this 19th day of March 2018.

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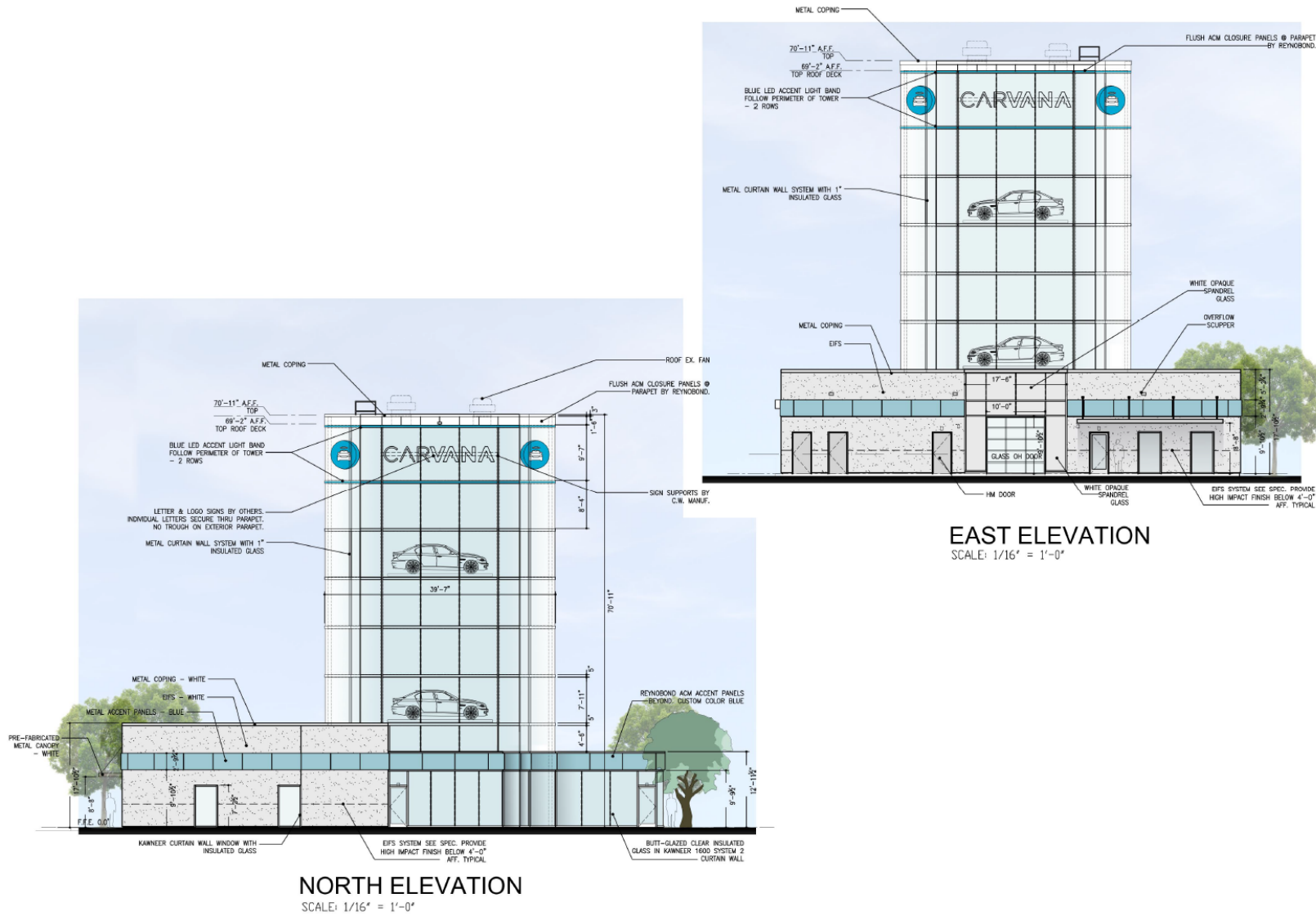
Development Advisory Board Chairman

**Exhibit A—PROJECT LOCATION MAP**



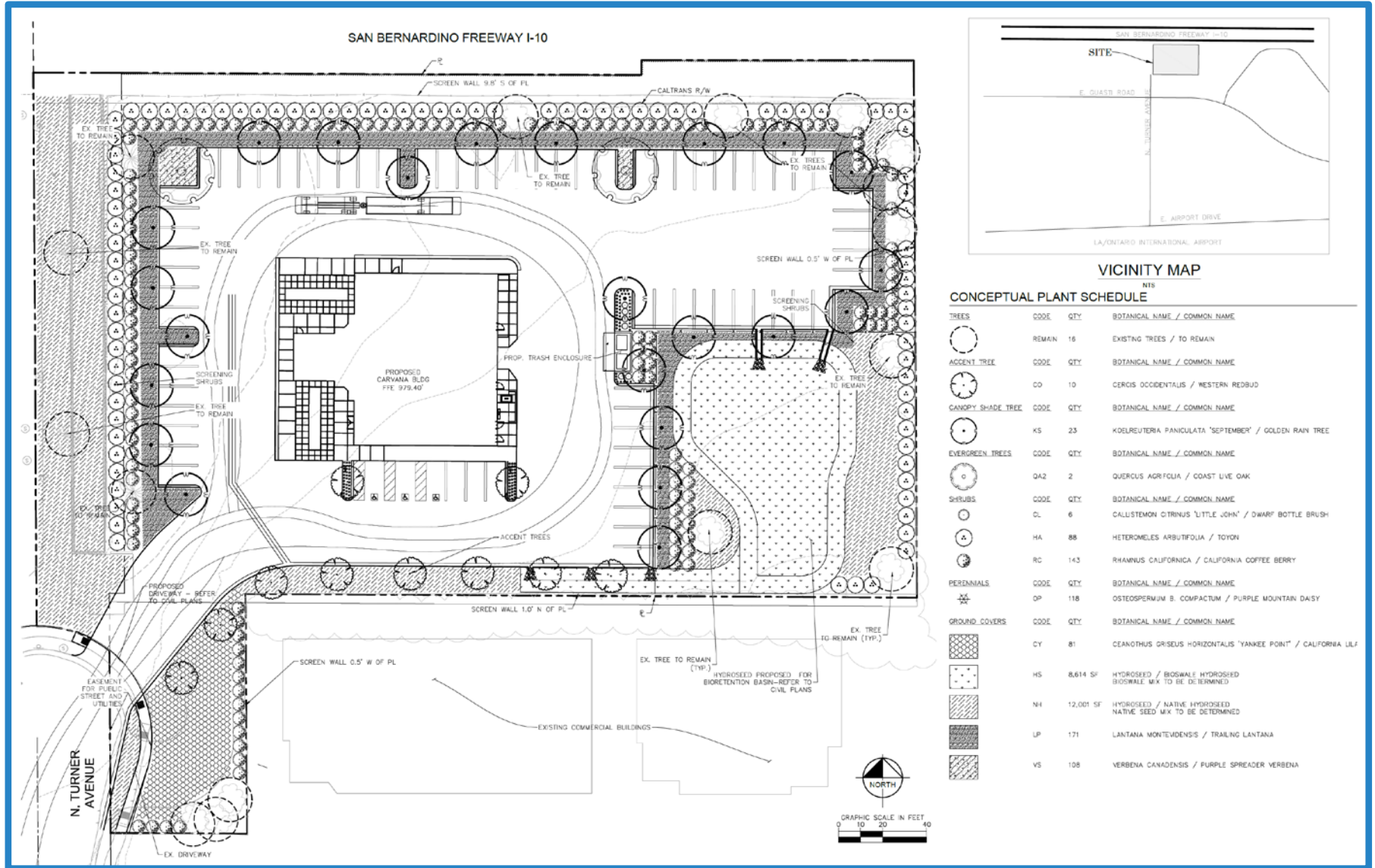


**Exhibit C1—EXTERIOR ELEVATIONS**





**Exhibit D—LANDSCAPE PLAN**



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*





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

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

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**Meeting Date:** 03/19/2018

**File No:** PDEV18-003

**Related Files:** PCUP18-001

**Project Description:** A Development Plan (File No. PDEV18-003) to construct a 5,781-square foot, 70-foot high commercial building in conjunction with a Conditional Use Permit (File No. PCUP18-001) to establish and operate an automobile sales facility (Carvana) on 2.34 acres of land located at the terminus of Turner Avenue, south of Interstate 10, at 520 North Turner Avenue, within the CR (Regional Commercial) zoning district (APN: 0210-551-01); **submitted by Carvana, LLC.**

**Prepared By:** Charles Mercier, Senior Planner  
Phone: 909.395.2425 (direct)  
Email: cmercier@ontarioca.gov

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

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

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

**2.1 Time Limit.** Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

### **2.3** Landscaping.

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

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

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

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

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

### **2.5** Parking, Circulation and Access.

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

(b) The Turner Avenue drive approach shall be provided with an enhanced pavement treatment. The enhanced paving shall extend from the back of the approach apron, into the site, to the first intersecting drive aisle or parking space.

(c) Areas provided to meet the City's parking requirements, including off-street parking and loading spaces, access drives, and maneuvering areas, shall not be used for the outdoor storage of materials and equipment, nor shall it be used for any other purpose than parking.

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

(e) Parking spaces specifically designated and conveniently located for use by the physically disabled shall be provided pursuant to current accessibility regulations contained in State law (CCR Title 24, Part 2, Chapters 2B71, and CVC Section 22507.8).

(f) Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11).

### **2.6** Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking

areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

## **2.7** Mechanical and Rooftop Equipment.

(a) All exterior roof-mounted mechanical, heating and air conditioning equipment, and all appurtenances thereto, shall be completely screened from public view by parapet walls or roof screens that are architecturally treated so as to be consistent with the building architecture.

(b) All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

## **2.11** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to **Section 15332 (Class 32, In-Fill Development Projects)** of the CEQA Guidelines, meeting the following conditions:

(i) The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as the applicable zoning designation and regulations;

(ii) The proposed development occurs within city limits, on a project site of no more than five acres, and is substantially surrounded by urban uses;

(iii) The project site has no value as habitat for endangered, rare, or threatened species;

(iv) Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and

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

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

(c) If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.13** Additional Fees. Following the Project's entitlement approval, and prior to issuance of final building permits, the Planning Department's Plan Check and Inspection fees shall be paid at the rate established by resolution of the City Council.

**2.14** Additional Requirements.

**(a)** The approval of File No. PDEV17-033 shall not be final and conclusive until such time that the Ordinances for File Nos. PDCA18-001 (Development Code Amendment) and PZC18-001 (Zone Change) have been approved by the City Council, and enacted pursuant to State law.

**(b)** The approval of File No. PDEV18-003 shall not be final and conclusive until File No. PCUP18-001 has been approved by the Planning Commission.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV18-003 & PCUP18-001

Address: 520 N Turner Ave

APN: 0210-551-01

Existing Land Use: Vacant

Proposed Land Use: Construct a 5,781 SF Auto Sales Facility

Site Acreage: 2.3 ac Proposed Structure Height: 70 FT

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Charles Mercier

Date: 2/20/18

CD No.: 2018-004

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input type="radio"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 110 FT	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

The maximum height limit for the project site is 110 feet and any construction equipment such as cranes or any other equipment exceeding 110 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed and approved by the FAA prior to operating any such equipment.

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

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

**PRELIMINARY PLAN CORRECTIONS**

**Sign Off**

<i>Carolyn Bell</i>	2/5/18
Carolyn Bell, Sr. Landscape Planner	Date

Reviewer's Name: <b>Carolyn Bell, Sr. Landscape Planner</b>	Phone: <b>(909) 395-2237</b>
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D.A.B. File No.: PDEV18-003 & PCUP18-001	Case Planner: Chuck Mercier
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Project Name and Location: Carvana Commercial Building 520 N Turner Ave
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Applicant/Representative: Sean matsler – Manatt, Phelps & Phillips, LLP 695 Town Center Drive 14 <sup>th</sup> Flr Costa Mesa, CA 92626
--

<input checked="" type="checkbox"/>	<b>A Preliminary Landscape Plan (dated 1/10/18) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.</b>
<input type="checkbox"/>	<b>A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.</b>

**CORRECTIONS REQUIRED**

Civil/ Site Plans

1. Show transformers located in planter areas, and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformer greater than 4' high. Located on level grade. Coordinate with landscape plans.
2. Show backflow devices shall be located in planter areas and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans.
3. Locate utilities including light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
4. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 1/2" below finished surfaces. Slopes to be maximum 3:1.
5. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs. Call out 12" wide curbs, pavers or DG paving with edging where parking spaces are adjacent to planters.
6. Show parking lot island tree planters at each row end, missing on the NE and NW sides of the building.
7. Show outdoor employee break area with table or bench and shade trees on the south and west sides.

Landscape Plans

8. Provide a tree inventory for existing trees include genus, species, trunk diameter, canopy width and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans.
9. Show backflows, trash enclosures and transformers, and show a 4' set back from paving with

landscape screening.

10. Show light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans to show all utilities on the landscape plans. Coordinate so utilities are clear of required tree locations.
11. Show parkway landscape and street trees spaced 30' apart.
12. Show ADA access route from the public sidewalk, ADA path to employee break area and ADA path to adjacent industrial buildings within the same development. Include required ADA parking spaces and access aisles.
13. Show parking lot island tree planters at each row end.
14. Call out type of proposed irrigation system (dripline and tree stream spray bubblers) and include preliminary MAWA calculation.
15. Show landscape hydrozones to separate water use areas or note type in legend.
16. Note that irrigation plans shall provide systems for trees with stream bubblers with pc screens.
17. Replace short lived, high maintenance or poor performing plants: Lantana, Ceanothus (except in afternoon shade areas), Agave, except where protected from frost. Remove hydroseed proposed for the concrete channel area.
18. Street trees for this project are: Brachychiton populneus 24" box 25-30' oc.
19. Show concrete mowstrips to identify property lines along open areas or to separate ownership or between maintenance areas.
20. Construction plans shall be designed and signed by a licensed landscape architect.
21. Show outdoor patio or employee break area with table or bench and shade trees on the south and west sides.
22. Show minimum on-site tree sizes per the Landscape Development standards, see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon.
23. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis, Sambucus Mexicana, etc.) in appropriate locations.
24. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
25. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council. Typical fees are:

Plan Check—less than 5 acres .....	\$1,301.00
Inspection—Construction (up to 3 inspections per phase) .....	\$278.00
Total .....	\$1,579.00

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

# CITY OF ONTARIO

## MEMORANDUM

**TO:** PLANNING DEPARTMENT, Charles Mercier  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** January 12, 2018  
**SUBJECT:** PDEV18-003

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

---

### Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm





# CITY OF ONTARIO

## MEMORANDUM

**TO:** Charles Mercier, Planning Department

**FROM:** Douglas Sorel, Police Department

**DATE:** January 23, 2018

**SUBJECT: PDEV18-003: A DEVELOPMENT PLAN TO CONSTRUCT A 70-FOOT HIGH TOWER AND AUTOMOBILE SALES CENTER AT TURNER AVENUE AND THE INTERSTATE 10 FREEWAY**

---

The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including but not limited to, the requirements listed below.

- Required lighting for all walkways, driveways, doorways, parking areas, and other areas used by the public shall be provided and operate on photosensor. Photometrics shall be provided to the Police Department. Photometrics shall include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions.

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Charles, Senior Planner  
Planning Department

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

**DATE:** January 15, 2018

**SUBJECT:** PDEV18-003 - A Development Plan to construct a 5,781-square foot, 70-foot high commercial building for automotive sales (Carvana) in conjunction with a Conditional Use Permit to establish and operate an automotive sales facility, on 2.33 acres of land, located at the southeast corner of Interstate-10 Freeway and Turner Avenue, at 520 North Turner Avenue, within the OH (High Intensity Office) zoning district (APN: 0210-551-01). Related File: PCUP18-001.

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

### **SITE AND BUILDING FEATURES:**

- A. 2016 CBC Type of Construction: Not listed
- B. Type of Roof Materials: Not listed
- C. Ground Floor Area(s): 5,781 Sq. Ft.
- D. Number of Stories: One Story (70 Ft. High)
- E. Total Square Footage: 5,781 Sq. Ft.
- F. 2016 CBC Occupancy Classification(s): M

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services..

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2016 California Fire Code, Appendix B, is 2000 gallons per minute (g.p.m.) for 2 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### **4.0 FIRE PROTECTION SYSTEMS**

- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.

## **5.0 BUILDING CONSTRUCTION FEATURES**

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

## **6.0 OTHER SPECIAL USES**

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.

## **7.0 PROJECT SPECIFIC CONDITIONS**

- ☒ 7.1 After meeting with the project manager, it was disclosed that the racking system that holds the automobiles has a built-in sprinkler system. It was agreed that the structure itself would not require a separate sprinkler system.



# CITY OF ONTARIO MEMORANDUM

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

**EXPEDITE**

FROM: Charles Mercier, Senior Planner

DATE: January 10, 2018

SUBJECT: FILE #: PDEV18-003

Finance Acct#:

RECEIVED  
 JAN 11 2018  
 City of Ontario  
 Planning Department

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Wednesday, January 24, 2018**.

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

**PROJECT DESCRIPTION:** A Development Plan to construct a 5,781 square foot, 70 foot high (8 Tier) tower commercial building for automotive sales (Carvana) in conjunction with a Conditional Use Permit to establish and operate an automotive sales use, on 2.33 acres of land, within the High Intensity Office zoning district, located on the southeast corner of the I-10 Freeway and Turner Avenue (520 N. Turner Avenue). APN: 0210-551-01  
 Related Files: PCUP18-001

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

Code                      Rle                      Code Mgr                      1-11-18  
 Department                      Signature                      Title                      Date



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PCUP18-007

**DESCRIPTION:** A Conditional Use Permit to establish a non-stealth wireless telecommunications facility (for T-Mobile) attached to an existing SCE tower, and an equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district (APN: 0218-122-06); **submitted by T-Mobile.**

### **Part I—BACKGROUND & ANALYSIS**

T-MOBILE, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP18-007, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 10.17 acres of land located at 13434 South Ontario Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Artesia Sawdust Products, Inc. (Forestry Services)	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>North:</i>	Residential	LDR (Low Density Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>South:</i>	Livestock	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>East:</i>	San Bernardino Flood Control System	OS-NR (Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>West:</i>	Livestock	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A

(2) **Project Description:** The Applicant is requesting Conditional Use Permit approval to establish a 65-foot tall non-stealth wireless telecommunication facility attached to an existing SCE transmission tower, with an accompanying 484 square-foot equipment enclosure and 6-foot high decorative block wall enclosure (Exhibit B – Site Plan and Exhibit C – Enlarged Site Plan). This application was filed in conjunction with a Development Plan (refer to File No. PDEV17-061) to construct the proposed facility.

The maximum height allowed in the zone for a single telecommunication facility is 55-feet, and 65-feet for a co-located facility. The existing SCE tower is 149 FT and can accommodate two carriers. Therefore, the proposed mounting height of the proposed wireless telecommunication antenna array is in compliance with the Development Code's maximum height restrictions. As shown on the elevations (Exhibit D – Elevations), a future carrier could install their equipment on the SCE tower without creating interference with the other carrier, due to the extended tower height. The proposed T-Mobile facility will enhance coverage within the Ontario Ranch area, which is currently lacking (Exhibit E – Propagation Map, Predicted Coverage).

Access to the wireless facility will be taken through a non-exclusive access route from Ontario Avenue and one parking space adjacent to the lease area will be provided. The site is currently used by Artesia Sawdust Products, a wood byproducts and green material recycling facility. The non-stealth design is compatible with the current use of the site and will not interfere with the surrounding area. The existing trees along Ontario Avenue will function as an additional landscape buffer to further assist screening of the antennas.

#### **Part II—RECITALS**

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 Development Advisory Board ("DAB") the responsibility and authority to review and make recommendation to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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



WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: *Environmental Determination and Findings.*** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

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

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

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

(1) **The scale and intensity of the proposed land use would be consistent with the scale and intensity of land uses intended for the particular zoning or land use district.** The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the City of Ontario Development Code and the SP/AG (Specific Plan/Agriculture Overlay) zoning district, and the scale and intensity of land uses intended for the zoning district in which the use is proposed to be located. Furthermore, the proposed non-stealth wireless telecommunications facility land use will be established and operated consistent with the objectives and purposes, and development standards and guidelines, of the SP/AG (Specific Plan/Agriculture Overlay) zoning districts; and

(2) **The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.** The proposed non-stealth wireless telecommunications facility land use will be located within the LDR/OS-NR (Low Density Residential / Open Space/Non-Residential) land use district of the Policy Plan Land Use Map, and the SP/AG (Specific Plan/Agriculture Overlay) zoning district. The development standards, and the conditions of approval under which the proposed land use will be established, operated, and maintained, are consistent with the goals, policies, plans, and exhibits of the Vision, City Council Priorities, and Policy Plan (General Plan) components of The Ontario Plan; and

(3) **The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of the Development Code and any applicable specific plan or planned unit development.** The proposed non-stealth wireless telecommunications facility land use is located with the LDR/OS-NR (Low Density Residential / Open Space/Non-Residential) land use district, and the SP/AG (Specific Plan/Agriculture Overlay) zoning district, and has been reviewed and conditioned to ensure the establishment, operation and maintenance of the proposed land use consistent with all applicable objectives, purposes, standards, and guidelines of the Development Code; and

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

**SECTION 5: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

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

SECTION 7: **Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

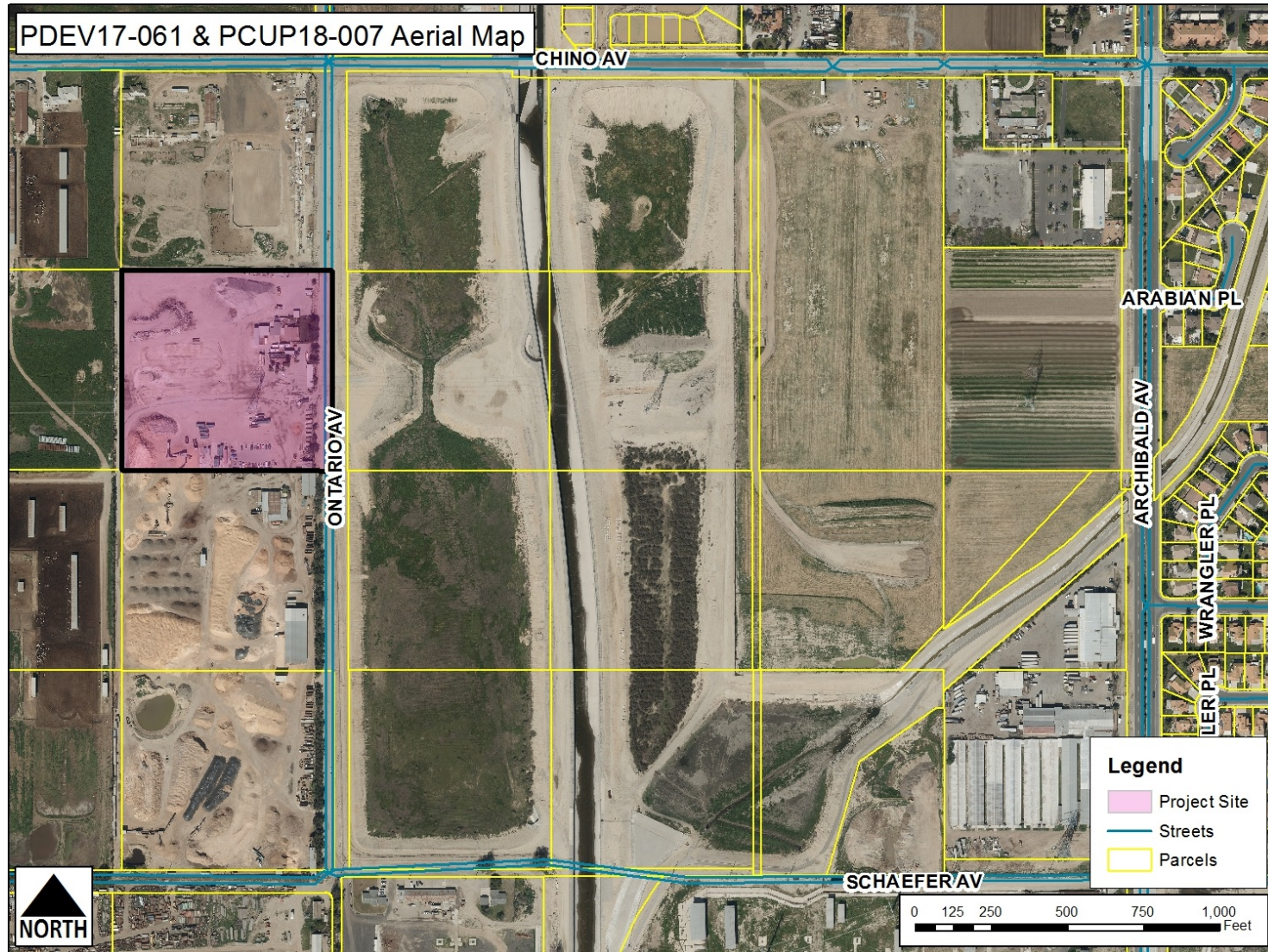
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APPROVED AND ADOPTED this 19th day of March 2018.

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Development Advisory Board Chairman

Exhibit A—PROJECT LOCATION MAP



**Exhibit B—PROJECT SITE PLAN**

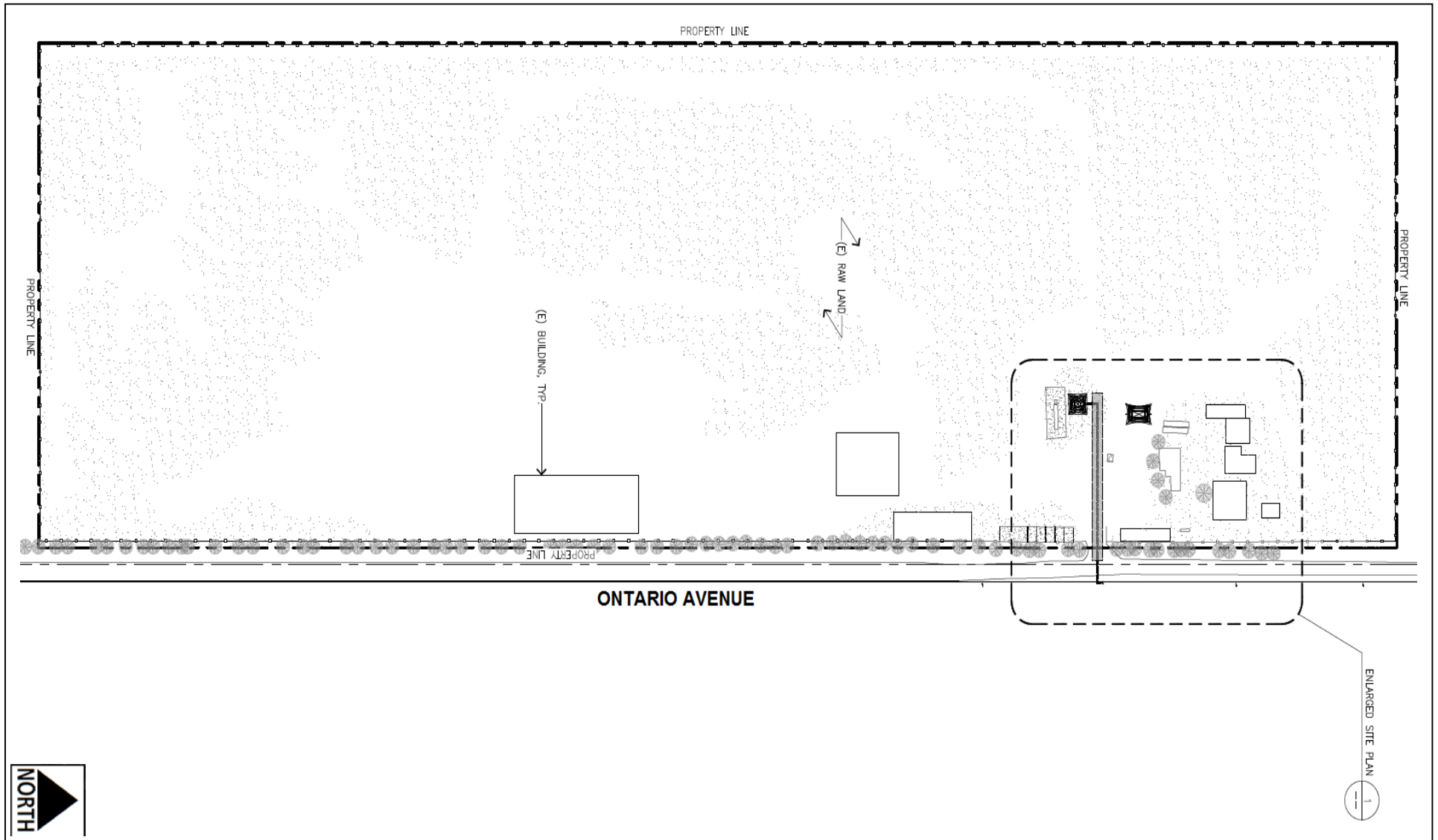
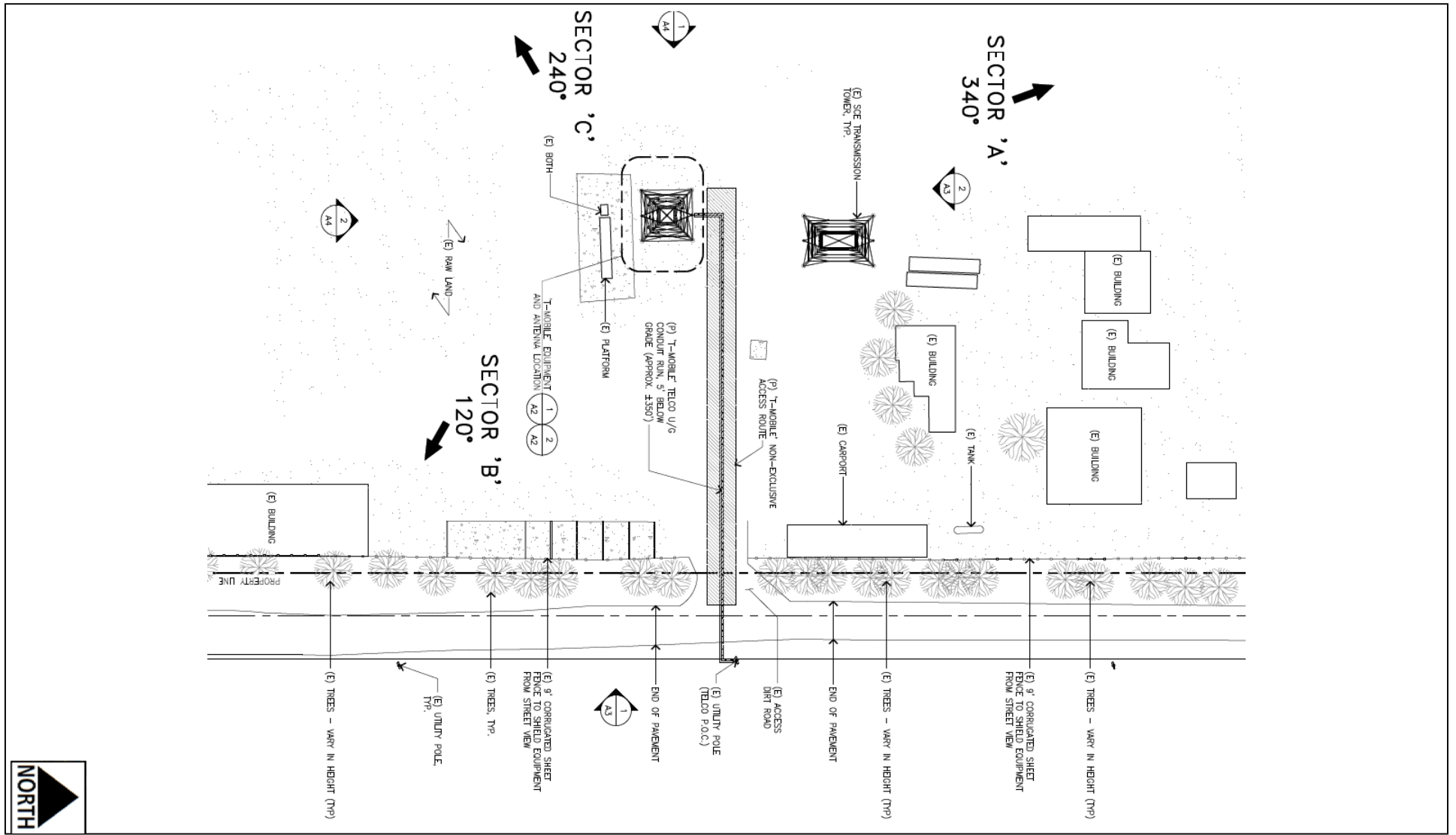


Exhibit C—ENLARGED SITE PLAN



**Exhibit D—ELEVATIONS**

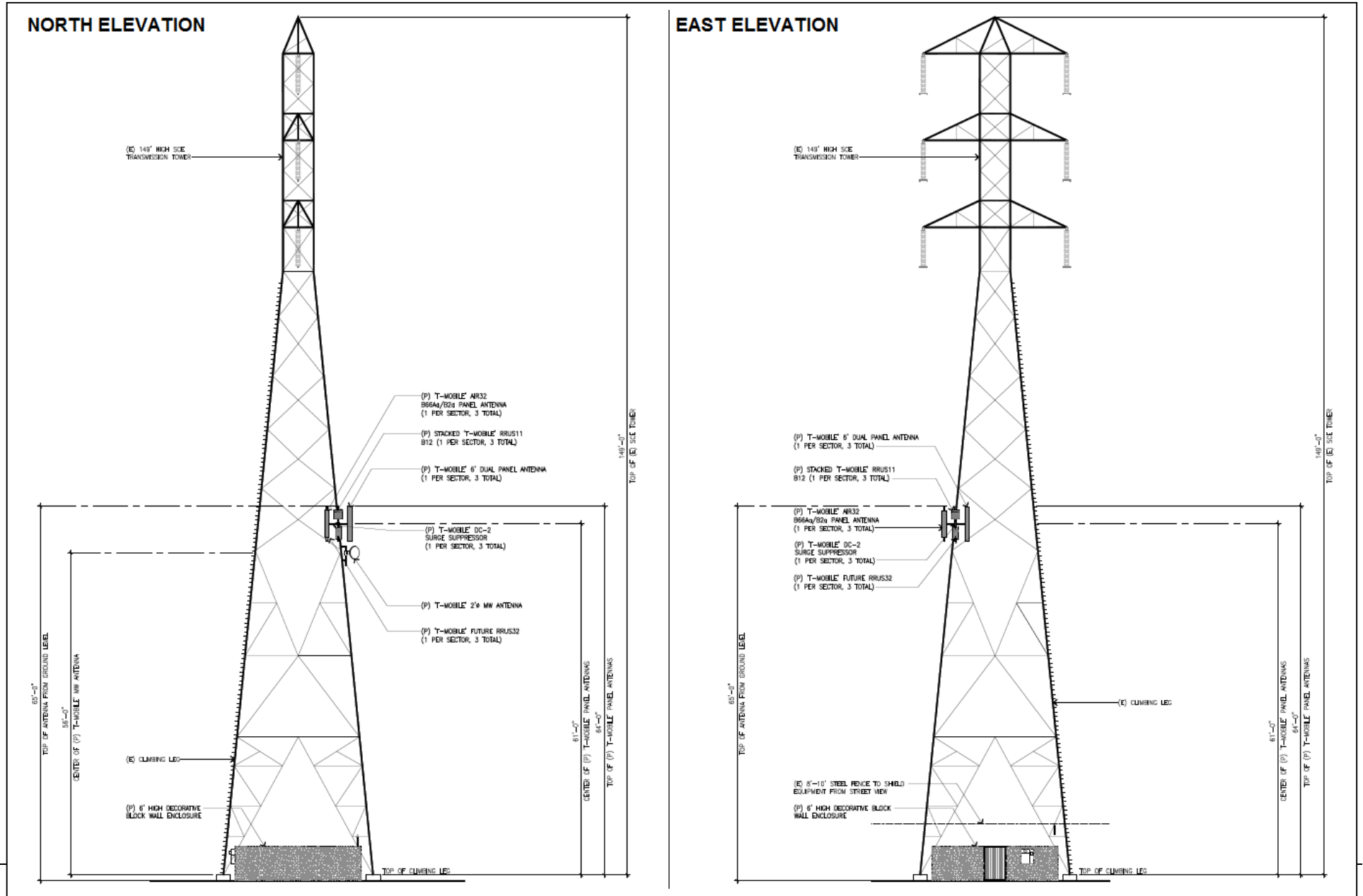


Exhibit D—ELEVATIONS

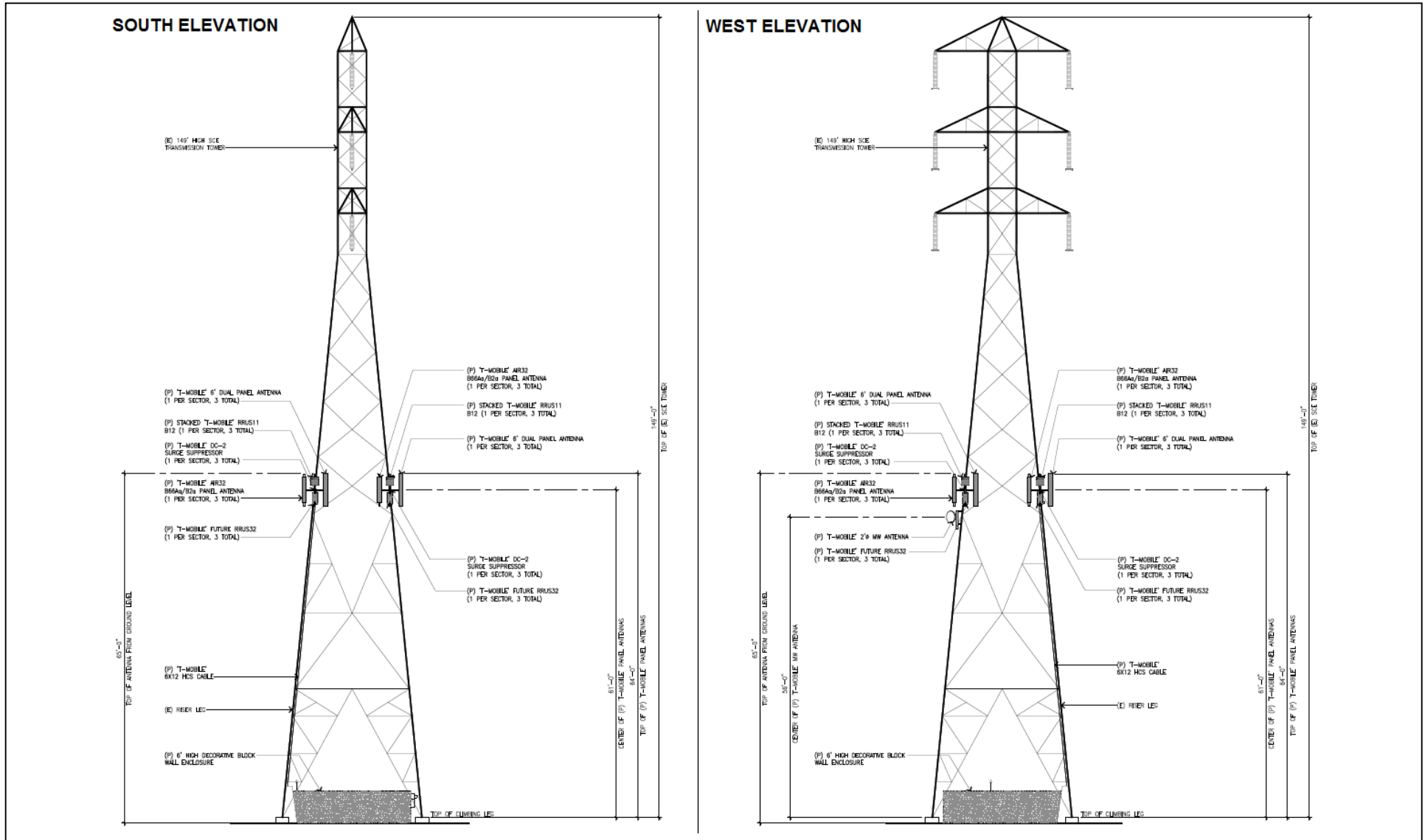




Exhibit E—PROPAGATION MAP, PREDICTED COVERAGE

# Predicted Coverage Of IE24206A -L2100



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



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

*Planning Department  
Land Development Division  
Conditions of Approval*

---

**Meeting Date:** March 19, 2018

**File No:** PCUP18-007

**Related Files:** PDEV17-061

**Project Description:** A Development Plan (File No. PDEV17-061) and Conditional Use Permit (File No. PCUP18-007) to construct and establish a non-stealth wireless telecommunications facility for T-Mobile (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district (APN: 0218-122-06); **submitted by T-Mobile.**

**Prepared By:** Jeanie Irene Aguilo, Assistant Planner  
Phone: 909.395.2418 (direct)  
Email: jaguilo@ontarioca.gov

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

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

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

**2.1** Time Limits.

**(a)** Conditional Use Permit approval shall become null and void one year following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director, except that a Variance approved in conjunction with a Development Plan shall have the same time limits as said Development Plan. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

**2.3** Landscaping.

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

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

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

**2.5** Parking, Circulation and Access.

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

**2.6** Site Lighting.

**(a)** All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

**(b)** Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

**2.7** Mechanical and Rooftop Equipment. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

**2.11** Environmental Review.

**(a)** The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of

the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

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

**(c)** If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.13** Additional Fees.

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

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



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:** [insert #]

**FILE NO.:** PDEV17-061

**DESCRIPTION:** A Development Plan to construct a non-stealth wireless telecommunications facility (for T-Mobile) attached to an existing SCE tower, and an equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district (APN: 0218-122-06); **submitted by T-Mobile.**

### **Part I—BACKGROUND & ANALYSIS**

T-MOBILE, (herein after referred to as “Applicant”) has filed an application requesting Development Plan approval, File No. PDEV17-061, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 10.17 acres of land located at 13434 South Ontario Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use</i>
<i>Site:</i>	Artesia Sawdust Products, Inc. (Forestry Services)	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>North:</i>	Residential	LDR (Low Density Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>South:</i>	Livestock	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>East:</i>	San Bernardino Flood Control System	OS-NR (Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A
<i>West:</i>	Livestock	LDR/OS-NR (Low Density Residential / Open Space/Non-Residential)	SP/AG (Specific Plan/ Agriculture Overlay)	N/A

(2) **Project Description:** The Applicant is requesting Development Plan approval to construct a 65-foot tall non-stealth wireless telecommunication facility attached to an existing SCE transmission tower, with an accompanying 484 square-foot equipment enclosure and 6-foot high decorative block wall enclosure (Exhibit B – Site Plan and Exhibit C – Enlarged Site Plan). This application was filed in conjunction with a Conditional Use Permit (refer to File No. PCUP18-007) to establish the proposed facility.

The maximum height allowed in the zone for a single telecommunication facility is 55-feet, and 65-feet for a co-located facility. The existing SCE tower is 149 FT and can accommodate two carriers. Therefore, the proposed mounting height of the proposed wireless telecommunication antenna array is in compliance with the Development Code's maximum height restrictions. As shown on the elevations (Exhibit D – Elevations), a future carrier could install their equipment on the SCE tower without creating interference with the other carrier, due to the extended tower height. The proposed T-Mobile facility will enhance coverage within the Ontario Ranch area, which is currently lacking (Exhibit E – Propagation Map, Predicted Coverage).

Access to the wireless facility will be taken through a non-exclusive access route from Ontario Avenue and one parking space adjacent to the lease area will be provided. The site is currently used by Artesia Sawdust Products, a wood byproducts and green material recycling facility. The non-stealth design is compatible with the current use of the site and will not interfere with the surrounding area. The existing trees along Ontario Avenue will function as an additional landscape buffer to further assist screening of the antennas.

#### **Part II—RECITALS**

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 Development Advisory Board ("DAB") the responsibility and authority to review and make recommendation to the Planning Commission on the subject Application; and

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

### **Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

**SECTION 1: *Environmental Determination and Findings.*** As the recommending body for the Project, the DAB 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 DAB, the DAB finds as follows:

(1) The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

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

(3) The determination of CEQA exemption reflects the independent judgment of the DAB.

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

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



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

(1) **The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan.** The proposed Project is located within the LDR/OS-NR (Low Density Residential / Open Space/Non-Residential) land use district of the Policy Plan Land Use Map, and the SP/AG (Specific Plan/Agriculture Overlay) zoning district. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; and

(2) **The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.** The Project has been designed consistent with the requirements of the City of Ontario Development Code and the SP/AG (Specific Plan/Agriculture Overlay) zoning district, including standards relative to the particular land use proposed (non-stealth wireless telecommunications facility), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

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

(4) **The proposed development is consistent with the development standards and design guidelines set forth in the Development Code, or applicable specific plan or planned unit development.** The proposed Project has been reviewed for consistency with the general development standards and guidelines of the Development Code that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed ([insert land use]). As a result of this review, the Development Advisory Board has determined that the Project, when implemented in conjunction with the conditions of approval, will be consistent with the development standards and guidelines described in the Development Code.

**SECTION 5: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 4, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

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

SECTION 7: **Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Ontario City Hall, 303 East "B" Street, Ontario, California 91764. The custodian for these records is the City Clerk of the City of Ontario. The records are available for inspection by any interested person, upon request.

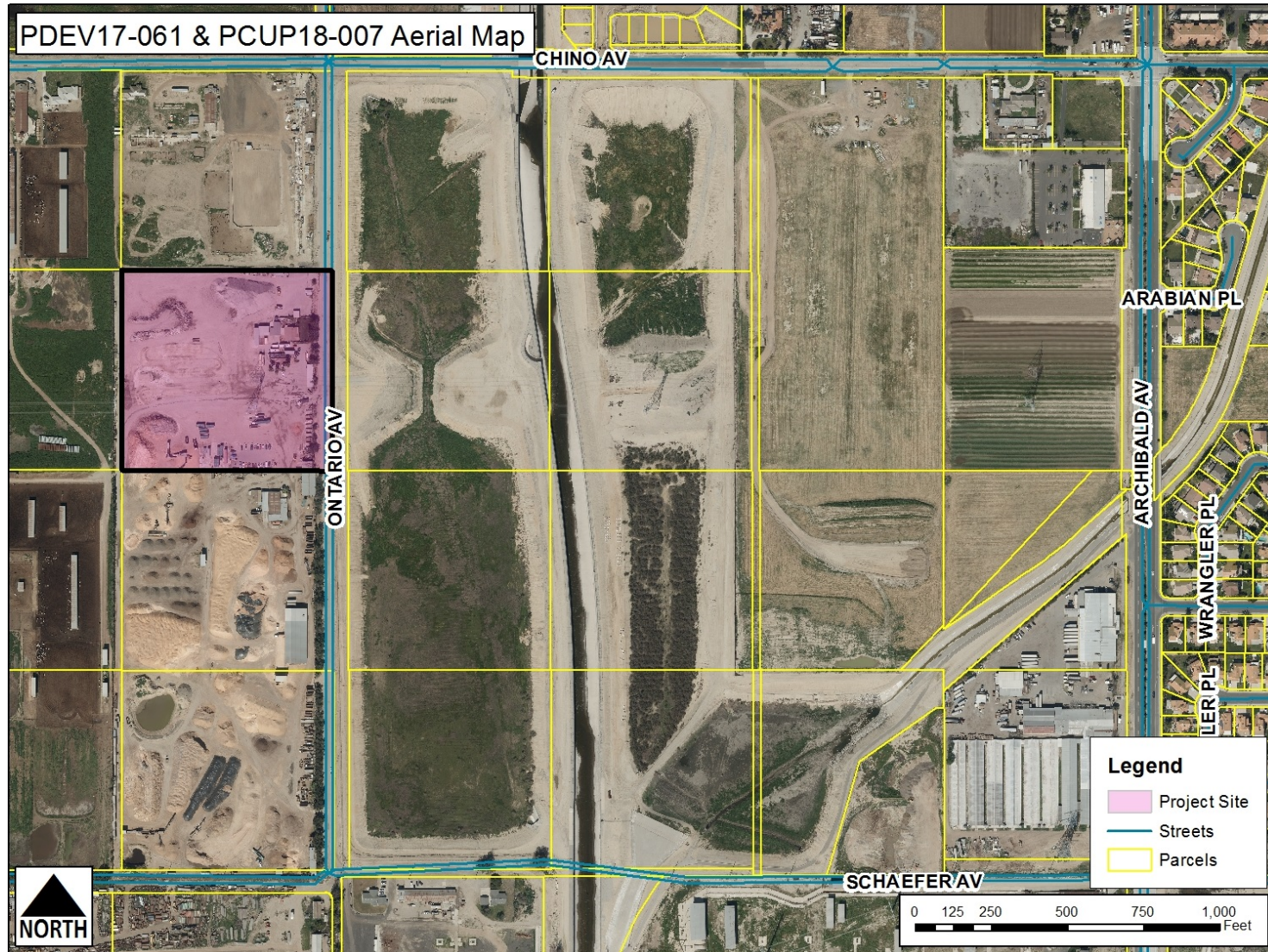
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APPROVED AND ADOPTED this 19th day of March 2018.

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Development Advisory Board Chairman

**Exhibit A—PROJECT LOCATION MAP**



**Exhibit B—PROJECT SITE PLAN**

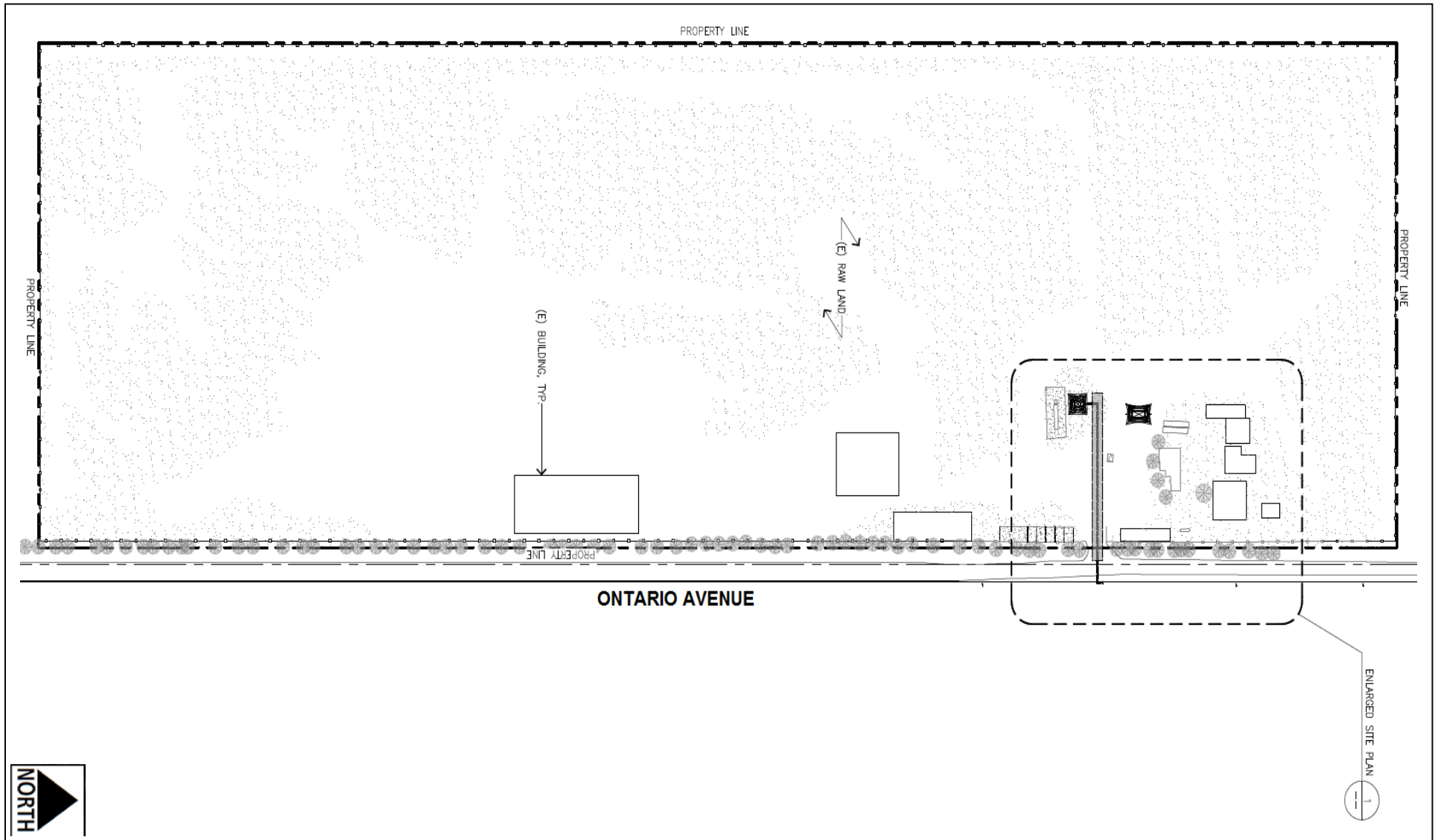
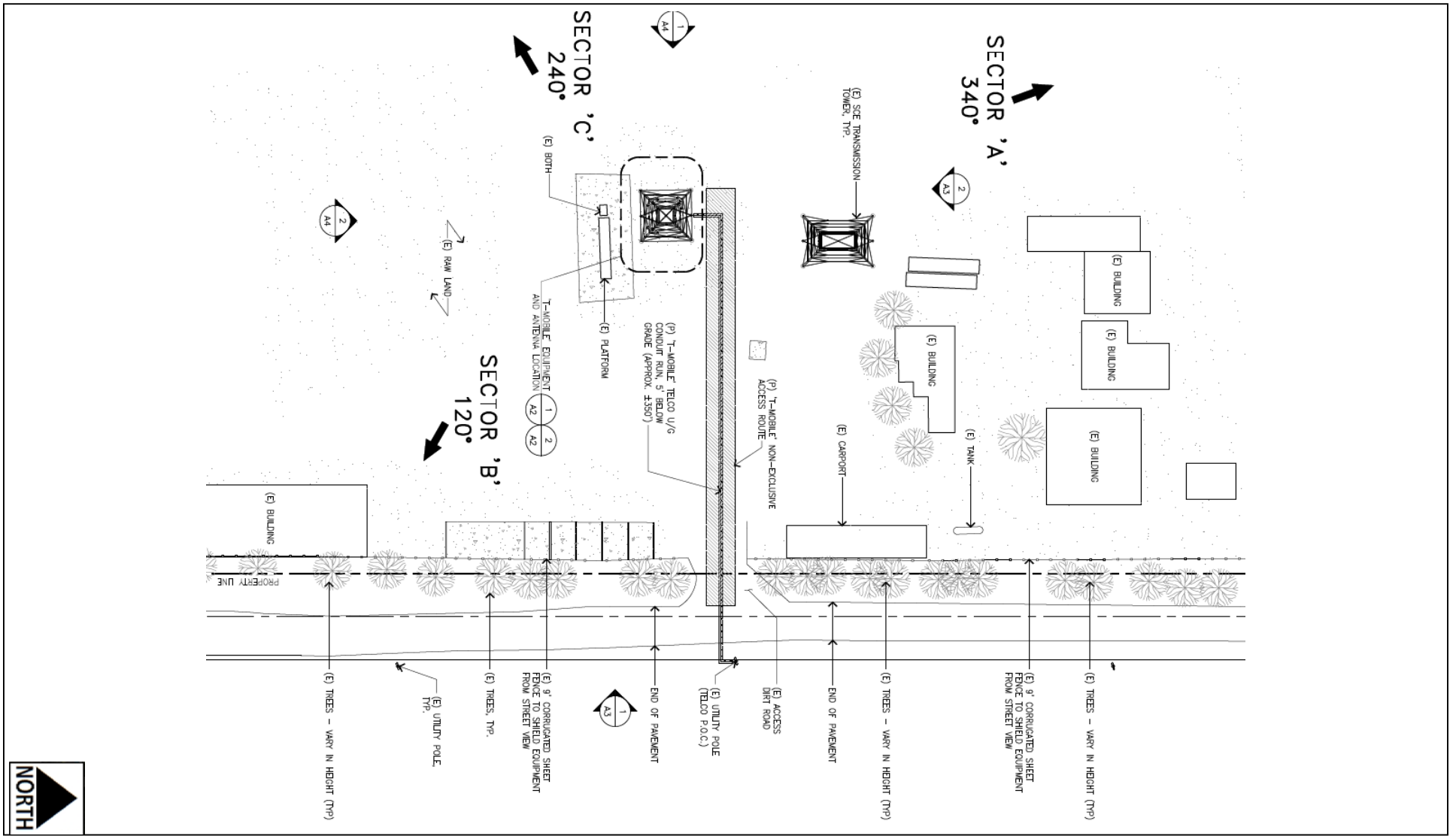


Exhibit C—ENLARGED SITE PLAN



**Exhibit D—ELEVATIONS**

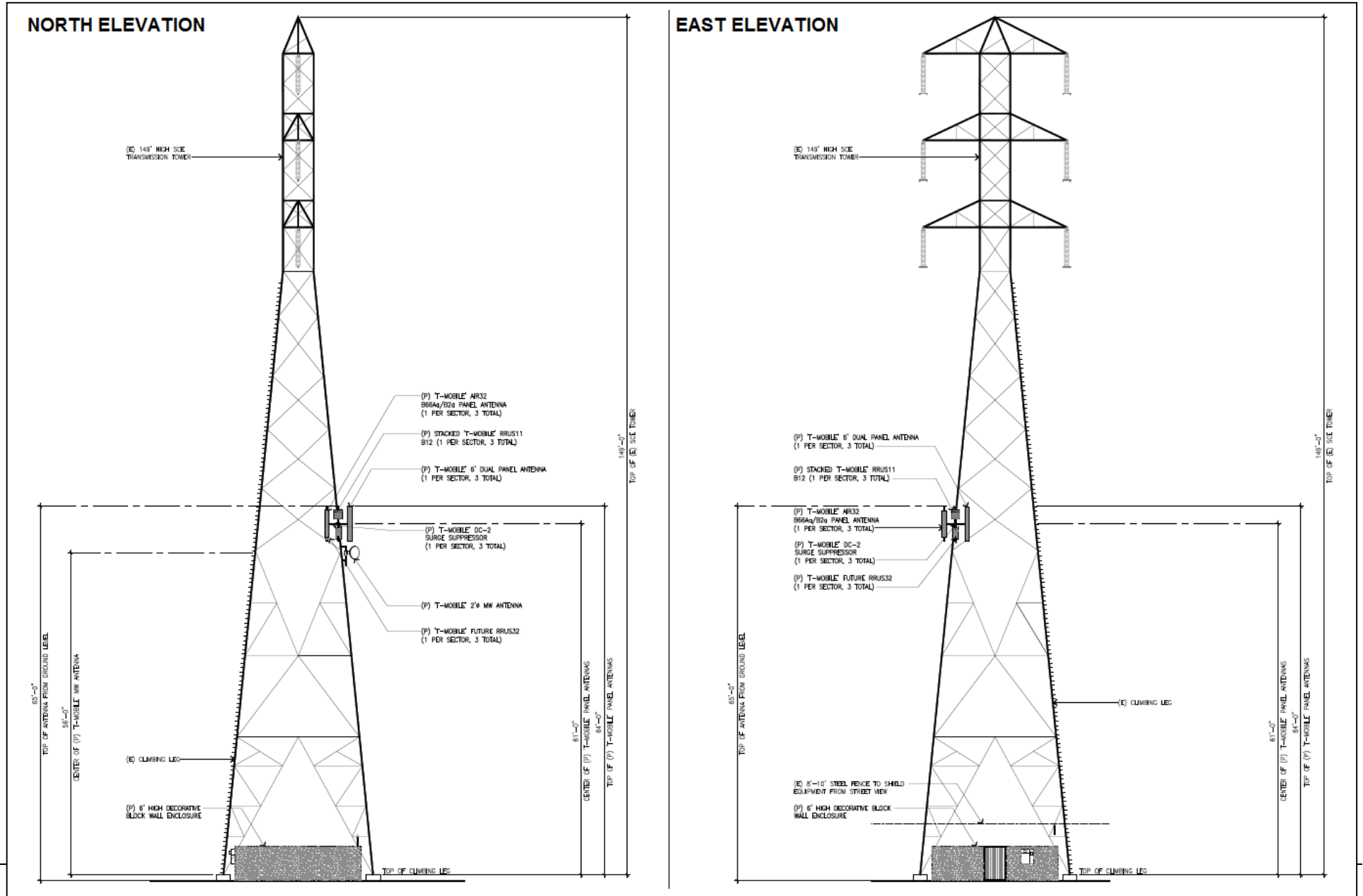
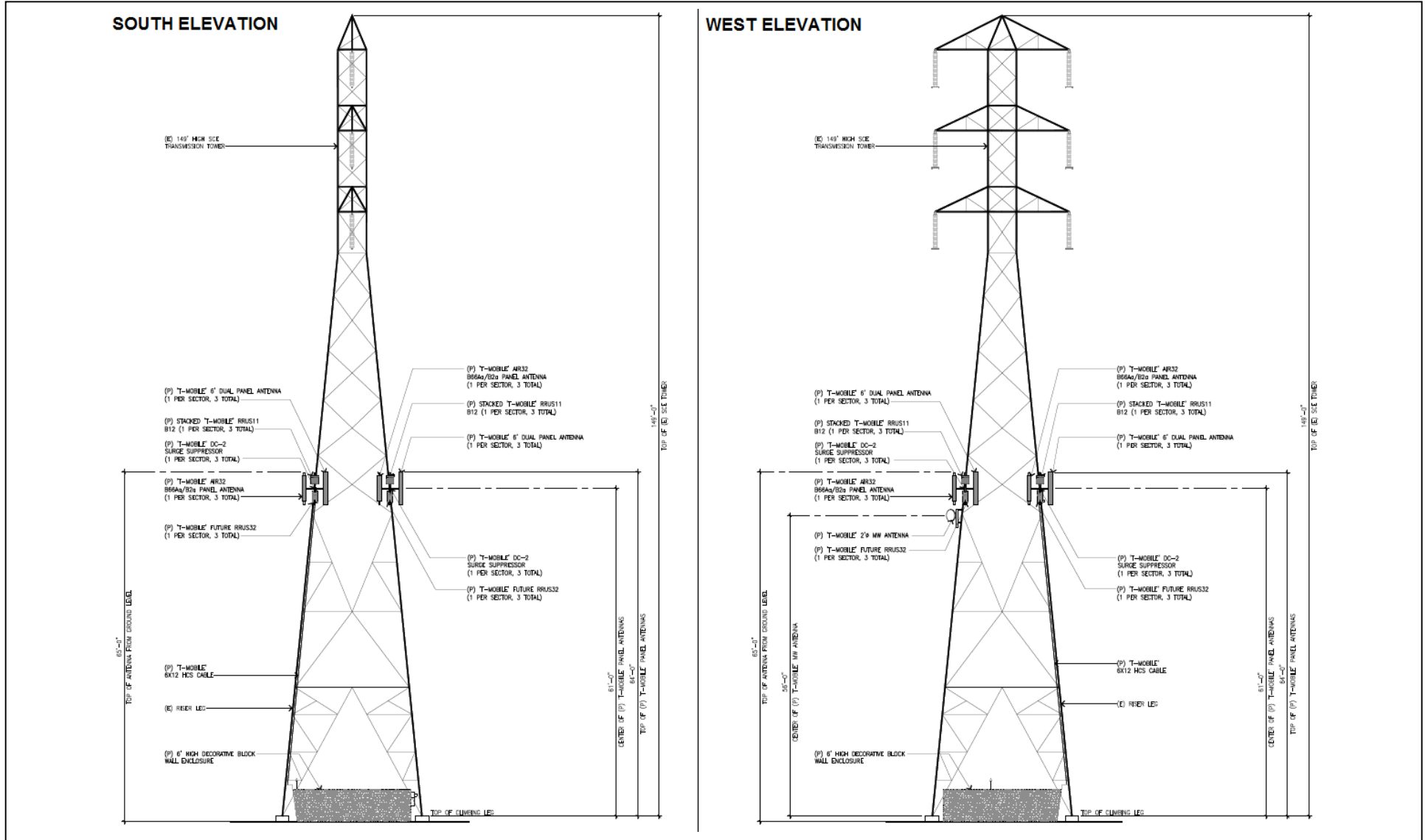


Exhibit D—ELEVATIONS







## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*



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

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

**Meeting Date:** March 19, 2018

**File No:** PDEV17-061

**Related Files:** PCUP18-007

**Project Description:** A Development Plan (File No. PDEV17-061) and Conditional Use Permit (File No. PCUP18-007) to construct and establish a non-stealth wireless telecommunications facility for T-Mobile (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land, located at 13434 South Ontario Avenue, within the SP/AG (Specific Plan/Agriculture Overlay) zoning district (APN: 0218-122-06); **submitted by T-Mobile.**

**Prepared By:** Jeanie Irene Aguilo, Assistant Planner  
Phone: 909.395.2418 (direct)  
Email: jaguilo@ontarioca.gov

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

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

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

**2.1** Time Limits.

**(a)** Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

**(b)** The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

**2.3** Landscaping.

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

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

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

**2.5** Parking, Circulation and Access.

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

**2.6** Site Lighting.

(a) All off-street parking facilities shall be provided with nighttime security lighting pursuant to Ontario Municipal Code Section 4-11.08 (Special Residential Building Provisions) and Section 4-11.09 (Special Commercial/Industrial Building Provisions), designed to confine emitted light to the parking areas. Parking facilities shall be lighted from sunset until sunrise, daily, and shall be operated by a photocell switch.

(b) Unless intended as part of a master lighting program, no operation, activity, or lighting fixture shall create illumination on any adjacent property.

**2.7** Mechanical and Rooftop Equipment. All ground-mounted utility equipment and structures, such as tanks, transformers, HVAC equipment, and backflow prevention devices, shall be located out of view from a public street, or adequately screened through the use of landscaping and/or decorative low garden walls.

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

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

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

**2.11** Environmental Review.

(a) The proposed project is categorically exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, and the Guidelines promulgated thereunder, pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures as well as the installation of small new equipment and facilities in small structures.

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

**(c)** If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.13** Additional Fees.

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

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

**2.14** Additional Requirements.

**(a)** The approval of File No. PDEV17-061 shall be final and conclusive upon the approval of File No. PCUP18-007 by the City of Ontario Planning Commission.



# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Environmental Section, Information Technology & Management Services Department, Ontario Municipal Utilities Company and Traffic & Transportation Division Conditions incorporated)

**DAB MEETING DATE:** March 19<sup>th</sup>, 2018

**PROJECT:** PDEV17-061, a Development Plan to construct a non-stealth wireless telecommunications facility (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land.

**APN:** 0218-122-06

**LOCATION:** 13434 South Ontario Avenue


**PROJECT ENGINEER:** Antonio Alejos, Engineering Assistant *AA* (909) 395-2384

**PROJECT PLANNER:** Jeanie Aguilo, Assistant Planner (909) 395-2418


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**The following items are the Conditions of Approval for the subject project:**

1. Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:
2. The Applicant/Developer shall process an irrevocable offer of dedication to dedicate additional right-of-way for a total width of 44-ft from the center line of Ontario Avenue along the entire property frontage.
3. The Applicant/Developer shall apply for an Encroachment Permit and process an Encroachment Agreement for the proposed conduit within the public right-of-way across Ontario Avenue.

  
\_\_\_\_\_  
Bryan Lirley, P.E.  
Principal Engineer

*3/8/18*  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Khoi Do, P.E.  
Assistant City Engineer

*3-8-18*  
\_\_\_\_\_  
Date



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, January 18, 2018**.

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

**PROJECT DESCRIPTION:** A Development Plan approval to construct a non-stealth unmanned telecommunications facility (top of antenna at 65 feet) attached to an existing SCE tower and equipment enclosure totaling 484 square feet on 10.17 acres of land located at 13434 South Ontario Avenue, within the SP (AG) zoning district: (APN: 0218-122-06).

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

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

The plan does not adequately address the departmental concerns.

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

Airport Planning  
Department

Signature

Title

Date

2/20/18

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV17-061

Address: 13434 South Ontario Avenue

APN: 0218-122-06

Existing Land Use: SCE Edison Tower (149 FT height) and Sawdust Mill

Proposed Land Use: Non- Stealth wireless communication facility attached to existing SCE Tower attached 65 feet above ground level

Site Acreage: 10.17 ac Proposed Structure Height: 65 FT

ONT-IAC Project Review: N/A

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Jeanie Aguilo

Date: 2/20/18

CD No.: 2017-091

PALU No.: n/a

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

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

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

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

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

## CONSISTENCY DETERMINATION

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

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

The project applicant is required to file a FAA Form 7460-1 due to potential electronic interference to aircraft in flight and receive a determination of "No Hazard" from FAA prior building permit issuance.

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Irene Aguilo, Assistant Planner  
Planning Department

**FROM:** Paul Ehrman, Deputy Fire Chief/Fire Marshal  
Bureau of Fire Prevention

**DATE:** January 15, 2018

**SUBJECT:** PDEV17-061 – A Development Plan to construct a wireless telecommunications facility (65 feet high), attached to an existing SCE tower, and equipment enclosure totaling 484 square feet on 10.17 acres of land located at 13434 South Ontario Avenue, within the SP (AG) zoning district (APN: 0218-122-06).

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

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### **CONDITIONS OF APPROVAL:**

8. Hand-portable fire extinguishers are required to be installed **PRIOR** to occupancy. Contact the Bureau of Fire Prevention Bureau during the latter stages of construction to determine the exact number, type and placement required per Ontario Fire Department Standard #C-001. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
9. "No Parking/Fire Lane" signs and /or Red Painted Curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would encroach on the 24-foot clear width requirement per Ontario Fire Department. Install per Ontario Fire Department Standards #B-001 and #B-004. (Available upon request from the Fire Department or on the internet at <http://www.ci.ontario.ca.us/index.cfm/34762>)
10. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Said numbers shall contrast with their background. (See Section 9-1 6.06 Street Naming and Street Address Numbering of the Ontario Municipal Code and Ontario Fire Department Standards #H-003 and #H-002.)



21. The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
28. The developer shall transmit a copy of these requirements to his on-site contractor to foster a mutual understanding between on-site personnel and the Fire Marshal's office. It is highly recommended that the developer and fire protection designer obtain a copy of the Ontario Fire Department Fire Protection System Information Checklist to aid in system design. Development Advisory Board comments are to be included on the construction drawing.

ADDITIONAL COMMENTS:

If the equipment cabinets are to contain any stationary storage battery systems, said systems shall comply with section 608 of the 2016 California Fire Code

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



# CITY OF ONTARIO

## MEMORANDUM

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

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061

Finance Acct#:



The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by **Thursday, January 18, 2018**.

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

**PROJECT DESCRIPTION:** A Development Plan approval to construct a non-stealth unmanned telecommunications facility (top of antenna at 65 feet) attached to an existing SCE tower and equipment enclosure totaling 484 square feet on 10.17 acres of land located at 13434 South Ontario Avenue, within the SP (AG) zoning district: (APN: 0218-122-06).

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

*Building*  
Department

Signature

Title

Date

# CITY OF ONTARIO MEMORANDUM

**TO:** PLANNING DEPARTMENT, Jeanie Aguilo  
**FROM:** BUILDING DEPARTMENT, Kevin Shear  
**DATE:** January 8, 2018  
**SUBJECT:** PDEV17-061

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

---

### Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm





# CITY OF ONTARIO

## MEMORANDUM

TO: Hassan Haghani, Development Director  
Scott Murphy, Assistant Development Director ( Copy of memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
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Lorena Mejia, Senior Planner  
Steve Wilson, Engineering/NPDES  
**Joe De Sousa, Supervising code Enforcement Officer**  
Jimmy Chang , IT Department  
David Simpson, IT Department (Copy of memo only)

FROM: Jeanie Irene Aguilo, Assistant Planner

DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061

Finance Acct#:



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*Code*  
Department

*Joe De Sousa*  
Signature

*Supervisor*  
Title

*1-10-18*  
Date



# CITY OF ONTARIO

## MEMORANDUM

TO: **Hassan Haghani, Development Director** *[Handwritten initials]*  
Scott Murphy, Assistant Development Director ( Copy of memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
Charity Hernandez, Economic Development  
Kevin Shear, Building Official  
Khoi Do, Assistant City Engineer  
Carolyn Bell, Landscape Planning Division  
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Steve Wilson, Engineering/NPDES  
Joe De Sousa, Supervising code Enforcement Officer  
Jimmy Chang , IT Department  
David Simpson, IT Department (Copy of memo only)

FROM: **Jeanie Irene Aguilo, Assistant Planner**

DATE: **January 04, 2018**

SUBJECT: **FILE #: PDEV17-061**

Finance Acct#:

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Department

Signature

Title

Date



# CITY OF ONTARIO

## MEMORANDUM

TO: Hassan Haghani, Development Director  
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DATE: January 04, 2018

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Landscape Planning Carolyn Bell Sr. Landscape Architect  
Department Signature Title Date  
1/29/18



# CITY OF ONTARIO

## MEMORANDUM

TO: Hassan Haghani, Development Director  
Scott Murphy, Assistant Development Director ( Copy of memo only)  
Cathy Wahlstrom, Principal Planner (Copy of memo only)  
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Kevin Shear, Building Official  
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DATE: January 04, 2018

SUBJECT: FILE #: PDEV17-061

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

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

The plan does not adequately address the departmental concerns.

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

Police  
Department

DOUGLAS SOREL  
Signature

MANAGEMENT  
ANALYST  
Title

1/22/18  
Date



# Development Advisory Board Decision

March 19, 2018

**DECISION NO.:**

**FILE NO.:** PDEV17-056

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

### **Part I—BACKGROUND & ANALYSIS**

Western Pacific Housing, Inc., DBA: D.R. Horton, (herein after referred to as "Applicant") has filed an application requesting Development Plan approval, File No. PDEV17-056, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(1) **Project Setting:** The project site is comprised of 59.8 acres of land located at the southeast corner of Archibald Avenue and Schaefer Avenue, and is depicted in Exhibit A: Aerial Photograph, attached. Existing land uses, General Plan and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

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

(2) **Project Description:** A Development Plan (File No. PDEV17-056) to construct 229 single-family homes on 59.8 acres of land located within the Low Density Residential district of Planning Area 6A of The Avenue Specific Plan (**See Exhibit B – Site Plan**).



The project proposes the development of 229 single-family homes (80 Alley Loaded and 149 Conventional products) within Planning Area 6A of The Avenue Specific Plan. The project includes ten floor plans and three architectural styles per plan. The ten floor plans include the following:

**Alley Loaded:**

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

**45'x85' Conventional:**

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

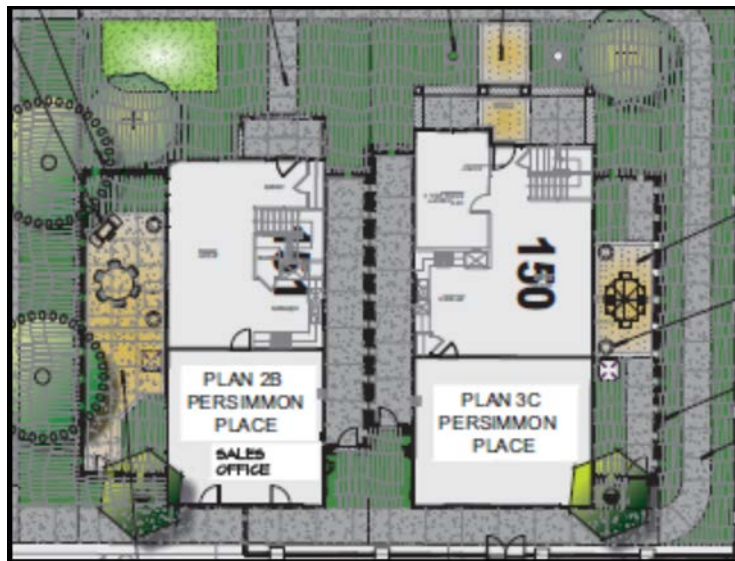
**55'x90' Conventional:**

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

All plans incorporate various design features, such as single and two-story massing, varied entries, front porches and a great room. In addition, each home will have a two-car garage and the conventional homes will have a two-car driveway. The conventional homes feature shallow and/or mid recessed garages, which locates the garage a minimum of 3 to 11 feet behind the front elevation/living space. To minimize visual impacts of garages, techniques such as the use of single-story massing on the front entries, second-story cantilever elements above garages, varied first and second-story roof massing, and door header trim and details above garages will be incorporated on the various elevations (**Figures 2 and 3: Typical Plotting**).



**Figure 2: Typical Conventional Plotting**



**Figure 3: Alley Loaded Plotting**

Site Access/Circulation — The project street frontage improvements along Archibald Avenue were constructed as part of the adjacent Park Place Community (Tract Map 18913 (“A” Map) and various “B” Maps). The proposed development is required to construct Schaefer Avenue along the northern frontage of the project site and La Avenida Drive along the southern project frontage. Primary vehicular access into the development will be provided from Archibald Avenue, Schaefer Avenue and La Avenida Drive.

Parking – The proposed conventional single-family homes will provide a two-car garage and a standard two-car driveway. The Alley Loaded homes will have garage access from a private lane and will provide a two-car garage, the proposed products meet The Avenue Specific Plan and Development Code requirements.

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

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

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

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

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

## **Part II—RECITALS**

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with File No. PSPA13-003, a(n) Amendment to The Avenue Specific Plan for which a(n) addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was adopted by the City Council on June 17, 2014, and this Application introduces no new significant environmental impacts; and

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

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

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

WHEREAS, all members of the DAB of the City of Ontario were provided the opportunity to review and comment on the Application, and no comments were received opposing the proposed development; and

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

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

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

WHEREAS, on March 19, 2018, the DAB of the City of Ontario conducted a hearing on the Application and concluded said hearing on that date; and

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

**Part III—THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND AND DETERMINED by the Development Advisory Board of the City of Ontario, as follows:

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

(1) The environmental impacts of this project were previously reviewed in conjunction with File No. PSPA14-002, a(n) Amendment to The Avenue Specific Plan for which a(n) addendum to The Avenue Specific Plan EIR (SCH# 2005071109) was adopted by the City Council on June 17, 2014.

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

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

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

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

**SECTION 2: *Subsequent or Supplemental Environmental Review Not Required.*** Based on the information presented to the DAB, and the specific findings set forth in Section 1, above, the DAB finds that the preparation of a subsequent or supplemental Subarea 29 Specific Plan EIR (SCH# 2005071109) is not required for the Project, as the Project:

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

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

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

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

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

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

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

**SECTION 3: Housing Element Compliance.** Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the recommending body for the Project, the DAB finds that based on the facts and information contained in the Application and supporting documentation, at the time of Project implementation, the project is consistent with the Housing Element of the Policy Plan (General Plan) component of The Ontario Plan. The project site is one of the properties listed in the Available Land Inventory contained in Table A-3 (Available Land by Planning Area) of the Housing Element Technical Report Appendix, and the proposed project is consistent with the maximum number of dwelling units (229) and density (3.83 DU/AC) specified within The Avenue Specific Plan. Per the Available Land Inventory, The Avenue Specific Plan is required to provide 2,552 dwelling units with an overall density range of 2-12 DU/AC.

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

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

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

(2) **The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified**

**on the site and the characteristics of the area in which the site is located.** The Project has been designed consistent with the requirements of the City of Ontario Development Code and Low Density Residential (Planning Area 6A - Product Types 1C and 2) land use district of The Avenue Specific Plan, as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; and

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

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

**SECTION 6: Development Advisory Board Action.** Based on the findings and conclusions set forth in Sections 1 through 5, above, the DAB hereby recommends that the Planning Commission APPROVES the Application subject to each and every condition set forth in the Department reports included as Attachment A of this Decision, and incorporated herein by this reference.

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

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

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APPROVED AND ADOPTED this 19<sup>th</sup> day of March 2018.

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Development Advisory Board Chairman

**Exhibit A—PROJECT LOCATION MAP**

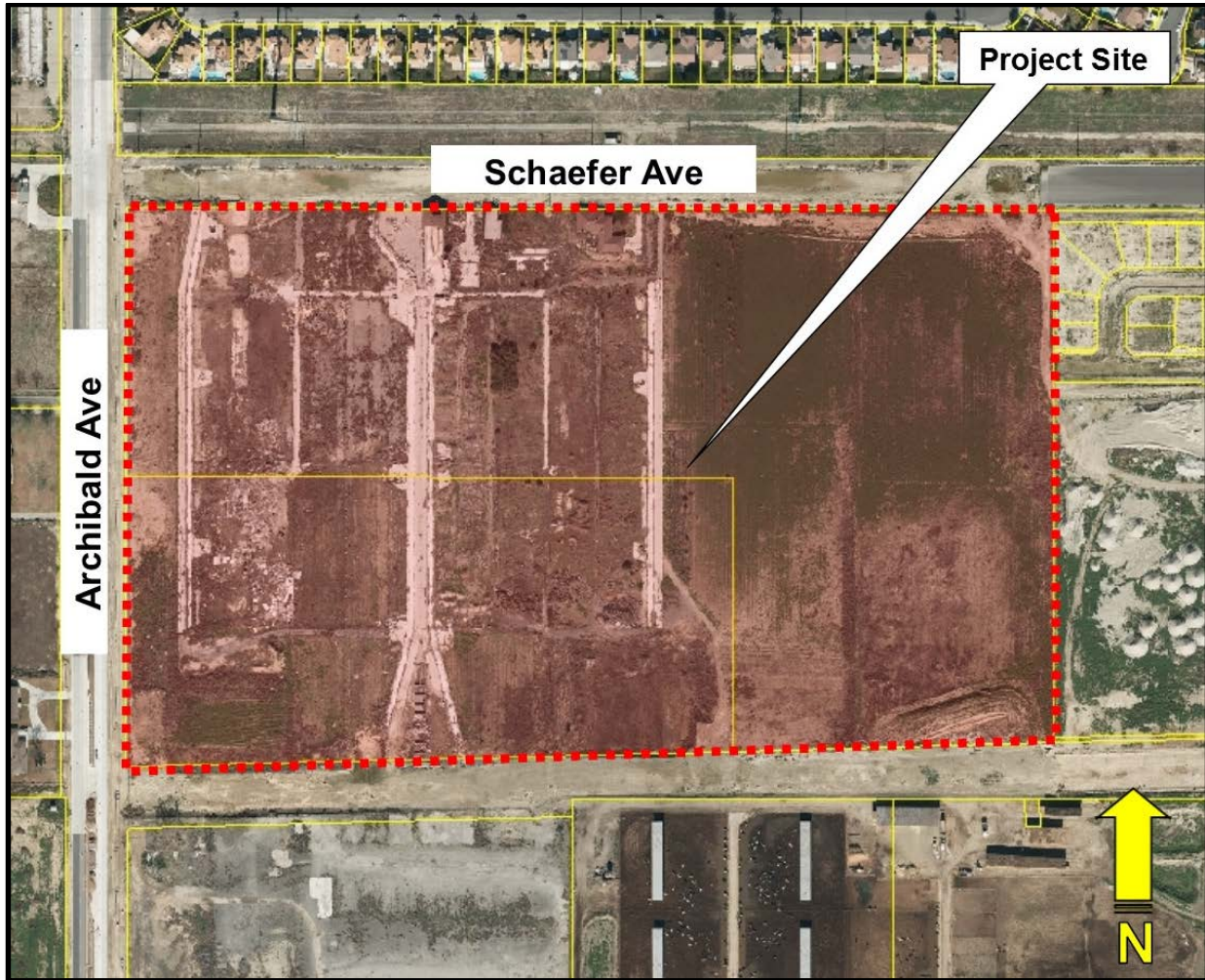
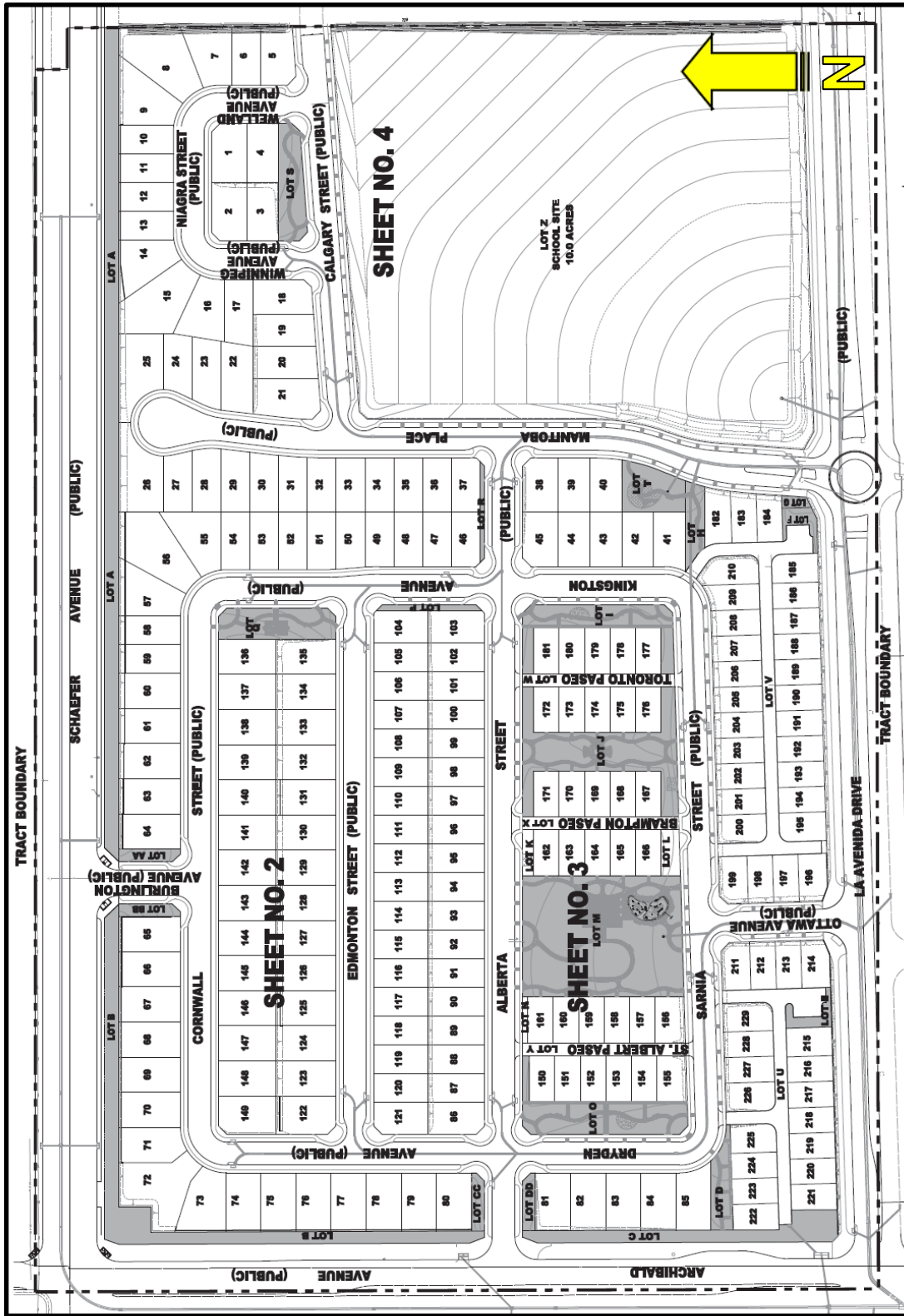
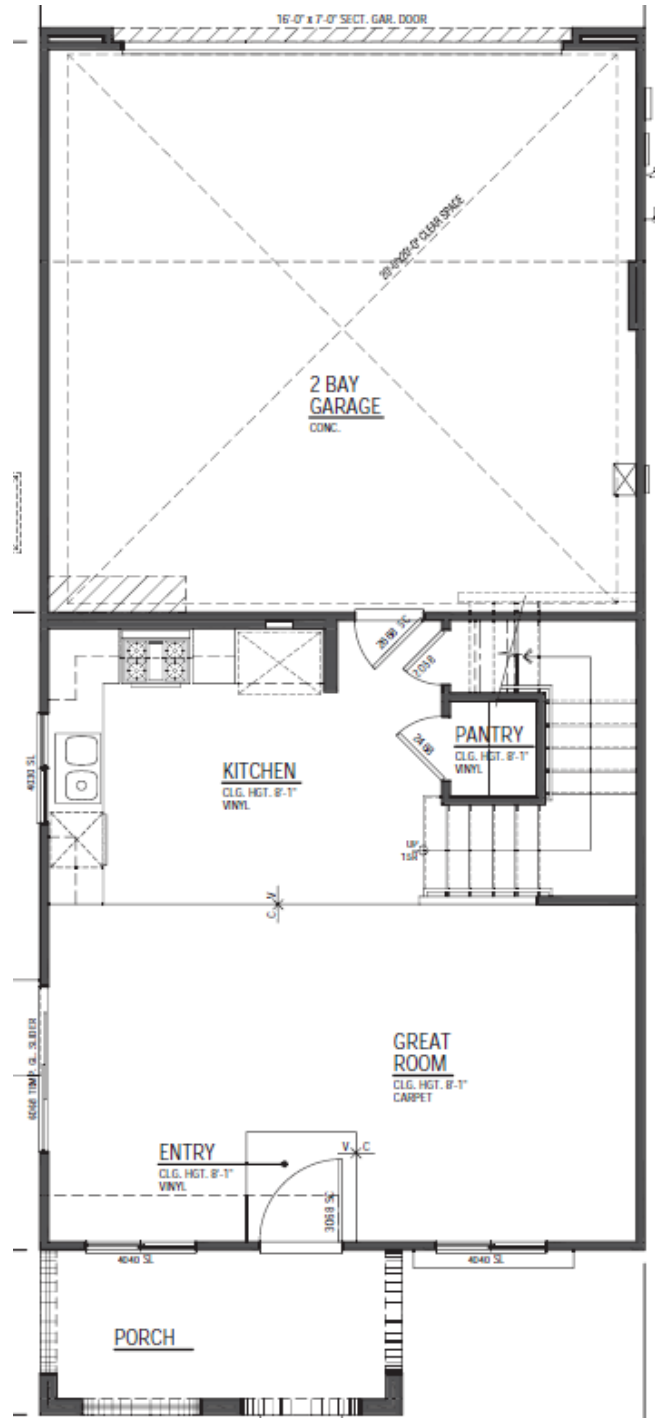
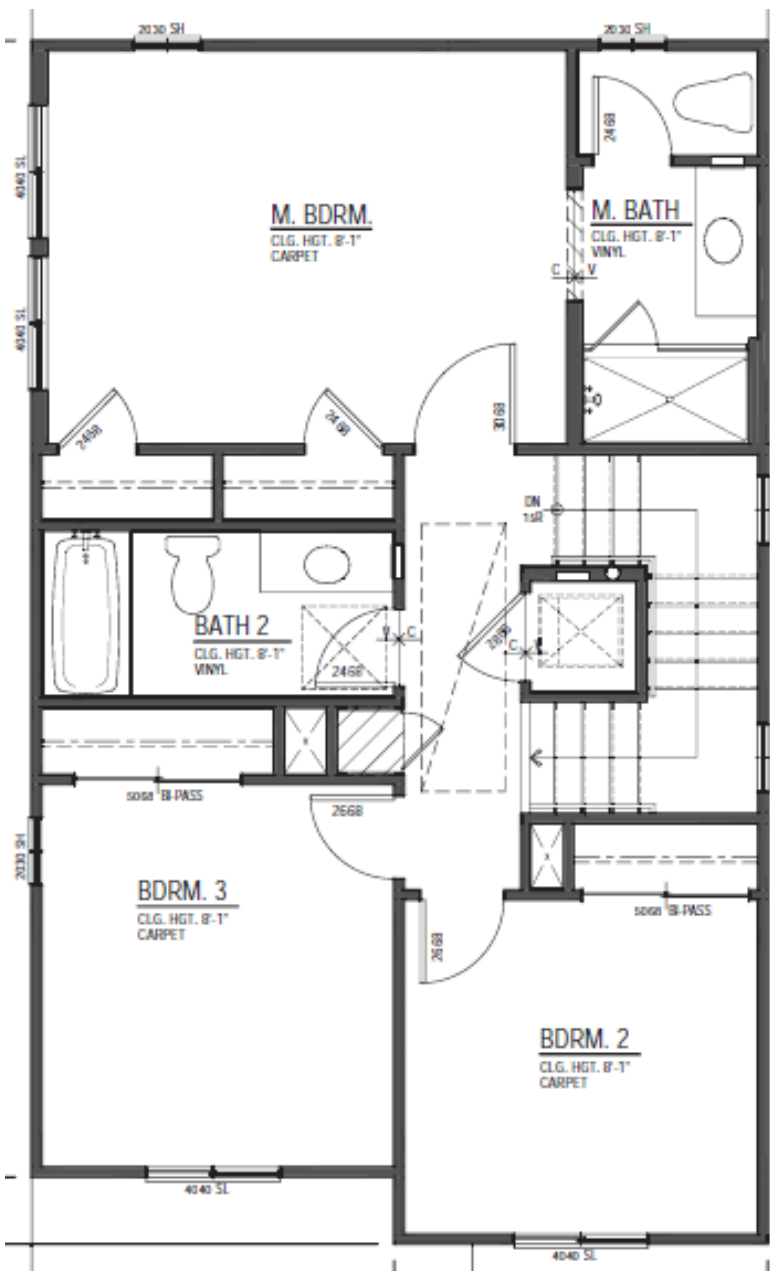




Exhibit B—SITE PLAN



**Exhibit C— FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 1**



**Exhibit C— FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 1**



**Elevation A - Spanish**

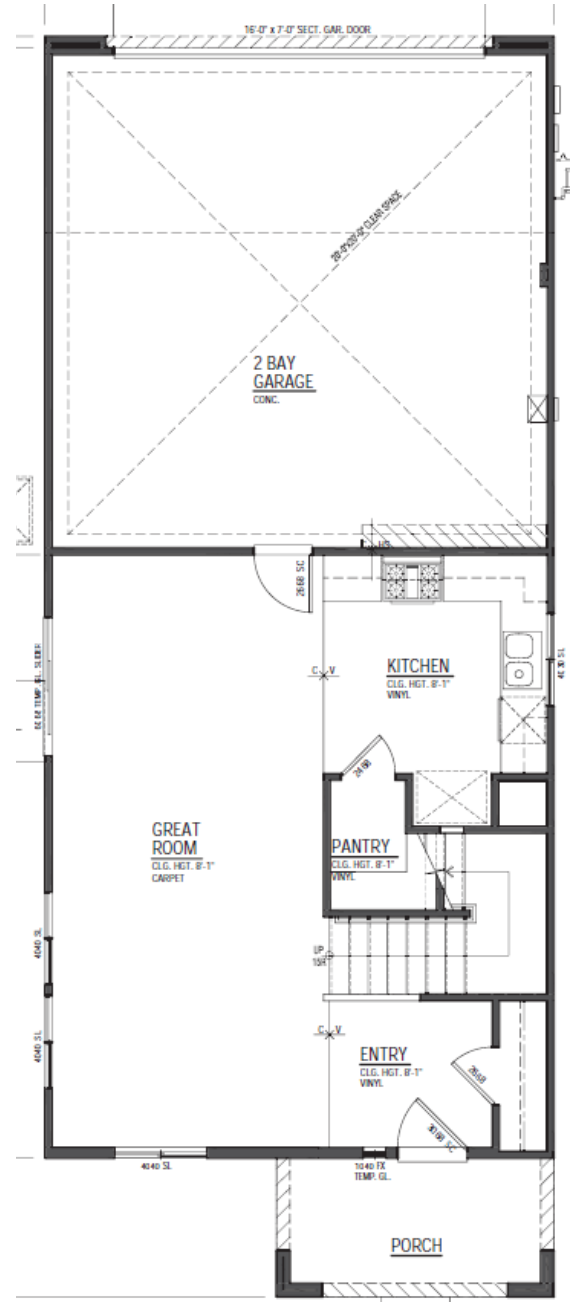
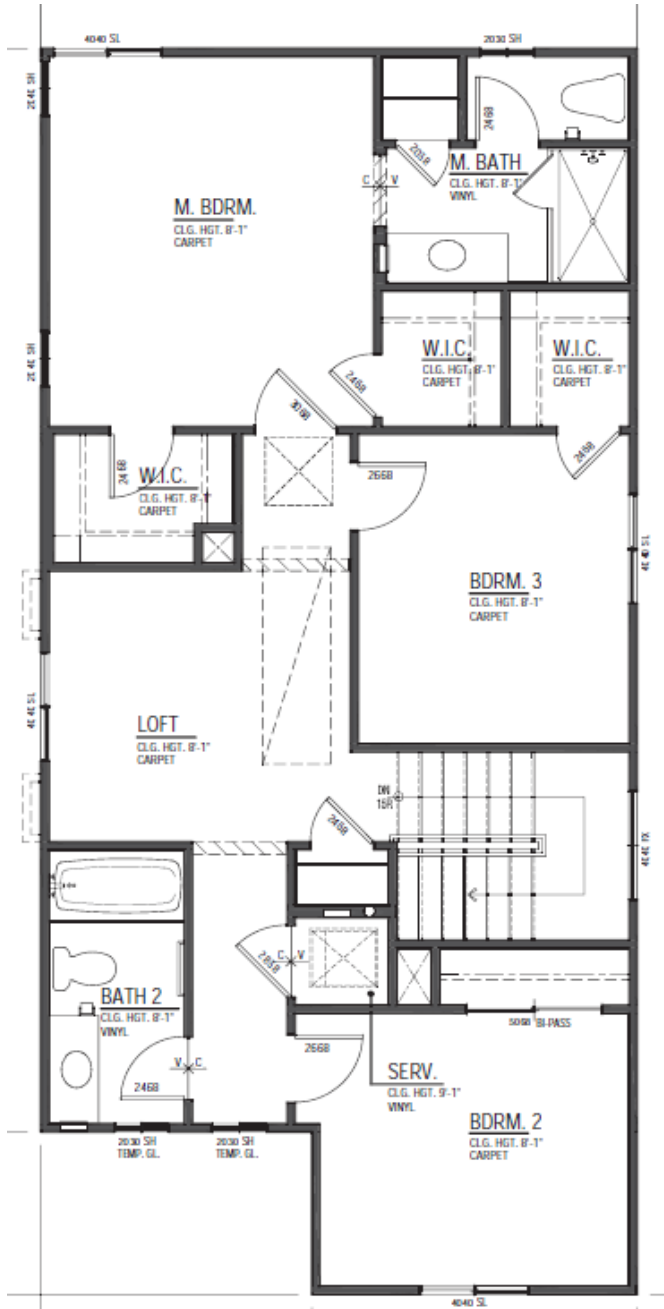


**Elevation C - Bungalow**



**Elevation B - California Ranch**

**Exhibit C— FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 2**



**Exhibit C— FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 2**



**Elevation A - Spanish**



**Elevation C - Bungalow**



**Elevation B - California Ranch**



**Exhibit C— FLOOR PLANS AND ELEVATIONS: ALLEY LOADED PLAN 3**



**Elevation A - Spanish**



**Elevation C - Bungalow**



**Elevation B - California Ranch**





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



**Elevation A - Spanish**

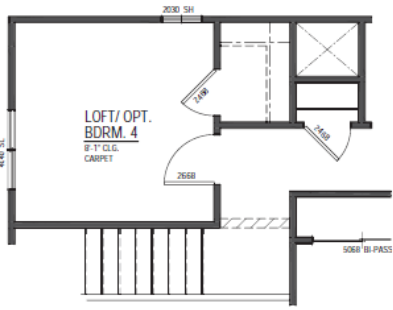


**Elevation C - Bungalow**

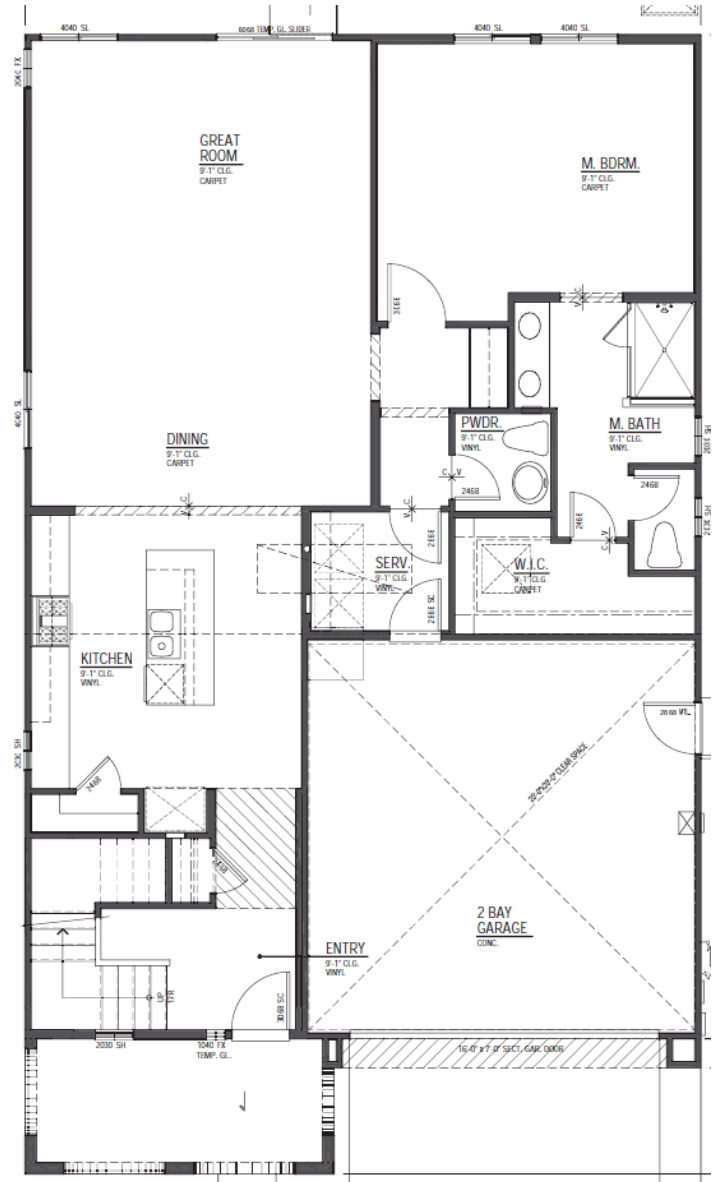
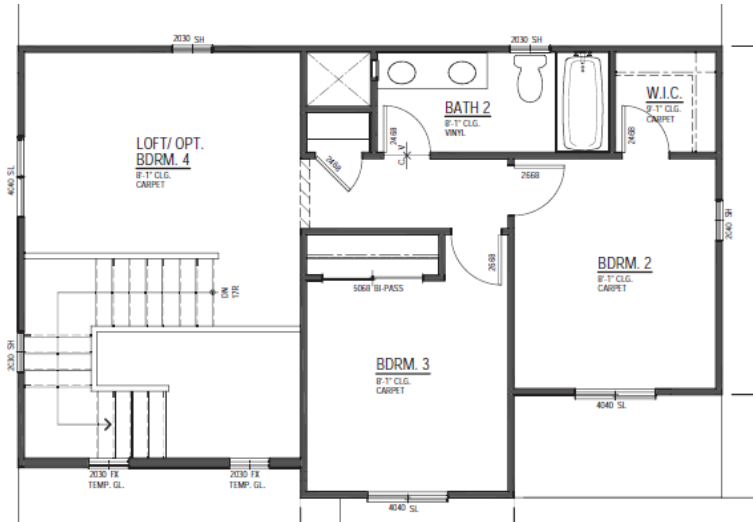


**Elevation B - California Ranch**

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



Opt. Bdrm. 4



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



**Elevation A - Spanish**

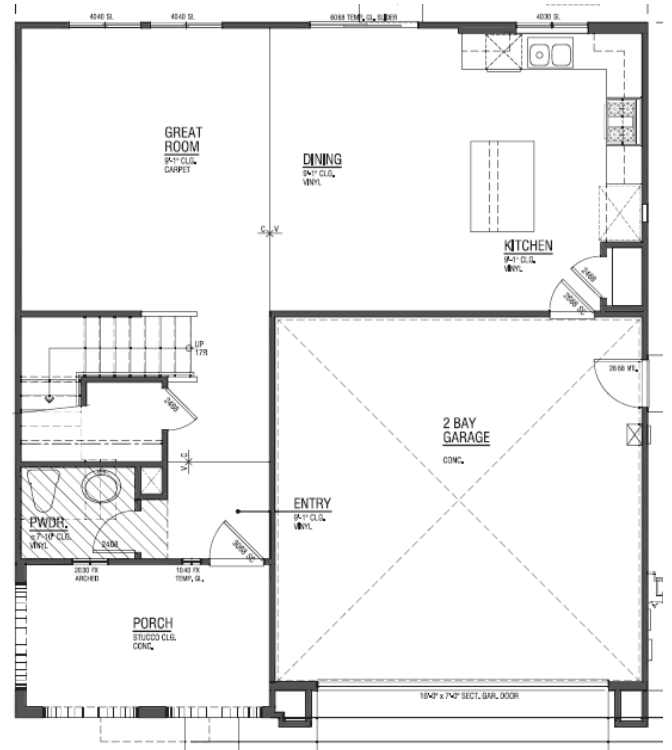
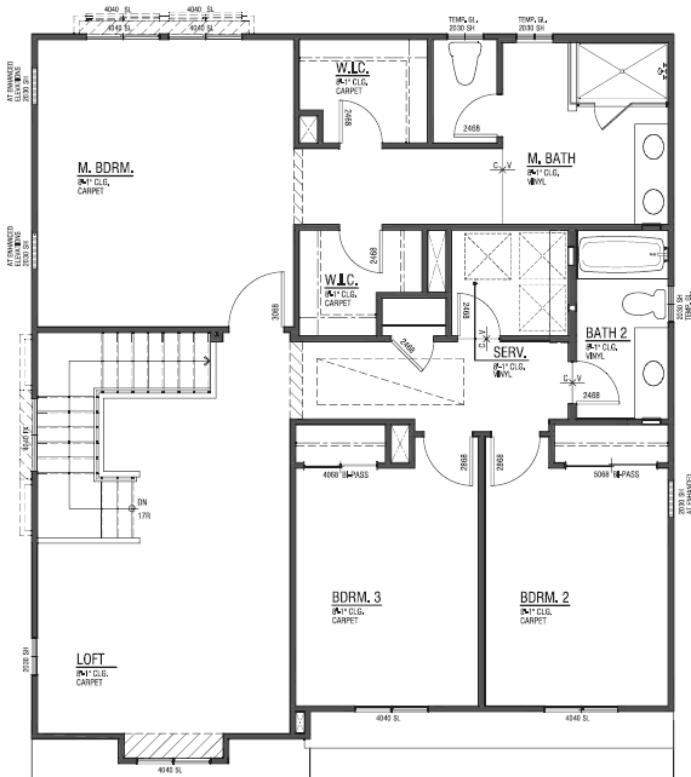


**Elevation C - Bungalow**



**Elevation B - California Ranch**

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



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



**Elevation A - Spanish**

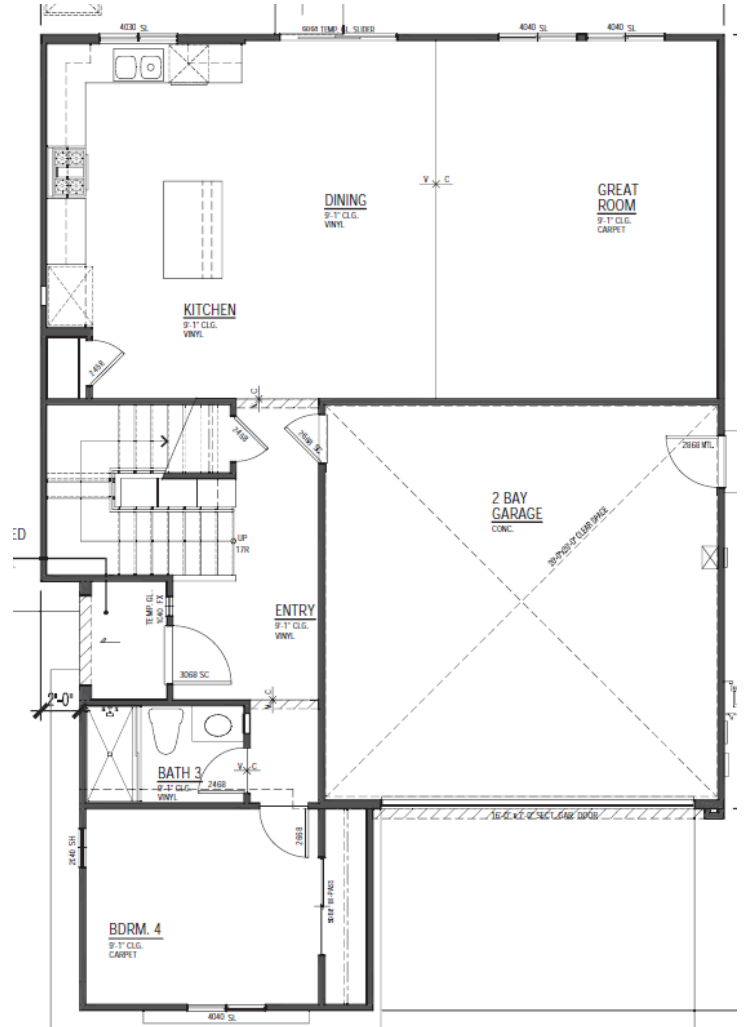
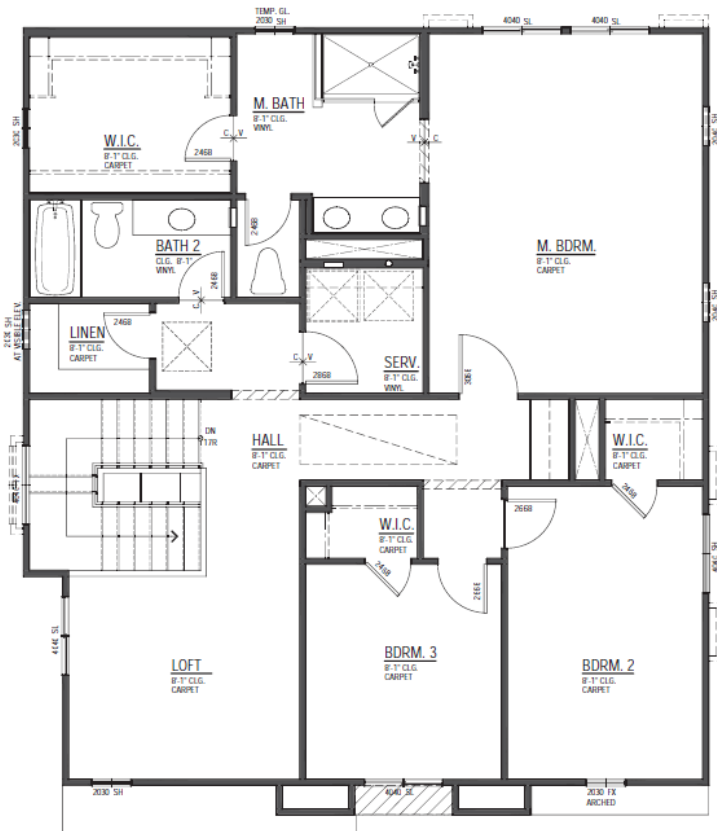


**Elevation C - Bungalow**



**Elevation B - California Ranch**

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



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



**Elevation A - Spanish**

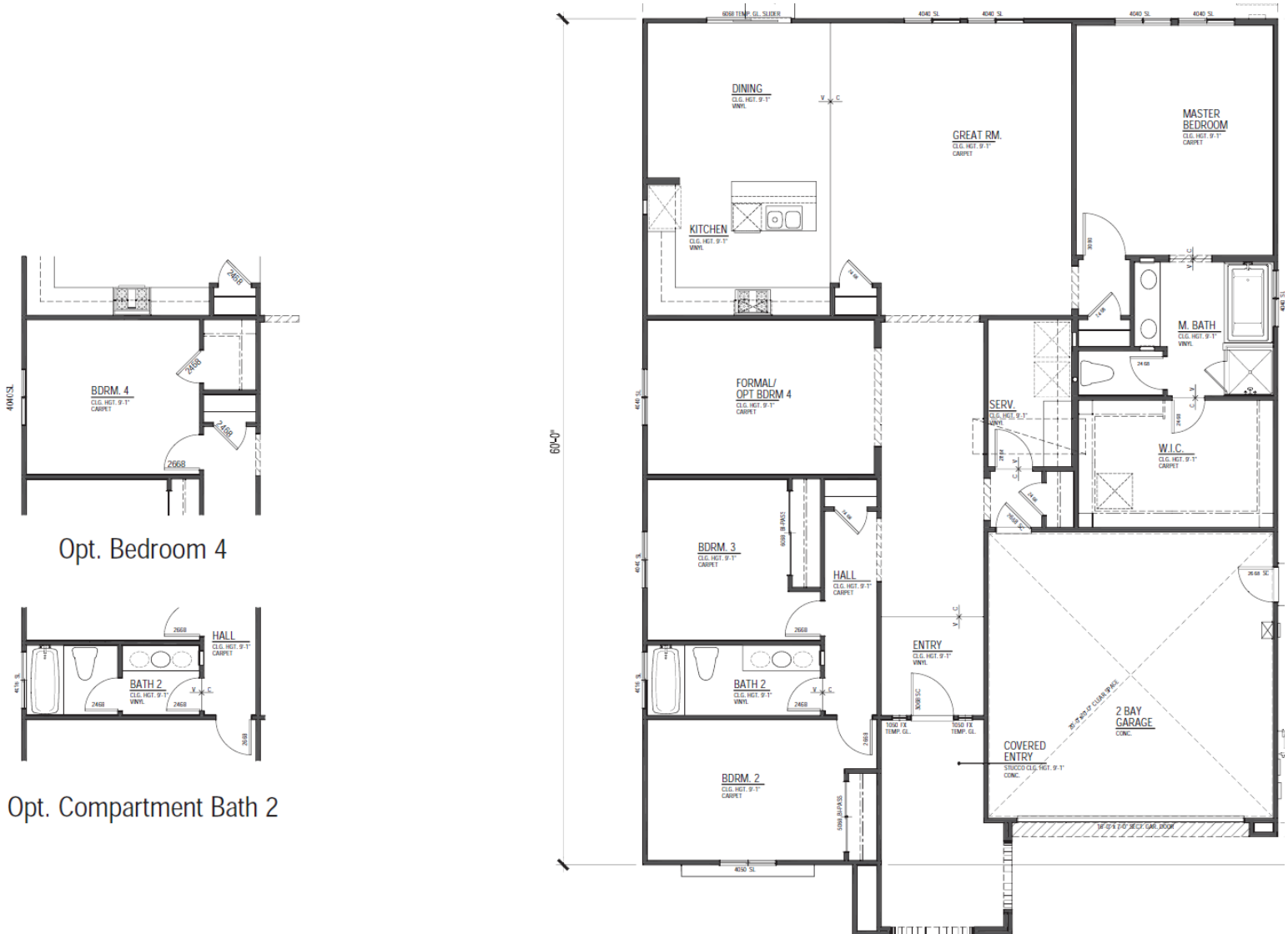


**Elevation C - Bungalow**



**Elevation B - California Ranch**

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





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



**Elevation A - Spanish**



colors, materials, and  
y

**Elevation C - Bungalow**



**Elevation B - California Ranch**



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



**Elevation A - Spanish**

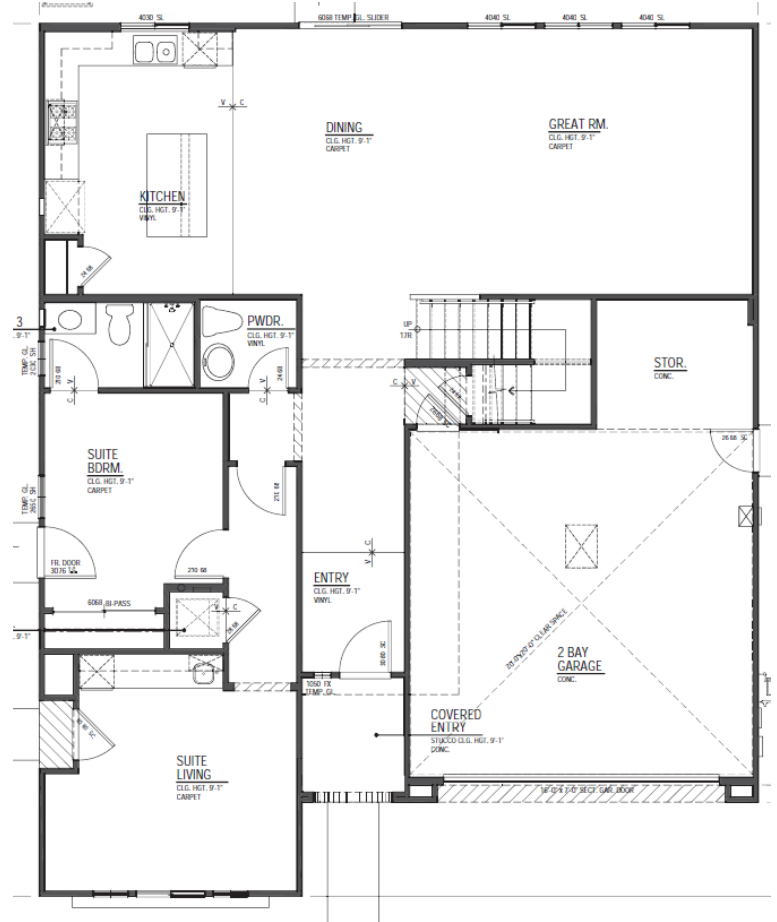
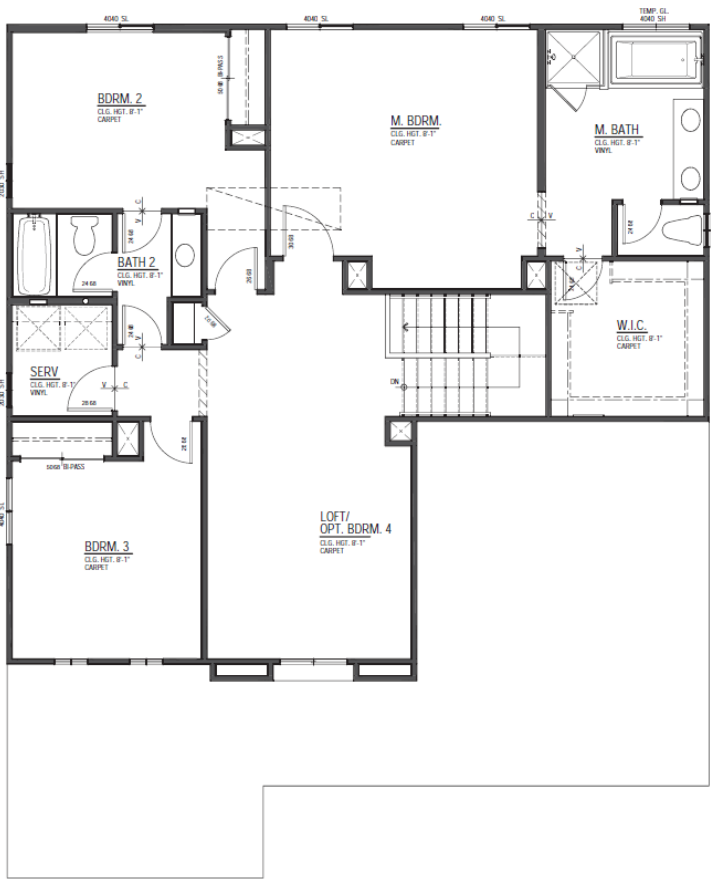


**Elevation C - Bungalow**



**Elevation B - California Ranch**

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



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



**Elevation A - Spanish**



ex. materials and

**Elevation C - Bungalow**



**Elevation B - California Ranch**

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



**Left**



**Front**



**Right**



**Rear**

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

**Exhibit C— CONCEPTUAL LANDSCAPE PLAN**



## Attachment A—Departmental Conditions of Approval

*(Departmental conditions of approval follow this page)*





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

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

**Meeting Date:** March 19, 2018  
**File No:** PDEV17-056  
**Related Files:** PMTT06-066/TT18419

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

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

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

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

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

**2.1 Time Limits.**

(a) Development Plan approval shall become null and void 2 years following the effective date of application approval, unless a building permit is issued and construction is commenced, and diligently pursued toward completion, or a time extension has been approved by the Planning Director. This condition does not supersede any individual time limits specified herein, or any other departmental conditions of approval applicable to the Project, for the performance of specific conditions or improvements.

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

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

(b) The project site shall be developed in conformance with the approved plans on file with the City. Any variation from the approved plans must be reviewed and approved by the Planning Department prior to building permit issuance.

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

**2.3** Landscaping.

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

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

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

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

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

**2.5** Parking, Circulation and Access.

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

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

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

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

**2.8** Disclosure Statements.

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

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

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

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

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

**2.9**     Environmental Review.

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

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

(c)     If any archeological or paleontological resources are found during project grading/excavation/construction, the area shall not be disturbed until the significance of the resource is determined. If determined to be significant, the resource shall be recovered by a qualified archeologist or paleontologist consistent with current standards and guidelines, or other appropriate measures implemented.

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

**2.11**     Additional Fees.

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

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

**2.12**     Additional Requirements.

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

(b)     Off-Site Subdivision Signs.

The City Council has authorized the Baldy View Chapter of the Building Industry Association to manage a standardized off-site directional sign program on a non-profit basis. The program

uses uniform sign structures and individual identification and directional signs for residential development. **No other off-site signing is authorized.** (For additional information, contact the Baldy View Chapter BIA at (909) 945-1884.

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

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

(e) Dairy Separation Requirement for Residential Development.

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

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

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

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

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

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

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



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

**Table 1: GHG Reduction Measures Screening Table for Residential Development**

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

PDEV17-056

Table 1: GHG Reduction Measures Screening Table for Residential Development

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

Table 1: GHG Reduction Measures Screening Table for Residential Development

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

Table 1: GHG Reduction Measures Screening Table  
for Residential Development

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




Table 1: GHG Reduction Measures Screening Table for Residential Development

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

**Certification**

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

Date: 11.13.17

Signature: 

Name (print or type): Ryan Jaeger



# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**DATE:** February 27, 2018

**DAB MEETING DATE:** March 19, 2018

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

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

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

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

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

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

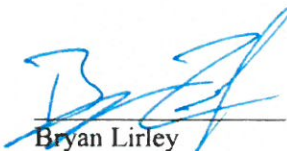


optic conduit system and connect to the existing fiber optic system per the Fiber Optic Master Plan.


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



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

  
Bryan Lirley  
Principal Engineer

3/7/18  
Date

  
Khoi Do, P. E.  
Assistant City Engineer

3-7-18  
Date

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



# CITY OF ONTARIO MEMORANDUM

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

FROM: Henry Noh, Senior Planner

DATE: November 16, 2017

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

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

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

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

RELATED FILE: TRACT MAP 18419

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

12/14/17

Landscape Planning Carolyn Bell Landscape Architect  
 Department Signature Title Date

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

**CONDITIONS OF APPROVAL**

**Sign Off**

*Carolyn Bell*  
 Carolyn Bell, Sr. Landscape Planner

12/14/17  
 Date

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

D.A.B. File No.:  
 PDEV17-056 Case Planner:  
 Henry Noh

Project Name and Location:  
 Avenida - The Avenue SP  
 SEC Schaefer and Archibald Ave  
 Applicant/Representative:  
 Western Pacific Housing - DR Horton – Rudy Provost  
 2280 Wardlow Ave ste 100  
 Corona, CA 92880

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

**CORRECTIONS REQUIRED**

Civil/ Site Plans

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

Landscape Plans

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

landscape from privately maintained landscape.

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

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

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



# CITY OF ONTARIO

## MEMORANDUM

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

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

**DATE:** December 13, 2017

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

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

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### **SITE AND BUILDING FEATURES:**

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



## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. See Standard #B-004.
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25') inside and forty-five feet (45') outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150') in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-six (26) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.₂

### **3.0 WATER SUPPLY**

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

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

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

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

#### **5.0 BUILDING CONSTRUCTION FEATURES**

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

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



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

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

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

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

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

Zone 1   
  Zone 2   
  Zone 3   
  Zone 4   
  Zone 5   
  Zone 6  
 Allowable Height: \_\_\_\_\_

## CONSISTENCY DETERMINATION

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

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

See attached Real Estate Transaction Disclosure condition:

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

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2017-084  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

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

#### NOTICE OF AIRPORT IN VICINITY

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

# CITY OF ONTARIO

## MEMORANDUM

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

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

---

### Conditions of Approval

1. Standard Conditions of Approval apply.

KS:lm



# CITY OF ONTARIO MEMORANDUM

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

FROM: Henry Noh, Senior Planner

DATE: November 16, 2017

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

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

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

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

RELATED FILE: TRACT MAP 18419

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

POLICE  
Department

Douglas Sorel  
Signature

MANAGEMENT  
ANALYST  
Title

12/5/17  
Date