



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

### **AGENDA**

**November 20, 2023**

- ▶ **All documents for public review are on file in the Planning Department located in City Hall at 303 East “B” St., Ontario, CA 91764 and on the city’s website at [ontarioca.gov/Agendas/DAB](http://ontarioca.gov/Agendas/DAB)**

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

Scott Ochoa, City Manager  
Scott Murphy, Executive Director, Community Development Agency  
Jennifer McLain Hiramoto, Economic Development Director  
James Caro, Building Official  
Rudy Zeledon, Planning Director  
Khoi Do, City Engineer  
Chief Michael Lorenz, Police Department  
Fire Marshal Paul Ehrman, Fire Department  
Scott Burton, Utilities General Manager  
Angela Magana, Community Improvement Manager

#### **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 October 16, 2023, approved as written.

## **PUBLIC HEARING ITEMS**

- B. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-004**: A public hearing to consider a Development Plan to construct a 2,900 square-foot drive-thru restaurant (Farmer Boys) on 0.83 acres of land, located at 950 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with an Amendment to the Piemonte Overlay of the Ontario Center Specific Plan, for which an Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearinghouse No. 198941009) was adopted by the City Council on April 19, 2022. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 0210-531-23) **submitted by HHI / Farmer Boys.**

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

No action necessary – use of previous Addendum to an EIR

#### **2. File No. PDEV23-004 (Development Plan)**

Motion to Approve / Deny

- C. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-023**: A hearing to consider a Development Plan to construct a 42,500-square-foot addition, 5,500-square-foot interior remodel and extensive exterior façade improvement to an existing commercial building on 19.23 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of The Ontario Center Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with The Ontario Center Environmental Impact Report - No. 88-2 (State Clearinghouse No. 1989041009), certified by the City Council on March 19, 1991. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APN: 0210-205-12) **submitted by Steve La Bruna, Rightt Structures, Inc.**

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

No action necessary – use of previous EIR



2. **File No. PDEV23-023** (Development Plan)

Motion to Approve / Deny

- D. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV21-011**: A public hearing to consider a Development Plan to construct 9 work/live units that consists of 252 square feet of ground floor commercial and 1,892 square feet of residential on the upper 2 levels of a mixed-use development on 0.48 acres of land within LUA-2N (Arts District-North) of the MU-1 (Downtown Mixed Use) zoning district located at 413 West Emporia 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; (APN: 1049-059-03) **submitted by JWDA-MS Architects. Planning Commission action is required.**

1. **CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. **File No. PDEV21-011** (Development Plan)

Motion to recommend Approval/Denial

- E. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-033**: A hearing to consider a Development Plan (File No. PDEV22-033) to construct 77 multiple-family dwellings, on 1.41-acres of land, for property located at 1749 E. Fourth Street within the HDR-45 (High Density Residential - 25.1 to 45.0 du/ac) zoning district. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32, In-Fill Development Project) 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; (APNs: 108-551-01, 108-551-34 and 108-551-35) **submitted by Mike Ascione - Ambitus-Ontario 1LP. Planning Commission action is required.**

1. **CEQA Determination**

No action necessary – Exempt: CEQA Guidelines Section § 15332

2. **File No. PDEV22-033** (Development Plan)

Motion to recommend Approval/Denial

- F. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-013**: A hearing to consider a Development Plan to construct one industrial building totaling 534,373 square feet on 23.88 acres of land located on the west side of Mill Creek Avenue approximately 300 feet south of Chino Avenue within Planning Area 2C (Light Industrial District) of the Rich Haven Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Rich Haven Specific Plan Amendment (File No. PSPA22-001), for which an Environmental Impact Report (State Clearinghouse No. 2022100425) was certified by the City Council on June 20, 2023. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. (APN: 218-161-18). **submitted by Brookcal**

**Ontario LLC. Planning Commission action is required.**

**1. CEQA Determination**

No action necessary – use of previous EIR

**2. File No. PDEV23-013 (Development Plan)**

Motion to recommend Approval/Denial

- G. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-015: A hearing to consider a Development Plan (File No. PDEV23-015) to construct one industrial building totaling 1,165,630 square feet on 49.47 acres of land located at 1945 East Merrill Avenue, on the northwest corner of Merrill Avenue and Carpenter Avenue, within the Industrial land use district of the Merrill Commerce Center Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with the Merrill Commerce Center Specific Plan, for which an Environmental Impact Report (State Clearinghouse No. 2019049079) was certified by the City Council on February 2, 2021. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. The project site is also located within the Airport Influence area of Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Chino Airport Land Use Compatibility Plan; (APNs: 1054-511-01 & 1054-511-02) **submitted by Prologis LP. Planning Commission action is required.****

**1. CEQA Determination**

No action necessary – use of previous EIR

**2. File No. PDEV23-015 (Development Plan)**

Motion to recommend Approval/Denial

- H. ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV23-038: A hearing to consider a Development Plan Modification (File No. PDEV23-038) to File No. PDEV22-014, to increase the height of Building B from 5 to 6 stories, increase building square footage from 221,730 to 387,598 square feet, and increase the unit count from 112 to 201 units, located on 2.37 acres of land located at 4000 Ontario Center Parkway, within the Mixed-Use land use district of the Piemonte Overlay of the Ontario Center Specific Plan. The environmental impacts of this project were previously reviewed in conjunction with an Amendment to the Piemonte Overlay of the Ontario Center Specific Plan (File No. PSPA21-001), for which and Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearinghouse No. 198941009) was adopted by the City Council on April 19, 2022. This application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan; (APNs: 0210-205-01) **submitted by Adept Development. Planning Commission action is required.****

**1. CEQA Determination**

No action necessary - use of previous Addendum to an EIR

2. **File No. PDEV23-038** (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 **December 4, 2023**.

I, Gwen Berendsen, Administrative Assistant of the City of Ontario, or my designee, hereby certify that a true, accurate copy of the foregoing agenda was posted on or before **November 16, 2023**, at least 72 hours prior to the meeting per Government Code Section 54954.2 at 303 East "B" Street, Ontario.



Administrative Assistant

**CITY OF ONTARIO**

**Development Advisory Board**

**Minutes**

**October 16, 2023**

**BOARD MEMBERS PRESENT**

Rudy Zeledon, Chairman, Planning Department  
Khoi Do, Engineering Department  
David Bucholtz, Community Improvement  
Charity Hernandez, Economic Development Agency  
Paul Ehrman, Fire Department  
Christy Stevens, Municipal Utilities Company  
Heather Lugo, Police Department

**BOARD MEMBERS ABSENT**

James Caro, Building Department

**STAFF MEMBERS PRESENT**

Gwen Berendsen, Planning Department  
Diane Ayala, Planning Department  
Jamie Richardson, Planning Department  
Raymond Lee, Engineering Department

**PUBLIC COMMENTS**

No person from the public wished to speak.

**CONSENT CALENDAR ITEMS**

- A. **APPROVAL OF MINUTES:** Motion to approve the minutes of the October 2, 2023 meeting of the Development Advisory Board was made by Mr. Do; seconded by Ms. Hernandez; and approved unanimously by those present (7-0).

**PUBLIC HEARING ITEMS**

- B. **ENVIRONMENTAL ASSESSMENT, TENTATIVE TRACT MAP, AND DEVELOPMNET PLAN REVIEW FOR FILE NOS. PMTT22-024 (TTM 20487) AND PDEV22-037:** A public hearing to consider Tentative Tract Map No. 20487 (File No. PMTT22-024) to subdivide approximately 33.05-acres of land into 5 numbered lots for clubhouse/recreation area, and residential and commercial land uses in conjunction with a Development Plan (File No. PDEV22-037) to construct 508 apartment units located at the southwest corner of Archibald Avenue and Ontario Ranch Road, within Planning Areas 17, 18 and 19 of the Parkside Specific Plan. An Addendum to the Parkside Specific Plan (File No. PSP03-002) Environmental Impact Report (SCH# 2004011008) certified by the City Council on September 5, 2006, was prepared. This

Application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. The project site is also located within the Airport Influence area of Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Chino Airport Land Use Compatibility Plan; (APNs: 0218-231-10, 0218-231-11, 0218-231-15, 0218-231-16, 0218-231-31, 0218-231-13, 0218-231-23, 0218-231-24, 0218-231-32, 0218-231-34, 0218-231-36, 0218-231-42, 0218-231-47, 0218-231-48 and a portion of 0218-073-06; **submitted by SC Ontario Development Company, LLC. Planning Commission action is required.**

Mr. Zeledon opened the public hearing.

Sage McCleve with SC Ontario Development Company, LLC was present.

Mr. Zeledon asked if he had reviewed and accepted the Conditions of Approval.

Mr. McCleve stated he agreed to the COA's, but was still working with Fire regarding conditions 4.9, 4.10 which would be stricken and the language for 4.6.

Senior Deputy Fire Chief Ehrman agreed that they would strike Fire conditions 4.9 and 4.10 and the language for 4.6 would address the different fire alarm types per project types.

As there was no one wishing to speak on this item, Mr. Zeledon closed the public hearing.

Motion to recommend approval of an Addendum and **File Nos. PMTT22-024 and PDEV22-037**, subject to conditions, was made by Mr. Ehrman; seconded by Ms. Lugo; and approved unanimously by those present (7-0).

- C. **ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT PLAN REVIEW FOR FILE NO. PDEV22-029**: A hearing to consider a Development Plan (File No. PDEV22-029) to construct a park on approximately 16 acres of land generally located east of the Cucamonga Creek Channel, west of Archibald Avenue and adjacent to East Grand Park Street and East Griffith Court, within Planning Area 21 of the Parkside Specific Plan. An Addendum to the Parkside Specific Plan (File No. PSP03-002) Environmental Impact Report (SCH# 2004011008) certified by the City Council on September 5, 2006, was prepared. This Application introduces no new significant environmental impacts. The proposed project is located within the Airport Influence Area of Ontario International Airport and was evaluated and found to be consistent with the policies and criteria of the Ontario International Airport Land Use Compatibility Plan. The project site is also located within the Airport Influence area of Chino Airport and was evaluated and found to be consistent with the policies and criteria of the Chino Airport Land Use Compatibility Plan; (APNs 0218-063-06 and a portion of 0218-063-07); **submitted by SC Ontario Development Company, LLC. Planning Commission action is required.**

Mr. Zeledon opened the public hearing.

Sage McCleve with SC Ontario Development Company, LLC was present and agreed to the Conditions of Approval as written.

As there was no one wishing to speak on this item, Mr. Zeledon closed the public hearing.

Development Advisory Board Minutes  
October 16, 2023

Motion to recommend approval of an Addendum and **File No. PDEV22-029**, subject to conditions, was made by Ms. Stevens; seconded by Mr. Ehrman; and approved unanimously by those present (7-0).

There being no further business, the meeting was adjourned to the next meeting on November 6, 2023.

Respectfully submitted,



Gwen Berendsen  
Recording Secretary



# DEVELOPMENT ADVISORY BOARD DECISION

November 20, 2023

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

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

**FILE NO.:** PDEV23-004

**DESCRIPTION:** A hearing to consider a Development Plan to construct a 2,900 square-foot drive-thru restaurant (Farmer Boys) on 0.83 acre of land, located at 950 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APN: 0210-531-23); **submitted by HHI / Farmer Boys.**

## PART 1: BACKGROUND & ANALYSIS

HHI / FARMER BOYS, (herein after referred to as "Applicant") has filed an application requesting approval of a Development Plan, File No. PDEV23-004, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 0.83 acres of land located at 950 North Haven Avenue and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, Policy Plan (general plan) and zoning designations, and specific plan land uses on and surrounding the Project site are as follows:

	<b>Existing Land Use</b>	<b>Policy Plan Land Use Designation</b>	<b>Zoning Designation</b>	<b>Specific Plan Land Use Designation</b>
Site:	Vacant	Mixed Use - Ontario Center	Piemonte Overlay of the Ontario Center Specific Plan	Commercial
North:	<u>City of Rancho Cucamonga:</u> Offices, Vacant & Industrial	<u>City of Rancho Cucamonga:</u> Industrial Park (0.40 – 0.60 FAR)	<u>City of Rancho Cucamonga:</u> Industrial Park (0.40 – 0.60 FAR)	N/A
South:	Vacant & Offices	Mixed Use - Ontario Center	Ontario Center Specific Plan	Urban Commercial (Piemonte Overlay of the Ontario Center SP)
East:	Multiple-Family Residential	Mixed Use - Ontario Center	Piemonte Overlay of the Ontario Center Specific Plan	Urban Residential
West:	Office & Multiple-Family Residential	Mixed Use - Ontario Center	Piemonte Overlay of Ontario Center Specific Plan and R.H. Wagner Properties Specific Plan	Garden Commercial and Urban Residential

## PROJECT ANALYSIS:

(1) Background — On June 15, 2020, the Development Advisory Board approved the Development Plan, File No. PDEV17-016, to construct a neighborhood shopping center (The Collection) located on the southeast corner of Haven Avenue and Fourth Street. The project approval consisted of six buildings totaling 85,583 square feet that included a restaurant pad with a drive-thru facility.

On January 19, 2022, the Development Advisory Board approved a Development Plan, File No. PDEV21-013 to revise the previously approved Development Plan, File No. PDEV17-016. The Development Plan revision increased the total shopping center square footage from 85,583 to 101,163 square feet, while maintaining the six buildings and a restaurant pad with a drive-thru. The site plan for the shopping center included the following: one 55,000-square-foot market (Stater Bros. Market) with an attached 9,950-square-foot wing of multi-tenant shops, a 4,088-square-foot convenience store (7-Eleven) with fuel sales, and four stand-alone multi-tenant pad buildings totaling 31,690 square feet (Pads 2, 3, 5, and 6), and a stand-alone restaurant pad with drive-thru facility (Pad 4).

On February 16, 2023, the Applicant submitted a Development Plan application (File No. PDEV23-004) to construct a 2,900 square-foot drive-thru restaurant (Farmer Boys) on Pad 4 of the shopping center.

(2) Site Design/Building Layout — The proposed Farmer Boys will occupy an 0.83-acre site (Pad 4) at The Collection shopping center. The fast-food restaurant building is located within the northwest quadrant of the shopping center, oriented in an east-west configuration, with the front entrance facing north toward the parking lot and the drive-thru pick-up window facing south (see Exhibit B: Site Plan, attached).

The building is setback approximately 20 feet from the west property line (Haven Avenue), approximately 485 feet from the south property line (Concours Street), approximately 430 feet from the east property line, and approximately 215 feet from the north property line (Fourth Street). Parking for employees and customers has been provided immediately to the north and east of the building.

The entrance to the drive-thru is located at the northwest corner of the building and will circulate from north to south, turning toward an east direction and terminating along the southern building elevation. The Project provides drive-thru lane stacking for 6 vehicles.

The building's main entrance is located on the north elevation of the building facing the parking lot and a second entrance, facing west, located near the southwest corner of the building. Walkways will be located along the west, north, and east portions of the building, providing pedestrian connections to the main entrance. The drive-thru order menu board is located to the west of the building and the pick-up window is located on the south elevation of the building. The floor plan has been designed with the dining area occupying the western half of the building and the kitchen/employee area/bathroom



occupying the eastern half of the building (see Exhibit C: Floor Plan, attached). Outdoor seating will be provided immediately west of the proposed building and occupies an area that is approximately 600 square feet in size, facing Haven Avenue.

(3) Site Access/Circulation — The Project site is located within a commercial shopping center located on the southeast corner of Haven Avenue and Fourth Street that is currently under construction. The Development Plan (File No. PDEV21-013) facilitated the construction of internal private streets, common drive aisles and street improvements along Haven Avenue, Fourth Street, and Concours Street.

Vehicular circulation throughout the shopping center is provided by a series of two-way drive aisles that provide access to all proposed buildings and throughout all parking fields. A drive aisle that runs north-south along the shopping center's east property line provides delivery truck access to the major tenant building.

Pedestrian circulation is provided throughout the shopping center site, which connects each building within the development. Additionally, a number of pedestrian pathways have been provided that connect to the shopping center's perimeter along Fourth Street, Haven Avenue, and Concours Street, which will encourage and promote pedestrian mobility through the site.

Primary access to the Project site is from Haven Avenue, via a shared driveway which is provided mid-block, between Fourth Street and Concours Street, and will be limited to right in/right out. There are two additional vehicular access points on the northern portion (Fourth Street) and southern portion (Concours Street) of the shopping center. The northern access of the shopping center is from Fourth Street by a signalized full access driveway. The southern access of the shopping center is from Concours Street by a full access driveway that aligns with the driveway across the street and is shared with the adjoining property to the east.

(4) Parking — As shown in the Parking Summary Table, below, the Project is required to provide a minimum of 21 off-street parking spaces pursuant to the off-street parking standards specified in the City's Development Code. The Project proposes to provide a total of 47 off-street parking spaces, exceeding the minimum off-street parking requirements, as shown in the table below. In addition, the minimum off-street parking requirement for the shopping center is 532 spaces. A total of 592 parking spaces have been provided, providing an excess of 60 parking spaces overall.

**Parking Summary Table**

Type of Use	Building Area (in SF)	Parking Ratio	Spaces Required	Spaces Provided
Fast Food Restaurants	2,900 SF	13.3 spaces per 1,000 SF of GFA.	39	47
	145 LF of drive-thru lane	One space for each 24 lined feet of drive-thru lane behind the pickup window (credit)	-6	0

**Parking Summary Table**

Type of Use	Building Area (in SF)	Parking Ratio	Spaces Required	Spaces Provided
<b>TOTAL</b>			<b>33</b>	<b>47</b>

(5) Architecture — A contemporary building design has been proposed to provide consistency with the previously approved shopping center, incorporating stucco exterior walls in combination with various accent walls clad in stone veneer and metal siding having a wood appearance, Greenscreen trellis panels, prefabricated metal canopies, color blocking, clear vision glazing set in a clear anodized storefront system, and decorative accent lights. The Applicant has proposed a development that embodies the type of high-quality architecture promoted by the Piemonte Overlay of the Ontario Center Specific Plan and the Development Code's design guidelines for commercial developments. This is exemplified through the Project's use of:

- Significant articulation in the building footprint, which correspond to vertical changes in the planes of exterior walls;
- Main entrance defined by enhanced architectural elements;
- A mix of exterior finishes/materials and architectural detailing, including the incorporation of stucco walls in combination with the liberal use of cultured stone veneers, decorative metal panels, and color blocking used to define changes in wall planes;
- Varied building massing, incorporating multiple changes in plane in exterior building walls; and
- Varied roof elements/forms, incorporating significant changes in roof and parapet lines.

(6) Landscaping — The landscape improvements for the Project were approved in conjunction with the approved Development Plan (File No. PDEV21-013) for the shopping center. The approved shopping center landscape plan included substantial landscaping the full length of the Fourth Street, Haven Avenue, and Concours Street frontages, throughout off-street parking areas, and throughout stormwater retention areas, for an overall landscape coverage of 22.6 percent (120,634 square feet). A variety of accent and shade trees in 15 gallon, 24-inch, 36-inch, and 48-inch box sizes were included to enhance the shopping center. Decorative paving and lighting at vehicular entries, pedestrian walkways, and other key locations throughout the shopping center are provided.

(7) Signage — All project signage is required to comply with sign regulations provided in Ontario Development Code Division 8.1. Prior to the issuance of a Building Permit for the installation of any new on-site signage, the Applicant is required to submit Sign Plans for Planning Department review and approval.

(8) Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the Project. Furthermore, the Preliminary Water Quality Management Plan ("PWQMP"),

which establishes the Project's compliance with storm water discharge/water quality requirements, was approved through the previously approved Development Plan (File No. PDEV21-013). The PWQMP included site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of vegetated swales and detention basins, and underground infiltration systems designed to accept runoff from building roofs, parking lots, and Project driveways. Any overflow drainage will be conveyed to the public street by way of parkway drains and culverts.

**PUBLIC NOTIFICATION:** The subject application was advertised as a hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper).

**CORRESPONDENCE:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

**AGENCY/DEPARTMENT REVIEWS:** Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are included with this Decision.

**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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Development Advisory Board, 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 ONT ALUCP.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
  - G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

(4) Policy Plan (General Plan)

**Land Use Element:**

- Goal LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.
  - LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.
- Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.
  - LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

**Community Economics Element:**

- Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.
- Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.
  - CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.
  - CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.
  - CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.
  - CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

**Safety Element:**

- Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

- S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

**Community Design Element:**

- Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

- CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.

- CD-1.2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City's identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.

- CD-1.3 Existing Neighborhoods. We require the existing character of viable residential and non-residential neighborhoods be preserved, protected, and enhanced.

- Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

- CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

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

- CD-2.7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials, and construction techniques.

➤ CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

➤ CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:

- Surface parking: Shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field;
- Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and
- Garage parking: providing access to single-family residential garages through alley access, recessing garages from the frontage to emphasize front doors or active living spaces.

➤ CD-2.11 Entry Statements. We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD-2.12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD-2.13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD-3.2 Comfortable, Human-Scale Public Realm. We require that public spaces, including streets, parks, and plazas on both public and private property be



designed to maximize safety, comfort and aesthetics and connect to the citywide pedestrian, vehicular, and bicycle networks.

➤ CD-3.3 Complete and Connected Network. We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks, commercial areas, and transit stops) and are designed to maximize safety, comfort, and aesthetics.

➤ CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

➤ CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

➤ CD-3.6 Managed Infrastructure. We collaborate with developers and property owners to facilitate development that realizes the envisioned character and functionality of the Place Type through the use of green and shared infrastructure within each Place Type.

▪ Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD-5.2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.



## **PART 2: RECITALS**

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

WHEREAS, the environmental impacts of this project were previously reviewed in conjunction with an Amendment to the Piemonte Overlay of the Ontario Center Specific Plan, for which an Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearinghouse No. 198941009) was adopted by the City Council on April 19, 2022; and

WHEREAS, the environmental impacts of this Project were thoroughly analyzed in the Certified EIR, which concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

WHEREAS, the environmental impacts of this Project were thoroughly analyzed in the previous EIR Addendum, which concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Development Advisory Board (hereinafter referred to as "DAB") the responsibility and authority to review and act 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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on November 20, 2023, 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 3: THE DECISION**

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

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the DAB has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the DAB finds as follows:

- (1) The environmental impacts of this project were previously reviewed in conjunction with an Amendment to the Piemonte Overlay of the Ontario Center Specific Plan, for which an Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearinghouse No. 198941009) was adopted by the City Council on April 19, 2022.
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the DAB, and the specific findings set forth in Section 1, above, the DAB finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(4) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

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

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the 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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the DAB during the above-referenced hearing and upon the facts and information set forth in Parts I (Background and Analysis) and II (Recitals), above, and the determinations set forth in Sections 1 and 3, 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 Mixed Use - Ontario Center land use district of the Policy Plan Land Use Map, and the Piemonte Overlay of the Ontario Center Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; 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 applicable requirements of the City of Ontario Development Code and the Piemonte Overlay of the Ontario Center Specific Plan, including standards relative to the particular land use proposed (drive-thru fast-food 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 Piemonte Overlay of the Ontario Center Specific Plan are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; [iv] the Project will be in harmony with the area in which it is located; and [v] the Project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Piemonte Overlay of the Ontario Center 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 Piemonte Overlay of the Ontario Center 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

(drive-thru fast-food restaurant). 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 Piemonte Overlay of the Ontario Center 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 APPROVES the Application subject to each and every condition set forth in the Conditions of Approval 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 20th day of November 2023.

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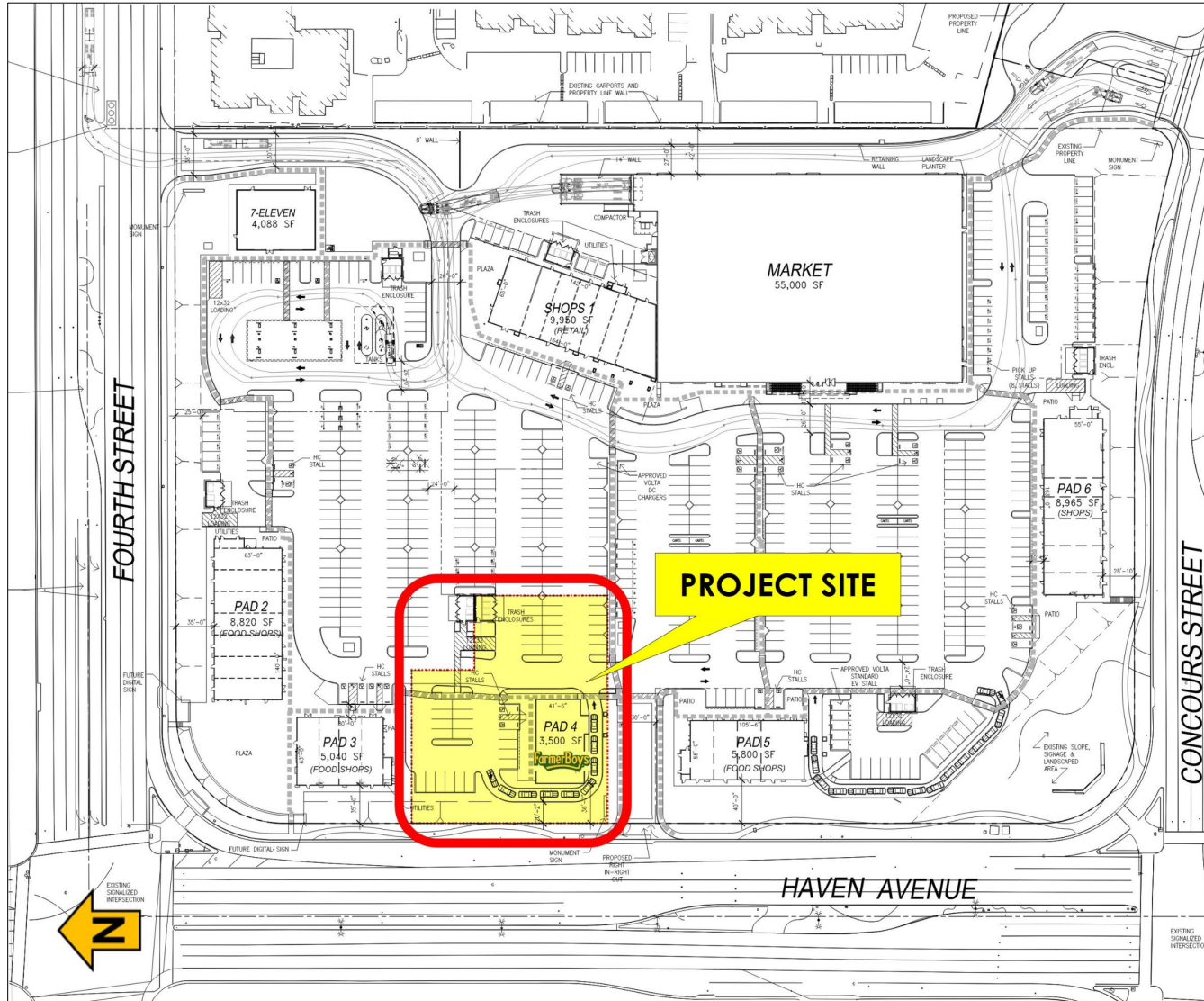
Development Advisory Board Chairman



**Exhibit A: PROJECT LOCATION MAP**

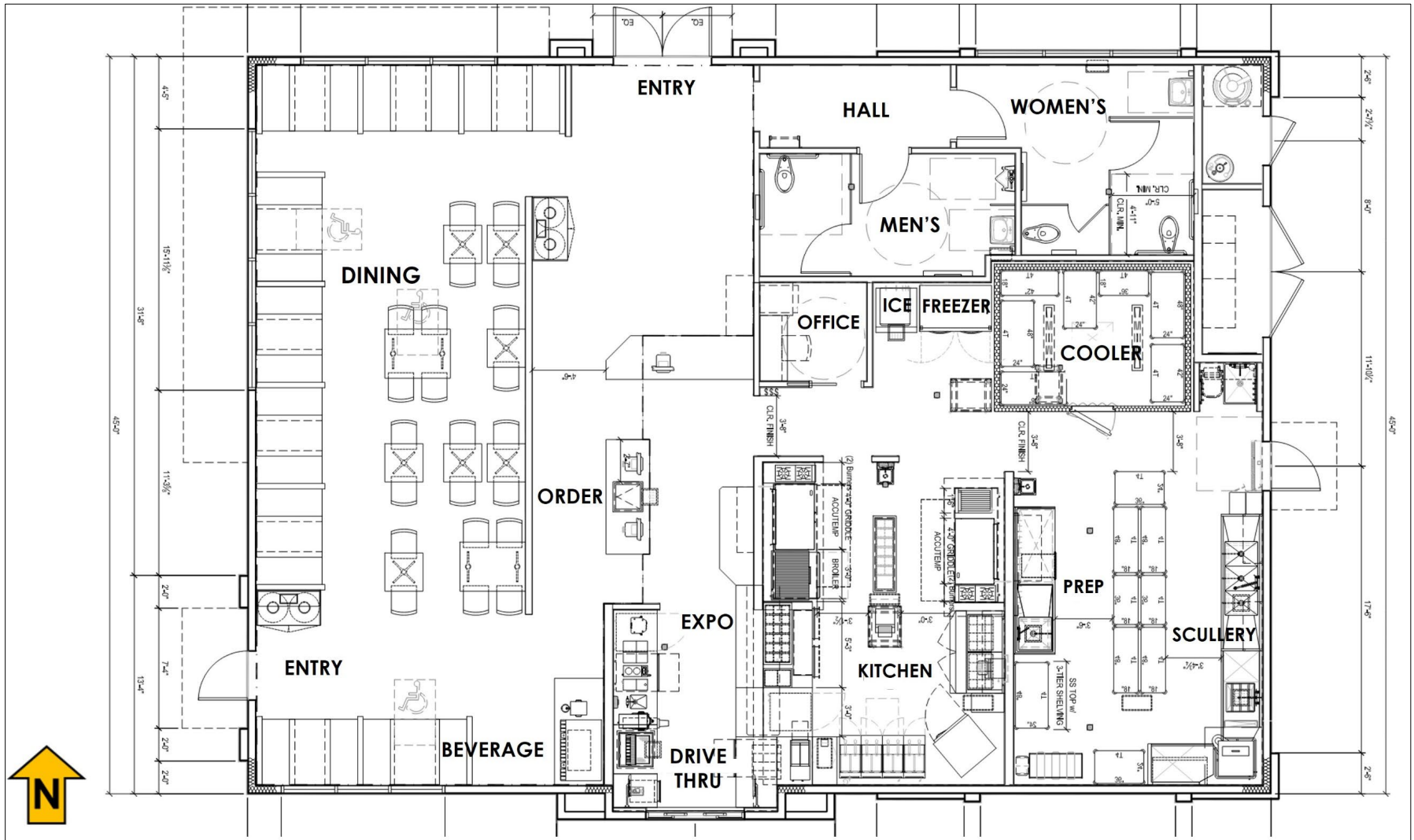


**Exhibit B: SITE PLAN**





**Exhibit C: FLOOR PLAN**





**Exhibit D: ELEVATIONS**



**Exhibit D: ELEVATIONS**





**Exhibit E: LANDSCAPE PLAN**



**Attachment A: Conditions of Approval**

*(Conditions of Approval follow this page)*

**Date Prepared:** 11/8/2023

**File No:** PDEV23-004

**Related Files:** PDEV21-013

**Project Description:** A Development Plan to construct a 2,900 square-foot drive-thru restaurant (Farmer Boys) on 0.83 acres of land, located at 950 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan. (APN: 0210-531-23); **submitted by HHI / Farmer Boys.**

**Prepared By:** Jeanie Irene Aguilo, Associate 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). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

## **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 noise levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

## **2.11** Environmental Requirements.

**(a)** 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).



**(b)** 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 will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

**(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** Final Occupancy. The Project Architect of record will certify that construction of each building site and the exterior elevations of each structure shall be completed in compliance with the approved plans. Any deviation to approved plans shall require a resubmittal to the Planning Department for review and approval prior to construction. The Occupancy Release Request Form/Architect Certificate of Compliance shall be provided prior to final occupancy. After the receipt of this Certification, the Planning Department will conduct a final site and exterior elevations inspection. The Owner's Representative and Contractor shall be present.

**2.15** Additional Requirements.

**(a)** All applicable conditions of approval of the related Development Plan (File No. PDEV21-013) shall apply to this project.





# CITY OF ONTARIO

## MEMORANDUM

### ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**PROJECT ENGINEER:** Angela Truong, Assistant Engineer (909) 395-2134


**PROJECT PLANNER:** Jeanie Aguilo, Associate Planner (909) 395-2418


**DAB MEETING DATE:** November 20<sup>th</sup>, 2023

**PROJECT NAME/DESCRIPTION:** PDEV23-004, a Development Plan to construct a 2,900 square-foot drive-thru restaurant (Farmer Boys) on 0.83 acres of land, located at 950 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan (APN: 0210-531-23). Related Files: PDEV21-013 and PDEV17-016

**LOCATION:** 950 North Haven Avenue

**APPLICANT:** Lewis Retail Centers

**REVIEWED BY:**   
Raymond Lee, P.E.  
Assistant City Engineer 10/4/23.  
Date

**APPROVED BY:**   
Khoi Do, P.E.  
City Engineer 10-4-23  
Date

**THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE LISTED BELOW. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT. SEE ATTACHED EXHIBIT 'A' FOR PLAN CHECK SUBMITTAL REQUIREMENTS.**

1. The project shall comply with the Conditions of Approval for PM-17550, approved at the DAB meeting of February 15, 2006, revised February 27, 2006; PDEV17-016, approved at the DAB meeting of May 18, 2020; and PDEV21-013, approved at the DAB meeting of January 19, 2022, revised January 19, 2022, attached herewith for reference, and in accordance with the Ontario Center Specific Plan, File No. PSP07-008, adopted August 1981, as amended.
2. Refer to Exhibit A for Ontario Municipal Utilities Company (OMUC) specific Conditions of Approval.



## CITY OF ONTARIO MEMORANDUM



**DATE:** September 18, 2023

**TO:** Jeanie Irene T. Aguilo, Planning Department  
Angela Truong, Engineering Department

**FROM:** Peter Tran, Utilities Engineering

**SUBJECT:** DPR #3 – Conditions of Approval (COA) - Utilities Comments(#9519)

**PROJECT NO.:** PDEV23-004

### BRIEF DESCRIPTION

*A Development Plan to construct a 2,900 square-foot drive-thru restaurant (Farmer Boys) on 0.83 acres of land, located at 950 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan (APN: 0210-531-23). Related Files: PDEV21-013 and PDEV17-016.*

## OMUC UTILITIES ENGINEERING DIVISION CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL:** *The Ontario Municipal Utilities Company (OMUC) Utilities Engineering Division recommends this application for approval subject to the Conditions of Approval outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards. The Applicant shall be responsible for the compliance with and the completion of all the following applicable Conditions of Approval prior to the following milestones and subject to compliance with City's Design Development Guidelines, Specifications Design Criteria, and City Standards:*

1. Standard Conditions of Approval: Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017, or as amended or superseded by Council Resolution; as well as the project-specific conditions/requirements as outlined below.

***Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:***

***General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:***

2. Final Utilities Systems Map (USM): Submit a Final Utilities Systems Map (FUSM) as part of the precise grading plan submittal that meets all the City's USM requirements. These requirements include to show and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements. See Utility Systems Map (USM) Requirements document for details.
  - a. The proposed utilities, utility alignments, and Public Rights-of-Way/Public Utility Easements shown on the Conceptual Utilities Systems Map (CUSM) and other Entitlement documents are not considered final and shall be revised during Final Design to meet all City Design Guidelines, Standards, City Requirements, and all of the Conditions of Approval contained in this document.

3. Inherited Requirements and Conditions of Approval: This project is subject to all the Requirements and Conditions of Approval from the Ontario Center Specific Plan (PSP-16-003), File No. PDEV17-016 – Decision No. DAB20-028.

***Sanitary Sewer Conditions (Section 2.C): The Applicant shall comply with the following:***

4. Sanitary Sewer Mains Improvements:
- a. N/A.
5. Private Onsite Sewer System and Plumbing: The Onsite Sewer System shall be privately maintained by the property owner and shall meet the following requirements:
- a. For wastewater flows for non-residential uses:
    - i. The Onsite sewer system and building plumbing shall be designed in such a way that the sanitary domestic wastewater flows leave the building separately from non-sanitary wastewater flows (industrial, process, or kitchen, etc.) and the line for non-sanitary wastewater flows can be upgraded in the future to have pretreatment equipment and devices on it, as required by a Wastewater Discharge Permit.
    - ii. Each building and each connection from the Onsite Sewer System to the Public Sewer System shall have an onsite monitoring manhole prior to the point of connection with the Public Sewer System.
  - b. Private Onsite Sewer and Storm Water Quality Improvements: No storm water quality improvements (infiltration, detention, retention, bioswale, etc) shall be installed above or with 5 feet of any Private Onsite Sewer pipes.
6. Wastewater Discharge: For Non-Residential Uses: each Occupant of the building, or units, as applicable, shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply with all the requirements of their Wastewater Discharge Permit. Requirements of Wastewater Discharge Permit may include, but not limited to include installing a monitoring manhole, clarifier, interceptor, or other wastewater pretreatment equipment.
- a. Grease Interceptor: Construct one grease interceptor for the proposed fastfood restaurant.

***Potable Water Conditions (Section 2.D): The Applicant shall comply with the following:***

7. Potable Water Main Improvements: N/A



ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL

<input type="checkbox"/> DEVELOPMENT PLAN	<input checked="" type="checkbox"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP
<input type="checkbox"/> FOR CONDOMINIUM PURPOSES		
DEVELOPMENT PLAN NO. _____ AND/OR TENTATIVE MAP FILE NO. PM 17550		
<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED: 2/27/06		

CITY PROJECT ENGINEER & PHONE:

DEAN A. WILLIAMS, ASSOCIATE ENGINEER (909) 395-2135 *AW* 2/28/06

CITY PROJECT PLANNER:

CHUCK MERCIER, SENIOR PLANNER (909) 395-2425

DATE:

FEBRUARY 15, 2006

PROJECT NAME/ DESCRIPTION:

PIEMONTE-ONTARIO CENTER; 32 PARCEL MIXED USE SUBDIVISION WITHIN THE ONTARIO CENTER SPECIFIC PLAN.

LOCATION:

BOUNDED BY FOURTH ST. ON NORTH, MILLIKEN AVE. ON EAST, CONCOURS ON SOUTH AND HAVEN AVE. ON WEST.

APPLICANT:

PANATTONI DEVELOPMENT COMPANY, IRVINE, CA

REVIEWED BY:

*Dennis Mejia* 2/28/06  
Dennis Mejia, PE Date  
Principal Engineer

APPROVED BY:

*Louis Abi-younes* 2-28-06  
Louis Abi-younes, PE Date  
Assistant City Engineer

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**ONLY APPLICABLE CONDITIONS ARE CHECKED. THE APPLICANT AND/OR APPLICANT'S REPRESENTATIVE SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS PRIOR TO FINAL MAP RECORDATION, ISSUANCE OF CONSTRUCTION PERMITS, AND/OR OCCUPANCY, AS SPECIFIED IN THIS REPORT.**

**1. PRIOR TO FINAL MAP RECORDATION** Check When Complete

- 1.01 Dedicate the following right-of-way in locations listed below: 
  - 1) 17.5 feet on portion of frontages of tentative parcel 12 and tentative parcels 21, 22 and 30 for construction of proposed Event Center Way (Public Street "A" per Amendment to Ontario Center Specific Plan) and 32.5 feet (half width) at the west entrance, portion of tentative parcel 12 (See Tentative Parcel Map No. 17550).  
 Corner P/L radius required at intersection of Concours and proposed Event Center Way, east and west ends.
- 1.02 Dedicate or reserve the following public utility easement(s) and emergency access easement(s): 
  - 1) Full width Public Utility Easements for water, recycled water and sewer shall be dedicated to the City of Ontario within the private streets in the subdivision currently designated as Streets "A", "B", "C", and "D" of the Piemonte at Ontario Center Project (Amendment to the Ontario Center Specific Plan, February 2006).
  - 2) 10.5 feet sidewalk and utility easements on proposed Event Center Way, north side of street only (public Street "A"), (See Tentative Parcel Map No. 17550).
- 1.03 Restrict vehicular access as follows: 
  - 1) Access to parcels 1 thru 9 on the south side of Fourth Street east of Haven Avenue shall be limited to one (1) right in/right out drive approach located within the easterlymost 200 feet of parcel 6. The parcels in that quadrant shall have the necessary reciprocal access rights.
  - 2) Access to parcels 1 thru 9 on the east side of Haven Avenue shall be limited to one (1) right in/right out drive approach located approximately 500 to 650 feet south of the centerline of Fourth Street or as approved by the City Engineer.
  - 3) The Developer/Applicant shall ~~ded~~ restrict all parcels fronting Concours, Haven Avenue and/or Fourth Street, from taking any additional vehicular access from said frontage roads and those specific access points ( private Streets "A", "B" and "C") identified in the Piemonte at Ontario Center Project (Amendment to the Ontario Center Specific Plan, February 2006) and these conditions of approval.
- 1.04 Vacate the following street or easement: 
  - 1) The entrance (intersection) to what was formerly proposed as Duesenburg Drive, approximately 750 feet east of the centerline of Haven Avenue, adjacent to tentative parcels 9 and 10, unless this entry is to be utilized as an approach to a private drive or street. Vacated right of way should revert to tentative parcel 10.
- 1.05 Provide and record a reciprocal use agreement to assure common ingress and egress and joint maintenance of all common access parking areas and drives.
- 1.06 Provide a copy of proposed Covenants, Conditions and Restrictions as applicable to the project to the City Engineer to be reviewed and approved by the City Attorney. These CC&R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- 1.07 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.
- 1.08 Provide a Monumentation bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us)) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.09 Provide a preliminary title report not older than 30 days.
- 1.10 This subdivision is within the existing assessment districts as listed below. An application for reapportionment of assessment, together with payment of a reapportionment processing fee must be

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reapportionment of assessment, together with payment of a reapportionment processing fee must be filed for each assessment district prior to final map approval. Contact Mark Lassler in the General Services Department at (909) 395-2124 regarding this requirement: **Community Facilities District No. 5 (Zone A).**

- 1.11 The property owner shall be responsible for all costs associated with the annual operation and maintenance of the street lighting/traffic signal facilities and appurtenances that serve this property. This property shall be annexed to a Street Lighting Maintenance Assessment District. A Consent and Waiver to Annexation agreement, executed by all the record owner(s) of the property, together with payment of an annexation processing fee of \$2,500.00 must be filed with the City prior to the issuance of a Building Permit or Final Subdivision Map/Lot Line Adjustment approval, whichever occurs first. Contact Mark Lassler in the General Services Department at (909) 395-2124 regarding this requirement.
- 1.12 **NMC Developments:** Prior to City Council approval of any Final Map, or if no subdivision map is required, then prior to issuance of any permits, a Community Facilities District (CFD) shall be established pursuant to the Mello-Roos Community Facilities District Act of 1982. 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 and exclusive lead agency in the formation of the CFD. Contact Mark Lassler in the General Services Department at (909) 395-2124.
- 1.13 **Well Site:** A City well site is required as part of this project. Unless otherwise approved by the Engineering Department, said site shall consist of a minimum 10,000 square feet of land area. Applicant shall show the location of the well site, as well as easements for access, water mains, and drain lines, if required on the site plan. The location of the well site should be discussed with the Utilities Department prior to preparing a Final Parcel/Tract Map.
- 1.14 **Other Conditions:** 
  - 1) **The Developer/Applicant shall reserve a 30 foot wide ingress-egress easement over the 'Target' site (tentative parcel 31), or other means of access, in favor of the City of Ontario, for access to the well site, currently under construction, adjacent to tentative parcel 31, as identified on the tentative parcel map. Contact Mr. Uday Shah, at the Public Works Agency at (909) 395-2657 for specific details.**

**2. PRIOR TO PERMITTING (GRADING, BUILDING, ENCROACHMENT, ETC)**

GENERAL

- 2.01 Record Parcel Map No. 17550 pursuant to the Subdivision Map Act and in accordance with City Code. Provide a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.02 The subject site is a recognized parcel per \_\_\_\_\_
- 2.03 The subject parcel may be an unrecognized parcel and will require a subdivision map to be processed unless a deed can be supplied showing the existence of the parcel prior to the date of \_\_\_\_\_
- 2.04 The project will require a subdivision map to be processed, and this development plan shall only proceed to the Development Advisory Board (DAB) concurrently with the required subdivision map.
- 2.05 This project requires a Certificate of Compliance with Record of Survey/ Lot Line Adjustment/ Dedication of Easement to be processed.
- 2.06 All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
- 2.07 Provide a copy of proposed Covenants, Conditions and Restrictions as applicable to the project to the City Engineer to be reviewed and approved by the City Attorney. These CC&R's shall ensure, among other things, common ingress and egress, joint maintenance of all common access parking areas, utilities and drives as applicable to the project.
- 2.08 For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, recycled water, lighting, signing and striping, etc. shall be

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reviewed and approved by the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us).

- 2.09 In lieu of constructing the required public improvements, an agreement and security in an amount acceptable to the City Engineer may be submitted to guarantee proper construction of the public improvements. All security must be acceptable to City Attorney's office, pursuant to Government Code, Section 66499 and City's Subdivision Ordinance.
- 2.10 Applicant shall pay all applicable Development Impact Fees (DIF) to the Building Department.
- 2.11 All existing street and property monuments within or abutting this project site shall be preserved consistent with AB1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a licensed land surveyor or civil engineer to reset those monuments per City's Standards and file the necessary information with the County Recorder's office.
- 2.12 Detailed on-site utility information shall be shown on the grading plan, which includes but is not limited to, location of monitoring manholes, backflow prevention devices, exact location of laterals, etc. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
- 2.13 The applicant shall submit electronic files (i.e., CAD file, on disc) of project related off-site improvement plans. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.

2.14 Estimated sewer and water fees:

- \*  A. Capital Capacity Reimbursement Account Fee **\$ COLLECTED BY BUILDING**
- \*\*  B. Water Meter Fee **\$ \_\_\_\_\_**  
     \_\_\_\_, 2" - DOMESTIC @ \$325 each = \_\_\_\_\_  
     \_\_\_\_, 2" - IRRIGATION @ \$325 each = \_\_\_\_\_
- C. Construction Water Fee (Based on Usage) **\$ 1,500 DEPOSIT**

\* These fees will be collected by the Building Department.  
 \*\* Fee shall be based on meter size and quantity purchased.  
 \*\*\* Water Meter sizes shall be based on the peak water demand.

2.15 Submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer.

2.16 Other Agency Permit/Approval: Prior to issuance of construction permits from the Engineering Department, this project will require a permit from the following agencies:

- Caltrans
- San Bernardino County Road Department
- San Bernardino County Flood Control District (SBCFCD)
- FEMA
- Cucamonga Valley Water District (CVWD) for Sewer/Water service
- Army Corps of Engineers (ACOE)
- California Department of Fish & Game
- City Dust Abatement District ( Building Department)
- D.I.S. Trenching Permit if any trenches are over 5-ft deep.
- Other Agency: Inland Empire Utilities Agency (IEUA)

2.17 Other Conditions:

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1) See "Recycled Water" Item No. 2.54.

**PUBLIC IMPROVEMENTS**

Refer to attached Exhibit 'A' for Plan Check Submittal Requirements.

2.20 Design per City Standards full public improvements in accordance with City Code, Standards and Specifications, and/or approved specific plan for the area. Such public improvements may include, but not be limited to, the following:

FOURTH STREET	HAVEN AVENUE	CONCOURS
<input checked="" type="checkbox"/> <b>Curb &amp; Gutter</b> <input type="checkbox"/> New, ___ ft from C/L <input type="checkbox"/> Replace damaged C & G <input checked="" type="checkbox"/> Remove existing & Replace returns for drive approaches	<input type="checkbox"/> <b>Curb &amp; Gutter</b> <input type="checkbox"/> New, ___ ft from C/L <input type="checkbox"/> Replace damaged C & G <input type="checkbox"/> Remove existing & Relocate ___-ft From C/L	<input checked="" type="checkbox"/> <b>Curb &amp; Gutter</b> <input checked="" type="checkbox"/> New: See item No. 1.04 <input type="checkbox"/> Replace damaged C & G <input checked="" type="checkbox"/> Remove existing for construction of Events Center Way
<input type="checkbox"/> <b>AC Pavement</b> <input type="checkbox"/> Replacement <input type="checkbox"/> Widen; ___-add'l ft along frontage, incl. pavemt. transitions	<input type="checkbox"/> <b>AC Pavement</b> <input type="checkbox"/> Replacement <input type="checkbox"/> Widen; ___-add'l ft along frontage, incl. pavemt. transitions	<input type="checkbox"/> <b>AC Pavement</b> <input type="checkbox"/> Replacement <input type="checkbox"/> Widen; ___-add'l ft along frontage, incl. pavemt. transitions
<input checked="" type="checkbox"/> <b>PCC Drive Approach</b> <input type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> <b>PCC Drive Approach</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> <b>PCC Drive Approach</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement
<input checked="" type="checkbox"/> <b>Sidewalk</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> <b>Sidewalk</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> <b>Sidewalk</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement
<input checked="" type="checkbox"/> <b>Handicap Ramp</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> <b>Handicap Ramp</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement	<input checked="" type="checkbox"/> <b>Handicap Ramp</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement
<input checked="" type="checkbox"/> <b>Pkwy Trees/Landscaping (w/ Irrig.)</b> <input type="checkbox"/> Raised Landscaped Median (w/ Irrig.)	<input checked="" type="checkbox"/> <b>Pkwy Trees/Landscaping (w/ Irrig.)**</b> <input checked="" type="checkbox"/> Raised Landscaped Median (w/ Irrig.)**	<input checked="" type="checkbox"/> <b>Pkwy Trees/Landscaping (w/ Irrig.)</b> <input type="checkbox"/> Raised Landscaped Median (w/ Irrig.)
<input type="checkbox"/> <b>Street Lights</b> <input type="checkbox"/> Infill <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> <b>Street Lights**</b> <input checked="" type="checkbox"/> Infill <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> <b>Street Lights</b> <input type="checkbox"/> Infill <input checked="" type="checkbox"/> Relocate (as req'd)
<input checked="" type="checkbox"/> <b>Fire Hyd. (300-ft Intervals as needed)</b>	<input checked="" type="checkbox"/> <b>Fire Hyd. (300-ft Intervals as needed)</b>	<input checked="" type="checkbox"/> <b>Fire Hyd. (300-ft Intervals as needed)</b>
<input checked="" type="checkbox"/> <b>Water Service</b> <input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral (Connection)	<input type="checkbox"/> <b>Water Service</b> <input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> <b>Water Service</b> <input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral (Connection)
<input type="checkbox"/> <b>Sewer Service</b> <input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> <b>Sewer Service</b> <input type="checkbox"/> Main <input type="checkbox"/> Lateral	<b>Sewer Service:</b> <input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral (Connection)
<input checked="" type="checkbox"/> <b>Recycle Water Service</b> <input checked="" type="checkbox"/> Main (Connection) <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> <b>Recycle Water Service</b> <input checked="" type="checkbox"/> Main (Crossing) <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> <b>Recycle Water Service</b> <input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral



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<input type="checkbox"/> Storm Drain <input type="checkbox"/> Main <input type="checkbox"/> Catch Basin <input checked="" type="checkbox"/> Traffic Signal Facilities <input type="checkbox"/> New <input checked="" type="checkbox"/> Modification <input type="checkbox"/> Relocation <input type="checkbox"/> Traffic Signing and Striping <input type="checkbox"/> Bus Stop and/or Turn-out <input type="checkbox"/> Underground Overhead Utilities <input type="checkbox"/> Removal of _____ <input type="checkbox"/> Other Req'd Imp's _____	<input type="checkbox"/> Storm Drain <input type="checkbox"/> Main <input type="checkbox"/> Catch Basin <input type="checkbox"/> Traffic Signal Facilities <input type="checkbox"/> New <input type="checkbox"/> Modification <input type="checkbox"/> Relocation <input checked="" type="checkbox"/> Traffic Signing and Striping <input type="checkbox"/> Bus Stop and/or Turn-out <input type="checkbox"/> Underground Overhead Utilities <input type="checkbox"/> Removal of _____ <input type="checkbox"/> Other Req'd Imp's _____	<input type="checkbox"/> Storm Drain <input type="checkbox"/> Main <input type="checkbox"/> Catch Basin <input checked="" type="checkbox"/> Traffic Signal Facilities <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Modification <input type="checkbox"/> Relocation <input checked="" type="checkbox"/> Traffic Signing and Striping <input checked="" type="checkbox"/> Bus Stop and/or Turn-out (as req'd) <input type="checkbox"/> Underground Overhead Utilities <input type="checkbox"/> Removal of _____ <input type="checkbox"/> Other Req'd Imp's _____
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EVENT CENTER WAY*	CENTER AVENUE	MILLIKEN AVENUE
<input checked="" type="checkbox"/> Curb & Gutter <input checked="" type="checkbox"/> New; Full improvement ( both sides of street) <input type="checkbox"/> Replace damaged C & G <input type="checkbox"/> Remove existing & Relocate _____ft From C/L <input checked="" type="checkbox"/> AC Pavement <input checked="" type="checkbox"/> New Construction; full width of street. <input type="checkbox"/> Widen; _____add'l ft along frontage, incl. pavemt. transitions <input checked="" type="checkbox"/> PCC Drive Approach <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Sidewalk <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Handicap Ramp <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input checked="" type="checkbox"/> Pkwy Trees/ Landscaping (w/ Irrig.) <input type="checkbox"/> Raised Landscaped Median (w/ Irrig.) <input checked="" type="checkbox"/> Street Lights <input checked="" type="checkbox"/> New Installation (both sides of street) <input type="checkbox"/> Relocate <input checked="" type="checkbox"/> Fire Hyd. (300-ft)	<input type="checkbox"/> Curb & Gutter <input type="checkbox"/> New; _____ft from C/L <input type="checkbox"/> Replace damaged C & G <input type="checkbox"/> Remove existing & Relocate _____ft From C/L <input type="checkbox"/> AC Pavement <input type="checkbox"/> Replacement <input type="checkbox"/> Widen; _____add'l ft along frontage, incl. pavemt. transitions <input type="checkbox"/> PCC Drive Approach <input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Sidewalk <input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Handicap Ramp <input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Pkwy Trees/ Landscaping (w/ Irrig.) <input type="checkbox"/> Raised Landscaped Median (w/ Irrig.) <input type="checkbox"/> Street Lights <input type="checkbox"/> Infill <input type="checkbox"/> Relocate <input type="checkbox"/> Fire Hyd. (300-ft)	<input type="checkbox"/> Curb & Gutter <input type="checkbox"/> New; _____ft from C/L <input type="checkbox"/> Replace damaged C & G <input type="checkbox"/> Remove existing & Relocate _____ft From C/L <input type="checkbox"/> AC Pavement <input type="checkbox"/> Replacement <input type="checkbox"/> Widen; _____add'l ft along frontage, incl. pavemt. transitions <input type="checkbox"/> PCC Drive Approach <input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Sidewalk <input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Handicap Ramp <input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Pkwy Trees/ Landscaping (w/ Irrig.) <input type="checkbox"/> Raised Landscaped Median (w/ Irrig.) <input type="checkbox"/> Street Lights <input type="checkbox"/> Infill <input type="checkbox"/> Relocate <input type="checkbox"/> Fire Hyd. (300-ft)

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Intervals on both sides of street)	Intervals as needed)	Intervals as needed)
<input checked="" type="checkbox"/> Water Service	<input type="checkbox"/> Water Service	<input type="checkbox"/> Water Service
<input checked="" type="checkbox"/> Main	<input type="checkbox"/> Main	<input type="checkbox"/> Main
<input checked="" type="checkbox"/> Lateral (both sides of street)	<input type="checkbox"/> Lateral	<input type="checkbox"/> Lateral
<input checked="" type="checkbox"/> Sewer Service	<input type="checkbox"/> Sewer Service	<input type="checkbox"/> Sewer Service
<input checked="" type="checkbox"/> Main	<input type="checkbox"/> Main	<input type="checkbox"/> Main
<input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Lateral	<input type="checkbox"/> Lateral
<input checked="" type="checkbox"/> Recycle Water Service	<input checked="" type="checkbox"/> Recycle Water Service	<input checked="" type="checkbox"/> Recycle Water Service
<input checked="" type="checkbox"/> Main	<input checked="" type="checkbox"/> Main	<input checked="" type="checkbox"/> Main
<input checked="" type="checkbox"/> Lateral (both sides of street)	<input type="checkbox"/> Lateral	<input type="checkbox"/> Lateral
<input checked="" type="checkbox"/> Storm Drain	<input type="checkbox"/> Storm Drain	<input type="checkbox"/> Storm Drain
<input checked="" type="checkbox"/> Main	<input type="checkbox"/> Main	<input type="checkbox"/> Main
<input type="checkbox"/> Catch Basin	<input type="checkbox"/> Catch Basin	<input type="checkbox"/> Catch Basin
<input checked="" type="checkbox"/> Traffic Signal Facilities	<input type="checkbox"/> Traffic Signal Facilities	<input type="checkbox"/> Traffic Signal Facilities
<input checked="" type="checkbox"/> New(Concours)	<input type="checkbox"/> New	<input type="checkbox"/> New
<input checked="" type="checkbox"/> Modification(Concours)	<input type="checkbox"/> Modification	<input type="checkbox"/> Modification
<input type="checkbox"/> Relocation	<input type="checkbox"/> Relocation	<input type="checkbox"/> Relocation
<input checked="" type="checkbox"/> Traffic Signing and Striping	<input type="checkbox"/> Traffic Signing and Striping	<input type="checkbox"/> Traffic Signing and Striping
<input checked="" type="checkbox"/> Bus Stop and/or Turn-out	<input type="checkbox"/> Bus Stop and/or Turn-out	<input type="checkbox"/> Bus Stop and/or Turn-out
<input type="checkbox"/> Underground Overhead Utilities	<input type="checkbox"/> Underground Overhead Utilities	<input type="checkbox"/> Underground Overhead Utilities
<input type="checkbox"/> Removal of _____	<input type="checkbox"/> Removal of _____	<input type="checkbox"/> Removal of _____
<input type="checkbox"/> Other Req'd Imp's _____	<input type="checkbox"/> Other Req'd Imp's _____	<input type="checkbox"/> Other Req'd Imp's _____

- **SPECIFIC NOTES FOR IMPROVEMENTS LISTED IN ITEM 2.20.**
- \* Improvements constructed in proposed Event Center Way shall be constructed on the north side of the street only, unless otherwise noted.
- \*\* As necessary to complete remaining improvements.

- 2.21 Provide all utility services to each parcel including sanitary sewers, one 1" minimum water service, electric power, gas telephone and cable T.V. (if applicable). All utilities are to be underground.
- 2.22 The following existing streets being out for new services or being finished with curb and gutter may require an asphalt concrete overlay or slurry seal, as determined by the City Engineer: Haven Avenue, Concours, Fourth Street, Milliken Avenue and Center Avenue.
- 2.23 The following existing streets' pavement sections are substandard and will require \_\_\_\_\_
- 2.24 This property is within the  water/  sewer service area of the Cucamonga Valley Water District (CVWD). Applicant shall make arrangements with CVWD for those services and provide the City with proof that all CVWD fees have been paid.
- 2.25 Overhead utilities shall be under-grounded, or in-lieu fees paid, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804). Said improvements shall be completed prior to Building Permit issuance, and all costs associated with said improvements shall be solely borne by the applicant.
- 2.26 Other conditions: 
  - 1) Developer/Applicant shall coordinate with Southern California Edison Co. to ensure

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that no transformers, vaults or cabinets of any type are installed above ground on proposed Events Center Way. Any inadvertant installation will be required to be removed and placed underground, at no cost to the City, unless otherwise approved by the City Engineer.

- 2) Street improvements may be completed in conjunction with proposed development phase along Concours and Haven Avenue only.
- 3) All improvements herein conditioned shall be in accordance with the Piemonte at Ontario Center Project (Amendment to the Ontario Center Specific Plan, February 2006).

**PUBLIC WORKS/ UTILITIES**

Check When Complete

**A. Sewer**

- 2.30 A 12-inch sewer line is available for connection by this project in Concours. [Ref. Sewer Plan Dwg # \_\_\_\_\_ (Barcode: \_\_\_\_\_)]
- 2.31 No sewer line is available for direct connection from the central core of the subdivision. The closest line is approximately 450 feet away. Applicant's Engineer shall prepare improvement plans for sewer main extensions to provide 0.4% minimum grade. East-west streets shall have a minimum grade of 0.5% unless otherwise approved by the City Engineer.
- 2.32 Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.
- 2.33 On-site monitoring facilities shall be installed for all commercial or industrial units and shall be constructed in accordance with City Standard Drawing Nos. 2008 through 2011 and shown on the Grading Plan for this project.
- 2.34 The project site is within a deficient public sewer system area. Applicant shall submit expected peak loading values to the City, along with sewer model results for the impact to the existing sewer system. Based on the results of the model, a sewer upgrade may be required by the City.
- 2.35 Other Conditions: 
  - 1) Developer/Applicant shall construct a minimum 8-inch sewer main as part of the full construction of proposed Event Center Way.
  - 2) Developer/Applicant shall construct a minimum 8-inch sewer main in each of the private streets designated as Street "A" and Street "C", from the northerly property line of the site, connecting to the main in proposed Event Center Way and a minimum 8-inch sewer main in the private Street "B", also from the northerly property line (Fourth Street) connecting to proposed Event Center Way.
  - 3) Developer/Applicant shall construct a minimum 8-inch sewer main in the private Street "D", from private Street "A" to private Street "B" and from private Street "C" to private Street "B.
  - 4) Sewer system deficiencies of the existing public sewer system downstream of the subdivision (as identified by the sewer study by AKM Engineers) shall be corrected by the Developer/Applicant to the satisfaction of the City Engineer, prior to issuance of first certificate of occupancy.
  - 5) All of the above conditioned sewer mains shall be public and so maintained.
  - 6) All of the sewer improvements conditioned herein, shall be in accordance with the Piemonte at Ontario Center Project (Amendment to the Ontario Center Specific Plan, February, 2006).

**B. Water**

- 2.40 An 18-inch water line is available for connection by this project in Fourth Street and a 16-inch water line is available for connection in Concours. [Ref. Water Plan Dwg # \_\_\_\_\_ (Barcode: \_\_\_\_\_)]
- 2.41 No water line is available for direct connection. Applicant's Engineer shall prepare an improvement plan for a water main extension.
- 2.42 A main upgrading will be required in order to provide for the required fire flow for this development.
- 2.43 Applicant should contact the City of Ontario Fire Department (Lora Gearhart at (909) 395-2579) to investigate possible alternatives to reduce the required fire flow and locate on-site fire hydrants as required.

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- 2.44 Off-site fire hydrants are to be installed at the following locations: **At 300 foot intervals, typically.**
- 2.45 Backflow prevention devices will be required for:

1. All commercial / industrial service laterals.
2. All on-site fire systems.
3. Any business where any hazardous substances may be stored or used.
4. For all recycled water connections.
5. Irrigation Systems

- 2.46 Applicant shall use existing laterals, whenever provided, for connection to the public water system.

2.47 Other Conditions:

- 1) Developer/Applicant shall construct a minimum 12-inch water main in each of the private streets designated as Streets "A", "B", "C" and "D" (See sewer main alignments in Item No. 2.35, above). North-south mains (private Streets "A" and "C") shall connect to said 18-inch main in Fourth Street.
- 2) Developer/Applicant shall construct a minimum 12-inch water main as part of the full construction of proposed Event Center Way. Connections shall be made at Concours and north-south mains (private Streets "A" and "C"). East-west water main in private Street "D", shall connect to mains in private Streets "A" and "C".
- 3) Developer/Applicants proposal to construct a minimum 10-inch, north-south private water main at the west end of the site, shall have public connections to mains in Fourth Street and Concours.
- 4) All of the above conditioned water mains shall be public and so maintained (excepting the one specified in Item 3, above).
- 5) All of the water improvements conditioned herein, shall be in accordance with the Plomonte at Ontario Center Project (Amendment to the Ontario Center Specific Plan, February, 2006).

**C. Recycled Water**

- 2.50 A recycled water main currently exists in the vicinity of this project. The applicant is required to design and construct an onsite irrigation system (or other authorized use) for this project using pipes, sprinklers, and other fittings specifically suited for recycled water (i.e. purple pipes, fittings, etc.) per all applicable standards including City Ordinance No. 2689 - Chapter 8C - Recycle water use, Department of Health (DHS) and building/plumbing codes.

- 2.51 A recycled water main does not exist in the vicinity of this project but is planned for the near future. The applicant at his/her cost shall connect to the recycled water main for approved uses when available in the vicinity of the project. The applicant is required to design and construct an onsite irrigation system (or other authorized use) for this project using pipes, sprinklers, and other fittings specifically suited for recycled water (i.e. purple pipes, fittings, etc.) per all applicable standards including City Ordinance No. 2689 - Chapter 8C - Recycle water use, Department of Health (DHS) and building/plumbing codes.

- 2.52 A single connection is required for recycled water use in the immediate vicinity of public street right-of-way. The Applicant shall protect the City's potable water supply from cross connection as per section 6-8.720 of City's Ordinance no. 2689. Plans for connection in the public right-of-way and cross connection device will be submitted to the Engineering Department for review and approval.

- 2.53 Onsite plumbing for all recycled water uses shall meet all applicable standards including DHS and building/plumbing codes. Onsite plans will need to be reviewed and approved by both the Building Department and the Public Works Agency.

- 2.54 Prior to issuance of the construction permit for recycled water connections to a recycled water main, the applicant shall prepare and submit a Department of Health Services (DHS) report (for sample please contact Mr. Uday Shah at (909) 395-2657 of our Public Works Department) for the City's review and approval. The City will only issue construction and/or building permits after approving the DHS report.

- 2.55 Other Conditions:

- 1) Developer/Applicant shall construct Recycled Water main line, minimum 12-inch, extension in Milliken Avenue, from Inland Empire Utility Agency's (IEUA's) regional line at Fourth Street to the existing dry line in Concours; in Concours, a minimum 8-inch

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- main, from the existing dry line, west of Ferrari Lane to proposed Event Center Way, where the size shall increase to a minimum 12-inch main; continuing west, crossing Haven Avenue to Center Avenue; then, in Center Avenue, a minimum 12-inch main connecting to IEUA regional line in Fourth Street.
- 2) Developer/Applicant shall construct a minimum 8-inch main as part of the full construction of proposed Event Center Way and in private Street "A", from proposed Events Center Way to Fourth Street, private Street "C", from proposed Event Center Way to private Street "D", then west to connect in private Street "A". The 8-inch main in private Street "A" shall be utilized to service the median in Fourth Street in the future.
  - 3) Developer/Applicant shall provide services for connecting the proposed Ontario Event Center to the Recycled Water system.
  - 4) Fairfield Apartment complex, currently under construction on the east side of Duesenburg Drive, has been previously conditioned to construct a minimum 8-inch main from their site to connect to the main proposed in Concours. Developer/Applicant of this project (Panattoni Development), shall pay (reimburse) the developer of the complex for the cost of the construction of the main fronting tentative parcels 14 and 15 of this subdivision, prior to any permit issuance for said parcels.
  - 5) All recycled water improvements conditioned herein, shall be in accordance with the Piemonte at Ontario Center Project (Amendment to the Ontario Center Specific Plan, February, 2006).
  - 6) Note: With the exception of tentative parcels of this subdivision, all undeveloped properties fronting the recycled water main constructed as a condition herein, shall as a condition of approval, at the time of their proposed development, be required to pay (reimburse) to Panattoni Development, one-half (1/2) of the cost of the main along their frontage.

**D. Solid Waste**

- 2.56 Applicant shall ensure that site complies with City refuse collection standards.

Contact Joe Portolese, Solid Waste Manager at (909) 395-2662, for further information regarding this requirement.

**TRAFFIC/TRANSPORTATION**

- 2.60 Any drive approaches or construction of other improvements in the Caltrans right-of-way shall be approved by Caltrans as to type, size, and location of the proposed improvements. The applicant shall provide the City with a copy of the Caltrans permit prior to issuance of Encroachment Permit.

- 2.61 The applicant is required to submit a focused traffic impact study. The study shall address any or all of the following issues as required by the City Traffic/Transportation Manager: parking, on and off-site circulation, and/or build-out and future years traffic level of service (LOS) and impacts at intersections selected by the City.

The applicant shall construct all mitigation, or pay fair-share costs identified in the report as required by the City Traffic/Transportation Manager. When appropriate, the traffic study shall also identify timelines for construction of required traffic mitigation and other public improvements for phased or master planned developments.

- 2.62 The applicant is required to submit a County of San Bernardino, Congestion Management Plan Traffic Impact Analysis (CMP-TIA) in accordance with the latest edition of the CMP document, and to the satisfaction of the City Traffic/Transportation Manager and the San Bernardino Association of Governments (SanBAG). The applicant shall construct all mitigation or pay fair-share costs identified in the report and as required by the City Traffic/Transportation Manager.

- 2.63 Other Conditions: 
  - 1) Developer/Applicant shall complete the design and construction of the median and landscaping on Haven Avenue, from Concours to Fourth Street.
  - 2) Developer/Applicant shall complete the design and construction of street lighting in the median (double lights) and east side of Haven Avenue (single lights), from Concours to Fourth Street.
  - 3) Developer/Applicant shall design and construct traffic signal modifications at the intersections of Mercedes Lane and proposed Events Center Way, Cleveland Avenue and Fourth Street and the main proposed 'Target' drive approach and Fourth Street.
  - 4) Developer/Applicant shall construct full width street improvements on proposed Event Center Way, from Mercedes Lane at Concours to the drive approach, approximately 700

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- 5) Developer/Applicant shall design and construct a new traffic signal system at the Intersection of proposed Event Center Way and Concoors (aligned with the existing drive approach, approximately 700 feet west of Ferrari Lane).
- 6) Developer/Applicant shall provide reciprocal access rights for tentative parcels 11 and 12, as well as other tentative parcels so requiring said right to ensure adequate vehicular and pedestrian circulation within the project.(See Item No. 1.03 .3)
- 7) The development project on the south side of Concoors at the first drive approach east of Haven Avenue will be required to construct a new traffic signal at that location. Developer/Applicant of this project (Panattoni Development) shall provide a maintenance and construction easement for said traffic signal, and also design and complete the necessary traffic signal modifications on the north side of the Intersection when construction on the north side commences.
- 8) Developer/Applicant shall complete all other transportation mitigation measures identified in the final approved/adopted Planonite at Ontario Center Project (Amendment to the Ontario Specific Plan, February 2006).
- 9) Developer/Applicant shall design and construct a new traffic signal system at the Intersection of Concoors and the first drive approach east of Deussenburg Drive (aligned with the existing drive approach on the south side of Concoors).

**DRAINAGE / HYDROLOGY**

Check When Complete

- |                                     |      |   |                          |
|-------------------------------------|------|---|--------------------------|
| <input checked="" type="checkbox"/> | 2.70 | A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the San Bernardino County Hydrology Manual and the City of Ontario's Standards and Guidelines is required. The applicant's Engineer should contact the Engineering Department for specific details to be included in the report. Additional drainage facilities may be required as a result of the findings of this study.   | <input type="checkbox"/> |
| <input type="checkbox"/>            | 2.71 | Since no adequate drainage facility exists downstream to accept additional runoff, a detention basin of appropriate size shall be designed and constructed per City Standards. Show its location and size on the Grading/Drainage Plan. On-site drainage to be diverted onto City streets shall not exceed predevelopment flows.  | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | 2.72 | Any drainage above historical flow routed onto adjacent property must be directed to a recorded private drainage easement. Applicant must provide a copy of the recorded document (i.e. letter of acceptance of drainage, in a format acceptable to the City) to the Engineering Department prior to approval of the Grading Plan.  | <input type="checkbox"/> |
| <input type="checkbox"/>            | 2.73 | Proposed site/portion of site falls within SFHA (Special Flood Hazard Area) as indicated on the FIRM (Flood Insurance Rate Maps) and is subjected to flooding in a 100 year frequency storm. This site plan will be subject to the provisions of the National Flood Insurance program and comply with the City's Flood Damage Prevention Ordinance #2409.   | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | 2.74 | Other Conditions: <ol style="list-style-type: none"> <li>1) Developer/Applicant shall construct a minimum 36-inch private (typical) RCP storm drain line in each of private Street "A" and "B". A minimum 42-inch RCP storm drain shall be constructed in private Street "C".</li> <li>2) "A" Street main shall be routed to the proposed 48-inch main, constructed as part of the full improvement of proposed Event Center Way, then to the existing 72-inch main in Concoors.</li> <li>3) "B" Street and "C" Street mains shall be routed to the proposed 42-inch proposed main, constructed as part of the full improvement of proposed Event Center Way, then easterly to discharge into the existing 72-inch portion of the main in Concoors.</li> <li>4) The storm drain mains constructed in the said private Streets "A", "B" and "C" and laterals tributary to them, shall all be part of a private system discharging into the City public system, and as such, shall be privately maintained by the Property Owners Association. <u>Only the proposed main in proposed Event Center Way and the existing system in Concoors and Deussenburg Drive shall be publicly owned and maintained.</u></li> <li>5) The proposed Storm Drain system, as proposed, is tentative and may be modified upon the findings of the study, currently in progress, to determine actual sizing of mains and alternative routing of discharge from tentative parcels.</li> <li>6) All of the above conditions shall be in accordance with the approved/adopted Planonite at Ontario Center Project (Amendment to the Ontario Specific Plan, February 2006).</li> </ol> | <input type="checkbox"/> |

**STORMWATER QUALITY (NPDES)**

Check When

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Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Please direct all questions on the Erosion and Sediment Control Plan to Mr. Steve Wilson at (909) 395-2389 or Ms. Yvonne Elliott at (909) 395-2143. An electronic copy of the City's "Erosion and Sediment Control Plan Requirements" is available upon request to Mr. Steve Wilson at [swilson@ci.ontario.ca.us](mailto:swilson@ci.ontario.ca.us).

- 2.81 Prior to the approval of the Grading Plan and issuance of Grading Permits, (with the exception of a 'Mass Grading Plan') a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the **Engineering Department**. The WQMP shall be submitted on the San Bernardino County Stormwater Program's model form and shall identify all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters. Please direct all questions on the WQMP to Mr. Steve Wilson at (909) 395-2389. An electronic copy of the WQMP standard form is available on-line at: [www.swrcb.ca.gov/rwqcb8/sbpermit/WQMPAttachments\\_060104\\_Final.doc](http://www.swrcb.ca.gov/rwqcb8/sbpermit/WQMPAttachments_060104_Final.doc). An electronic copy of the companion Guidance document for preparation of the WQMP is also available at: [www.swrcb.ca.gov/rwqcb8/sbpermit/WQMPGuidance\\_060104\\_Final.doc](http://www.swrcb.ca.gov/rwqcb8/sbpermit/WQMPGuidance_060104_Final.doc).
- 2.82 All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to obtain coverage under the State Water Resources Control Board's General Permit For Storm Water Discharges Associated With Construction Activity. Proof of filing a Notice of Intent (NOI) with the State for coverage under this permit is required prior to approval of the grading plan and issuance of grading permits. The applicant shall submit a copy of the Waste Dischargers Identification Number (WDID) for coverage under the General Construction Permit to the Engineering Department. More detailed information regarding the General Permit, applicable fee information and the necessary forms to complete the NOI are available by calling (916) 341-5537 or on the web at: [www.swrcb.ca.gov/stormwtr](http://www.swrcb.ca.gov/stormwtr). An electronic copy of the NOI form and instructions is available by request from Steve Wilson at [swilson@ci.ontario.ca.us](mailto:swilson@ci.ontario.ca.us).
- 2.83 *SWPPP Plan – All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit a copy of the plan to the City of Ontario Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.*
- 2.84 401/404 Permits – Development and/or construction work that will permanently or temporarily affect any surface water body (lake, creek, open drainage channel, etc.) may require a 404 Permit from the Army Corps of Engineers and/or a 401 Water Quality Certification from the Santa Ana Regional Water Quality Control Board (RWQCB). The groups of water bodies classified in these requirements are perennial and ephemeral (flow only during rain conditions). Prior to permit issuance, a copy of the applicable permit and/or certification for this project must be submitted to the project engineer. If a permit and/or certification are not required, a letter stating such from the Army Corps of Engineers and the Regional Water Quality Control Board (RWQCB) must be submitted. Contact information: Army Corps of Engineers (909) 794-7704 or (805) 585-2147, RWQCB (909) 782-4990 or (909) 782-3234.
- 2.85 Other Conditions:
- 1) Developer/Applicant shall confirm the decision to utilize the tentatively proposed Storm Drain Water Quality project-wide clarifier/infiltration BMP System or individual parcel clarifier/underground infiltration BMP system or a combination thereof prior to DAB approval.

### SPECIAL DISTRICTS

Check When Complete

- 2.90 The subject site is within the below special district(s). Special assessments or special taxes are levied annually on this property and are included on the annual property tax bill that is issued by the County. For further information, contact Mark Lassler in the General Services department at (909) 395-2124.

- (1) Community Facilities District 5 Zone A.  
 (2) \_\_\_\_\_

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- 2.91 The property owner shall be responsible for all costs associated with the annual operation and maintenance of the street lighting/traffic signal facilities and appurtenances that serve this property. This property shall be annexed to a Street Lighting Maintenance Assessment District. A Consent and Waiver to Annexation agreement, executed by all the record owner(s) of the property, together with payment of an annexation processing fee of \$2,500.00 must be filed with the City prior to the issuance of a Building Permit or Final Subdivision Map/Lot Line Adjustment approval, whichever occurs first. Contact Mark Lassler in the General Services Department at (909) 395-2124 regarding this requirement.
- 2.92 Prior to approval of the final subdivision map and/or lot line adjustment referred to in Section 1 of this report. An application for reapportionment of assessments and processing fee shall be filed for each of the following Assessment Districts.

\_\_\_\_\_

Contact Mark Lassler in the General Services Department at (909) 395-2124 regarding this requirement.

- 2.93 *The subject project lies within the following special drainage impact zone/fee district and is required to pay the applicable fee as estimated below prior to the issuance of building permit:*
- Special Drainage Impact Zone I  
Estimated Fee = AC x \$11,000/ac = \$ \_\_\_\_\_
- Special Drainage Impact Zone II  
\*Estimated Fee = \_\_\_\_\_ AC x \$2,696.29/ac = \$ \_\_\_\_\_

\*Contact Mark Lassler in the General Services Department at (909) 395-2124 to obtain the exact fee amount.

- 2.94 **NMC Developments:** Prior to City Council approval of any Final Map, or if no subdivision map is required, then prior to issuance of any permits, a Community Facilities District (CFD) shall be established pursuant to the Mello-Roos Community Facilities District Act of 1982. 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 and exclusive lead agency in the formation of the CFD. Contact Mark Lassler in the General Services Department at (909) 395-2124.
- 2.95 Other Conditions: \_\_\_\_\_

**3. PRIOR TO CERTIFICATE OF OCCUPANCY**

- 3.01 All remaining fees/ deposits required by the Engineering Department must be paid in full.
- 3.02 All requirements including construction of improvements covered in Section 2, must be completed to the satisfaction of the City Engineer.
- 3.03 The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. *Please note that no final inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless MYLAR, Record (As-built) Drawings, satisfactory to the City, are submitted.*
- 3.04 The applicant shall record "an approved "Water Quality Management Plan and Stormwater BMP Transfer, Access and Maintenance Agreement" with the San Bernardino County Recorder on a standard City form. An electronic copy of this document is available upon request from Mr. Steve Wilson at [swilson@cl.ontario.ca.us](mailto:swilson@cl.ontario.ca.us).
- 3.05 All monuments shall be set as shown on the final map, and all centerline ties shall be submitted to the



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Engineering Department. Any monuments damaged as a result of construction, shall be reset to the City's satisfaction.

3.06 Other Conditions: 1) See "Sewer" Item No. 2.35 .4.



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## EXHIBIT 'A'

### ENGINEERING SERVICES DIVISION First Plan Check Submittal Checklist

If any of the checked items below are missing, your submittal will be returned, un-checked, until all required items are submitted.

Project Number: PDEV \_\_\_\_\_, and/or Parcel Map # 17550

#### Items Required for First Plan Check Submittal:

- A COPY OF THIS CHECK LIST MUST BE SUBMITTED WITH THE FIRST PLAN CHECK
- Check(s) for Plan Check fees (Engineering & NPDES) (See Item No. 2.85 1.)
- 1 Copy of Engineering Cost Estimate (On City forms) with Engineer's Wet Signature and Stamp
- Copy of approved Conditions of Approval
- 4 Sets of Grading Plans
- 4 Sets of Off-site Street Improvement Plans with Street Cross-Sections
- 4 Sets of Off-site Water Plans
- 4 Sets of Off-site Sewer Plans
- 4 Sets of Off-site Storm Drain Plans
- 4 Sets of Street-Light Plans
- 4 Sets of Signing/ Striping Plans
- 4 Sets of Traffic Signal Plans
- 3 Copies of Water Quality Management Plan (WQMP)
- 3 Copies of Hydrology/ Drainage Study (See Item No. 2.70)
- Soils/ Geology Report
- Other: \_\_\_\_\_

In addition to those items checked above, the following items shall be submitted for subdivisions:

- Check for Final Map Processing fees
- 3 Sets of Final Map
- 2 Copies of Preliminary Title Report (within last 30 days)
- 2 Copies of Closure Calcs
- 1 Set of Supporting Docs: referenced maps, recorded documents such as deeds, lot line adjustments, easements, etc.
- Other: \_\_\_\_\_

**EXHIBIT "C"**

**PLEDGE OF TAX INCREMENT FUNDS**

**Parcel Map No. 17550**

As evidence of understanding the provisions contained in this Agreement, and of the Agency's intent to comply with same, the Agency has submitted the below described Security in the amounts required by this Agreement, and has affixed the appropriate signatures thereto:

**PLEDGE OF TAX INCREMENT FUNDS**

**PRINCIPAL AMOUNT:** \$ Three Million Nine Hundred One Thousand Four Hundred Fifty-One and 94/100 Dollars (\$3,901,451.94)



## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

(Engineering Services Division [Land Development Section and Environmental Section], Traffic & Transportation Division, Ontario Municipal Utilities Company, Information Technology & General 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. PDEV17-016</b>  <b>RELATED FILE NO(S). PM 17550</b>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

<b>CITY PROJECT ENGINEER &amp; PHONE NO:</b>	Dean A. Williams, Associate Engineer <span style="border: 1px solid blue; border-radius: 50%; padding: 2px;">DAD</span> (909) 395-2135
<b>CITY PROJECT PLANNER &amp; PHONE NO:</b>	Jeanie Irene Aguilo, Associate Planner (909) 395-2418
<b>DAB MEETING DATE:</b>	May 18, 2020
<b>PROJECT NAME / DESCRIPTION:</b>	The Collection Shopping Center; 8 Commercial Buildings totaling 94,280 sf on 13.4 acres within the Piemonte Overlay of the Ontario Center S.P.
<b>LOCATION:</b>	Southeast Corner of Haven Avenue and Fourth Street
<b>APPLICANT:</b>	Lewis Piemonte Land, LLC Rick Manners (909) 846-7562
<b>REVIEWED BY:</b>	<div style="display: flex; align-items: center;"> <div style="text-align: center; flex: 1;">             Bryan Lirley, P.E. Principal Engineer         </div> <div style="text-align: center; flex: 0.5;"> <div style="color: blue; font-size: 1.2em; margin-bottom: 5px;">5/11/20</div>           Date         </div> </div>
<b>APPROVED BY:</b>	<div style="display: flex; align-items: center;"> <div style="text-align: center; flex: 1;">             Raymond Lee, P.E. Assistant City Engineer         </div> <div style="text-align: center; flex: 0.5;"> <div style="color: blue; font-size: 1.2em; margin-bottom: 5px;">5/12/20</div>           Date         </div> </div>





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

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

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

- 2.01 Record Parcel Map/Tract Map No. \_\_\_\_\_ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a duplicate photo mylar of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcels are recognized parcels in the City of Ontario per Parcels 1-9 of Parcel Map No. 17550, as per map filed in Book 216, pages 7-20, inclusive, of Parcel Maps; document no. 2006-0632192, in the Office of the County Recorder of the County of San Bernardino.**
- 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 o, as instrument no. 2006-0632192f 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: City of Rancho Cucamonga (traffic signal; median on Fourth Street)**
- 2.10 Dedicate to the City of Ontario the right-of-way described below:** 


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- 2.11 Dedicate to the City of Ontario, the following easement(s):** 

**An easement for sidewalk purposes for any public sidewalk proposed to be constructed outside of the City right-of-way. This would include, but not be limited to, proposed meandering sidewalk on Haven Avenue and Concours frontages, as well as additional sidewalk required at the back of the drive apron at all proposed drive approach locations where sidewalk (ADA path of travel) does not/cannot continue across the drive approach within the City right-of-way.**
- 2.12 New Model Colony (NMC) Developments:** 
  - 1) Submit a copy of the permit from the San Bernardino County Health Department to the Engineering Department and the Ontario Municipal Utilities Company (OMUC) for the destruction/abandonment of the on-site water well. The well shall be destroyed/abandoned in accordance with the San Bernardino County Health Department guidelines.
  - 2) Make a formal request to the City of Ontario Engineering Department for the proposed temporary use of an existing agricultural water well for purposes other than agriculture, such as grading, dust control, etc. Upon approval, the Applicant shall enter into an agreement with the City of Ontario and pay any applicable fees as set forth by said agreement.
  - 3) Design proposed retaining walls to retain up to a maximum of three (3) feet of earth. In no case shall a wall exceed an overall height of nine (9) feet (i.e. maximum 6-foot high wall on top of a maximum 3-foot high retaining wall).
- 2.13 Submit a security deposit to the Engineering Department to guarantee construction of the public improvements required herein valued at 100% of the approved construction cost estimate. Security deposit shall be in accordance with the City of Ontario Municipal Code. Security deposit will be eligible for release, in accordance with City procedure, upon completion and acceptance of said public improvements.**
- 2.14 The applicant/developer shall submit all necessary survey documents prepared by a Licensed Surveyor registered in the State of California detailing all existing survey monuments in and around the project site. These documents are to be reviewed and approved by the City Survey Office.**
- 2.15 Pay all Development Impact Fees (DIF) to the Building Department. The Storm Drain Development Impact Fee, approximately \$283,000.00, shall be paid to the Building Department.**



The final fee amount shall be determined based on the approved site plan and current fee schedule.

- 2.16 Other conditions: Developer/applicant shall be responsible for any outstanding improvements for this project per the conditions of approval for Parcel Map No. 17550 and the Ontario Center Specific Plan.

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

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

Improvement	Fourth Street	Haven Avenue	Concours	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)



Raised Landscaped Median	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Remove and modify</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
Fire Hydrant	<input checked="" type="checkbox"/> <b>Upgrade</b> <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>Upgrade</b> <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>Upgrade</b> <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Water (see Sec. 2.D)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> <b>Services</b>	<input type="checkbox"/> Main <input checked="" type="checkbox"/> <b>Services</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> <b>Service</b>	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> <b>Modify existing</b>	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Street Light (see Sec. 2.F)	<input checked="" type="checkbox"/> <b>Upgrade</b> <input checked="" type="checkbox"/> <b>Relocation</b>	<input checked="" type="checkbox"/> <b>Upgrade</b> <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> <b>Upgrade</b> <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 checked="" type="checkbox"/> <b>Modify Lateral</b>	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
Fiber Optics (see Sec. 2K)	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
Overhead Utilities	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____



Other Improvements		Reconfigure catch basins as necessary		
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Specific notes for improvements listed in Item no. 2.17, above:

Fourth Street and Haven Avenue are designated truck routes in the City of Ontario. As such, developer/applicant shall design and construct concrete pavement in accordance with City Standard Drawing No. 1207 at the intersection of Fourth Street (E/B) and the new project drive approach and at the intersection of Haven Avenue (N/B) and Fourth Street, modified as follows:

300 feet of PCC on Haven Avenue at Fourth Street; three thru lanes and two left turn pockets  
 No PCC required in free right lane; Haven Avenue to Fourth Street (E/B)  
 200 feet of PCC on Fourth Street at drive approach; four thru lanes and one left-turn pocket  
 No PCC required within the intersection proper, on either street

- 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 Concours. (Ref: Sewer plan bar code: S10090)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions: 1) Developer/applicant shall provide a grease interceptor (GI) for each food shop and/or restaurant.

2) Occupant/applicant shall apply for a Wastewater Discharge Permit for their establishment and shall comply with all requirements of the permit. Requirements of the Wastewater Discharge permit may include, but not be limited to, installation of wastewater pre-treatment equipment. For wastewater permit application questions, please contact Michael Birmelin, Environmental Programs Manager at (909) 395-2661.

**D. WATER**

- 2.27 A 12-inch water main is available for connection by this project in Haven Avenue, an 18-inch in Fourth Street and a 16-inch in Concours. (Ref: Water plan bar codes: W11059-60 Haven; W11070 Fourth and W10388 Concours)



- 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: Developer/applicant shall up-grade the existing fire hydrants on all three project frontages (Fourth St., Haven Ave. and Concours) to the City's current standard, Drawing No. 4101, with break-a-way check valve.**

**E. RECYCLED WATER**

- 2.30 **A 12-inch recycled water main is available for connection by this project in Concours. (Ref: Recycled Water plan bar code: P10075)**
- 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 of both on-site and off-site utilities layout in PDF and AutoCAD format.**   

**Submit 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 Ms. Cynthia Herredia-Torres at the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.**
- 2.34 Other conditions: \_\_\_\_\_

**F. TRAFFIC / TRANSPORTATION**

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer: 
  - 1. On-site and off-site circulation
  - 2. Traffic level of service (LOS) at 'build-out' and future years
  - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 **New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.**
- 2.37 **Other conditions: 1) Developer/applicant shall design and construct a new traffic signal at the intersection of Fourth street and the new project driveway. The new traffic signal shall include a video detection system, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection. All new signal equipment shall be installed at it's ultimate location. Installation of the traffic signal will require reconstruction of the existing landscaped median to provide for turning movements. Construction of the signal and modification to the median will require coordination with the City of Rancho Cucamonga, the centerline of Fourth Street being the border of the two cities.** 
  - 2) **Developer/applicant shall design and construct a new traffic signal at the intersection of Concours and the existing/modified project driveway. The new traffic signal shall include a video detection system, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection. All new signal equipment shall be installed at it's ultimate location.**
  - 3) **Developer/applicant shall re-stripe Concours at the project driveway to realign the eastbound left turn lane to be closer to the existing median. This will allow for appropriate sight distance for vehicles preparing to make the left turn.**
  - 4) **Developer/applicant shall replace all existing street light fixtures fronting the project with the current City approved LED equivalent fixtures. This includes both heads on each doubled headed light in the medians and the single head lights in the parkway. In addition, the**





developer/applicant shall relocate any existing street lights which conflict with proposed drive approaches, in accordance with City Standard Drawing No. 5104. Developer/applicant shall refer to the Traffic and Transportation Design Guidelines, Section 1.4, "Street Light Plans".

5) Developer/applicant shall ensure that all landscaping, block walls and/or other constructions shall be compatible with stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.

6) Developer/applicant's engineer-of-record shall meet with City Engineering/Traffic staff, prior to starting traffic signal and street lighting design plans.

#### G. DRAINAGE / HYDROLOGY

- 2.38 **A 48-inch storm drain main is available to accept flows from this project in Concours along with an 8'x12' RCB in Haven Avenue. (Ref: Storm Drain plan bar code: D10313 Concours and D11790 Haven)**
- 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: Developer/applicant shall relocate/reconfigure the existing catch basin(s) at the proposed main project entry drive approach on Haven Avenue to allow for construction of the entry. Relocation and/or reconfiguration may include relocation of an existing street light and modification to the existing storm drain system.**

#### 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) based on the approved Preliminary Water Quality Management Plan (PWQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.46 **Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, for each catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications and is on the**





**Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.**

- 2.47 **Other conditions: Developer/applicant shall obtain coverage for the project under the Construction General Permit (GCP). The owner is the legally responsible person (LRP) of the site and shall have a Storm Water Pollution Prevention Plan (SWPPP) developed and submitted through the SMARTS website at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml> coverage \_\_\_\_\_**

**J. SPECIAL DISTRICTS**

- 2.48 **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 four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact the Management Services Department at (909) 395-2353 to initiate the CFD application process.**
- 2.49 **Other conditions: \_\_\_\_\_**

**K. FIBER OPTIC**

- 2.50 **Design and construct fiber optic system to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole constructed along the project frontage in the ROW and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole.**
- 2.51 **Other conditions: Fiber optic conduit consistent with the City's requirement for fiber optic conduit currently exists in Haven Avenue. Developer/applicant shall add handhole(s) as necessary to this system to bring conduit on site to the proposed telecom points of connection. Contact the Information Technology Department at (909) 395-2000, regarding this requirement and necessary plan for same.**

**L. Solid Waste**

- 2.52 **Onsite solid waste shall be designed in accordance with the City's Solid Waste Manual location at: <http://www.ontarioca.gov/municipal-utilities-company/solid-waste>**   
**Developer/applicant shall provide a final Solid Waste Handling Plan (SWHP) sheet that complies with the "solid waste Handling Plan Requirements" prior to approval of the precise grading plan for the site.**  
**Each trash enclosure for each building shall have a minimum of three (3) 4-cubic yard bins (each bin dimension shall be 5'x7'). Pedestrian access to each bin shall meet ADA compliance.**
- 2.53 **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.).**

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

- 4.01 Complete all Conditions of Approval listed under Sections 1-3 above.**
- 4.02 Pay all outstanding fees pursuant to the City of Ontario Municipal Code, including but not limited to, plan check fees, inspection fees and Development Impact Fees.**
- 4.03 The applicant/developer shall submit a written request for the City's final acceptance of the project addressed to the City Project Engineer. The request shall state that all Conditions of Approval have been completed and shall be signed by the applicant/developer. Upon receipt of the request, review of the request shall be a minimum of 10 business days. Conditions of Approval that are deemed incomplete by the City will cause delays in the acceptance process.**



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PDEV 17-016**

**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: \_\_\_\_\_



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
<b>PROJECT FILE NO. <u>PDEV21-013</u></b>  RELATED FILE NO(S). _____	
<input checked="" type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> <b>REVISED: 1/19/22</b>	

**CITY PROJECT ENGINEER & PHONE NO:** Antonio Alejos (909) 395-2384

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

**DAB MEETING DATE:** January 19<sup>th</sup>, 2022

**PROJECT NAME / DESCRIPTION:** PDEV21-013, an Amendment to a previously approved PDEV17-016 to construct a shopping center consisting of 6 BLDGs totaling 85,583 SQ-FT & restaurant pad with drive-thru for future construction on 13.4 acres of land within the Ontario Center SP

**LOCATION:** SEC of Haven Av & Fourth St

**APPLICANT:** Lewis Retail Centers

**REVIEWED BY:** Raymond Lee      1/19/22  
 Raymond Lee, P.E.      Date  
 Assistant City Engineer

**APPROVED BY:** [Signature]      1-19-22  
 Khoi Do, P.E.      Date  
 City Engineer



**THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO FINAL MAP OR PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.**

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

- 1.01 Dedicate to the City of Ontario, the right-of-way, described below:   
 \_\_\_\_\_ feet on \_\_\_\_\_  
 Property line corner 'cut-back' required at the intersection of \_\_\_\_\_  
 and \_\_\_\_\_.
- 1.02 Dedicate to the City of Ontario, the following easement(s): \_\_\_\_\_   
 \_\_\_\_\_
- 1.03 Restrict vehicular access to the site as follows: \_\_\_\_\_
- 1.04 Vacate the following street(s) and/or easement(s):   
 A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.
- 1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.
- 1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.
- 1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at [http://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000004658](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).
- 1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Financial Services Department at (909) 395-2124 regarding this requirement.   
 (1) \_\_\_\_\_  
 (2) \_\_\_\_\_
- 1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with





accompanying security as required, or complete all public improvements.

- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: [www.ci.ontario.ca.us](http://www.ci.ontario.ca.us)) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 1.13 Ontario Ranch Developments: 
  - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
  - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
  - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: \_\_\_\_\_

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

### A. GENERAL

(Permits includes Grading, Building, Demolition and Encroachment )

- 2.01 Record Parcel Map/Tract Map No. \_\_\_\_\_ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcel is a recognized parcel in the City of Ontario per Parcels 1 thru 9 of Parcel Map No. 17550, as per map filed in Book 216, pages 7 thru 20, inclusive of Parcel Maps; Document No. 2006-0632192, in the Office of the County Recorder of the County of San Bernardino.**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 **Apply for a:** 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);**





- Make a Dedication of Easement.
- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan ( WQMP), as applicable to the project.**
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at [http://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000004658](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).**
- 2.08 Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:** 
  - State of California Department of Transportation (Caltrans)
  - San Bernardino County Road Department (SBCRD)
  - San Bernardino County Flood Control District (SBCFCD)
  - Federal Emergency Management Agency (FEMA)
  - Cucamonga Valley Water District (CVWD) for sewer/water service
  - United States Army Corps of Engineers (USACE)
  - California Department of Fish & Game
  - City of Ranch Cucamonga (Traffic Signal; Median on Fourth Street)**
  - Other: Non-interference Letter required from each easement holder listed in the title report**
- 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):** 
  - a. An easement for sidewalk purpose for any public sidewalk proposed to be constructed outside of the City right-of-way. This would include, but not be limited to, proposed meandering sidewalk on Haven Avenue and Concours frontages, as well as additional sidewalk required at the back of the drive apron at all proposed driveway approaches within the City right-of-way.**
- 2.12 Vacate the following easement(s):** 
  - a. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.**
- 2.13 Ontario Ranch 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).

- 2.14 **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.**
- 2.15 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.
- 2.16 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$285,000, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.**
- 2.17 **Other conditions:** 
  - a. **The applicant/developer shall be responsible for any outstanding improvements for this project per the conditions of approval for Parcel Map No. 17550 and the Ontario Center Specific Plan.**
  - b. **The applicant/developer shall 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 parcels.**
  - c. **As part of the precise grading plans submittal, provide a Final Utilities Systems Map that shows all existing and proposed Utilities (Potable Water, Recycled Water, Sewer, Storm Drain, and other utilities) including each of the City's public utilities' points of connection to the existing systems.**



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

2.17 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	Fourth St	Haven Av	Concours St	Street 4
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement for Truck Routes Only (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway (see Sec. 2.F)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median (see Sec. 2.F)	<input checked="" type="checkbox"/> Remove and modify	<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 (see Sec. 2.D)	<input type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
Sewer (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral



<b>Water</b> (see Sec. 2.D)	<input checked="" type="checkbox"/> Services	<input checked="" type="checkbox"/> Services	<input checked="" type="checkbox"/> Services	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Recycled Water</b> (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Traffic Signal System</b> (see Sec. 2.F)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping</b> (see Sec. 2.F)	<input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> Modify existing	<input checked="" type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Street Light</b> (see Sec. 2.F)	<input checked="" type="checkbox"/> Upgrade <input checked="" type="checkbox"/> Relocation	<input checked="" type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Bus Stop Pad or Turn-out</b> (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Storm Drain</b> (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Relocate catch basins as necessary <input checked="" type="checkbox"/> Modify Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Fiber Optics</b> (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
<b>Removal of Improvements</b>	_____	_____	_____	_____
<b>Other Improvements</b>	_____	_____	_____	_____

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

- a. Existing utility mains/services no longer to be used shall be abandoned or removed per the current City procedure. All services/laterals shall be abandoned by shutting off the corporation stops at the existing main and removing the service pipe at the point of connection with the main.

- 2.18 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s):

  - a. Fourth Street – Minimum limits of construction shall be along the entire property frontage from the street median to curb/gutter.

- 2.19 Reconstruction of the full pavement structural section, per City of Ontario Standard Drawing number 1011, may be required based on the existing pavement condition and final street design. Minimum limits of reconstruction shall be along property frontage, from street centerline to curb/gutter.
- 2.20 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide  water service  sewer service to the site. This property is within the area served by the CVWD and Applicant shall provide documentation to the City verifying that all required CVWD fees have been paid.



- 2.21 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately \_\_\_\_\_, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.22 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.23 An 8-inch sewer main is available for connection by this project in Concours Street. (Ref: Sewer Drawing Number: **S10090**)
- 2.24 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.25 Submit documentation that shows expected peak loading values for modeling the impact of the subject project to the existing sewer system. The project site is within a deficient public sewer system area. Applicant shall be responsible for all costs associated with the preparation of the model. Based on the results of the analysis, Applicant may be required to mitigate the project impact to the deficient public sewer system, including, but not limited to, upgrading of existing sewer main(s), construction of new sewer main(s) or diversion of sewer discharge to another sewer.
- 2.26 Other conditions: 
  - a. All onsite sewer lines must comply with the Building Coe and be privately owned & maintained.
  - b. The applicant/developer shall install a grease interceptor (GI) for the grocery store and each restaurant with domestic sewer connecting downstream from the GI.
  - c. The applicant/developer or occupant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the Wastewater Discharge Permit may include, but not limited to the installation of wastewater pretreatment equipment, such as clarifiers.

For wastewater discharge permit application questions, please contact:  
 Michael Birmelin, Environmental Programs Manager  
[omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)  
 (909) 395-2661

**D. WATER**

- 2.27 A 12-inch, 16-inch, & 18-inch water main is available for connection by this project in Haven Avenue, Concours Street, & Fourth Street, respectively. (Ref: Water Drawing Numbers: Haven Av - W11059, W11060, Concours Av – W10388, Fourth St – W11070)
- 2.28 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.29 Other conditions: 
  - a. The applicant/developer shall upgrade the existing fire hydrant at the northeast corner of Concours St & Haven Av, by abandoning the existing one and construct a new one with break-way check valve per City Standard Drawing Number 4101.
  - b. The applicant/developer shall construct the proposed fire service with a straight alignment from water main to the DCDA. Additionally, the DCDA must be on private property and maintain a 5-FT separation from the property line & ECR/BCR.

**E. RECYCLED WATER**

- 2.30 A 12-inch recycled water main is available for connection by this project in Concours Street. (Ref: Recycled Water Drawing Number: **P10075**)
- 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 & AutoCAD format, of the Engineering Report (ER), for the use of recycled water, to the OMUC for review and subsequent submittal to the California Department of Public Health (CDPH) for final approval.   
Note: The OMUC and the CDPH review and approval process will be approximately three (3) months. Contact the Ontario Municipal Utilities Company at (909) 395-2647 regarding this requirement.
- 2.34 Other conditions: 
  - a. Prior to the issuance of a Building Permit, the applicant/developer shall comply with the following:
    - i. Provide copies of both on-site & off-site utilities layout in PDF & AutoCAD format.
    - ii. Submittal of ER for recycled water usage for approval by the City and State.
  - b. Prior to the issuance of Occupancy, the applicant/developer shall comply with the following:
    - i. State shall approve ER.
    - ii. Successfully pass start-up, cross-connection and overspray test.

For ER application questions, please contact:  
Cynthia Heredia-Torres  
[ctorres@ontarioca.gov](mailto:ctorres@ontarioca.gov)  
(909) 395-2647

**F. TRAFFIC / TRANSPORTATION**

- 2.35 Submit a focused traffic impact study, prepared and signed by a Traffic/Civil Engineer registered in the State of California. The study shall address, but not be limited to, the following issues as required by the City Engineer: 
  - 1. On-site and off-site circulation
  - 2. Traffic level of service (LOS) at 'build-out' and future years
  - 3. Impact at specific intersections as selected by the City Engineer
- 2.36 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.37 Other conditions: 
  - a. The applicant/developer shall design and construct concrete pavement in accordance with City Standard Drawing Number 1207 at the intersection of Fourth Street (E/B) and the new project drive approach and at the intersection of Haven Avenue (N/B) and Fourth Street, modified as follows:
    - i. 300-ft of PCC on Haven Avenue at Fourth Street; Three (3) thru lanes and Two (2) left turn pockets.
    - ii. No PCC required in free right lane; Haven Avenue to Fourth Street (E/B)
    - iii. 200-ft of PCC on Fourth Street at proposed driveway approach; Four (4) thru lanes.
    - iv. No PCC required within the intersection proper, on either street.
  - b. The applicant/developer shall install parkway trees/landscaping along Haven Avenue, Concoors Street and Fourth Street property frontage per the Landscape Planning Division Requirements.
  - c. All landscaping, block walls and other obstructions in the parkway shall be compatible with the stopping sight distance requirements per City Standard Drawing Number 1309.
  - d. The applicant/developer shall design and construct a new traffic signal at the intersection of Fourth street and the new project driveway. The new traffic signal shall include a video detection system, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection. All new signal equipment shall be installed at it' s ultimate location. Installation of the traffic signal will require reconstruction of the existing landscaped median to provide for turning movements. Construction of the signal and modification to the median will require coordination with the City of Rancho Cucamonga, the centerline of Fourth Street being the border of the two cities.
  - e. The applicant/developer shall design and construct a new traffic signal at the intersection of Concoors Street and the existing/modified project driveway. **If this signal is included in the approved Traffic Study for the Specific Plan, the fair share cost of the signal shall be based on the approved Traffic Study and the applicant/ developer**



**is eligible for reimbursement for this signal from the future development within this Specific Plan. Otherwise, the applicant / developer shall be solely responsible for the design and construction of this signal. The new traffic signal shall include a video detection system, interconnect cable and conduit, emergency vehicle preemption systems and bicycle detection. All new signal equipment shall be installed at its ultimate location.**

- f. The applicant/developer shall re-stripe Concoors Street at the project driveway to realign the eastbound left turn lane to be closer to the existing median. This will allow for appropriate sight distance for vehicles preparing to make the left turn.
- g. The applicant/developer shall replace all existing street light fixtures fronting the project with the current City approved LED equivalent fixtures. This includes both heads on each doubled headed light in the medians and the single head lights in the parkway. In addition, the applicant/developer shall relocate any existing street lights which conflict with proposed drive approaches, in accordance with City Standard Drawing No. 5104. Developer/applicant shall refer to the Traffic and Transportation Design Guidelines, Section 1. 4, " Street Light Plans".
- h. The applicant/developer's engineer-of-record shall meet with City Engineering/Traffic staff prior to starting traffic signal and street light improvement plans.

**G. DRAINAGE / HYDROLOGY**

- 2.38 An 8'x12' RCB & a 48-inch storm drain main is available to accept flows from this project in Haven Avenue & Concoors Street, respectively.
- (Ref: Storm Drain Drawing Number: Haven Av – D11790, Concoors Av – D10313)
- 2.39 Submit a hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California. The study shall be prepared in accordance with the San Bernardino County Hydrology Manual and City of Ontario standards and guidelines. Additional drainage facilities, including, but not limited to, improvements beyond the project frontage, may be required to be designed and constructed, by Applicant, as a result of the findings of this study.
- 2.40 An adequate drainage facility to accept additional runoff from the site does not currently exist downstream of the project. Design and construct a storm water detention facility on the project site. 100 year post-development peak flow shall be attenuated such that it does not exceed 80% of pre-development peak flows, in accordance with the approved hydrology study and improvement plans.
- 2.41 Submit a copy of a recorded private drainage easement or drainage acceptance agreement to the Engineering Department for the acceptance of any increase to volume and/or concentration of historical drainage flows onto adjacent property, prior to approval of the grading plan for the project.
- 2.42 Comply with the City of Ontario Flood Damage Prevention Ordinance (Ordinance No. 2409). The project site or a portion of the project site is within the Special Flood Hazard Area (SFHA) as indicated on the Flood Insurance Rate Map (FIRM) and is subject to flooding during a 100 year frequency storm. The site plan shall be subject to the provisions of the National Flood Insurance Program.
- 2.43 **Other conditions:** 
  - a. The applicant/developer shall relocate/reconfigure the existing catch basin(s) at the proposed driveway approach on Haven Avenue to allow for construction of the main entrance. Relocation and/ or reconfiguration may also include the modification to the existing storm drain system and relocation of an existing street light.

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

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





utilizing the current San Bernardino County Stormwater Program template, available at:  
<http://www.sbcounty.gov/dpw/land/npdes.asp>.

- 2.46 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.47 Other conditions: 
  - a. The applicant/developer shall obtain coverage for the project under the Construction General Permit (GCP). The owner is the legally responsible person (LRP) of the site and shall have a Storm Water Pollution Prevention Plan (SWPPP) developed and submitted through the SMARTS website at:  
<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>

**J. SPECIAL DISTRICTS**

- 2.48 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.49 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.50 A 2-inch fiber optic line is available for connection by this project in Fourth Street & Concoors Street.   
 (Ref: Fiber Optic Drawing Number: Unknown)
- 2.51 Design and construct the required 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 OntarioNet hand hole located at the SEC of Concoors St & Duesenberg Dr and the existing OntarioNet conduit in Fourth Street. Additionally, new conduit/hand-holes shall be installed along Haven Av and Concoors St property frontage, see Fiber Optic Exhibit herein for reference.
- 2.52 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

**L. INTEGRATED WASTE**

- 2.52 Onsite solid waste shall be designed in accordance with the City's Refuse & Recycling Planning Manual located at:  
<https://www.ontarioca.gov/OMUC/IntegratedWaste>
- 2.53 Other conditions: 
  - a. Prior to the issuance of a Building Permit, the applicant/developer shall comply with the following:
    - i. Submit a Solid Waste Handling Planning (SWHP) & Integrated Waste Management Report (IWMR) with the Precise Grading Plan and Trash Enclosure Detail with the Building (Architectural) Plan for the Ontario Municipal Utilities Company (OMUC) to review and approve. Additionally email a PDF copy of the plans after the building permit number is created to [bishii@ontarioca.gov](mailto:bishii@ontarioca.gov) (If files are larger than 20MB, then send a link to download files).
    - ii. Size the trash enclosure for a minimum of three (3) 4CY bins (one 4CY bin for refuse, one 4CY bin for recycling, and one 4CY bin for organics) plus any other bins/storage or other handling required by the SWHP and IWMR.

For questions on the SWHP and IWMR submittal requirements, please contact:



Blaine Ishii, Integrated Waste Assistant Division Manager  
[bishii@ontarioca.gov](mailto:bishii@ontarioca.gov)  
Phone: (909) 395-2775

### 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 Ontario Ranch Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).

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

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



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PDEV21-013**

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

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

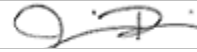


- 21.  Three (3) copies of Final Map/Parcel Map
- 22.  One (1) copy of approved Tentative Map
- 23.  **One (1) copy of Preliminary Title Report (current within 30 days)**
- 24.  One (1) copy of Traverse Closure Calculations
- 25.  One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.
- 26.  **Two (2) copies of Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use**
- 27.  Other: \_\_\_\_\_

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

**CONDITIONS OF APPROVAL**

Sign Off



Jamie Richardson, Sr. Landscape Architect

04/03/23

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Architect**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV23-004

Case Planner:

Jeanie Aguilo

Project Name and Location:

Farmer Boys  
 950 North Haven Avenue

Applicant/Representative:

Lewis Retail Centers Santos Lacuesta [slacuesta@farmerboys.com](mailto:slacuesta@farmerboys.com)  
 3800 Orange Street, Suite 250  
 Riverside, CA 92501



**Preliminary Plans (dated 2/22/2023) meet the Standard Conditions for New Development and have been approved considering that the following conditions below be met upon submittal of the landscape construction documents.**



**Preliminary Plans (dated) have not been approved. Corrections noted below are required before Preliminary Landscape Plan approval.**

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

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

Civil/ Site Plans

1. Grading Plan has been approved by the Landscape Planning Division as part of the overall site plan B202104233.

Landscape Plans

2. Landscape Plan is part of the overall site plan Approved Landscape Plan B202105977, 5973, 5972, 5968.
3. 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. 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 Irene Aguilo, Associate Planner  
Planning Department

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

**DATE:** March 6, 2023

**SUBJECT:** PDEV23-004 - A Development Plan to construct a 2,900 square-foot drive-thru restaurant (Farmer Boys) on 0.83 acres of land, located at 950 North Haven Avenue, within the Commercial land use district of the Piemonte Overlay of the Ontario Center Specific Plan (APN: 210-531-23). Related Files: PDEV21-013 and PDEV17-016.

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

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

- A. 2019 CBC Type of Construction: Type V-B
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 2,900 Sq. Ft.
- D. Number of Stories: 1
- E. Total Square Footage: 2,900 Sq. Ft.
- F. 2019 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/Fire/Prevention](http://www.ontarioca.gov/Fire/Prevention).
- ☒ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

### **2.0 FIRE DEPARTMENT ACCESS**

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

### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 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.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.
- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- ☒ 4.8 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

#### **5.0 BUILDING CONSTRUCTION FEATURES**

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

## **6.0 OTHER SPECIAL USES**

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



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Jeanie Irene Aguilo, Associate Planner

**FROM:** Heather Lugo, CSO, C.E.T. - Police Department

**DATE:** March 1, 2023

**SUBJECT:** PDEV23-004 – A DEVELOPMENT PLAN TO CONSTRUCT A 2,900 SQUARE FEET DRIVE -THRU RESTAURANT (FARMER BOYS) LOCATED AT 950 NORTH HAVEN AVE., WITHIN THE COMMERCIAL LAND USE DISTRICT OF THE ONTARI CENTER SPECIFIC PLAN (PIEMONTE OVERLAY) (APN(s): 210-531-23. RELATED FILES(s): PDEV17-016

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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.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions.
- The applicant will be responsible for keeping the grounds of the business clean from debris and litter.
- 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 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 720p 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.
- 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.

- Trash enclosure shall be fully secured by locks and screens/grates to reduce crime and encampment opportunities for homeless persons.

The Applicant is invited to contact Heather Lugo at (909) 408-1074 with any questions or concerns regarding these conditions.



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Heather Lugo, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Jeff Tang, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Blaine Ishii, Integrated Waste

FROM: Jeanie Irene Aguilo, Associate Planner

DATE: February 22, 2023

SUBJECT: FILE #: PDEV23-004 Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A Development Plan to construct a 2,900 square-foot drive-thru restaurant on 0.826 acres of land located at 950 North Haven Avenue, within the Commercial land use district of the Ontario Center Specific Plan (Piemonte Overlay) (APN(s): 210-531-23). Related File(s): PDEV17-016.

- 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.

Community Improvement  
Department

  
Signature

Comm Imp Supervisor  
Title

2/23/23  
Date

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV21-013 & PDEV23-004

Address: SEC of Haven Ave and 4th Street

APN: Multiple parcels

Existing Land Use: Vacant

Proposed Land Use: Commercial Shopping Center - 6 buildings totaling 85,583 SF and 2,900 SF drive-thru restaurant (Farmer Boys)

Site Acreage: 13.46 Proposed Structure Height: 42 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: 11/10/23

CD No.: 2021-022 Rev.3

PALU No.: n/a

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

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

November 20, 2023

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

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

**FILE NO.:** PDEV23-023

**DESCRIPTION:** A hearing to consider a Development Plan (File No. PDEV23-023) to construct a 42,500-square-foot addition, 5,500-square-foot interior remodel and exterior façade improvements to an existing commercial building (Mathis Home Furniture) on 19.23 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APN: 0210-205-12); **submitted by Steve La Bruna, Rightt Structures, Inc.**

## PART 1: BACKGROUND & ANALYSIS

STEVE LA BRUNA, RIGHTT STRUCTURES, INC, (herein after referred to as "Applicant") has filed an application requesting approval of a Development Plan, File No. PDEV23-023, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 19.23 acres of land located at 4105 East Inland Empire Boulevard and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, Policy Plan (general plan) and zoning designations, and specific plan land uses on and surrounding the Project site are as follows:

	<b>Existing Land Use</b>	<b>Policy Plan Land Use Designation</b>	<b>Zoning Designation</b>	<b>Specific Plan Land Use Designation</b>
Site:	Retail Store	Mixed Use – Ontario Center	The Ontario Center Specific Plan	Garden Commercial
North:	Toyota Arena	Mixed Use – Ontario Center	The Ontario Center Specific Plan	Urban Commercial
South:	Automobile Sales (CarMax)	Mixed Use – Ontario Center	The Ontario Center Specific Plan	Garden Commercial
East:	Retail & Offices	Mixed Use – Ontario Center	The Ontario Center Specific Plan	Garden Commercial
West:	Park (Founders Garden)	Mixed Use – Ontario Center	The Ontario Center Specific Plan	Open Space



## PROJECT ANALYSIS:

(1) Background — In February 2006, the Development Advisory Board approved the construction of a 426,400-square foot retail furniture store (Mathis Home Furniture) on the Project site. The building was subsequently completed in September 2007.

On June 5, 2017, the Development Advisory Board approved a 49,912-square-foot expansion at the northeasterly corner of the existing retail furniture store, increasing the area and capacity of the store's warehouse facilities. Expansion construction was completed in 2019.

The Applicant is requesting approval to construct a 42,500-square-foot addition, 5,500-square-foot interior remodel and extensive exterior façade improvement to the existing 476,318-square-foot retail commercial building, for a total building area of 518,818 square feet, having a floor area ratio (FAR) of 0.62 and lot coverage of 44 percent.

(2) Site Design/Building Layout — The overall site layout will remain substantially unchanged. The south facing elevation includes additions, interior remodeling to reconfigure and rebrand the existing building façade into six separate areas. The improvements include a two-story addition of a new Design Studio and the remodel of the Main Showroom's (New Mathis Home) exterior façade located at the southwesterly corner of the existing building. To the east of the Main Showroom the façade of the existing restaurant will be improved to provide a pronounced entrance from the exterior of the building that will also include outdoor seating. Also adjacent to the restaurant is a two-story addition that will replace the existing customer pickup area located on the south side of the building, at the approximate center of the overall building façade, that will accommodate an Outlet Center with an integrated video screen/media wall that will require a separate approval. The remaining southeast portion of the building will include a new customer pick-area and façade improvement that will be branded as Mathis University, consisting of business offices and meeting spaces for employee training and administrative office use. The remainder of the building used as a customer service center, furniture store, and warehouse area, will remain untouched (see Exhibit B—Site Plan, attached).

In addition to the proposed building improvements, the Applicant is proposing improvements to the off-street parking and pedestrian areas immediately in front of the building, including the removal of 161 off-street parking spaces, the addition of well-defined pedestrian pathways from the parking lot, enhanced paving within drive aisles and pedestrian walkways, added planter islands within the parking lot and along drive aisles, and enhanced landscape areas adjacent to the building.

(3) Site Access/Circulation — The Project site has a total of six existing points of vehicular access, as follows:

- One signalized primary access from Inland Empire Boulevard;

- Two secondary passenger vehicle accesses from Inland Empire Boulevard, which are limited to right-in and right-out movements only, due to the existing landscaped center median in Inland Empire Boulevard;
- One truck access from Ferrari Lane; and
- Two secondary passenger vehicle accesses from Concours Street, which are limited to right-in and right-out movements only, due to the existing landscaped center median in Concours Street.
- The southeast portion of the building will include a new dedicated customer pick-area with ingress and egress from the internal main access road.

(4) Parking — The Project has provided off-street parking pursuant to the “Furniture and Home Furnishings Stores” and “Warehousing and Distribution” parking standards specified in the Development Code. The number of off-street parking spaces provided exceeds the minimum parking requirement for the Project. The off-street parking calculations for the Project are summarized in the table below:

**Table 1: Off-Street Parking Summary**

Type of Use	Building Area	Parking Ratio	Spaces Required	Spaces Provided
<b>Existing Building:</b>				
▪ Furniture and Home Furnishings Store	160,000	2.5 spaces for each 1,000 SF of GFA	400	400
▪ Warehouse/Office/Restaurant Area	316,318	One 0.5 space for each 1,000 SF	158	205
SUBTOTAL	476,318		558	605
<b>Proposed Building Addition:</b>				
▪ Furniture and Home Furnishings Store Expansion	10,500	2.5 spaces for each 1,000 SF of GFA	26	
▪ Warehouse/Outlet Expansion	32,000	One 0.5 space for each 1,000 SF of GFA	6	
<b>TOTAL</b>	<b>504,318</b>		<b>590</b>	<b>605</b>

(5) Architecture — The proposed building expansion and exterior remodel incorporates natural Travertine stone, Alucobond aluminum composite wall panels in gold and bronze finishes, smooth stucco, and extensive glazing with clear anodized aluminum mullions, corten steel, a wall glass mural tile, and a video screen media wall that will require a separate approval (see Exhibit C—Exterior Elevations, attached). The mechanical equipment will be roof-mounted and obscured from public view by perforated Alucobond aluminum composite equipment screens, consistent with the building architecture.

The proposed project illustrates the type of high-quality architecture promoted by the Development Code. This is exemplified through the use of: (i) significant articulation in the building footprint; (ii) articulation in the building parapet/roof line; (iii) a mix of exterior

materials, finishes and fixtures; (iv) incorporation of base and top treatments, materials, and recessed wall areas; and (v) the building changes are designed to be compatible with the existing architectural detailing.

(6) Landscaping — The project provides landscaping along the street frontages, the perimeter of the site, and throughout the parking lot. The Development Code requires that the Project provide a minimum of 10 percent landscape coverage and 15 percent has been provided. Moreover, a combination of 24-, 36-, and 48-inch box accent and shade trees will be provided throughout the project site, in addition to a variety of shrubs and groundcovers that are low water usage and drought tolerant. The proposed on-site and off-site landscape improvements will assist in creating a walkable, safe area for pedestrians (see Exhibit D—Landscape Plan, attached).

(7) Signage — All project signage is required to comply with sign regulations provided in Ontario Development Code Division 8.1. Prior to the issuance of a Building Permit for the installation of any new on-site signage, the Applicant is required to submit Sign Plans for Planning Department review and approval. The proposed integrated video screen/media wall and content will require separate approval.

(8) Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the Project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of on-site infiltration swales within landscaped areas. Any overflow drainage will be conveyed to the public street by way of parkway drains and culverts.

**PUBLIC NOTIFICATION:** The subject application was advertised as a hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper).

**CORRESPONDENCE:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

**AGENCY/DEPARTMENT REVIEWS:** Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are included with this Decision.

**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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the decision-making body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Development Advisory Board, 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 ONT ALUCP.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Pursue City's Goals and Objectives by Working with Other Governmental Agencies
- Focus Resources in Ontario's Commercial and Residential Neighborhoods
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Encourage, Provide or Support Enhanced Recreational, Educational, Cultural and Healthy City Programs, Policies and Activities
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

**Distinctive Development:**

- Commercial and Residential Development

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

(3) Governance.

**Decision Making:**

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

➤ G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

(4) Policy Plan (General Plan)

**Land Use Element:**

▪ Goal LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

➤ LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

➤ LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

▪ Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.

➤ LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

**Community Economics Element:**

▪ Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.

▪ Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

➤ CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

➤ CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.

➤ CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

**Safety Element:**

▪ Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

**Community Design Element:**

▪ Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➤ CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.

➤ CD-1.2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City's identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.

➤ CD-1.3 Existing Neighborhoods. We require the existing character of viable residential and non-residential neighborhoods be preserved, protected, and enhanced.

▪ Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

➤ CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

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

➤ CD-2.2 Neighborhood Design. We create distinct residential neighborhoods that promote a sense of community and identity by emphasizing access, connectivity, livability, and social interaction through such elements as:

- A pattern of smaller, walkable blocks that promote activity, safety, and access to nearby amenities and services;
- Varied parcel sizes and lot configurations to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable traffic flows and emergency evacuation access;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb and designed to maximize safety, comfort, and aesthetics for all users.

➤ CD-2.7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials, and construction techniques.

➤ CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

➤ CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of



structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:

- Surface parking: Shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field;
- Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and
- Garage parking: providing access to single-family residential garages through alley access, recessing garages from the frontage to emphasize front doors or active living spaces.

➤ CD-2.11 Entry Statements. We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD-2.12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD-2.13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD-3.2 Comfortable, Human-Scale Public Realm. We require that public spaces, including streets, parks, and plazas on both public and private property be designed to maximize safety, comfort and aesthetics and connect to the citywide pedestrian, vehicular, and bicycle networks.

➤ CD-3.3 Complete and Connected Network. We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks,

commercial areas, and transit stops) and are designed to maximize safety, comfort, and aesthetics.

➤ CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

➤ CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

➤ CD-3.6 Managed Infrastructure. We collaborate with developers and property owners to facilitate development that realizes the envisioned character and functionality of the Place Type through the use of green and shared infrastructure within each Place Type.

▪ Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD-5.2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

## **PART 2: RECITALS**

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

WHEREAS, The Ontario Center Environmental Impact Report – EIR No. 88-2 (State Clearinghouse No. 1989041009) was certified by the City Council on March 19, 1991

(hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed; and

WHEREAS, the environmental impacts of this Project were thoroughly analyzed in the Certified EIR, which concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Development Advisory Board (hereinafter referred to as "DAB") the responsibility and authority to review and act 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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on November 20, 2023, 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 3: THE DECISION**

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

SECTION 1: Environmental Determination and Findings. As the decision-making body for the Project, the DAB has reviewed and considered the information contained in the previous Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the DAB finds as follows:

- (1) The environmental impacts of this Project were previously analyzed in conjunction with The Ontario Center Environmental Impact Report – EIR No. 88-2 (State Clearinghouse No. 1989041009), certified by the City Council on March 19, 1991; and
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the DAB, and the specific findings set forth in Section 1, above, the DAB finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

- (1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- (3) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR

due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(4) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

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

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the decision-making body for the Project, the 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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the DAB during the above-referenced hearing and upon the facts and information set forth in Parts I (Background and Analysis) and II (Recitals), above, and the determinations set forth in Sections 1 and 3, 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 Mixed Use – Ontario Center land use district of the Policy Plan Land Use Map, and the Garden Commercial land use designation of The Ontario Center Specific Plan. The development standards and conditions under which the proposed Project will be constructed and maintained, is consistent with the goals, policies, plans, and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan; 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 Garden Commercial land use designation of The Ontario Center Specific Plan, including standards relative to the particular land use proposed (Furniture Store and Warehouse), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; 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 Ontario Center Specific Plan are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; [iv] the Project will be in harmony with the area in which it is located; and [v] the Project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and The Ontario Center 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 Ontario Center 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 (Furniture Store and Warehouse). 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 Ontario Center 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 APPROVES the Application subject to each and every condition set forth in the Conditions of Approval 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 20th day of November 2023.

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Development Advisory Board Chairman

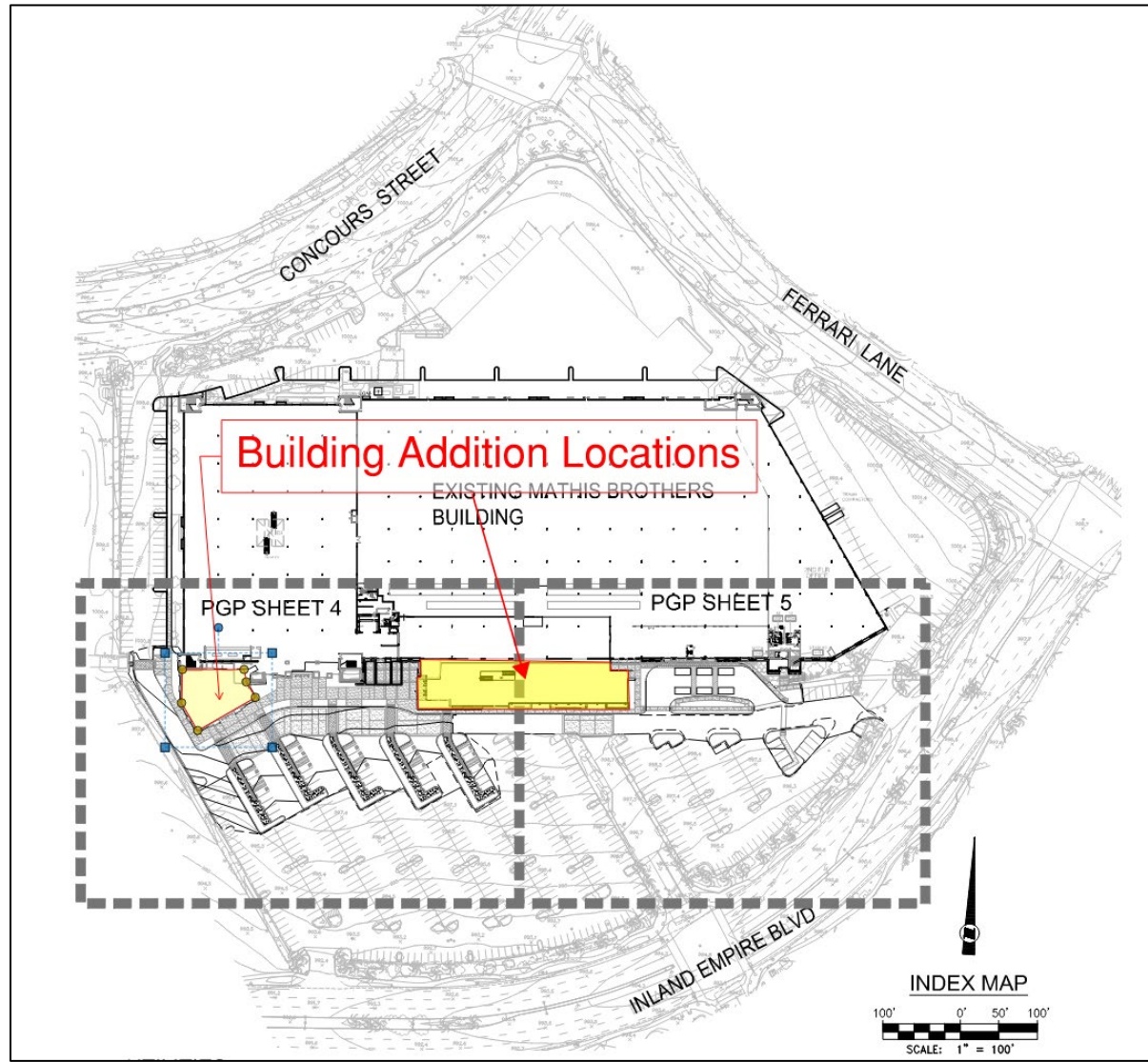


**Exhibit A: PROJECT LOCATION MAP**





**Exhibit B: SITE PLAN**

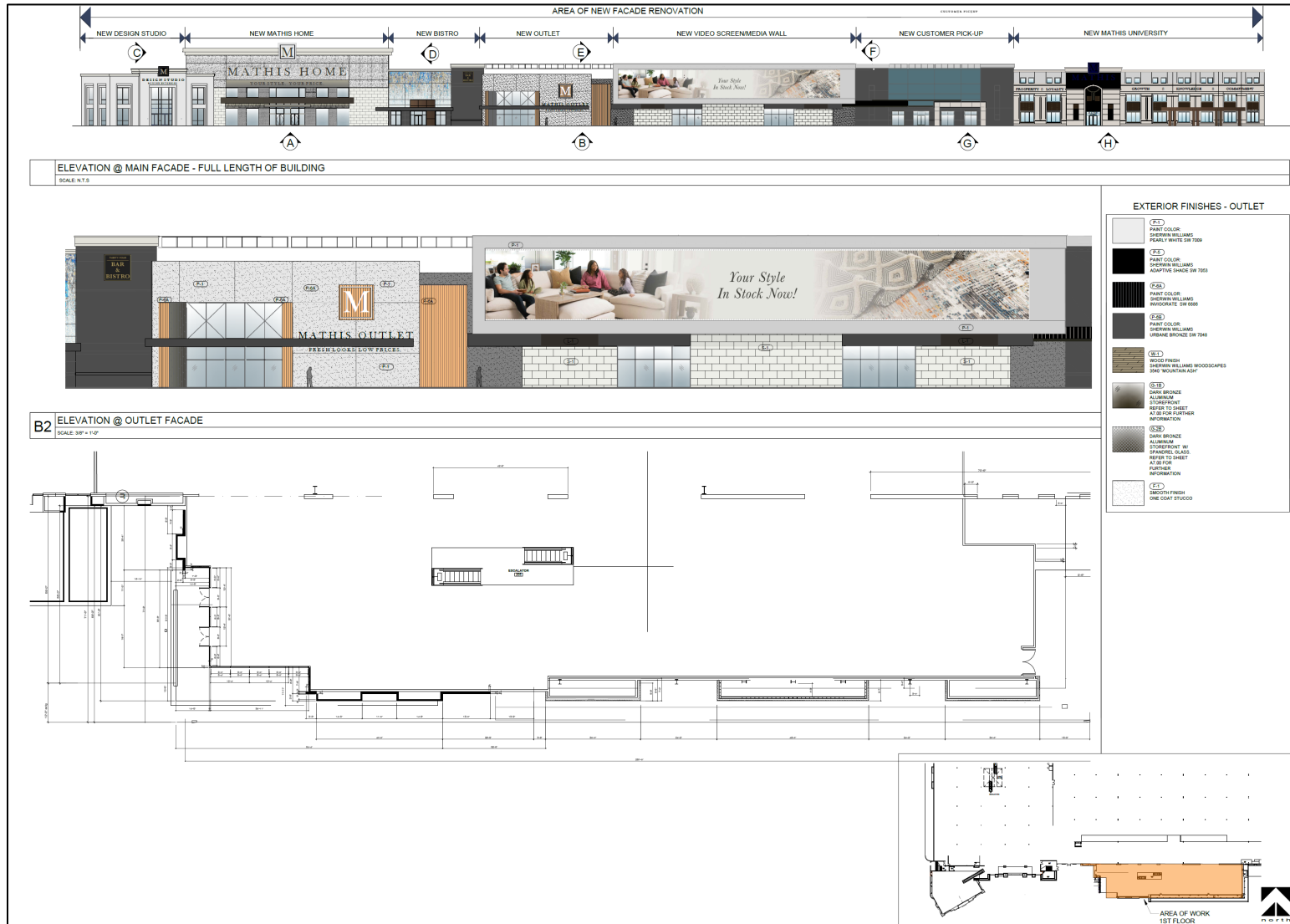


**Exhibit C: ELEVATIONS**

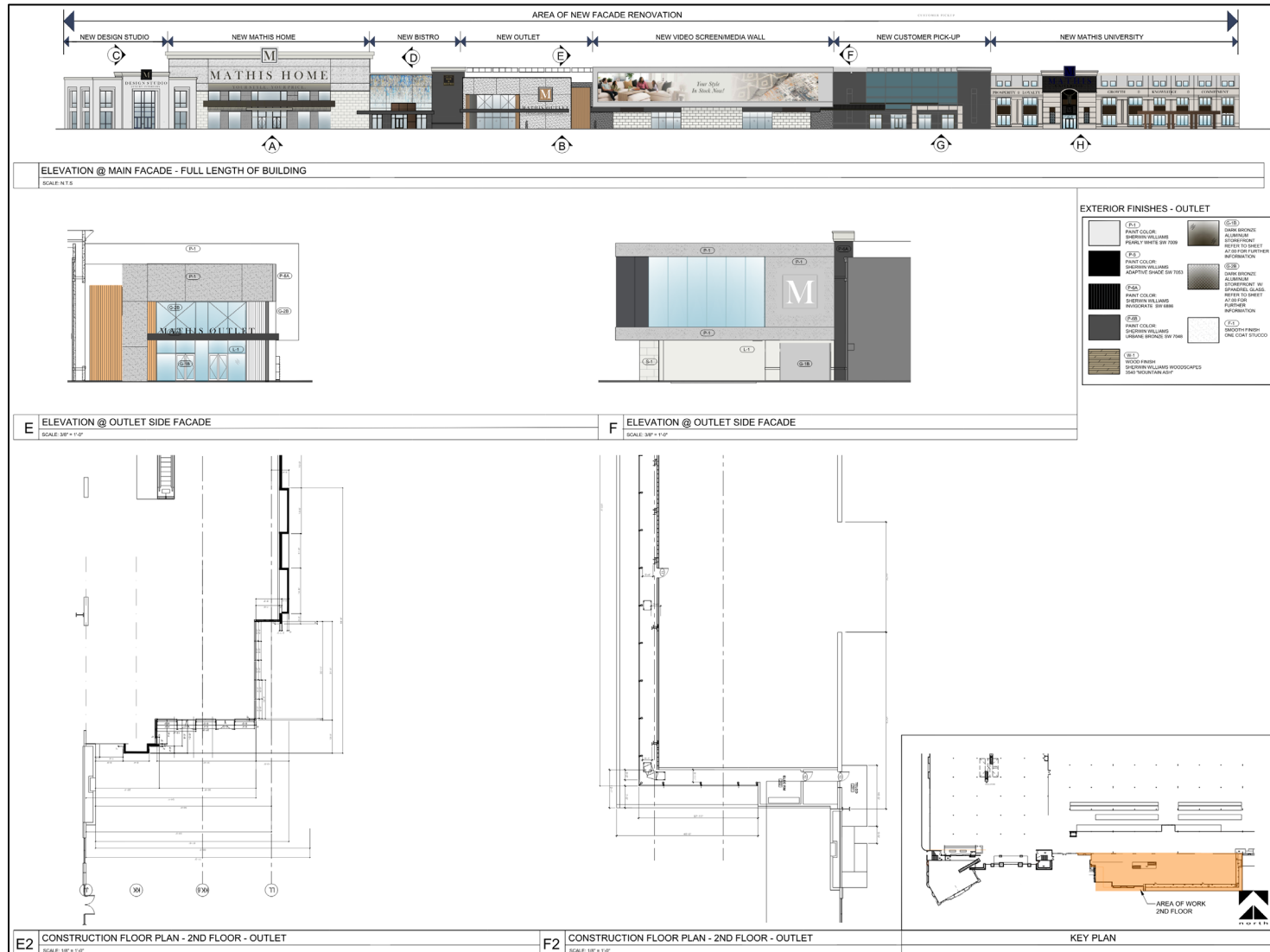




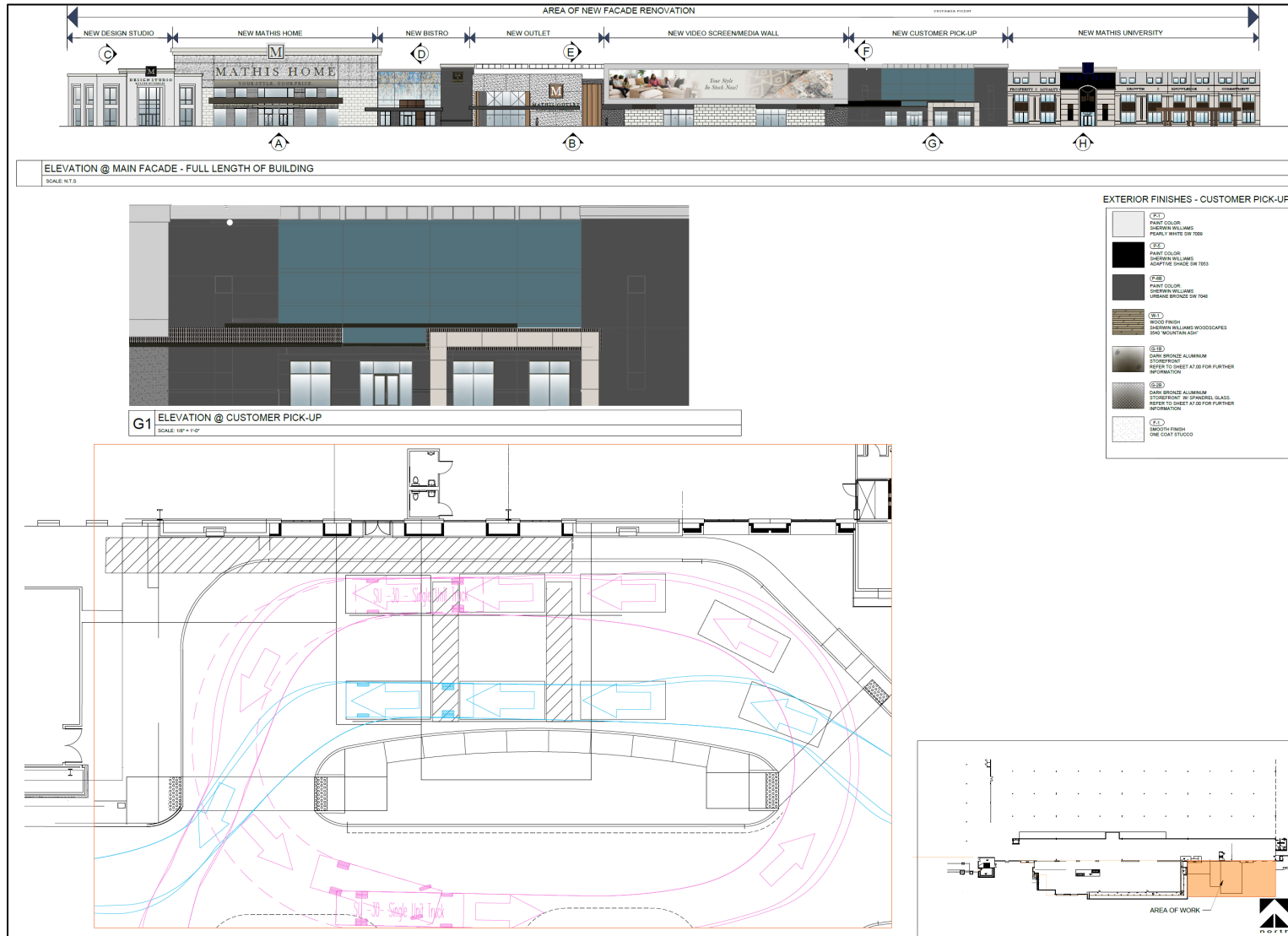
**Exhibit C: ELEVATIONS CONTINUED**



**Exhibit C: ELEVATIONS CONTINUED**

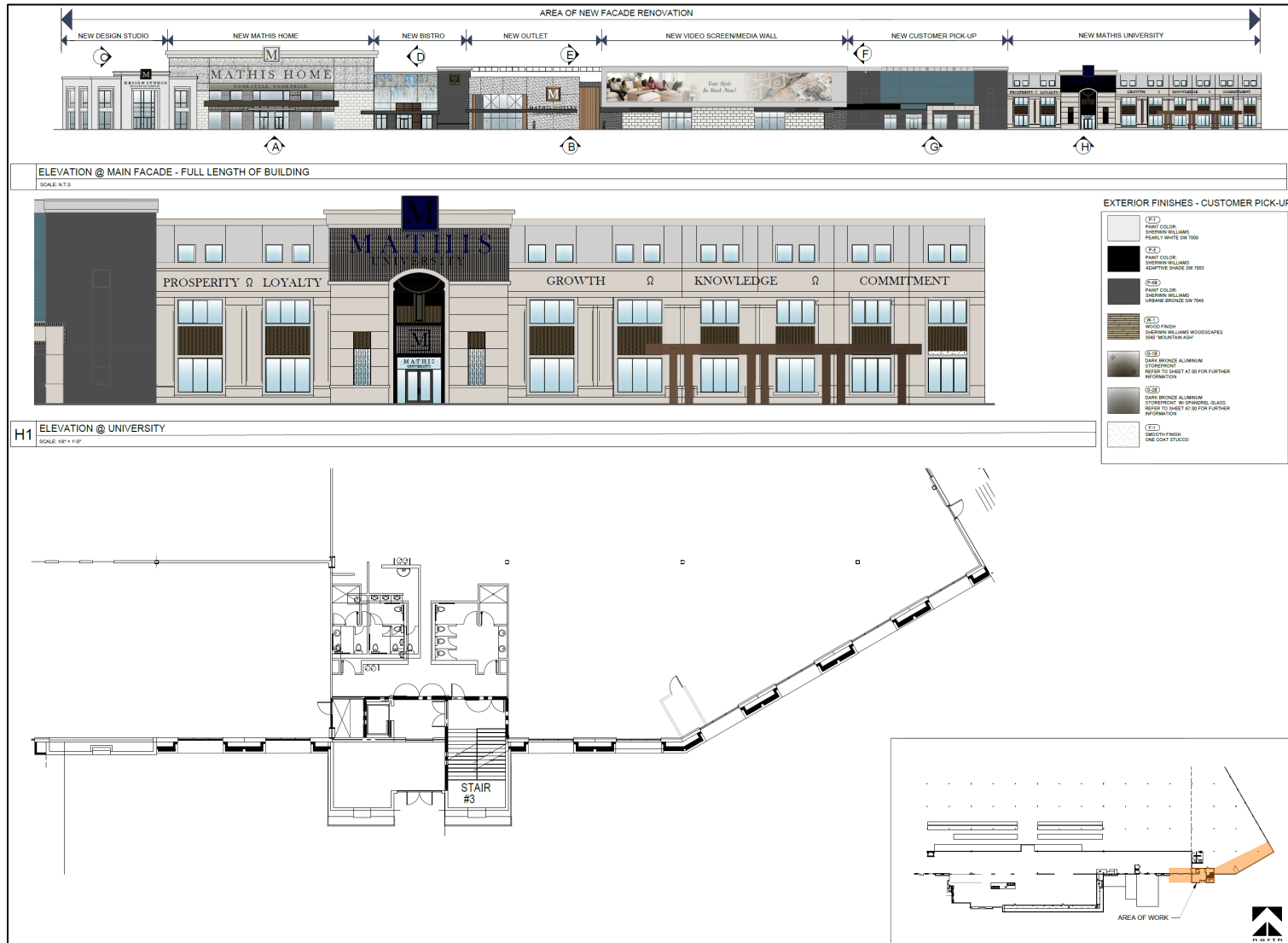


**Exhibit C: ELEVATIONS CONTINUED**





**Exhibit C: ELEVATIONS CONTINUED**



**Exhibit D: LANDSCAPE PLAN**



**Attachment A: Conditions of Approval**

*(Conditions of Approval follow this page)*

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

**Date Prepared:** 11/20/2023

**File No:** PDEV23-023

**Related Files:** N/A

**Project Description:** A Development Plan (File No. PDEV23-023) to construct a 42,500-square-foot addition, 5,500-square-foot interior remodel and extensive exterior façade improvement to an existing commercial building (Mathis Home Furniture) on 19.23 acres of land located at 4105 East Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan. (APN: 0210-205-12); **submitted by Steve La Bruna, Rightt Structures, Inc.**

**Prepared By:** Lorena Mejia, Senior Planner  
Phone: 909.395.2276 (direct)  
Email: lmejia@ontarioca.gov

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

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

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

**2.1** Time Limits.

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

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

**(a)** All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape

and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

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

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

### **2.3** Landscaping.

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

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

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

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

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

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

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

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

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

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

**2.6** 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.

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

**(b)** The proposed integrated video screen/media wall sign shall require separate approval from the Planning Department.

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

**2.11** Environmental Requirements.

**(a)** 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).

**(b)** 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 will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

**(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.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV23-023

Address: 4105 East Inland Empire Blvd.

APN: 210-205-12

Existing Land Use: Commercial Building (Mathis Brothers)

Proposed Land Use: Development Plan to construct a 42,500-square-foot addition to a commercial building (Mathis Brothers)

Site Acreage: 19.23 Proposed Structure Height: 60 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 11/13/2023

CD No.: 2022-032 Rev.1

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>95-105 FT</u>	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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





# CITY OF ONTARIO MEMORANDUM



---

**DATE:** August 21, 2023  
**TO:** Antonio Alejos, Engineering  
**CC:** Lorena Mejia, Planning  
**FROM:** Peter Tran, Utilities Engineering  
**SUBJECT:** DPR #1 – Conditions of Approval - Utilities Comments (**#8465**)  
PDEV23-023 (A Development Plan to construct 51,000 sqft addition to existing Mathis Brothers  
at 4105 E. Inland Empire Boulevard)  
**PROJECT NO.:**

---

## BRIEF DESCRIPTION

*A Development Plan for a proposed two-story commercial addition totaling 51,000 square feet on 17.01 acres of land located at 4105 Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APN(s): 0210-205-12). Related File(s): PDEV22-020; PCUP23-002.*

---

## THIS SUBMITTAL IS COMPLETE AND RECOMMENDED FOR APPROVAL.

---

**CONDITIONS OF APPROVAL:** *The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

**General Conditions: (Add following to Section 2.A of Engineering Department COA)**

1. Standard Conditions of Approval: Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below:

**Recycled Water: (Add following to Section 2.E of Engineering Department COA)**

2. Engineering Report: Provide an updated Engineering Report (ER) for recycled water to the City of Ontario for review. Please contact Water Quality Division at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov).



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
Raymond Lee, Engineering Department  
Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Heather Lugo, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
Jay Bautista, Traffic/Transportation Manager  
Lorena Mejia, Airport Planning  
Jeff Tang, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Blaine Ishii, Integrated Waste

FROM: Lorena Mejia, Senior Planner

DATE: August 10, 2023

SUBJECT: FILE #: PDEV23-023

Finance Acct#:

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

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

**PROJECT DESCRIPTION:** A Development Plan for a proposed two-story commercial addition totaling 51,000 square feet on 17.01 acres of land located at 4105 Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APN(s): 0210-205-12). Related File(s): PDEV22-020; PCUP23-002.

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

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

The plan does not adequately address the departmental concerns.

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

*Nathan Pino*



# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
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Jeff Tang, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Blaine Ishii, Integrated Waste

FROM: Lorena Mejia, Senior Planner

DATE: August 10, 2023

SUBJECT: FILE #: PDEV23-023

Finance Acct#:

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**Broadband Operations**  
Department

  
Signature

Title

09/21/2023  
Date





# CITY OF ONTARIO

## MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
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Jamie Richardson, Landscape Planning Division  
Dennis Mejia, Municipal Utility Company  
Heather Lugo, Police Department  
Paul Erhman, Deputy Fire Chief/Fire Marshal  
~~Jay Bautista, Traffic/Transportation Manager~~ - DIEGO AYALA  
Lorena Mejia, Airport Planning  
Jeff Tang, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Blaine Ishii, Integrated Waste

FROM: Lorena Mejia, Senior Planner

DATE: August 10, 2023

SUBJECT: FILE #: PDEV23-023 Finance Acct#:

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ENG/TRAF  
Department

  
Signature

DIA ASSY  
Title

9/21/2023  
Date  
Item C - 35 of 38

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

**CONDITIONS OF APPROVAL**

Sign Off



09/15/2023

Jamie Richardson, Sr. Landscape Architect

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape architect**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV23-023

Case Planner:

Lorena Mejia

Project Name and Location:

Mathis Brothers  
 4105 E Inland Empire

Applicant/Representative:

Steve LaBruna  
 8583 Irvine Center Drive, Suite 350  
 Irvine, CA 92618



**Preliminary Plans (dated 08/10/2023) meet the Standard Conditions for New Development and have been approved considering that the following conditions below be met upon submittal of the landscape construction documents.**



**Preliminary Plans (dated) have not been approved. Corrections noted below are required before Preliminary Landscape Plan approval.**

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

Landscape construction plans with plan check number may be emailed to:

[landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)

Civil/ Site Plans

1. Dimension, show and call out for step-outs at parking spaces adjacent to planters; a 12" wide monolithic concrete curb, DG paving or pavers with edging.

Landscape Plans

2. Note on landscape plans: 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.
3. Dimension all planters to have a minimum 5' wide inside dimension with 6" curbs and 12" wide curbs where parking spaces are adjacent to planters.
4. Call out the type of proposed irrigation system (dripline and pop-up stream spray tree bubblers with PCS). Include preliminary MAWA calcs. Proposed water use must meet the water budget.
5. Show landscape hydrozones on plan or legend with plants per WUCOLS. Moderate water plants may be used for part shade north and east-facing locations, low water plants everywhere else.
6. Overhead spray systems shall be designed for plant material less than the height of the spray head. Subsurface dripline shall be used in planter spaces 10' wide and less.
7. Replace invasive, high water use, short-lived, high maintenance, or poor performing plants: *Carpenteria californica* (poor performer, is easily overwatered), *Lavandula stoechas* (short-lived, OK in limited accent areas), *Mulhlenberfia dubia* (use in limited accent areas, difficult to maintain in masses).
8. Show 8' diameter of mulch only at new trees—detail irrigation dripline outside of mulched root zone.
9. Designer or developer to provide agronomical soil testing and include a report on landscape construction plans.
10. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
11. 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. 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: Scott Murphy, Community Development Director (Copy of memo only)  
Rudy Zeledon, Planning Director (Copy of memo only)  
Diane Ayala, Advanced Planning Division (Copy of memo only)  
Charity Hernandez, Economic Development  
James Caro, Building Department  
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Lorena Mejia, Airport Planning  
Jeff Tang, Engineering/NPDES  
Angela Magana, Community Improvement (Copy of memo only)  
Jimmy Chang, IPA Department  
Blaine Ishii, Integrated Waste

FROM: Lorena Mejia, Senior Planner

DATE: August 10, 2023

SUBJECT: FILE #: PDEV23-023

Finance Acct#:

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

- Note:**
- Only DAB action is required
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  - 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 for a proposed two-story commercial addition totaling 51,000 square feet on 17.01 acres of land located at 4105 Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APN(s): 0210-205-12). Related File(s): PDEV22-020; PCUP23-002.

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

Police  
Department

Heather Lugo  
Signature

MA  
Title

8-14-23  
Date



# CITY OF ONTARIO

## MEMORANDUM

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

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

**DATE:** August 16, 2023

**SUBJECT:** PDEV23-023 - A Development Plan for a proposed two-story commercial addition totaling 51,000 square feet on 17.01 acres of land located at 4105 Inland Empire Boulevard, within the Garden Commercial land use district of the Ontario Center Specific Plan (APN(s): 0210-205-12). Related File(s): PDEV22-020; PCUP23-002.

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

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

- A. 2019 CBC Type of Construction: Type III-B
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): 51,000 Sq. Ft. Addition to Existing
- D. Number of Stories: 2
- E. Total Square Footage: 648,608 Existing
- F. 2019 CBC Occupancy Classification(s): M



# DEVELOPMENT ADVISORY BOARD DECISION

November 20, 2023

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

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

**FILE NO.:** PDEV21-011

**DESCRIPTION:** A Development Plan to construct 9 work/live units that consists of 252 square feet of ground floor commercial and 1,892 square feet of residential on the upper 2 levels of a mixed-use development on 0.48 acres of land within LUA-2N (Arts District-North) of the MU-1 (Downtown Mixed Use) zoning district located at 413 West Emporia Avenue. APN: 1049-059-03; **submitted by JWDA-MS Architects. Planning Commission action is required.**

## PART 1: BACKGROUND & ANALYSIS

JWDA-MS Architects, (herein after referred to as "Applicant") has filed an application requesting approval of a Development Plan, File No. PDEV21-011, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The project site is comprised of 0.48 acres of unimproved land located at 413 West Emporia Avenue, which is depicted in Exhibit A: Project Location Map, attached. Land uses surrounding the project site are characterized by a mixture of residential uses, light industrial, and commercial uses to the east and west; a 125- unit affordable housing development known as Emporia Family Housing across Emporia Street to the north; and the Southern Pacific Railroad Corridor to the south. Existing land uses, Policy Plan (general plan) and zoning designations on and surrounding the project site are as follows:

	<b>Existing Land Use</b>	<b>Policy Plan Land Use Designation</b>	<b>Zoning Designation</b>
Site:	Vacant	Mixed Use- Downtown	LUA-2N (Arts District- North) of the MU-1 (Downtown Mixed Use)
North:	Multiple-family residential	Mixed Use- Downtown	LUA-2N (Arts District- North) of the MU-1 (Downtown Mixed Use)
South:	Southern Pacific Railroad Corridor	Rail	RC (Rail Corridor)
East:	Warehouse	Mixed Use- Downtown	LUA-2N (Arts District- North) of the MU-1 (Downtown Mixed Use)



	<b>Existing Land Use</b>	<b>Policy Plan Land Use Designation</b>	<b>Zoning Designation</b>
West:	Warehouse	Mixed Use- Downtown	LUA-2N (Arts District- North) of the MU-1 (Downtown Mixed Use)

**PROJECT ANALYSIS:**

(1) Background — The Project site is located within LUA-2 (Arts District- North) of the MU-1 (Downtown Mixed Use) zoning district, requiring the preparation and approval of a Planned Unit Development (“PUD”) to establish the development standards and design guidelines for the site. The Applicant filed a request for approval of the Emporia Work/Live Lofts PUD, File No. PUD21-003, in addition to a Conditional Use Permit, File No. PCUP23-011, to establish a work/live operation, concurrently with the subject Development Plan application. Final approval of the Development Plan is contingent upon the City Council adoption of the PUD for the Project site.

(2) Site Design/Building Layout — The Applicant proposes construction of 3 buildings comprised of 3-plex units for a total of 9 work/live units and is depicted in Exhibit B: Site Plan, attached. The alley-loaded buildings are oriented east to west with the front entries facing a common paseo or perimeter wall with garages located at the rear. The buildings will have 3-stories with an overall height of 34 feet, 6 inches and will be setback 5 feet from Emporia Street; 10 and 5 feet from interior property lines; and approximately 50 feet from the south property line. A single row of parking spaces is located on the southern end of the site.

The units will provide approximately 252 square feet of commercial workspace, bathroom, and a single-car garage for a total of 473 square feet located on the ground level. The second floor, also 473 square feet, is considered the primary living area equipped with a kitchen, dining area, bathroom and living area. Two bedrooms and two bathrooms are located on the third floor for a unit total of 946 square feet of living area and 473 square feet of work/garage area. The commercial workspace storefront entrance will serve as the primary entrance to the upper level residential area. Private garages will have direct access to the workspace and upper levels as depicted in Exhibit C: Floor Plans.

(3) Site Access/Circulation — The Project will have two pedestrian access points to the site that leads to the front entries from Emporia Street through common landscape pedestrian pathways. Primary vehicular access to the site is from a 2-way driveway, located on Emporia Street, that leads to a 24-foot-wide drive aisle from which access to private garages and surface parking spaces is provided.

(4) Parking — The Project requires 23 off-street parking spaces pursuant to the proposed Emporia Work/Live Lofts PUD parking standards and are summarized in the table below. A total of 18 residential parking spaces are required and will be provided by 9 single car garages and 9 unenclosed parking spaces. An additional 6 parking spaces will be provided for guests and work units to bring the total off-street parking



spaces to 24. The number of off-street parking spaces provided exceeds the minimum parking requirement for the Project by one parking space.

**Parking Summary**

<b>Type of Use</b>	<b>Building Area (SF) or No. of Units</b>	<b>Parking Ratio</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
Residential	9 (18 bedrooms)	1 space per bedroom	18	18
Work/guest	1,467	3 spaces per 1,000 SF	5	6
<b>TOTAL</b>			<b>23</b>	<b>24</b>

(5) Architecture — The Project will be designed in a contemporary architectural style, as depicted in Exhibit E: Exterior Elevations and Exhibit F: Project Renderings, attached. The 3-story buildings will feature aluminum framed storefront glazing surrounded with brick veneer and a metal awning over the storefront that wraps the corner to the front door. The brick veneer continues along the base of the building along the primary view corridors. The main body of the building is finished with stucco and accented with horizontal siding placed near a combination of recessed and flush mounted windows. The building massing is scaled by varying degrees of wall projections, wood insets and recessed windows, creating visual relief. The Project illustrates the type of high-quality residential architecture promoted by the proposed Emporia Work/Live Lofts PUD and the Development Code. This is exemplified through the use of:

- Articulation in the building footprints, incorporating vertical and horizontal changes in the exterior building walls (combination of recessed or projected wall areas);
- Articulation in the varying heights of building roof lines and wall planes;
- Recessed windows at key locations; and
- Architectural details, such as the use of decorative trim to compliment the transitions from brick veneer to stucco finishes, awnings above the front entries and windows to enhance openings, and decorative garage doors with windows.

(6) Landscaping — Landscaping is provided for the full length of the Project street frontage, side yards, alley, and pedestrian walkways for a total of 4,237 square feet (21 percent landscape coverage), which meets the minimum 15 percent landscape coverage requirement for the Project. A variety of accent and shade trees in 24-inch, 36-inch, and 48-inch box and 15-gallon sizes, as well as 1, 5, and 15-gallon size shrubs, groundcover, and vines will be planted in a variety of species throughout the site to create landscape areas that are aesthetically pleasing while having low or moderate water usage. Decorative paving and lighting will be provided at entries, along motor courts, and pedestrian walkways, as depicted in Exhibit C: Site Plan, attached.

(7) Signage — All project signage is required to comply with sign regulations provided in Ontario Development Code Division 8.1. Prior to the issuance of a Building Permit for the installation of any new on-site signage, the Applicant is required to submit Sign Plans for Planning Department review and approval.

(8) Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the Project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of an underground filtration system located on the southwest portion of the site. Any overflow drainage will be conveyed to the public street by way of parkway drains and culverts.

**PUBLIC NOTIFICATION:** Public notification is not be required, as the Development Advisory Board is acting in its capacity as an advisory body to the Planning Commission. Public notification is required prior to the Planning Commission hearing on the Project.

**CORRESPONDENCE:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

**AGENCY/DEPARTMENT REVIEWS:** Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are included with this Decision.

**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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Development Advisory Board, 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 ONT ALUCP.

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

(1) City Council Goals.

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

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
  - G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

(4) Policy Plan (General Plan)

**Land Use Element:**

- Goal LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

➤ LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

▪ Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.

▪

➤ LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

### **Housing Element:**

▪ Goal H-2 Housing Supply & Diversity: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

➤ H-2.5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices, and other best practices.

▪ Goal H-5 Special Needs: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age, or other status.

### **Community Economics Element:**

▪ Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.

➤ CE-1.6 Diversity of Housing. We collaborate with residents, housing providers, and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to encourage the development of housing supportive of our efforts to attract business in growing sectors of the community while being respectful of existing viable uses.

▪ Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

➤ CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

➤ CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.

➤ CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

**Safety Element:**

▪ Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

**Community Design Element:**

▪ Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➤ CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.

➤ CD-1.2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City's identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.

➤ CD-1.3 Existing Neighborhoods. We require the existing character of viable residential and non-residential neighborhoods be preserved, protected, and enhanced.

▪ Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

➤ CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide context-appropriate scale and proportion;

- A true architectural style which is carried out in plan, section, and elevation through all aspects of the building and site design and appropriate for its setting; and

- Exterior building materials that are articulated, high quality, durable, and appropriate for the architectural style.

➤ CD-2.2 Neighborhood Design. We create distinct residential neighborhoods that promote a sense of community and identity by emphasizing access, connectivity, livability, and social interaction through such elements as:

- A pattern of smaller, walkable blocks that promote activity, safety, and access to nearby amenities and services;

- Varied parcel sizes and lot configurations to accommodate a diversity of housing types;

- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable traffic flows and emergency evacuation access;

- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and

- Landscaped parkways, with sidewalks separated from the curb and designed to maximize safety, comfort, and aesthetics for all users.

➤ CD-2.7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials, and construction techniques.

➤ CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

➤ CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD-2.12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.



➤ CD-2.13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD-3.2 Comfortable, Human-Scale Public Realm. We require that public spaces, including streets, parks, and plazas on both public and private property be designed to maximize safety, comfort and aesthetics and connect to the citywide pedestrian, vehicular, and bicycle networks.

➤ CD-3.3 Complete and Connected Network. We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks, commercial areas, and transit stops) and are designed to maximize safety, comfort, and aesthetics.

➤ CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

➤ CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

➤ CD-3.6 Managed Infrastructure. We collaborate with developers and property owners to facilitate development that realizes the envisioned character and functionality of the Place Type through the use of green and shared infrastructure within each Place Type.

▪ Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD-5.2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The Project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

## **PART 2: 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 (hereinafter referred to as "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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, City of Ontario Development Code Division 2.03 (Public Hearings) prescribes the manner in which public notification shall be provided and hearing

procedures to be followed, and all such notifications and procedures have been completed; and

WHEREAS, on November 20, 2023, 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 3: THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND DECIDED 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, including all written and oral evidence provided during the comment period. 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 (Class 32, In-fill Development Projects) of the CEQA Guidelines, and meets all the following conditions:

(a) *The proposed Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.* The proposed Project is located within the Downtown Mixed Use land use designation of the Policy Plan (general plan) Land Use Map, and the MU-1/LUA-2 (Downtown Mixed Use/Arts District- North) zoning district. The proposed Project is consistent with all applicable Policy Plan policies, as well as with the requirements of the MU-1/LUA-2 (Downtown Mixed Use/ Arts District- North) zoning district and the related proposed Emporia Work/Live Lofts Planned Unit Development, which, at the Project location, intends to accommodate commercial and residential mixed use.

(b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.* The Project is proposed within the established boundaries of the City of Ontario, on a project site totaling 0.48 acres of land, which is surrounded by established development on all sides and consists of a mix of multiple-family, single family, retail, and commercial land uses.

(c) *The Project site has no value as habitat for endangered, rare, or threatened species.* The site is located in an urbanized area, is devoid of any flora or fauna, is regularly used for passenger vehicle parking by neighboring residents, and as such not suitable habitat for any endangered, rare, or threatened species.

(d) *Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.* The residential development is similar to, and of no greater impact than other allowed uses and development projects within the MU-1/LUA-2 (Downtown Mixed Use/Arts District- North) zoning district. The Project would not result in any significant impacts through implementation of required state, regional, and local development and performance standards, and as demonstrated in the Air Quality, Noise, and hydrology analysis and the Preliminary Water Quality Management Plan ("PWQMP") prepared for the Project.

(e) *The site is adequately served by all required utilities and public services.* All necessary wet and dry utilities are within the public street and are readily available for connection; and

(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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

SECTION 3: Concluding Facts and Reasons. Based upon the substantial evidence presented to the DAB during the above-referenced hearing and upon the facts and information set forth in Parts I (Background and Analysis) and II (Recitals), above, and the determinations set forth in Sections 1 and 2, 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 Mixed Use- Downtown land use district of the Policy Plan Land Use Map, and the MU-1/LUA-2 (Downtown Mixed Use/Arts District- North) 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 MU-1/LUA-2 (Downtown Mixed Use/Arts District- North) zoning district, including standards relative to the particular land use proposed (Work/Live lofts), 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 proposed Emporia Work/Live Lofts Planned Unit Development are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; [iv] the Project will be in harmony with the area in which it is located; and [v] the Project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Emporia Work/Live Lofts Planned Unit Development; 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 Emporia Work/Live Lofts Planned Unit Development that are applicable to the proposed Project, including building intensity, building and parking setbacks, building height, amount of off-street parking and loading spaces, parking lot dimensions, design and landscaping, bicycle parking, on-site landscaping, and fences and walls, as-well-as those development standards and guidelines specifically related to the particular land use being proposed (Work/Live lofts). 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 Emporia Work/Live Lofts Planned Unit Development.

SECTION 4: Development Advisory Board Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Conditions of Approval included as Attachment A of this Decision, and incorporated herein by this reference.

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

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

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APPROVED AND ADOPTED this 20th day of November 2023.

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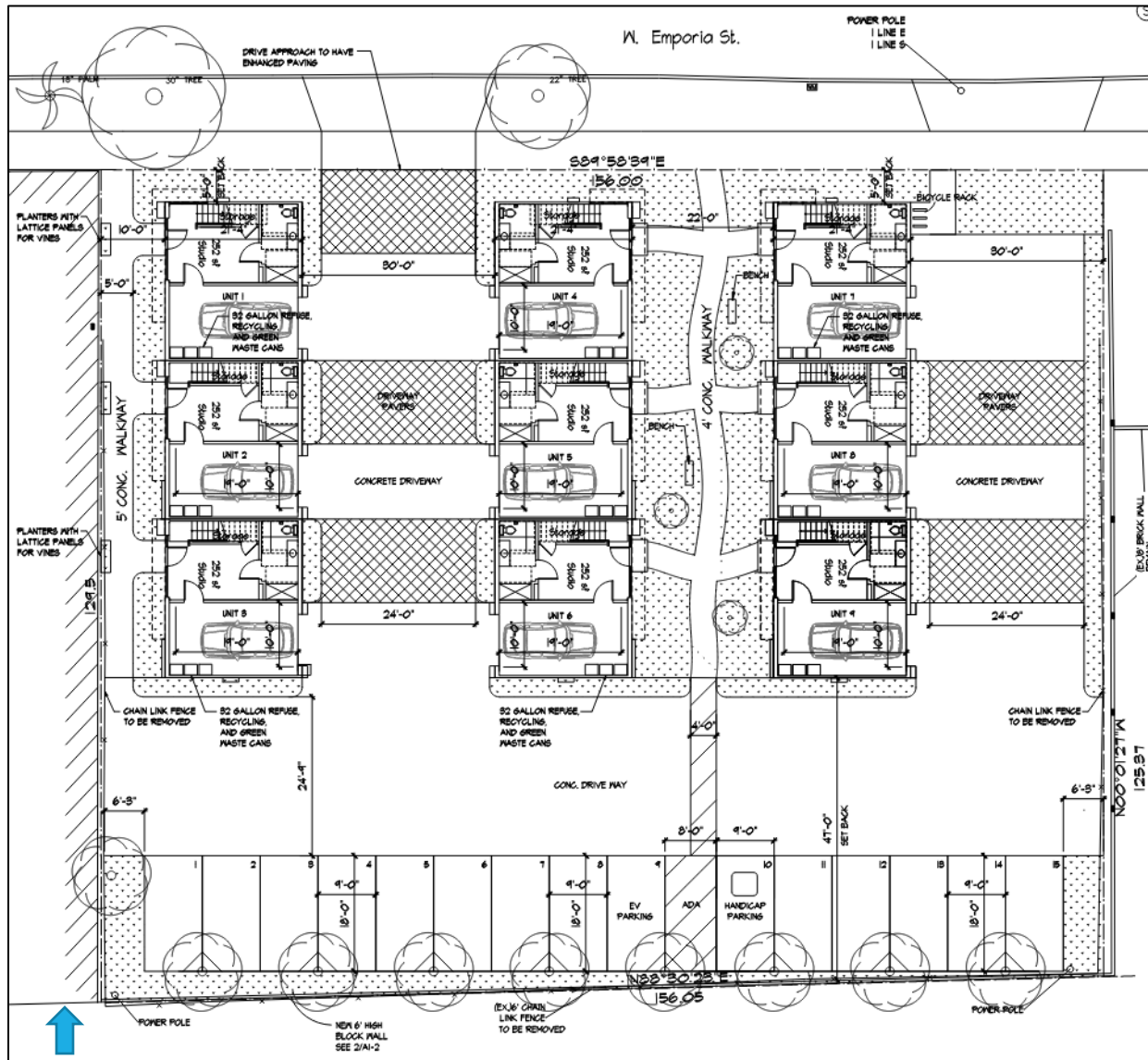
Development Advisory Board Chairman



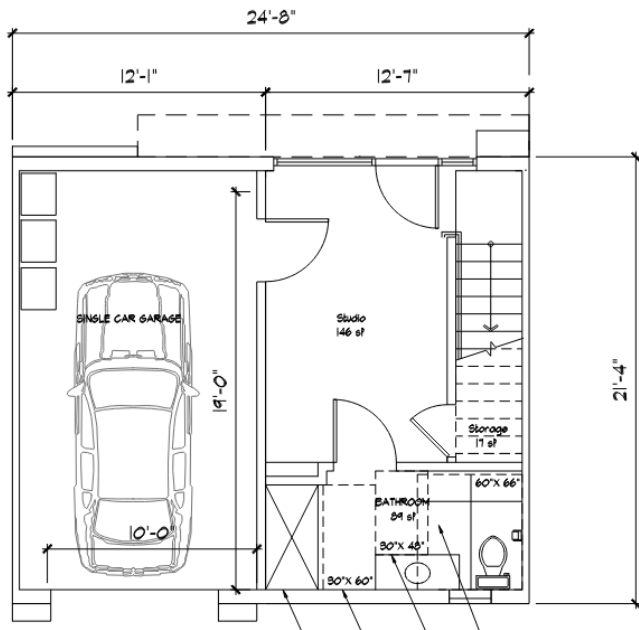
**Exhibit A: PROJECT LOCATION MAP**



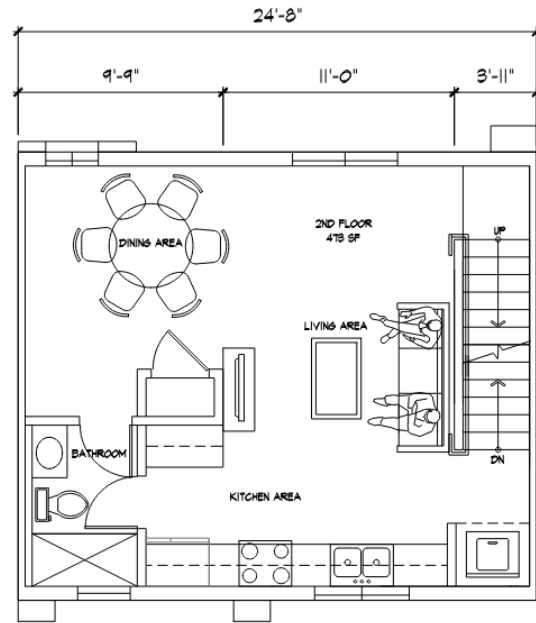
**Exhibit B: SITE PLAN**



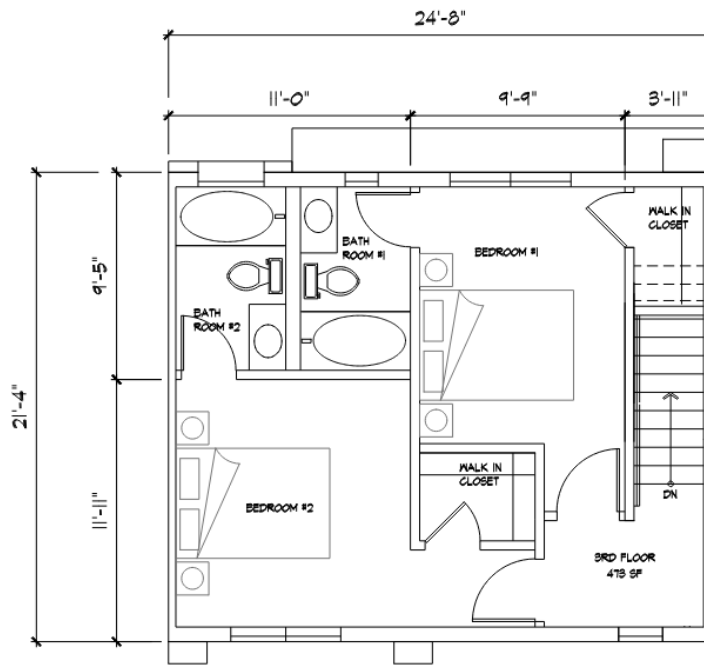
**Exhibit C: FLOOR PLAN**



First Floor



Second Floor



Third Floor

**Exhibit D: 3-PLEX ELEVATIONS**



Front Elevations



Emporia Avenue (north)

**Exhibit D: ELEVATIONS (Continued)**



South Elevation



Rear Elevations







**Exhibit F: CONCEPTUAL RENDERING**



**Attachment A: Conditions of Approval**

*(Conditions of Approval follow this page)*



# LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

**Date Prepared:** 11/2/2023  
**File No:** PDEV21-011  
**Related Files:** PUD21-002 and PCUP23-011

**Project Description:** A Development Plan to construct 9 work/live units that consists of 252 square feet of ground floor commercial and 1,892 square feet of residential on the upper 2 levels of a mixed-use development on 0.48 acres of land within LUA-2N (Arts District- North) of the MU-1 (Downtown Mixed Use) zoning district located at 413 West Emporia Avenue; (APN: 1049-059-03); **submitted by JWDA-MS Architects.**

**Prepared By:** Diane Ayala, Senior Planner  
Phone: 909.395.2428 (direct)  
Email: [dayala@ontarioca.gov](mailto:dayala@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.

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

**(b)** Existing chain link fence shall be removed and replaced with a new decorative block wall with decorative cap.

**(c)** West interior wall shall incorporate lattice near planters to allow pocket vines to grow and screen wall.

### **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. Additional pavers are required throughout the project site.

**(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). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

#### **2.6** 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.

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

#### **2.8** Signs.

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

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

#### **2.10** Disclosure Statements.

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

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

**2.11** Environmental Requirements.

(a) 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).

(b) 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 will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

(b) Within 5 days following final application approval, the Notice of Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). The filing of a NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

(c) 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** Related Applications. Development Plan approval shall not be final and complete until such time that related File No. PUD21-002, Emporia Work/Live Lofts PUD, has been approved by the City Council.



**2.15** Final Occupancy. The Project Architect of record will certify that construction of each building site and the exterior elevations of each structure shall be completed in compliance with the approved plans. Any deviation to approved plans shall require a resubmittal to the Planning Department for review and approval prior to construction. The Occupancy Release Request Form/Architect Certificate of Compliance shall be provided prior to final occupancy. After the receipt of this Certification, the Planning Department will conduct a final site and exterior elevations inspection. The Owner's Representative and Contractor shall be present.

**2.16** Additional Requirements.

**(a)** All new required streetlights shall be installed per City Standard Drawing No. 5103, King Street Light Standard.

**(b)** Brick veneer shall be installed at the base the of the building, where appropriate.

**(c)** Wall panel projections shall range from 15-inches to 6-inches minimum with window recessed ranging from 2-inches to 6-inches from building wall face.

**(d)** A parking management plan requiring tenants to maintain a 10-feet by 20-feet of clear space within garages for parking shall be submitted for review and approval to the Planning Department prior to issuances of building permits.

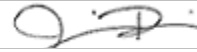
**(e)** All storefront and upper story windows shall be bronze in color to match. White colored frames are prohibited. Front doors shall have a 12-inch tall minimum "kick plate" or aluminum base as shown on plans.

**(f)** Exterior light fixtures shall be architecturally compatible. Submit cut sheet to Planning Department for review and approval prior to issuance of building permit.

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

**CONDITIONS OF APPROVAL**

**Sign Off**



1/19/2023

Jamie Richardson, Sr. Landscape Planner

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Planner**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV21-011, PUD-21-002

Case Planner:

Diane Ayala

Project Name and Location:

12 multiple-family dwelling  
 413 W Emporia Street

Applicant/Representative:

JWDA-MS Architects Michael Sun [jwda888@sbcglobal.net](mailto:jwda888@sbcglobal.net)  
 8932 E. Mission Drive, Suite 101  
 Rosemead, CA, 91770



**A Preliminary Landscape Plan (dated 12/13/2022) meets the Standard Conditions for New Development. It has been approved with the consideration that the following conditions below be met upon submittal of the landscape construction documents.**



**A Preliminary Landscape Plan (dated) has not been approved. Corrections noted below are required prior to Preliminary Landscape Plan approval.**

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

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

**DIGITAL SUBMITTALS MUST BE 10 MB OR LESS**

**Civil/ Site Plans**

1. Provide an arborist report and tree inventory for existing trees, including genus, species, trunk diameter, canopy width, and condition. Submit the arborist report. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings or on-site tree planting. Add tree protection notes on construction and demo plans to protect trees to remain. Replacement and mitigation for removed trees shall be equal to trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15-gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box or 24" to 36" box size.
  - d. The monetary value of the trees removed as identified in the "Guide for Plant Appraisal," approved certified arborist plant appraiser, or may be equal to the value of the installation cost of planting, fertilizing, staking, and irrigating 15-gallon trees (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Stormwater infiltration devices located in landscape areas shall be reviewed and plans approved by the Landscape Planning Division prior to permit issuance. Any storm water devices in parkway areas shall not displace street trees.

4. Show and dimension transformers set back 5' from paving all sides. Coordinate with landscape plans. Show transformers on plan; coordinate with utility specialist to allow for required screening and setback.
5. Show and dimension backflow devices set back 4' from paving all sides. Locate on level grade
6. Locate utilities, including light standards, fire hydrants, water, drain, and sewer lines to not conflict with required tree locations—coordinate civil plans with landscape plans.
7. Note for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.
8. Add Note to Grading and Landscape Plans: Landscape areas where compaction has occurred due to grading activities and where trees or stormwater infiltration areas are located shall be loosened by soil fracturing. For trees, a 12'x12'x18" deep area; for stormwater infiltration the entire area shall be loosened. Add the following information on the plans: The backhoe method of soil fracturing shall be used to break up compaction. A 4" layer of Compost is spread over the soil surface before fracturing is begun. The backhoe shall dig into the soil lifting and then drop the soil immediately back into the hole. The bucket then moves to the adjacent soil and repeats. The Compost falls into the spaces between the soil chunks created. Fracturing shall leave the soil surface quite rough with large soil clods. These must be broken by additional tilling. Tilling in more Compost to the surface after fracturing per the soil report will help create an A horizon soil. Imported or reused Topsoil can be added on top of the fractured soil as needed for grading. The Landscape Architect shall be present during this process and provide certification of the soil fracturing. For additional reference, see Urban Tree Foundation – Planting Soil Specifications.

#### Landscape Plans

9. Provide an arborist report and tree inventory, as noted in #1.
10. Provide details or exhibits for the surfacing, site furnishings, benches, etc. Site furnishings, materials, and amenities are subject to the approval of the Planning Department. High-quality materials are required.
11. Hardscape Legend notes items per architectural plan, not a part of the submittal. Provide details for pavers, decorative concrete paving, concrete walkway, and driveway.
12. Show backflow devices with 36" high strappy leaf shrub screening and trash enclosures and transformers, a 4'-5' high evergreen hedge screening. Do not encircle utility, show as masses and duplicate masses in other locations on regular intervals.
13. Locate light standards, fire hydrants, water and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans.
14. Show all utilities on the landscape plans. Coordinate, so utilities are clear of tree locations.
15. Note on landscape plans: for compaction to be no greater than 85% at landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.
16. Provide a broad canopy accent tree such *Quercus suber*, *Quercus agrifolia*, or *Quercus Virginiana* in the parking island fingers. Provide tall, narrow screening trees in the planter along the eastern edge appropriate for a 3' planter space; consider *Hymenosporum flavum*, *Podocarpus henkelii*, or *Callistemon citrinus*. Show trees to match at the entry.
17. Provide large, broad canopy trees along the southern property line to screen and buffer the railroad. Consider *Quercus ilex*.
18. Street trees for this project are: *Washingtonia filifera* and *Grevillea robusta* alternating per the Master Street Tree Plan.
19. Call out type of proposed irrigation system (dripline and pop up stream spray tree bubblers with P.C.S.). Include preliminary MAWA calcs. Proposed water use must meet water budget.
20. Show landscape hydrozones on plan or legend with plants per WUCOLS. Moderate water plants may be used for part shade north and east facing locations, low water plants everywhere else.
21. Overhead spray systems shall be designed for plant material less than the height of the spray head.

22. Note 8' diameter of mulch only at new trees. Construction Documents: Detail irrigation dripline outside of mulched root zone.
23. Designer or developer to provide agronomical soil testing and include report on landscape construction plans.
24. 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.
25. Show 25% of trees as California native (Platanus racemosa, Quercus agrifolia, Quercus wislizenii, Quercus douglasii, Cercis occidentalis etc.) in appropriate locations.
26. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
27. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Diane Ayala, Senior Planner  
Planning Department

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

**DATE:** April 7, 2021

**SUBJECT:** PDEV21-011 - A Development Plan to construct 12 multiple-family dwellings on 0.46-acre of land located at 413 West Emporia Street, within LUA-2N of the MU-1 (Downtown Mixed Use) zoning district (APN: 1049-059-03). Related File: PUD-21-002.

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

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

- A. 2019 CBC Type of Construction: V-B
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 766 Sq. Ft. Per Unit  
4,596 Per Building
- D. Number of Stories: 3
- E. Total Square Footage: 1,673 Sq. Ft. Per Unit + 436 Sq. Ft. Garage  
20,076 Sq. Ft. Total Living Area (2 Buildings)
- F. 2019 CBC Occupancy Classification(s): R2

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

- ☒ 2.1 Fire Department vehicle access roadways shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved. Roadways shall be paved with an all-weather surface and shall be a minimum of twenty-four (24) ft. wide. *Not that they roadways are current only twenty (20) ft. wide. See Standard #B-004.*
- ☒ 2.2 In order to allow for adequate turning radius for emergency fire apparatus, all turns shall be designed to meet the minimum twenty five feet (25’) inside and forty-five feet (45’) outside turning radius per Standard #B-005.
- ☒ 2.3 Fire Department access roadways that exceed one hundred and fifty feet (150’) in length shall have an approved turn-around per Standard #B-002.
- ☒ 2.4 Access drive aisles which cross property lines shall be provided with CC&Rs, access easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of building plan check.
- ☒ 2.5 "No Parking-Fire Lane" signs and /or red painted curbs with lettering are required to be installed in interior access roadways, in locations where vehicle parking would obstruct the minimum clear width requirement. Installation shall be per Standard #B-001.
- ☒ 2.6 Security gates or other barriers on fire access roadways shall be provided with a Knox brand key switch or padlock to allow Fire Department access. See Standards #B-003, B-004 and H-001.
- ☒ 2.7 Any time PRIOR to on-site combustible construction and/or storage, a minimum twenty-four (24) ft. wide circulating all weather access roads shall be provided to within 150 ft. of all portions of the exterior walls of the first story of any building, unless specifically approved by fire department and other emergency services.



### **3.0 WATER SUPPLY**

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 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 D. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finalized) before the building is enclosed.

### **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.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Diane Ayala, Senior Planner  
Planning Department

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

**DATE:** September 22, 2022

**SUBJECT:** PDEV21-011 - Revised description- A Development Plan to construct 9 live/work units on 0.46-acre of land located at 413 West Emporia Street, within LUA-2N of the MU-1 (Downtown Mixed Use) zoning district (APN: 1049-059-03). Related File: PUD-21-002. (*Revision 1*).

- 
- The plan **does** adequately address Fire Department requirements at this time.
- See previous report for Conditions.
-



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Diane Ayala, Senior Planner

**FROM:** Officer Bill Lee, Police Department

**DATE:** April 14, 2021

**SUBJECT:** PDEV21-011: DEVELOPMENT PLAN APPROVAL TO A CONSTRUCT  
12 MULTIPLE-FAMILY DWELLINGS AT 413 WEST EMPORIA  
STREET. RELATED FILE: PUD21-002.

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

- Areas outside apartments, duplexes, and condominiums, are to be provided with a photocell operated exterior lighting system, which switches on at sunset and switches off at sunrise. This is to include walkways, doorways, and other areas used by the public and common areas. Minimum 0.5 foot-candle of light shall be maintained in all common areas. Planned landscaping shall not obstruct lighting.
- During hours of darkness, all parking lots and carports shall be provided with minimum one foot-candle of light, measured on the parking surface. Lighting devices shall be fully protected with weather and vandalism resistant covers.
- The Applicant shall comply with all construction site security requirements as stated in the Standard Conditions. This includes the provisions for perimeter lighting, site lighting, fencing and/or uniformed security.
- Maintain all landscaping on property to a standard that all ground covering shrubbery and hedges are no taller than 2 feet (24") and the lower canopy of all trees is no lower than 6 feet (72").

The Applicant is invited to call Bill Lee at (909) 408-1672 with any questions regarding these conditions.



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP  <input type="checkbox"/> FOR CONDOMINIUM PURPOSES	
<b>PROJECT FILE NO. <u>      PDEV21-011      </u></b>		
<b>RELATED FILE NO(S). <u>      PUD21-002      </u></b>		
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: <u>  </u> / <u>  </u> / <u>  </u>		

**CITY PROJECT ENGINEER & PHONE NO:**      Jeffrey Tang, P.E. (909) 395-2128

**CITY PROJECT PLANNER & PHONE NO:**      Diane Ayala (909) 395-2428

**DAB MEETING DATE:**                              November 20, 2023

**PROJECT NAME / DESCRIPTION:**              A Planned Unit Development to construct 9 live/work units on 0.46-acres of land located at 413 West Emporia Street, within LUA-2N of the MU-1 (Downtown Mixed Use) zoning district.

**LOCATION:**    Southwest corner of West Emporia Avenue and Fern Avenue at 413 West Emporia Ave.

**APPLICANT:**    JWDA-MS Architects

**REVIEWED BY:**    Raymond Lee    11/13/23  
    Raymond Lee, P.E.    Date  
    Assistant City Engineer

**APPROVED BY:**    Khoi Do    11-13-23  
    Khoi Do, P.E.    Date  
    City Engineer



**THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE CHECKED. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO PARCEL MAP APPROVAL, ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT.**

1. PRIOR TO PARCEL MAP APPROVAL, APPLICANT SHALL:		Check When Complete
<input type="checkbox"/>	1.01 Dedicate to the City of Ontario, the right-of-way, described below:  Property line corner 'cut-back' required at the intersection of:	<input type="checkbox"/>
<input type="checkbox"/>	1.02 Dedicate to the City of Ontario, the following easement(s):	<input type="checkbox"/>
<input type="checkbox"/>	1.03 Restrict vehicular access to the site as follows:	<input type="checkbox"/>
<input type="checkbox"/>	1.04 Vacate the following street(s) and/or easement(s):	<input type="checkbox"/>
<input type="checkbox"/>	1.05 Submit a copy of a recorded private reciprocal use agreement or easement. The agreement or easement shall ensure, at a minimum, common ingress and egress and joint maintenance of all common access areas and drive aisles.	<input type="checkbox"/>
<input type="checkbox"/>	1.06 Provide (original document) Covenants, Conditions and Restrictions (CC&Rs) as applicable to the project and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&Rs shall provide for, but not be limited to, common ingress and egress, joint maintenance responsibility for all common access improvements, common facilities, parking areas, utilities, median and landscaping improvements and drive approaches, in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project. The CC&Rs shall also address the maintenance and repair responsibility for public improvements/utilities (sewer, water, storm drain, recycled water, etc.) located within open space/easements. In the event of any maintenance or repair of these facilities, the City shall only restore disturbed areas to current City Standards.	<input type="checkbox"/>
<input type="checkbox"/>	1.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <a href="http://tceplumecleanup.com/">http://tceplumecleanup.com/</a> ), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at <a href="http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658">http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658</a> .	<input type="checkbox"/>
<input type="checkbox"/>	1.08 File an application for Reapportionment of Assessment, together with payment of a reapportionment processing fee, for each existing assessment district listed below. Contact the Financial Services Department at (909) 395-2124 regarding this requirement.  (1) _____ (2) _____	<input type="checkbox"/>
<input type="checkbox"/>	1.09 Prepare a fully executed Subdivision Agreement (on City approved format and forms) with accompanying security as required, or complete all public improvements.	<input type="checkbox"/>
<input type="checkbox"/>	1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: <a href="http://www.ontarioca.gov">www.ontarioca.gov</a> ) 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.	<input type="checkbox"/>
<input type="checkbox"/>	1.11 Provide a preliminary title report current to within 30 days.	<input type="checkbox"/>





- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
  
- 1.13 Ontario Ranch Developments: 
  - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
  - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
  - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
  
- 1.14 Other conditions:

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

**A. GENERAL**

**( Permits includes Grading, Building, Demolition and Encroachment )**

- 2.01 Record Parcel Map/Tract Map No. \_\_\_\_\_ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
  
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
  
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_.
  
- 2.04 **Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.**
  
- 2.05 **Apply for a:** 
  - Certificate of Compliance with a Record of Survey;**
    - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
    - Make a Dedication of Easement.
  
- 2.06 **Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan ( WQMP), as applicable to the project.**
  
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions



and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at [http://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000004658](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).

- 2.08 Submit a soils/geology report.**
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:** 
  - State of California Department of Transportation (Caltrans)
  - San Bernardino County Road Department (SBCRD)
  - San Bernardino County Flood Control District (SBCFCD)
  - Federal Emergency Management Agency (FEMA)
  - Cucamonga Valley Water District (CVWD) for sewer/water service
  - United States Army Corps of Engineers (USACE)
  - California Department of Fish & Game
  - Inland Empire Utilities Agency (IEUA)
  - Other: Non-interference letter from any easements holders listed in the Title Report**
- 2.10 Dedicate to the City of Ontario the right-of-way described below:
- 2.11 Dedicate to the City of Ontario the following easement(s):
- 2.12 Vacate the following street(s) and/or easement(s):
- 2.13 Ontario Ranch 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).
- 2.14 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.**
- 2.15 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.**
- 2.16 Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee shall be paid to the Building Department. Final fee shall be determined based on the approved site plan and the DIF rate at the time of payment.**
- 2.17 Other conditions:** 
  - a. **As part of the Precise Grading Plan submittal, the Applicant/Developer shall provide a Final Utilities Systems Map that shows all existing and proposed utilities (Domestic**



- Water, Recycled Water, Sewer, Storm Drain, and other utilities) including each of the City's public utilities Points of Connections to the existing systems.
- b. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.

**B. PUBLIC IMPROVEMENTS**

(See attached Exhibit 'A' for plan check submittal requirements.)

- 2.18 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	Emporia			
Curb and Gutter	<input checked="" type="checkbox"/> New; 18 ft. from C/L <sup>1</sup> <input checked="" type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Sidewalk	<input checked="" type="checkbox"/> New <sup>1</sup> <input checked="" type="checkbox"/> Replace damaged	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)	<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"/> New / Upgrade	<input type="checkbox"/> New / Upgrade	<input type="checkbox"/> New / Upgrade



	<input type="checkbox"/> Relocation	<input type="checkbox"/> Relocation	<input type="checkbox"/> Relocation	<input type="checkbox"/> Relocation
<b>Sewer</b> (see Sec. 2.C)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water</b> (see Sec. 2.D)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Recycled Water (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
Traffic Signal System (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Traffic Signing and Striping (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Street Light</b> (see Sec. 2.F)	<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
Bus Stop Pad or Turn-out (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Storm Drain (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Fiber Optics</b> (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<input checked="" type="checkbox"/> Underground <sup>2</sup> <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
Removal of Improvements	_____	_____	_____	_____
Other Improvements	_____	_____	_____	_____

**Specific notes for improvements listed in item no. 2.18, above:**

1. Along project frontage at removal of existing driveways.
2. Existing overhead utility along easterly property line and combo power pole/street light.

**2.19 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s):**

a. Along project frontage from edge of gutter to street centerline.





- 2.20 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.
- 2.21 Make arrangements with the Cucamonga Valley Water District (CVWD) to provide  water service to the site.  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.
- 2.22 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately \_\_\_\_\_, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.23 Other conditions:

**C. SEWER**

- 2.24 An 8-inch sewer main is available for connection by this project in Emporia Street. (Ref: Sewer facility id number: K13CL1005)
- 2.25 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.26 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.
- 2.27 Other conditions: 
  - 1. See attached OMUC Utilities Engineering Division Conditions of Approval

**D. WATER**

- 2.28 An 8-inch water main is available for connection by this project in Emporia Street. (Ref: Water facility id number: K13DM1448)
- 2.29 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.30 Other conditions: 
  - 1. See attached OMUC Utilities Engineering Division Conditions of Approval

**E. RECYCLED WATER**

- 2.31 A \_\_\_\_\_-inch recycled water main is available for connection by this project in \_\_\_\_\_. (Ref: Recycled Water plan bar code: \_\_\_\_\_)
- 2.32 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.33 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 in Sultana Avenue. 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.
- 2.34 Submit one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water, to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) for review and subsequent submittal to the California State Water Board (Division of Drinking Water) for final approval.

Note: Review and approval process may take up to three (3) months. Contact the OMUC's Water Quality Programs at (909) 395-2678 or email [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) regarding this requirement.

- 2.35 Submit one (1) electronic copy, in PDF format, of the Landscape Plans (on-site & off-site) to OMUC's Water Quality Programs at ([OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov)) for review and approval.



- 2.36 Other conditions:

#### F. TRAFFIC / TRANSPORTATION

- 2.37 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
- 2.38 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.39 Other conditions:
1. **The Applicant/Developer shall be responsible to design and construct an in-fill public street light and potential new service along its project frontage on Emporia Street. Street lighting shall be King Street Light Standard LED-type per City Standard Drawing Number 5103 and in accordance with City's Approved Material List LED Luminaires. The Applicant/Developer shall also install smart nodes on all new street light fixtures.**
  2. **Design and construct proposed driveways in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway.**
  3. **Parking shall be restricted to 20 feet on either side of the project driveway on Emporia Street with "No Parking Any Time" signs with arrows (R28(CA)(L) & (R)). Signs shall be in accordance with all applicable standards and to the satisfaction of the City Engineer.**
  4. **Where a driveway closure is being proposed, Applicant/Developer shall backfill the existing driveway curb-cuts with full-height curb and gutter, sidewalk, and landscaped parkway in accordance with all City standards and to the satisfaction of the City Engineer.**
  5. **The Applicant/Developer's Engineer-of-Record shall meet with City Engineering staff prior to designing and submitting for plan check the street lighting design plans to define limits of improvements.**

#### G. DRAINAGE / HYDROLOGY

- 2.40 A \_\_\_ storm drain main is available to accept flows from this project in \_\_\_\_\_.
- 2.40 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.
- 2.41 **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.**
- 2.42 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.
- 2.43 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.
- 2.44 Other conditions:

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



- 2.46 401 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.

- 2.47 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**

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

- 2.49 Other conditions:

**J. SPECIAL DISTRICTS**

- 2.50 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.

- 2.51 Other conditions:

**K. FIBER OPTIC**

- 2.52 A \_\_\_\_\_ fiber optic line is available for connection by this project in D Street and Sultana Avenue. (Ref: Fiber Optic facility id: \_\_\_\_\_)

- 2.53 **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 to be located at each project frontage end.**

- 2.53 **Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.**

- 2.54 **Other conditions:** 
  - 1. See attached Broadband Operations Conditions of Approval





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

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

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

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



## **EXHIBIT 'A'**

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

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**Project Number: PUD21-002, PDEV21-011**

**All plan check submittals are to be done digitally through the City of Ontario Citizen Portal Access. The following items are to be included with the first plan check submittal:**

1.  **A copy of this check list**
2.  **Payment of fee for Plan Checking**
3.  **Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.**
4.  **Project Conditions of Approval**
5.  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.  Public Street improvement plan with street cross-sections
7.  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)
8.  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)
9.  Public Sewer improvement plan
10.  Public Storm Drain improvement plan
11.  Public Street Light improvement plan
12.  Signing and Striping improvement plan
13.  **Fiber Optic plan (include Auto CAD electronic submittal)**
14.  HOA Landscape improvement plans. Show corner sight line distance per engineering standard drawing 1309.
15.  CFD Landscape improvement plans. Show corner sight line distance per engineering standard drawing 1309.
16.  **Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)**
17.  Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.
18.  **Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).**
19.  **Hydrology/Drainage study**
20.  **Soils/Geology report**



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



# CITY OF ONTARIO MEMORANDUM



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**DATE:** October 25, 2023

**TO:** Diane Ayala, Engineering

**CC:** Jeffery Tang, Planning

**FROM:** Peter Tran, Utilities Engineering

**SUBJECT:** DPR #5 – Conditions of Approval(COA) REVISED 2- Utilities Comments (#9632)

**PROJECT NO.:** PDEV21-011 and PUD-21-002 (A Development Plan to construct 9 multi-family dwellings at 413 W. Emporia Street)

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## BRIEF DESCRIPTION

*Revised description- A Development Plan to construct 9 live/work units on 0.46-acre of land located at 413 West Emporia Street, within LUA-2N of the MU-1 (Downtown Mixed Use) zoning district (APN: 1049-059-03). Related File: PUD-21-002.*

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## OMUC UTILITIES ENGINEERING DIVISION CONDITIONS OF APPROVAL

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**CONDITIONS OF APPROVAL:** *The Ontario Municipal Utilities Company (OMUC) Utilities Engineering Division recommends this application for approval subject to the Conditions of Approval outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards. The Applicant shall be responsible for the compliance with and the completion of all the following applicable Conditions of Approval prior to the following milestones and subject to compliance with City's Design Development Guidelines, Specifications Design Criteria, and City Standards:*

1. **Standard Conditions of Approval:** Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017, or as amended or superseded by Council Resolution; as well as the project-specific conditions/requirements as outlined below.

***Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:***

***General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:***

2. **Final Utilities Systems Map (USM):** Submit a Final Utilities Systems Map (FUSM) as part of the precise grading plan submittal that meets all the City's USM requirements. These requirements include to show and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements. See Utility Systems Map (USM) Requirements document for details.
  - a. The proposed utilities, utility alignments, and Public Rights-of-Way/Public Utility Easements shown on the Conceptual Utilities Systems Map (CUSM) and other Entitlement documents are not considered final and shall be revised during Final Design to meet all City Design Guidelines, Standards, City Requirements, and all of the Conditions of Approval contained in this document.

**Sanitary Sewer Conditions (Section 2.C): The Applicant shall comply with the following:**

3. Sanitary Sewer Mains Improvements:
  - a. N/A.
4. Sanitary Sewer Service:
  - a. Onsite private sewer system shall discharge wastewater to the Public Sanitary Sewer System through a Public Sewer Lateral per Standard #2003. Proposed sewer laterals must be a minimum 10' from all domestic water services.
  - b. Public Sewer Lateral Service to an existing sewer main: the existing sewer main being connected to shall be CCTV Inspected between the upstream and downstream manholes of the connection once before and once after the Sewer Lateral connections is made and any damage to the sewer main resulting from the installation of the Sewer Lateral shall be repaired to meet City Standards and Requirements prior to placing the Sewer Lateral in service.
  - c. Public Sewer Laterals and Storm Water Quality Improvements: No storm water quality improvements (infiltration, detention, retention, bioswale, etc) shall be installed above or with 5 feet of any Public Sewer Lateral.
5. Private Onsite Sewer and Storm Water Quality Improvements: No storm water quality improvements (infiltration, detention, retention, bioswale, etc) shall be installed above or with 5 feet of any Private Onsite Sewer pipes

**Potable Water Conditions (Section 2.D): The Applicant shall comply with the following:**

6. Potable Water Main Improvements:
  - a. Potable Water Mains: N/A
  - b. Fire Hydrants:
    - i. Fire Hydrants along Potable Water Mains shall be spaced a maximum of 300 feet apart or per Fire Department Standards/Requirements, whichever is closer.
    - ii. Construct one new fire hydrant fronting the project site per city's latest standards.
7. Potable Water Service:
  - a. Backflow Prevention:
    - i. A Backflow Prevention Device is required for each Meter connected to the Public Potable Water System that: serves any residential use that is more than one (1) single family residential unit; or, any non-residential use; or, only irrigation use.
  - b. Domestic Service: For domestic water uses:
    - i. The building is to have master water meter with submeters (on-site) directly connected to the existing public water main.
  - c. Irrigation Service: For landscape irrigation uses that are not served by Recycled Water, the landscape irrigation uses shall have a separate irrigation water service and meter with backflow prevention device connected to the Public Potable Water System separate from the domestic water uses and the onsite plumbing systems and irrigation systems shall be also separate from each other.
  - d. Fire Water Service: For onsite private Fire System uses:
    - i. Where the domestic water service and meters connected to the Public Potable Water System that serves any use that is more than one (1) single family detached residential unit or any non-residential use: if an onsite private fire system is required, then a separate Fire Service with Double Check Detector Assembly (DCDA) per City Standard #4208 connected to the Public Potable Water System is required to serve the onsite private fire system; and, the onsite fire system and onsite domestic water plumbing system shall be separate. DCDA's are a type of Backflow prevention device.
  - e. Unused Service(s): Abandon all unused existing service(s) back to the main.
8. Relocated Services: For any existing service with appurtenances to be relocated, the service shall be abandoned back to the main connection and the service and appurtenances shall be installed new per related City Standards.



# CITY OF ONTARIO MEMORANDUM

## DEVELOPMENT PLAN REVIEW COMMENTS Broadband Operations Section

**DATE: 10-28-22**

**PROJECT: PDEV21-011**

**LOCATION: 413 W Emporia**

**PROJECT ENGINEER:**

**BROADBAND PLAN CHECKER: Cameron Chadwick - CChadwick@ontarioca.gov**

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### **A. General Comments:**

1. The applicant/developer shall respond to these comments as well as the comments provided by the Environmental Section, Traffic & Transportation Division, Ontario Municipal Utilities Company and Broadband Operations and address all of them prior to the next submittal.
2. The applicant/developer shall address all additional redlined comments on the plans attached.
3. Provide plans in digital format (PDF) for future submittals.
4. Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines

### **B. The following items will be incorporated in the Conditions of Approval Report prior to the Development Advisory Board and/or Zoning Administrator Hearing upon all departments' comments being satisfactorily addressed:**

1. Project shall be designed and constructed to provide access to the City's conduit and fiber optic system per the City's Fiber Optic Master Plan. Building entrance conduits shall start from the closest OntarioNet hand hole in the Right-of-Way (ROW) and shall terminate in the main telecommunications room for each building. Conduit infrastructure shall interconnect with the primary and/or secondary backbone fiber optic conduit system at the nearest OntarioNet hand hole.
2. Contractor is responsible for locating and connecting conduit to existing OntarioNet hand holes on adjacent properties within a reasonable distance. There should be no "Gaps" in conduit between the contractor's development and the adjacent property. OntarioNet hand holes are typically located in the ROW at the extreme edge of a property.
3. Where a joint telecom or street light street crossing is required, include (2) 2" HDPE SDR-11 conduits or (1) 4" schedule 80 conduit sleeve. Terminate the street crossing conduit(s) in a new HH-3/22 OntarioNet hand hole in the right of way
4. The City requires a public utility easement for fiber optics on all private aisles/alley ways.
5. Hand holes - Design and install OntarioNet fiber optic hand hole HH-FP (10x00x10), HH-1 (13x24x18), HH-2 (17x30x24), HH-2A (24x36x30), HH-3 (30x48x36) and/or HH-4 (36x60x36) as needed. Respectively, Newbasis Part # PLA100010T-00002, PCA132418-00006, PCA-173024-90116, PCA-243630-90064, PCA-304836-90244 and PCA-366036-90146 or equivalent as specified per City Standard 1316. Conduits sweeping into hand holes shall enter in flush with the cut-out mouse holes aligned parallel to the bottom of



the box and come in perpendicular to the wall of the box. Conduits shall not enter at any angle other than parallel. Provide 5-foot minimum clearance from existing/proposed utilities. All hand holes will have ¼-inch galvanized wire between the hand holes and the gravel it is placed on.

6. ROW Conduit – Design and install fiber optic conduit at a minimum depth of 36-inch. Trenching shall be per City Standard 1306. Install (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct and (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange with Black Stripe) duct. Conduit(s) between ROW hand holes and hand holes on private property shall be 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct.
7. Building Entrance (Single Family) – Design and install 0.75-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct from hand holes on property or hand holes in the ROW. Consult City's Fiber Team for design assistance.
8. Building Entrance (Multi-family and Commercial) - From the nearest handhole to the building entrance, design and install fiber optic conduit at a minimum depth of 36-inches. Trenching shall be per City Standard for Commercial Buildings. (1) 2-inch HDPE SDR-11 (Smoothwall) roll pipe (Orange) duct. Install locate/tracer wires minimum 12AWG within conduit bank and fiber warning tape 18-inch above the uppermost duct
9. Multi-family and commercial properties shall terminate conduit in an electrical room adjacent to the wall no less than five inches above the finished floor. A 20" width X length 36" space shall be reserved on the plywood wall for OntarioNet equipment. This space shall be labeled "OntarioNet Only". Ontario Conduit shall be labeled "OntarioNet"
10. A minimum 1.5-inch joint use telecommunications conduit with pull-rope from the single-family, multi-family or commercial building communal telecom/electrical room/closet to each multi-family or commercial building unit shall be installed. See Structured Wiring Checklist on City's website for additional details.
11. Warning Tape - Contractor shall supply and install an approved non-detectable warning tape 18-inch above the uppermost conduit when backfilling trenches, pits or excavations greater than 10' in length. Warning Tape shall be non-detectable, Orange in color, 4-inch minimum width, 4 mil, 500% minimum elongation, with bold printed black letters "CAUTION - BURIED FIBER OPTIC CABLE BELOW" printed in bold black lettering no less than 2-inch high.
12. All hand holes, conduits, conduit banks, materials and installations are per the City's Fiber Optic Master Plan and City Fiber Optic Cable and Duct Standards. All hand holes, conduits and ducts shall be placed in the public right of way.
13. All unused conduits/ducts/microducts shall be protected with duct plugs that provide a positive seal. Ducts that are occupied shall be protected with industry accepted duct seal compound.
14. Locate/Tracer Wire - Conduit bank requires (1) 12AWG high strength (minimum break load 452#) copper-clad steel with 30mil HDPE orange insulation for locate/tracer wire. Contact City's Fiber Team for tracer wire specifications and see note 8.
15. Multi-family dwellings are considered commercial property.
16. Refer to the In-tract Fiber Network Design guideline on the City's website for additional in-tract conduit guidelines.

**Additional Notes:**

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PUD21-002 & PDEV21-011  
 Address: 413 West Emporia Street  
 APN: 1049-059-03  
 Existing Land Use: Vacant  
 Proposed Land Use: PUD and development plan to construct 12 multi-family units  
 Site Acreage: 0.46 Proposed Structure Height: 55 FT  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Diane Ayala  
 Date: July 6, 2021  
 CD No.: 2021-021  
 PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: 100 FT	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

See attached conditions.

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

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2021-021  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

New Residential land uses are required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

**NOTICE OF AIRPORT IN VICINITY:** This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

**November 20, 2023**

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

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

**FILE NO.:** PDEV22-033

**DESCRIPTION:** A Development Plan to construct 77 multiple-family dwellings on 1.41-acres of land, for property located at 1749 E. Fourth Street within the HDR-45 (High Density Residential - 25.1 to 45.0 du/acre) zoning district (APNs: 108-551-01, 108-551-34 and 108-551-35); **submitted by Mike Ascione - Ambitus-Ontario 1LP. Planning Commission action is required.**

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### **PART 1: BACKGROUND & ANALYSIS**

MIKE ASCIONE-AMBITUS-ONTARIO 1LP., (herein after referred to as "Applicant") has filed an application requesting approval of a Development Plan, File No. PDEV22-033, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 1.41-acres of land located at 1749 E. Fourth Street, within the HDR-45 (High Density Residential - 25.1 to 45.0 du/acre) zoning district, which is depicted in Exhibit A: Project Location Map, attached. The Project site is composed of three (3) separate vacant parcels which will be consolidated into one parcel as part of the proposed development. The existing zoning designation of HDR-45 is consistent with the General Plan land use designation for High Density Residential (25.1 to 45.0 du/acre). The property to the north of the Project site is within the HDR-45 (High Density Residential - 25.1 to 45.0 du/acre) land use district and is developed with multi-family residential development. The property to the south is within the MDR-18 (Medium Density Residential - 11.1 to 18.0 du/acre) and is developed with multi-family residential development. The property to the east is within the CIV (Civic) zone and is developed with Corona Elementary School. The property to the west is within the HDR-45 (High Density Residential - 25.1 to 45.0 du/acre) zone and is developed with single-family homes. Existing land uses, Policy Plan (general plan) and zoning designations on and surrounding the project site are as follows:

	<b>Existing Land Use</b>	<b>Policy Plan Land Use Designation</b>	<b>Zoning Designation</b>	<b>Specific Plan Land Use Designation</b>
Site:	Vacant Land	High Density Residential	HDR-45 High Density Residential (25.1 to 45.0 du/ac)	N/A
North:	Multi-Family Dwellings (one-story)	High Density Residential	HDR-45 High Density Residential (25.1 to 45.0 du/acre)	N/A
South:	Multi-Family Dwellings	Medium Density Residential	MDR-18 (11.1 to 18.0 du/acre)	N/A
East:	Corona Elementary School	PS (Public School)	CIV (Civic)	N/A
West:	Single-Family Homes	High Density Residential	HDR-45 High Density Residential (25.1 to 45.0 du/acre)	N/A

(1) Background — On June 27, 2017, the Planning Commission approved a Development Plan (File No. PDEV16-023), to construct a 36-unit (three-story) residential condominium development with subterranean podium parking, on the project site and a Tentative Tract Map (File No. PMTT16-014/TT 20028) to subdivide 1.41 acres into a single lot for condominium purposes. The Project was never developed, and the approved entitlements have expired.

(2) Density Bonus — As part of the Development Plan application, the Applicant is requesting a density bonus for the Project. Per the Ontario Development Code Division 6.01, Section 6.01.010 H (Residential Zoning Districts) and the California Government Code Section 65915-65918 (Density Bonuses and Other Incentives), developments can request additional density beyond what the local General Plan and Development Code allows, without the need to amend or revise the General Plan or Development Code.

The Density Bonus Law permits up to a 50% density bonus with a number of incentives, concessions, and waivers to assist in the financial and development feasibility of residential developments. The Applicant's request is for a 20% density bonus allocation. The Project site is zoned HDR-45 (High Density Residential - 25.1 to 45.0 du/acre), which allows for a maximum of 64 dwelling units. The 20% density bonus results in an additional 13 dwelling units, for a total of 77 multiple family dwelling units. In exchange, the Applicant will set aside 5% (4 units) of total units as extremely low-income units. This results in a total of 73 market rate and 4 very low-income dwelling units.

As part as the Density Bonus request, the applicant is requesting concession relief from the City's architectural and landscape guidelines, as it would make the project financially infeasible. The waivers include a reduction of the total common open space of 19,000 square feet (250 square feet per unit) to 17,917 square feet (233 square feet per unit), with the second waiver request to reduce the Development Code 5-foot setback requirement for the Edison transformer utility meters/services to a 3-foot setback.

Approval of the requested density bonus will require the Applicant to enter into an Affordable Housing Regulatory Agreement with the City.

Site Design/Building Layout — The Project site is located on the southeast corner of Fourth Street and Corona Avenue. The Project site has three street frontages that include, Fourth Street on the south, Harvard Place on the north, and Corona Avenue on the east. The Development Plan will allow for 77 multiple-family rental dwellings units. The building footprint will encompass the entire site plan. The four-story (54-feet) building is configured in a U-shaped design, with three floors of residential units over one-level of at-grade podium structured parking and common open space located in the center on the second floor and open to the sky. The administrative offices, main lobby, and primary building frontage will face north toward Harvard Place. The east elevation (Corona Avenue) will feature vehicular ingress and egress access to the at-grade podium parking structure. The south elevation will have street frontage along Fourth Street. The west elevation will face existing single family and multi-family developments. Common recreational amenity areas will be located within the first floor, along the northeast corner of the building; and along the second, third and fourth floors. Parking will be located within the at-grade podium parking structure (first floor) (see Exhibit B: Site Plan, and Exhibits D through G - Floor Plans, attached). The Applicant is requesting a waiver to reduce the city's 5-foot setback from the Edison transformer utility meters/ services and comply only with the Edison required 3-foot setback.

The 77 multiple-family dwellings will include 45 one-bedroom units and 32 two-bedroom units, and provide four floor plans ranging in size from 658 to 1,129 square feet and are described below (see Exhibit H: Typical Floor Plans, attached):

**Table 1: Floor Plan Summary**

<b>Plan No.</b>	<b>Area (in SF)</b>	<b>No. Units</b>	<b>No. Bedrooms</b>	<b>No. Baths</b>
Type A-1	658	43	1	1
Type A-2	675	2	1	1
Type B-1	982	30	2	2
Type B-2	1,129	2	2	2

(3) Site Access/Circulation — Primary ingress and egress into the site will be taken from Corona Avenue, by way of a 26-foot wide driveway into the at-grade podium parking structure. Two-way access through the parking structure will be accommodated by 24-foot and 27-foot wide drive aisles. In addition, several pedestrian linkages around the Project site will be provided to facilitate access to the public streets. Pedestrian access into the administrative office and main lobby will be provided along the northeast corner of the building. Pedestrian access into the parking structure will be provided along the north, east and south sides of the building. The residential units will be accessed through interior corridors, which are accessible by stairs and an elevator located in the lobby, within the parking structure level (1<sup>st</sup> floor).



(4) Parking — As part of the 20% density bonus request for this project, the Project will follow the prescribed parking requirements provided per California Government Code Section 65915, which allows one on-site parking space for zero to one bedroom and one and one-half on-site parking spaces for two and three bedrooms. Per the State parking requirements, a total of 93 parking spaces are required and the project proposes a total of 121 parking spaces as demonstrated in the parking summary table below. All off-street parking has been provided in the form of a one-level at-grade podium parking structure.

**Parking Summary Table**

<b>Type of Use</b>	<b>Number of Units</b>	<b>Density Bonus State Parking Ratios</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
One-Bedroom	45	One onsite parking space per unit	45	45
Two-Bedroom	32	One and one-half onsite parking spaces per unit	48	48
<b>TOTAL</b>	<b>77</b>		<b>93</b>	<b>121</b>

(5) Architecture — The Project incorporates a Spanish Contemporary architectural design (see Figure 2: Fourth Street and Corona Avenue Perspective below; and exterior building elevations contained in Exhibits I through J, attached). The building mass and scale is designed to be proportionate to the site. The varying massing of the building, articulated roof line and the three and four-story step downs (east and west elevations), provides visual interest and helps soften the pedestrian interface between the building façade and the street. Special attention was given to the colors, materials, massing, building form, and architectural details. This is demonstrated by the use of:

- Articulation in the building's roof line;
- Incorporation of architectural towers along the northeast and southeast corners of the building;
- Stone veneer along the buildings base;
- Tile roof;
- Exterior sand finish cement plaster;
- Precast concrete moldings at key locations;
- Decorative metal railings at all balconies along the second, third and fourth floors;
- Decorative window wood shutters at key locations along the third floor;
- Arched and round elements along the third and fourth floors;
- Decorative red clay barrel accent pipes below all front-gabled roofs;
- Decorative metal trellis over third floor patio balconies;
- Decorative trims around doors and windows;
- Decorative tube steel framing and metal mesh over the exterior of the parking structure openings;
- Decorative wrought iron icons under front-gabled roofs at key locations; and
- Incorporation of a color pallet appropriate to the proposed architecture.



**Figure 2: Fourth Street and Corona Avenue Perspective**

Landscaping — The Project complies with the minimum landscape requirements established by the Development Code. A 10-foot wide landscape setback will be provided along the north (Harvard Place), east (Corona Avenue), and south (Fourth Street) property lines. The plant pallet will consist of a mix of shade trees, ground cover and shrubs. The project will feature the following: Piccabeen, Palms, Swan Hill Olive, Pink Dawn Chitalpa, Golden Rain Tree, Crape Myrtle, Brisbane Box Tree, Long Leafed Yellow Wood, Crimson Bottlebrush and Western Redbud. In addition, the Project will provide decorative paving at the structure parking entry and along the outside of the administrative office area. The street parkways along all three street frontages will be landscaped with groundcover and trees according to the street master plan for the area. The Applicant is requesting a waiver to reduce the city's 5-foot setback from the Edison transformer utility meters/services and comply only with the Edison required 3-foot setback.

(6) Open Space —The Project complies with the minimum private space requirement, providing an average of 67 square feet (60 square feet required) of private open space per unit, in the form of private balconies (see Exhibits B through G, Floor Plans). The Applicant is requesting a waiver to reduce the total common open space of 19,000 square feet (250 square feet per unit) to 17,917 square feet (233 square feet per unit) and is being provided in the form of:

- Lobby area and community room on the first floor (structure parking level)
- Lobby area, exercise room, library room, pool area with seating area with fire pit, BBQ counter with sink, outdoor dining tables and chairs, trellis structure (Second floor)

- Lobby area (Third Floor), and
- Lobby area (Fourth Floor)

(7) Signage — All project signage is required to comply with sign regulations provided in Ontario Development Code Division 8.1. Prior to the issuance of a Building Permit for the installation of any new on-site signage, the Applicant is required to submit Sign Plans for Planning Department review and approval.

(8) Utilities (drainage, sewer) — Public utilities (water and sewer) are available to serve the Project. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of an underground stormwater infiltration and drainage detention system. Any overflow drainage will be conveyed to the public street by way of parkway drains and culverts.

**PUBLIC NOTIFICATION:** Public notification is not being required, as the Development Advisory Board is acting in its capacity as an advisory body to the Planning Commission. Public notification is required prior to the Planning Commission hearing on the Project.

**CORRESPONDENCE:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

**AGENCY/DEPARTMENT REVIEWS:** Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are included with this Decision.

**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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the Development Advisory

Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Development Advisory Board, 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 ONT ALUCP.

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

(1) City Council Goals:

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

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
  - G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

(4) Policy Plan (General Plan)

**Land Use Element:**

- Goal LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.
  - LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.
- Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.
  - LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

#### **Housing Element:**

- Goal H-2 Housing Supply & Diversity: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.
  - H-2.4 Ontario Ranch. We support a premier lifestyle community in the Ontario Ranch, distinguished by diverse housing, highest design quality, and cohesive and highly amenitized neighborhoods.
  - H-2.5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices, and other best practices.
- Goal H-5 Special Needs: A full range of housing types and community services that meet the special housing needs for all individuals and families in Ontario, regardless of income level, age, or other status.
  - H-5.2 Family Housing. We support the development of larger rental apartments that are appropriate for families with children, including, as feasible, the provision of services, recreation, and other amenities.

#### **Community Economics Element:**

- Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.

➤ CE-1.6 Diversity of Housing. We collaborate with residents, housing providers, and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to encourage the development of housing supportive of our efforts to attract business in growing sectors of the community while being respectful of existing viable uses.

▪ Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

➤ CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

➤ CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.

➤ CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

**Safety Element:**

▪ Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

**Community Design Element:**

▪ Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➤ CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.



➤ CD-1.2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City's identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.

➤ CD-1.3 Existing Neighborhoods. We require the existing character of viable residential and non-residential neighborhoods be preserved, protected, and enhanced.

▪ Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

➤ CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

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

➤ CD-2.2 Neighborhood Design. We create distinct residential neighborhoods that promote a sense of community and identity by emphasizing access, connectivity, livability, and social interaction through such elements as:

- A pattern of smaller, walkable blocks that promote activity, safety, and access to nearby amenities and services;
- Varied parcel sizes and lot configurations to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable traffic flows and emergency evacuation access;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb and designed to maximize safety, comfort, and aesthetics for all users.

➤ CD-2.7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials, and construction techniques.



➤ CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

➤ CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:

- Surface parking: Shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field;
- Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and
- Garage parking: providing access to single-family residential garages through alley access, recessing garages from the frontage to emphasize front doors or active living spaces.

➤ CD-2.11 Entry Statements. We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD-2.12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD-2.13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

▪ Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD-3.2 Comfortable, Human-Scale Public Realm. We require that public spaces, including streets, parks, and plazas on both public and private property be

designed to maximize safety, comfort and aesthetics and connect to the citywide pedestrian, vehicular, and bicycle networks.

➤ CD-3.3 Complete and Connected Network. We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks, commercial areas, and transit stops) and are designed to maximize safety, comfort, and aesthetics.

➤ CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

➤ CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

➤ CD-3.6 Managed Infrastructure. We collaborate with developers and property owners to facilitate development that realizes the envisioned character and functionality of the Place Type through the use of green and shared infrastructure within each Place Type.

▪ Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD-5.2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

**PART 2: RECITALS**

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

WHEREAS, 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 (hereinafter referred to as "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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on November 20, 2023, 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 3: THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND DECIDED 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, including all written and oral evidence provided during the comment period. 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 (Class 32, In-Fill Development Project) of the CEQA Guidelines, which consists of:

(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. The Project proposes to develop a 77-unit residential apartment complex on 1.41-acres, which is consistent with all applicable Policy Plan policies, as well as the requirements of the HDR-45 land use designation. In addition to the above, the Project complies with California Government Code Section 65915-65918 (Density Bonuses and Other Incentives), that permits developments to include additional density beyond what the local General Plan and Development Code allows, without the need to amend or revise the General Plan or Development Code.

(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. The Project is proposed within the established boundaries of the City of Ontario, on a project site totaling 1.41-acres of land, which is surrounded by established single family homes to the west, multi-family residential development to the north and south, and an elementary school (Corona Elementary) to the east.

(c) The project site has no value as habitat for endangered, rare, or threatened species. The project site is regularly cleared of overgrown weeds and debris by the property owner. Therefore, as a result the site is not suitable habitat for any 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. The Project is consistent with the HDR-45 land use designation similar to, and of no greater impact than other allowed uses and development projects within the HDR-45 land use designation. The Project is consistent with findings of the TOP 2050 Supplemental Environmental Impact Report and would not result in any significant effects related to traffic, noise, air quality, or water quality. The Project was reviewed by the Engineering Department, Traffic Division, Planning

Department, and Ontario Municipal Utilities Company ("OMUC"), and no significant effects were determined to be a result of the proposed Project; and

(e) The Project site can be adequately served by all required utilities and public services. All necessary wet and dry utilities are within the public street and are readily available for connection; and

(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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

SECTION 3: Concluding Facts and Reasons. Based upon the substantial evidence presented to the DAB during the above-referenced hearing and upon the facts and information set forth in Parts I (Background and Analysis) and II (Recitals), above, and the determinations set forth in Sections 1 and 2, above, the DAB hereby concludes as follows:

*The proposed development at the proposed location is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan. The proposed Project is located within the (High-Density Residential) land use district of the Policy Plan Land Use Map, and the HDR-45 (High Density Residential - 25.1 to 45.0 du/acre) zoning district. The Applicant requests a State 20% density bonus allocation upon the Project site zoned HDR-45 zone (64 dwelling units) and results in an additional 13 dwelling units (77 total multiple units). In exchange, the Applicant will set aside 5% (4 units) of the projects units as extremely low-income units. This results in a total of 73 market rate and 4 very low-income dwelling units. The one concession requests relief from the city's architectural and landscape guidelines, as it would make the project financially infeasible. The waivers include a reduction of the total common open space of 19,000 square feet (250 square feet per unit) to 17,917 square feet (233 square feet per unit), with the second waiver request to reduce the city's 5-foot setback from the Edison transformer utility meters/services and comply only with the Edison required 3-foot setback. The development standards and conditions under which the proposed Project will be constructed and maintained, 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 Project will provide housing in the*

area, consistent with the TOP Policy LU1-6 (Complete Community). In addition, the Project will contribute to the establishment of a dynamic, progressive city containing distinct neighborhoods and districts that foster a positive sense of identity and belonging among residents, visitors, and businesses (Goal CD1). Furthermore, the Project will promote the City's policy to take actions that are consistent with the City being a leading urban center in Southern California, while recognizing the diverse character of our existing viable neighborhoods (Policy CD1-1); and

(1) *The proposed development is compatible with those on adjoining sites in relation to location of buildings, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located.* The Project has been designed consistent with the requirements of the City of Ontario Development Code, the HDR-45 (High Density Residential - 25.1 to 45.0 du/acre) zoning district, including standards relative to the particular land use proposed (77-unit apartment complex), 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. In addition, the Project has been developed to comply with Government Code Section 65915-65918 (Density Bonuses and Other Incentives), that permits projects to include additional density beyond what the General Plan and Development Code and allowance for concessions and waivers to assist in the financial feasibility of residential projects. The HDR-45 zone permits a total of 63.45 dwelling units for the project site, with the 20% density bonus request, it permits an additional 12.69 dwelling units, for a total of 77 units. In exchange, the proposed project will set aside 5% (4-units) as extremely low-income units. The Project will include full on-site and off-site infrastructure improvements that will improve the street frontage along Harvard Place, Corona Avenue and Fourth Street; and

(2) *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. In addition, the proposed project will provide much needed housing which will also allow the City to comply with our Housing Element housing needs; and

(3) *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 (77-unit apartment complex). In addition, the Project has also been reviewed to comply with Government Code Section 65915-65918 (Density Bonuses and Other Incentives), that permits projects to include additional density beyond what the General Plan and Development Code limits. As a result, 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, guidelines described in the Development Code and Government Code Section 65915-65918 (Density Bonuses and Other Incentives).

SECTION 4: Development Advisory Board Action. Based on the findings and conclusions set forth in Sections 1 through 3, above, the DAB hereby recommends the Planning Commission APPROVES the Application subject to each and every condition set forth in the Conditions of Approval included as Attachment A of this Decision, and incorporated herein by this reference.

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

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

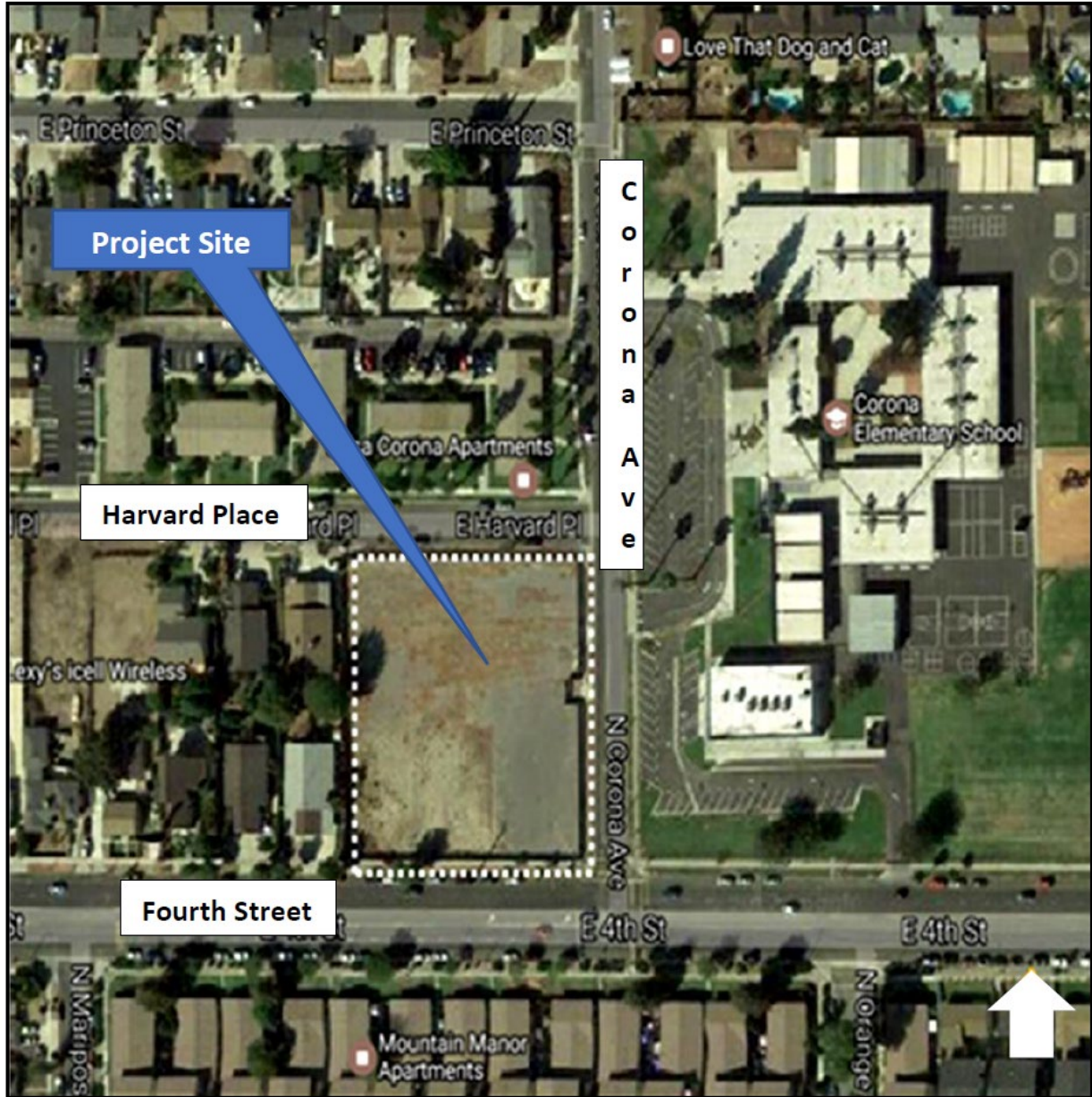
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APPROVED AND ADOPTED this 20th day of November 2023.

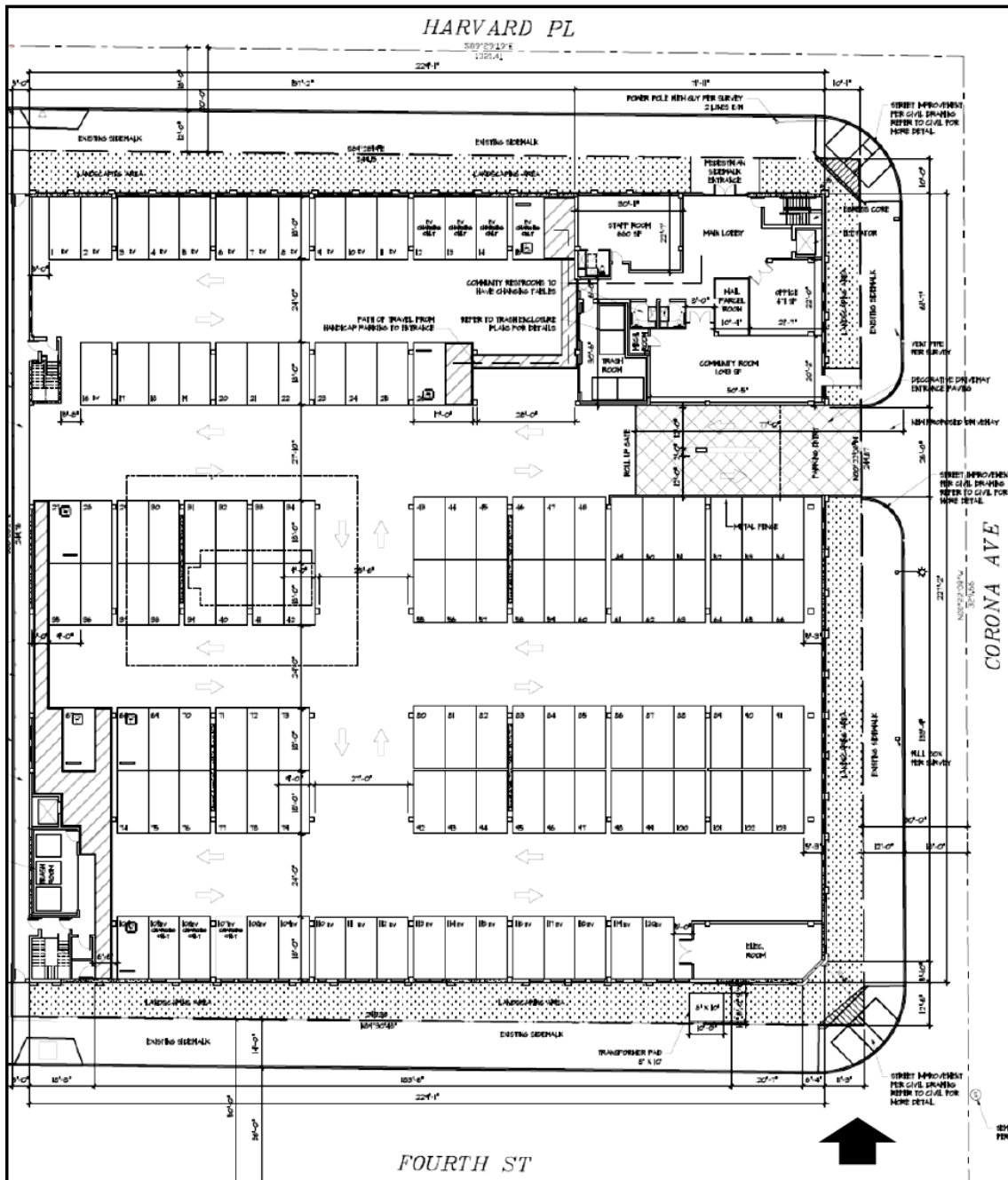
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Development Advisory Board Chairman

**Exhibit A: PROJECT LOCATION MAP**



**Exhibit B: SITE PLAN**





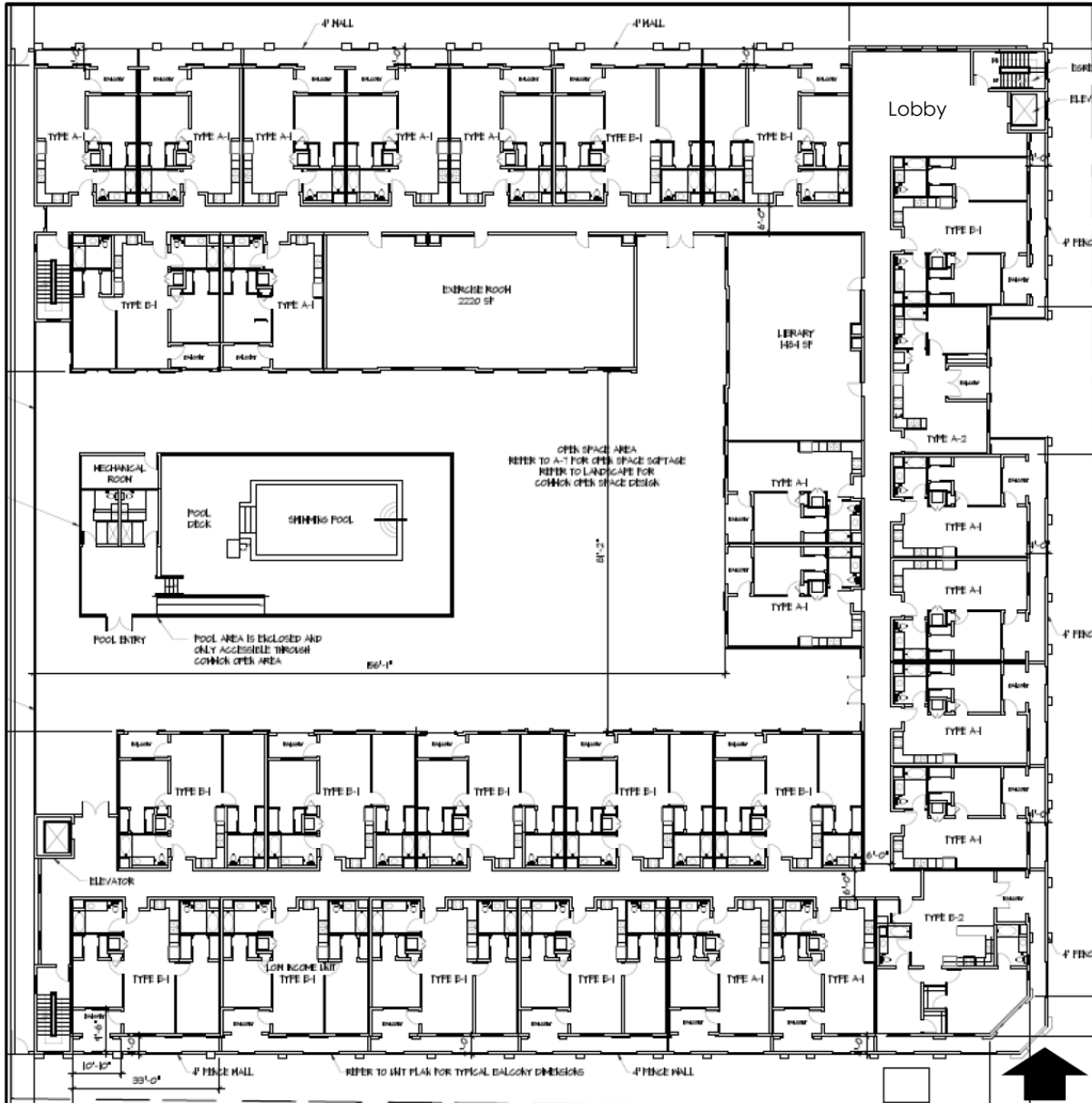
**Exhibit C: LANDSCAPE PLAN- FIRST FLOOR**



**Exhibit D: LANDSCAPE PLAN - SECOND FLOOR**

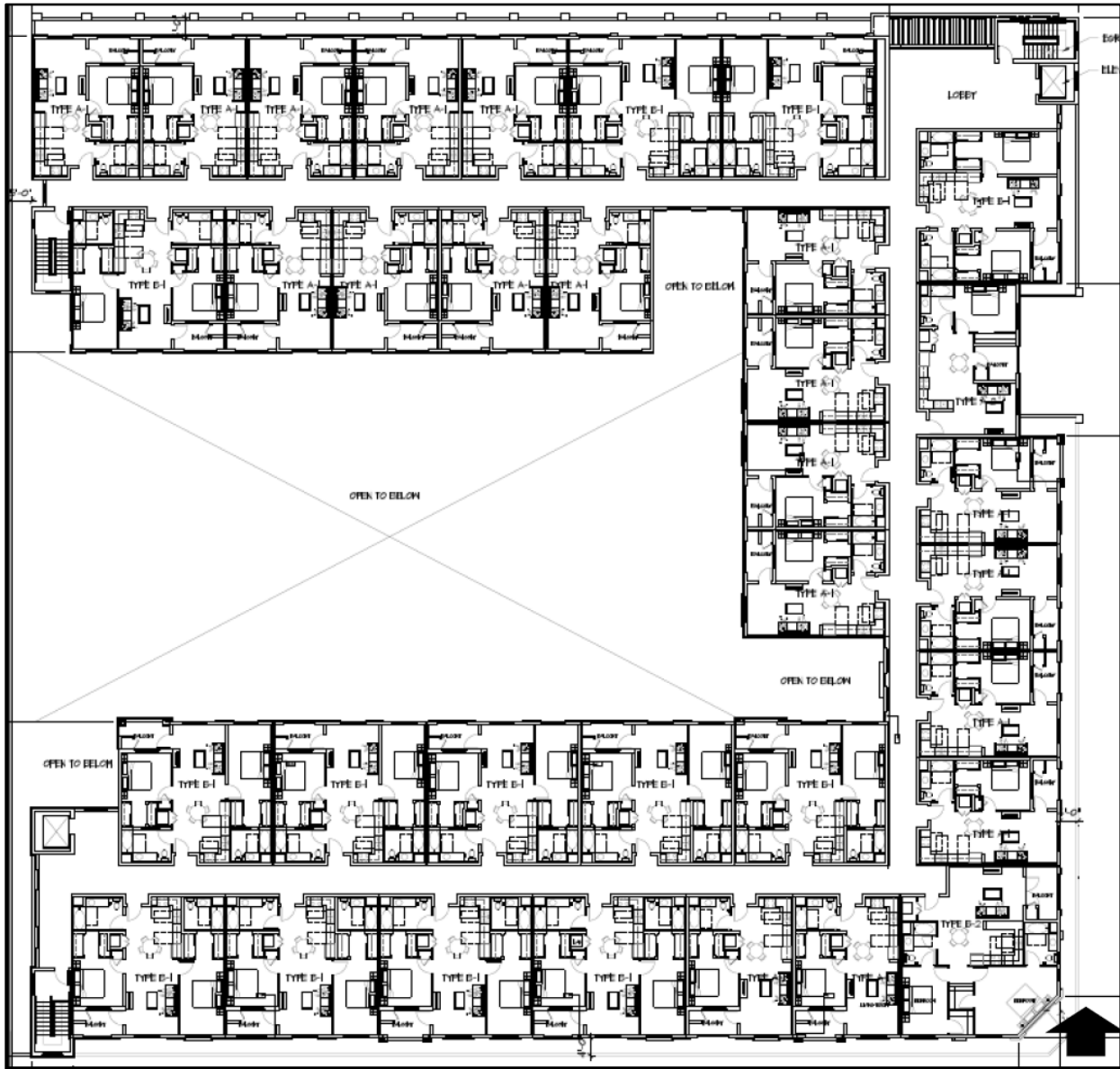


**Exhibit E: SECOND FLOOR**

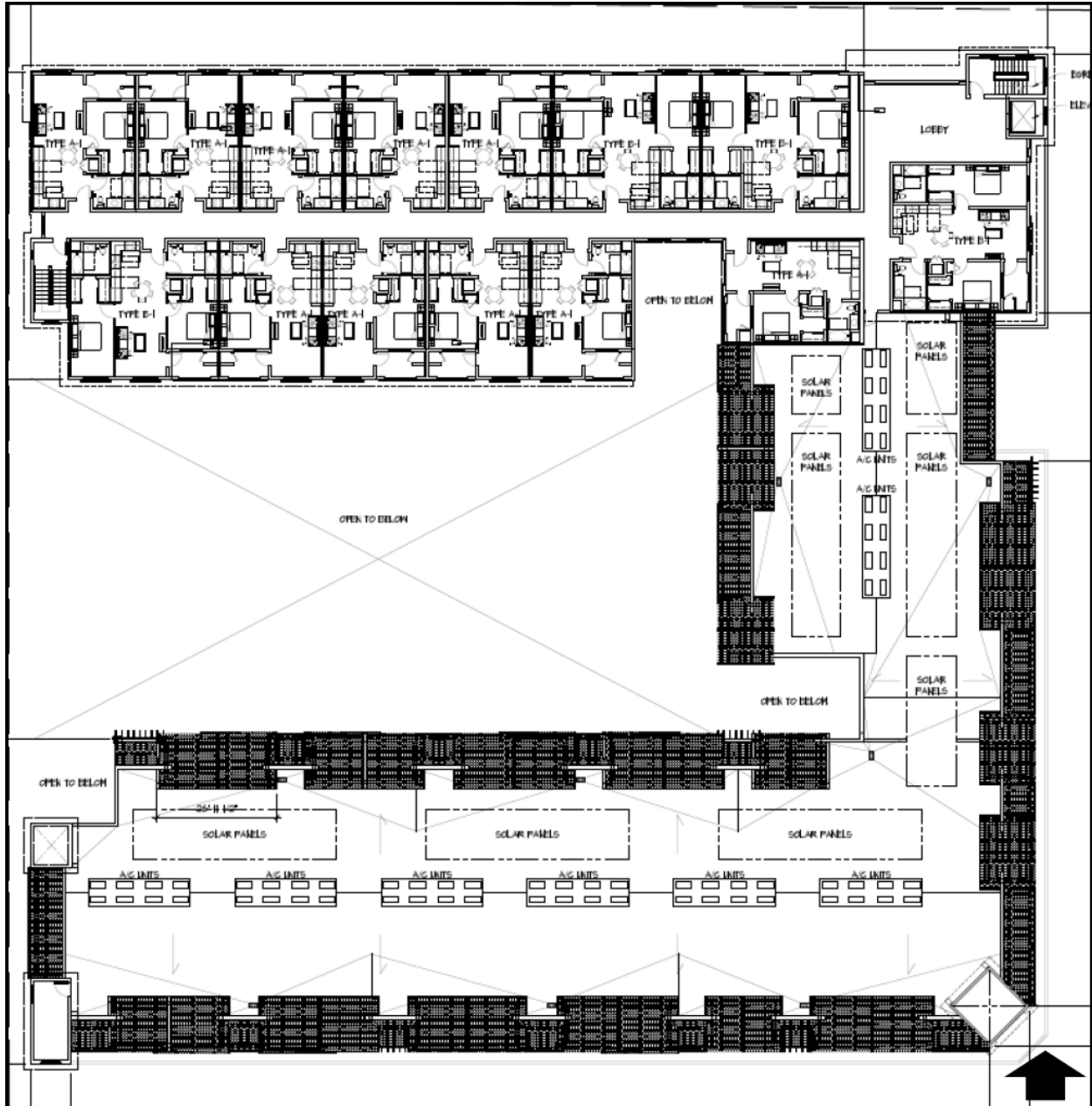




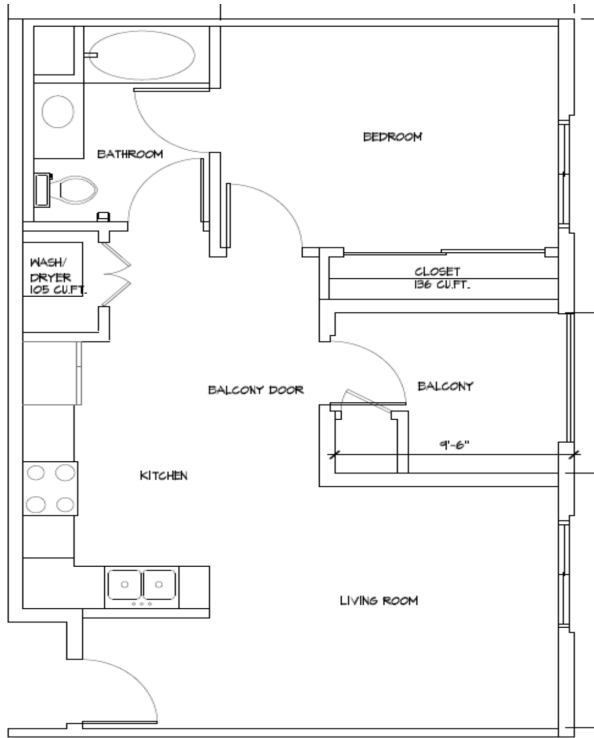
**Exhibit F: THIRD FLOOR**



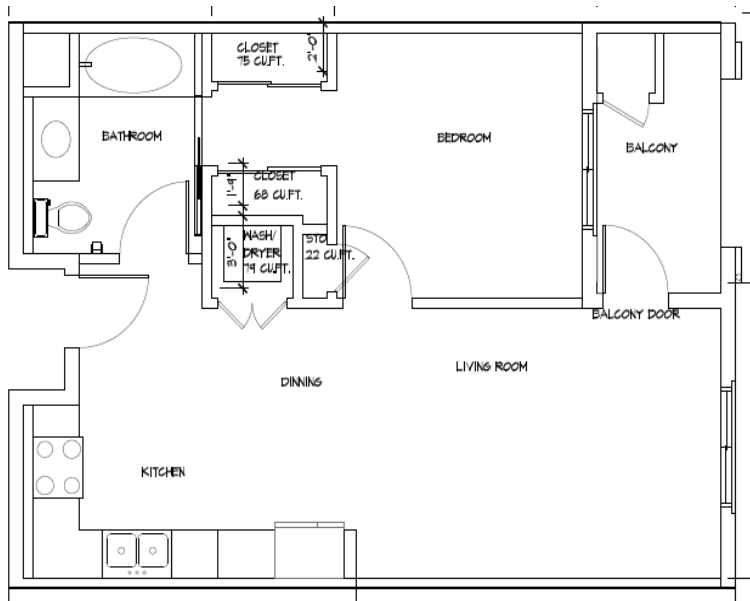
**Exhibit G: FOURTH FLOOR**



**Exhibit H: TYPICAL FLOOR PLANS**

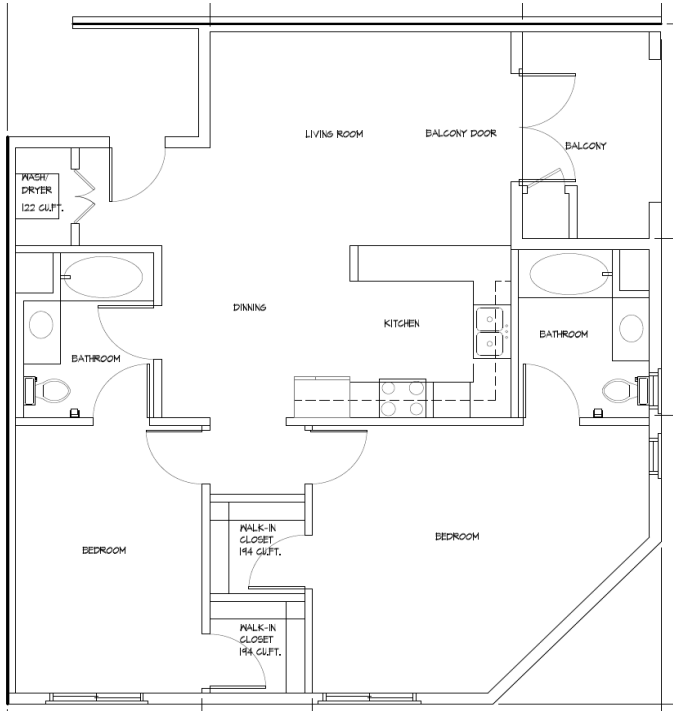


**One-Bedroom  
Type A-2**

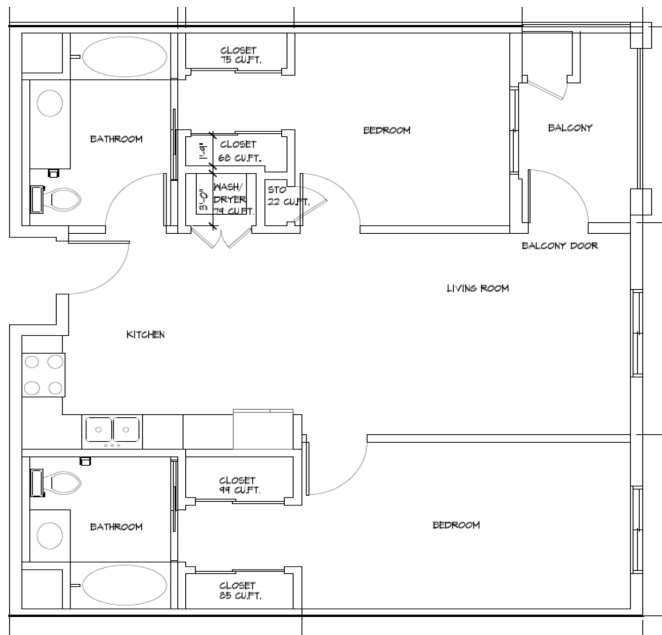


**One Bedroom  
Type A-1**

**Exhibit H: TYPICAL FLOOR PLANS**



**Two Bedroom  
Type B-2**



**Two Bedroom  
Type B-1**

**Exhibit I: ELEVATIONS**



**NORTH ELEVATION**



**SOUTH ELEVATION**

**Exhibit J: ELEVATIONS**



**EAST ELEVATION**



**WEST ELEVATION**



**Exhibit K: COLORS AND MATERIAL BOARD**

**EAST ELEVATION**

**WEST ELEVATION**

**1** LAHABRA STUCCO CRYSTAL WHITE X-50 (79) BASE 100 OR A

**2** LAHABRA STUCCO MISTY X-17 BASE 200 OR B

**3** EAGLE ROOF 598 KONA RED RANGE

**4** DUNN EDWARDS PAINT ESPRESSO MACCHIATO DET680

**5** DUN EDWARDS PAINT MAYAN CHOCOLATE DET693

**6** PACIFIC CLAY PUEBLO FLASHED MODULAR BRICK

**7** MAXELD INC. FORGED FLOWER WROUGHT IRON PANEL OR EQ. R1/2" 5316 7.5 Lbs

**8** WROUGHT IRON RAILING PRIMED AND PAINTED W/DUN EDWARDS DET693

**9** MILGARD HORIZONTAL SLIDER WINDOW OR EQ. CLEAR GLASS VINYL FRAME (WHITE)

**10** MILGARD HORIZONTAL SLIDER WINDOW OR EQ. CLEAR GLASS VINYL FRAME (WHITE)

**11** METAL TRELLIS PAINTED AND PRIMED

**Attachment A: Conditions of Approval**

*(Conditions of Approval follow this page)*



## LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

**Date Prepared:** 11/6/2023  
**File No:** PDEV22-033  
**Related Files:** N/A

**Project Description:** A Development Plan (File No. PDEV22-033) to construct 77 multiple-family dwellings on 1.41-acres of land, for property located at 1749 E. Fourth Street within the HDR-45 (High Density Residential - 25.1 to 45.0 du/acre) zoning district (APNs: 108-551-01, 108-551-34 and 108-551-35); **submitted by Mike Ascione - Ambitus-Ontario LP.**

**Prepared By:** Luis E. Batres, Senior Planner  
**Phone:** 909.395.2431 (direct)  
**Email:** Lbatres@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). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

## **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.

(a) 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 noise levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

## **2.11** Environmental Requirements.

(a) 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).

**(b)** 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 Exemption ("NOE") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). The filing of a NOE is voluntary; however, failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

**(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** Final Occupancy. The Project Architect of record will certify that construction of each building site and the exterior elevations of each structure shall be completed in compliance with the approved plans. Any deviation to approved plans shall require a resubmittal to the Planning Department for review and approval prior to construction. The Occupancy Release Request Form/Architect Certificate of Compliance shall be provided prior to final occupancy. After the receipt of this Certification, the Planning Department will conduct a final site and exterior elevations inspection. The Owner's Representative and Contractor shall be present.

**2.15** Additional Requirements.

**(a)** The Applicant shall enter into an Affordable Housing Agreement with the City prior to issuance of building permits.

**(b)** During the plan check process, color-cut sheets for all exterior lighting fixtures shall be submitted to Planning for review and approval. Fixtures shall be selected to complement to proposed architecture style and materials proposed.

**(c)** During the plan check process, the Project exhibits shall be coordinated so that the site plan and floor plans only reference Floor Plan Type A-1, Type A-2, Type B-1 and Type B-2.



- (d)** Project shall provide 121 parking spaces as shown on site plan.
- (e)** A final from Planning is required prior to the occupancy of any unit.

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

**CONDITIONS OF APPROVAL**

**Sign Off**

  
 Jamie Richardson, Sr. Landscape Architect      10/19/2023  
 Date

Reviewer's Name: **Jamie Richardson, Sr. Landscape Architect**      Phone: **(909) 395-2615**

D.A.B. File No.: **PDEV22-033**      Case Planner: **Luis Batres**

Project Name and Location:  
**63-unit multi-family dwellings**  
**1749 East Fourth Street**

Applicant/Representative:  
**Ambitus – Ontario 1LP – Mike Ascione [mike@ipgworks.com](mailto:mike@ipgworks.com) (818) 927-2867**  
**25129 The Old Road, Suite 310**  
**Stevenson Ranch, CA 91381**

- Preliminary Plans (dated) meet the Standard Conditions for New Development and have been approved considering that the following conditions below are met upon the landscape construction documents submittal.**
- Preliminary Plans (dated 07/31/23) have not been approved. Corrections noted below are required before Preliminary Landscape Plan approval.**

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**  
 Landscape construction plans with plan check number may be emailed to:  
[landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)

**Civil/ Site Plans**

1. Provide an arborist report and tree inventory for existing trees, including genus, species, trunk diameter, canopy width, and condition. Show and note existing trees in good condition to remain and note trees proposed to be removed. Include existing trees within 15' of adjacent property that would be affected by new walls, footings, or on-site tree planting. Add tree protection notes on construction and demo plans to protect trees to remain. Replacement and mitigation for removed trees shall equal the trunk diameter of heritage trees removed per the Development Code Tree Preservation Policy and Protection Measures, section 6.05.020.
2. Show on demo plans and landscape construction plans trees to be preserved, removed or mitigation measures for trees removed, such as:
  - a. New 15-gallon trees min 1" diameter trunk, in addition to trees required.
  - b. New 24" box trees min 1.5" diameter trunk, in addition to trees required.
  - c. Upsizing trees on the plan one size larger such as 15 gallon to 24" box, or 24" to 36" box size.
  - d. Monetary value of the trees removed as identified in the "Guide for Plant Appraisal," approved certified arborist plant appraiser, may be equal to the value of the installation cost of planting, fertilizing, staking, and irrigating 15-gallon trees (100\$ each) to the City of Ontario Historic Preservation Fund for city tree planting or city approved combination of the above items.
3. Show and dimension transformers set back 5' from paving all sides. Coordinate with landscape plans.
4. Locate utilities including light standards, fire hydrants, water, drain, and sewer lines to not conflict with required tree locations—coordinate civil plans with landscape plans.

### Landscape Plans

5. Provide an arborist report and tree inventory as noted in #1.
6. Show and dimension all backflow devices with 36" high strappy leaf shrub screening, trash enclosures and transformers, and a 4'-5' high evergreen hedge screening. Do not encircle utility; show as masses and duplicate masses in other locations at regular intervals.
7. Locate light standards, fire hydrants, water, and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans.
8. Show all utilities on the landscape plans.
9. Designer or developer to provide agronomical soil testing and include a report on landscape construction plans. A new report is required for phased projects for each phase or a minimum of every six homes in residential developments.
10. Call out all fences and walls, materials proposed, and heights.
11. 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.
12. Show 25% of trees as California native (*Platanus racemosa*, *Quercus agrifolia*, *Quercus wislizenii*, *Quercus douglasii*, *Cercis occidentalis*, etc.) in appropriate locations.
13. Landscape construction plans shall meet the requirements of the Landscape Development Guidelines. See <http://www.ontarioca.gov/landscape-planning/standards>
14. After a project's entitlement approval, the applicant shall pay all applicable fees for landscape plan check and inspections at a rate established by resolution of the City Council.



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> <b>OTHER</b>	<input type="checkbox"/> <b>PARCEL MAP</b> <input type="checkbox"/> <b>TRACT MAP</b> <input type="checkbox"/> <b>FOR CONDOMINIUM PURPOSES</b>
<b>PROJECT FILE NO. <u>PDEV22-033</u></b> <b>RELATED FILE NO(S). _____</b>	
<input checked="" type="checkbox"/> <b>ORIGINAL</b> <input type="checkbox"/> <b>REVISED: ___/___/___</b>	

**CITY PROJECT ENGINEER & PHONE NO:**      **Frederick Addison**      **(909) 395-2125**

**CITY PROJECT PLANNER & PHONE NO:**      **Luis Batres**      **(909) 395-2431**

**DAB MEETING DATE:**      **11/20/2023**

**PROJECT NAME / DESCRIPTION:**      **PDEV22-033, a Development Plan to construct 63 multi-family dwellings on a 1.41-acre lot within the HDR-45 zoning district. Project includes a 20% Density Bonus Request**

**LOCATION:**      **1749 East Fourth Street**

**APPLICANT:**      **Mike Asclone (Ambitus-Ontario 1LP)**

**REVIEWED BY:**            10/27/23  
**Raymond Lee, P.E.**      **Date**  
**Assistant City Engineer**

**APPROVED BY:**            11-6-23  
**Khoi Do, P.E.**      **Date**  
**City Engineer**





- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: [www.ontarioca.gov](http://www.ontarioca.gov)) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 1.13 Ontario Ranch Developments: 
  - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
  - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
  - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: \_\_\_\_\_

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

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

- 2.01 Record Parcel Map/Tract Map No. \_\_\_\_\_ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 Note that the subject parcel is a recognized parcel in the City of Ontario per \_\_\_\_\_.
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment to merge APNs: 0108-551-01, 0108-551-34, and 0108-551-35. Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - Make a Dedication of Easement.





- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
  
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com/>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at [http://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000004658](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).
  
- 2.08 Submit a soils/geology report.
  
- 2.09 Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies: 
  - State of California Department of Transportation (Caltrans)
  - San Bernardino County Road Department (SBCRD)
  - San Bernardino County Flood Control District (SBCFCD)
  - Federal Emergency Management Agency (FEMA)
  - Cucamonga Valley Water District (CVWD) for sewer/water service
  - United States Army Corps of Engineers (USACE)
  - California Department of Fish & Game
  - Inland Empire Utilities Agency (IEUA) – For connection to recycled water line located in Corona Avenue
  - Other: \_\_\_\_\_
  
- 2.10 Dedicate to the City of Ontario the right-of-way described below: 
  - a. Property line corner 'cut-back' required at the intersection of North Corona Avenue and East Fourth Street.
  - b. Property line corner 'cut-back' required at the intersection of North Corona Avenue and East Harvard Place.
  
- 2.11 Dedicate to the City of Ontario the following easement(s): \_\_\_\_\_
  
- 2.12 Vacate the following street(s) and/or easement(s): 
  - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.
  
- 2.13 Ontario Ranch 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).

- 2.14 **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.**
  
- 2.15 **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.**
  
- 2.16 **Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee shall be paid to the Building Department. Final fee shall be determined based on the approved site plan and the DIF rate at the time of payment.**
  
- 2.17 **Other conditions:** 
  - **Provide a preliminary title report current to within 30 days.**



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

- 2.18 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):

Improvement	E Harvard PI	N Corona Ave	E 4 <sup>th</sup> St	
Curb and Gutter	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New; ___ ft. from C/L <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
AC Pavement	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions	<input type="checkbox"/> Replacement <input type="checkbox"/> Widen ___ additional feet along frontage, including pavm't transitions
PCC Pavement (Truck Route Only)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
Drive Approach	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and infill <sub>(b)</sub>	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Remove and infill <sub>(b)</sub>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and infill <sub>(b)</sub>	<input type="checkbox"/> New <input type="checkbox"/> Remove and infill <sub>(b)</sub>
Sidewalk	<input type="checkbox"/> New <input checked="" type="checkbox"/> Replace damaged	<input type="checkbox"/> New <input checked="" type="checkbox"/> Replace damaged	<input type="checkbox"/> New <input checked="" type="checkbox"/> Replace damaged	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
ADA Access Ramp	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input checked="" type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
Parkway	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Landscaping (w/irrigation)	<input type="checkbox"/> Trees <input type="checkbox"/> Landscaping (w/irrigation)
Raised Landscaped Median	<input type="checkbox"/> New <input 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



<b>Sewer</b> (see Sec. 2.C)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Water</b> (see Sec. 2.D)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Recycled Water</b> (see Sec. 2.E)	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Traffic Signal System</b> (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Traffic Signing and Striping</b> (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing <input checked="" type="checkbox"/> Restripe	<input type="checkbox"/> New <input type="checkbox"/> Modify existing <input checked="" type="checkbox"/> Restripe	<input type="checkbox"/> New <input type="checkbox"/> Modify existing <input checked="" type="checkbox"/> Restripe	<input type="checkbox"/> New <input type="checkbox"/> Modify existing <input type="checkbox"/> Restripe
<b>Street Light</b> (see Sec. 2.F)	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation	<input type="checkbox"/> New / Upgrade <input type="checkbox"/> Relocation
<b>Bus Stop Pad or Turn-out</b> (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Storm Drain</b> (see Sec. 2G)	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral	<input type="checkbox"/> Main <input type="checkbox"/> Lateral
<b>Fiber Optics</b> (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input checked="" type="checkbox"/> Underground <input type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
<b>Removal of Improvements</b>	_____	_____	_____	_____
<b>Other Improvements</b>	_____	_____	_____	_____

**Specific notes for improvements listed in item no. 2.18, above:**

- a. Slurry seal the pavement from curb to curb along the project frontage on East Harvard Place.
- b. New curb & gutter, sidewalk, parkway is required for any removal of driveways.

2.19 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): \_\_\_\_\_



- 2.20 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.
- 2.21 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.
- 2.22 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately \_\_\_\_\_, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.23 Other conditions: 
  - a. Pay an in-lieu fee, approximately \$71,019.35, for the replacement of AC pavement along East Fourth Street and North Corona Avenue.

**C. SEWER**

- 2.24 An 8-inch sewer main is available for connection by this project in East Fourth Street (Ref: Sewer Drawing Number: S11437).
- 2.25 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.26 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.
- 2.27 Other conditions: 
  - 1. See Exhibit B for additional Sewer Conditions of Approval from OMUC.

**D. WATER**

- 2.28 A 6-inch water main is available for connection by this project in East Harvard Place (Ref: Water Drawing Number: W11034). A 10-inch water main is for connection by this project in East Fourth Street (Ref: Water Drawing Number: W11048).
- 2.29 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.30 Other conditions: 
  - 1. See Exhibit B for additional Water Conditions of Approval from OMUC.

**E. RECYCLED WATER**

- 2.31 An IEUA 8-inch recycled water main is available for connection by this project in North Corona Avenue (Ref: Recycled Water Drawing Number: unknown).
- 2.32 Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.
- 2.33 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.





- 2.34 Submit one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) for review and subsequent submittal to the California State Water Board (Division of Drinking Water) for final approval.

Note: Review and approval process may take up to three (3) months. Contact the OMUC's Water Quality Programs at (909) 395-2678 or email [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) regarding this requirement.

- 2.35 Submit one (1) electronic copy, in PDF format, of the Landscape Plans (on-site & off-site) to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) for review and approval.

- 2.36 Other conditions:   
1. See Exhibit B for additional Recycled Water Conditions of Approval from OMUC.

#### F. TRAFFIC / TRANSPORTATION

- 2.37 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

- 2.38 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.

- 2.39 Other conditions:
- a) The installation of the ADA ramp at the northwest corner of 4th Street and Corona Avenue may result in existing traffic signal equipment having to be relocated or replaced. The traffic signal modification shall address the relocation and replacement of any affected equipment including pedestrian push button post, pull boxes, cable and conduit, to the satisfaction of the City Engineer.
  - b) The Applicant/Developer shall restripe and maintain striping along project frontage limits on Harvard Place, Corona Avenue, and 4th Street.
  - c) The Applicant/Developer shall be responsible to design and construct street improvements along property frontage of Corona Avenue, Harvard Place, and 4th Street in accordance with conditions issued by City's Land Development Division. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.
  - d) The Applicant/Developer shall be responsible to design and construct in-fill public street lights and a potential new service as needed along Harvard Place, Corona Avenue, and 4th Street. Street lighting shall be LED-type and in accordance with City's Approved Material List LED Luminaires. The Applicant/Developer shall also install smart nodes on all new street light fixtures along project frontage.
  - e) The Applicant/Developer shall be responsible to install ADA ramps in accordance with Standard Drawing 1213 at the following locations:  

SWC of Harvard Place and Corona Avenue  
NWC of 4th Street and Corona Avenue
  - f) Parking restrictions to remain along the property frontage along Corona Avenue and 4th Street. The Applicant/Developer shall be responsible to refresh the red curb paint.





- g) Design and construct proposed driveways in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway.
- h) All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- i) The Applicant/Developer's engineer-of-record shall meet with City Engineering staff prior to designing and submitting for plan check the signing/stripping, street lighting, and traffic signal design plans to define limits of improvements.

#### G. DRAINAGE / HYDROLOGY

- 2.40 A \_\_\_\_\_ inch storm drain main is available to accept flows from this project in \_\_\_\_\_.   
(Ref: Storm Drain Drawing Number: \_\_\_\_\_)
- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 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.
- 2.45 Other conditions: \_\_\_\_\_

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

- 2.46 401 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.
- 2.47 Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.



- 2.48 Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.
- 2.49 Other conditions:
  - a. The ultimate location of proposed underground detention system shall be approved by the Building Department.

**J. SPECIAL DISTRICTS**

- 2.50 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.51 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.52 A \_\_\_\_\_ fiber optic line is available for connection by this project in \_\_\_\_\_ (Ref: Fiber Optic Drawing Number: \_\_\_\_\_)
- 2.53 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. A minimum of one hand hole along project frontage to be installed. Additional hand hole to be installed along frontage spaced between 300 & 500 ft. maximum. Conduit infrastructure shall be installed along property frontage and ready to interconnect with the future primary and/or secondary backbone fiber optic conduit system per Ontario Fiber Optic Master Plan.
- 2.54 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

**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 OMUC a copy of the letter of confirmation from the California State Water Board (Division of Drinking Water) 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 Site Supervisor 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 Ontario Ranch Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).

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

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



**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PDEV22-033**

**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.  **Digital copy of Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.**
4.  **Digital copy of project Conditions of Approval**
5.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **Digital copy of Potable and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size).**
7.  **Digital copy sets of Public Street Improvement plan with street cross-sections**
8.  **Digital copy 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.  **Digital copy 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.  **Digital copy of Public Sewer improvement plan**
11.  **Digital copy of Public Storm Drain improvement plan**
12.  **Digital copy of Public Street Light improvement plan**
13.  **Digital copy of Signing and Striping Improvement plan**
14.  **Digital copy of Fiber Optic plan (include Auto CAD electronic submittal)**
15.  **Digital copy of HOA Landscape improvement plans. Show corner sight line distance per engineering standard drawing 1309.**
16.  **Digital copy sets of CFD Landscape Improvement plans. Show corner sight line distance per engineering standard drawing 1309.**
17.  **Digital copy of Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)**
18.  **Digital copy of Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.**
19.  **Digital copy of Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP)**



20.  **Digital copy of Hydrology/Drainage study**
21.  **Digital copy of Soils/Geology report**
22.  Payment for Final Map/Parcel Map processing fee
23.  Digital copy of Final Map/Parcel Map
24.  Digital copy of approved Tentative Map
25.  **Digital copy of Preliminary Title Report (current within 30 days)**
26.  Digital copy of Traverse Closure Calculations
27.  **One (1) set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.**
28.  **Digital copy of the Engineering Report (ER), for the use of recycled water to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov).**
29.  **Digital copy of the Landscape Plans (on-site & off-site) to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov).**
30.  **Other:**
  - **Digital co the LLA form (include all the items in the LLA application checklist)**





## CITY OF ONTARIO MEMORANDUM



**DATE:** October 17, 2023  
**TO:** Fred Addison, Engineering Department  
**CC:** Luis Batres, Planning Department  
**FROM:** Eric Woosley, Utilities Engineering  
**SUBJECT:** DPR #4 - Utilities Engineering Conditions of Approval (#9617)  
**PROJECT NO.:** PDEV22-033

### BRIEF DESCRIPTION

*A Development Plan to construct 77 multi-family dwellings on a 1.41-acre lot, located at 1749 East Fourth Street, within the HDR-45 (High Density Residential) Zoning District (APNs: 0108-551-01, 34, & 35).*

## UTILITIES ENGINEERING DIVISION CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL:** *The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

1. **Standard Conditions of Approval:** Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below.

***Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:***

***General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:***

2. **Final Utilities Systems Map (USM):** Submit a Final Utilities Systems Map (USM) as part of the precise grading plan submittal that meets all the City's USM requirements. These requirements include showing and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements. See *Utility Systems Map (USM) Requirements* document for details.
  - a. The proposed utilities, utility alignments, and Public Rights-of-Way (ROW)/Public Utility Easements (PUE) shown on the Conceptual Utilities Systems Map (CUSM) and other Entitlement documents are not considered final and shall be revised during Final Design to meet all City Design Guidelines, Standards, City Requirements, and all the Conditions of Approval contained in this document.
3. **Note the following definitions and concepts for Public Utility Improvements and Private Utility Improvements:** Public Improvements shall be designed per City Public Design Guidelines and City Standards and constructed through a City Encroachment Permit; and Private Onsite Improvements shall be designed per Building Code and Plumbing Code and constructed through a City Building Permit.
  - a. Public Utility Improvements include the following: water main pipelines and sewer main pipelines; sewer laterals connecting to a Public Sewer Main up to the Cleanout (or Manhole) at PL/ROW; water services and connected appurtenances (Meters/Meter Boxes, Fire Hydrants, Airvacs, Blowoffs, etc.) connecting to a Public Water Main per City Standards; and Fire Services connecting to a Public Water Main from the Main up to the DCDA. Public Water Improvements and Public Sewer Improvements are required to be designed and constructed through Public Improvement Plans with Plan View and Profile View per City Standards, Guidelines, and Requirements.
  - b. Private Utility Improvements include the following: onsite water plumbing lines after a Public Meter, or after the Fire DCDA and including the DCDA; Backflow Devices and other Cross-Connection Prevention; onsite sewer upstream of the Public Sewer Lateral, including the Cleanout (or Manhole) at PL/ROW/PUE Edge; Monitoring Manholes and other Wastewater Pretreatment Facilities. Private Onsite Utility Improvements are required to be designed and constructed per Building and Plumbing Plans with: the Backflows, DCDAs,



Cleanout (or Manhole) at PL/ROW/PUE Edge, and Monitoring Manholes being designed and constructed through a Precise Grading Plan; and, the other Pretreatment Devices (Grease Interceptor, Sand, Oil Interceptors, etc.) and the connections to the buildings and structures through a building Plumbing Plan.

4. **Public Utility Easements:** Any City of Ontario Public Utilities that will not be installed within the public Right-of-Way (ROW), shall be installed within a Public Utility Easement (PUE) and shall comply with the following requirements (as applicable, these requirements also apply to utilities in Public ROW and Public ROW/PUE combinations):
  - a. The PUE shall be a minimum of 20 feet wide, centered on the utility main contained within it with 10 feet of PUE on each side of each main;
  - b. The PUE shall be a minimum of 10 feet wide, centered on the utility services/laterals contained within it with 5 feet of PUE on each side of each service/lateral;
  - c. The PUE shall be a minimum of 5 feet behind and 5 feet on each side of a water meter box, and 5 feet on each side of water appurtenances (fire hydrants, blowoffs, airvacs, etc.);
  - d. The PUE shall not contain any storm water improvements (infiltration, detention, retention, bioswale, etc.), landscaping with thick or intrusive root structures, or any permanent structures or overhangs of permanent structures;
  - e. The PUE surface shall be designed to allow vehicle access over and along the full length and width of the utility main by any City maintenance vehicle.

***Sewer Conditions (Section 2.C): The Applicant shall comply with the following:***

5. **Existing Sewer Laterals:** Abandon all existing sewer laterals to the main connection.
6. **Public Sewer Improvements:** Design and construct the following required public sewer mains in accordance with City of Ontario Standards and Design Guidelines and Specifications:
  - a. N/A
7. **Sewer Laterals:** Per City of Ontario Standard Drawing No. 2003:
  - a. Install a lateral connected to the existing 8-inch sewer main (S11437) in Fourth Street.

***Potable Water Conditions (Section 2.D): The Applicant shall comply with the following:***

8. **Existing Water Services:** Abandon all existing water services to the main connection.
9. **Potable Water Improvements:** Design and construct the following required public potable water mains in accordance with City of Ontario Standards and Design Guidelines and Specifications:
  - a. N/A
10. **Fire Hydrants:** Per City of Ontario Standard Drawing No. 4101:
  - a. Install a new fire hydrant near the westerly property line along the frontage of Harvard Place, connected to the existing 6-inch potable water main (W11034) in Harvard Place. Fire hydrants connected to potable water mains shall be spaced a maximum of 300 feet apart or per Fire Department Standards/Requirements.
11. **Fire Service with Fire System Double Check Detector Assembly (DCDA):** Per City of Ontario Standard Drawing No. 4208:
  - a. Install two (2) fire services each equipped with a DCDA for this development. Install one (1) connected to the existing 10-inch 1348 PZ water main (W11048) in Fourth Street, and one (1) connected to the existing 6-inch water main (W11034) in Harvard Place. The on-site fire system downstream of the DCDA's shall be designed as a looped fire system.
12. **Water Service with Master Meter and Backflow Prevention Assembly Reduced Pressure Device:** Per City of Ontario Standard Drawing No. 4203:
  - a. Install a water service and master meter connected to the existing 10-inch 1348 PZ potable water main in Fourth Street (W11048). The water service shall be equipped with a backflow prevention device. The water master meter shall be located within the ROW.

**Recycled Water Conditions (Section 2.E): The Applicant shall comply with the following:**

13. **Recycled Water Improvements:** Design and construct the following required public recycled water mains in accordance with City of Ontario Standards and Design Guidelines and Specifications:
  - a. N/A
14. **City Ordinance 2689:** This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation.
15. **Irrigation Water Service with Meter:** Per City of Ontario Standards:
  - a. Install an irrigation water service and meter connected to the existing 8-inch 1299 PZ recycled water main in Corona Avenue (IEUA). The water meter shall be located within the ROW. The proposed recycled water connection is a Regional Connection and requires approval from the Inland Empire Utilities Agency (IEUA) as described below.
  - b. **Regional Connection Approval:** The applicant shall submit a written request letter to the City for a new Regional Connection. The request letter shall include: an exhibit that shows the service area of the Regional Connection; the main and proposed service lateral of the Regional Connection; IEUA record drawing number, station number of the connection point; and a plan and profile detail of the connection. Once received from the applicant, the City will request the new Regional Connection from IEUA. If approved by IEUA, the applicant shall be responsible for meeting all terms, conditions, standards, hydraulic review and plan check fees, and requirements IEUA has for the Regional Connection. Contact OMUC for more information.
16. **Engineering Report:** Submit one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) for review and subsequent submittal to the California State Water Board (Division of Drinking Water) for final approval. Note: Review and approval process may take up to three (3) months. Contact the OMUC's Water Quality Programs at (909) 395-2678 or email [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) regarding this requirement.

**Recycled Water Conditions (Section 3): The Applicant shall comply with the following:**

17. **Recycled Water Requirements:** Complete all requirements for recycled water usage.
  - a. Procure from OMUC a copy of the letter of confirmation from the California State Water Board (Division of Drinking Water) that the Engineering Report (ER) has been reviewed and the subject site is approved for the use of recycled water.
  - b. 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.
  - c. Complete Site Supervisor training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.

**Exhibit A: The Applicant shall submit the following for Plan Check:**

18. **Recycled Water Regional Connection:** Recycled Water Improvement Plan for the proposed service lateral (include City of Ontario and Inland Empire Utilities Agency approvals in the Title Block).



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Luis Batres, Senior Planner  
Planning Department

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

**DATE:** June 21, 2023

**SUBJECT:** PDEV22-033 - A Development Plan to construct 63 multi-family dwellings on a 1.41-acre lot, located at 1749 East Fourth St within the HDR-45 (High Density Residential) zoning district. Project includes a 20% Density Bonus Request. (13 additional units from base density) (APNs: 0108-551-01, 0108-551-34 and 0108-551-35) (Rev. 1).

- 
- The plan does adequately address Fire Department requirements at this time.
- See previous report for Conditions.
-



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Luis Batres, Senior Planner  
Planning Department

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

**DATE:** July 14, 2022

**SUBJECT:** PDEV22-033 - A Development Plan to construct 63-unit multi-family dwellings on a 1.41-acre lot, located at 1749 East Fourth St within the HDR-45 (High Density Residential) zoning district. (APNs: 0108-551-01, 0108-551-34 and 0108-551-35)

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

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### SITE AND BUILDING FEATURES:

- A. 2019 CBC Type of Construction: Type V-B
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): Approximately 20,000 Sq. Ft.
- D. Number of Stories: 4
- E. Total Square Footage: Approximately 75,000 Sq. Ft.
- F. 2019 CBC Occupancy Classification(s): R-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/Fire/Prevention](http://www.ontarioca.gov/Fire/Prevention).
- ☒ 1.2 These Fire Department conditions of approval are to be included on any and all construction drawings.

### **2.0 FIRE DEPARTMENT ACCESS**

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

### 3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 3750 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.4 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 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily final) 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.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.



# CITY OF ONTARIO MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)  
 Rudy Zeledon, Planning Director (Copy of memo only)  
 Diane Ayala, Advanced Planning Division (Copy of memo only)  
 Charity Hernandez, Economic Development  
 James Caro, Building Department  
 Raymond Lee, Engineering Department  
 Jamie Richardson, Landscape Planning Division  
 Dennis Mejia, Municipal Utility Company  
 Heather Lugo, Police Department  
 Paul Erhman, Deputy Fire Chief/Fire Marshal  
 Jay Bautista, Traffic/Transportation Manager  
 Lorena Mejia, Airport Planning  
 Jeff Tang, Engineering/NPDES  
 Angela Magana, Community Improvement (Copy of memo only)  
 Jimmy Chang, IPA Department  
 Blaine Ishii, Integrated Waste

**Revision #1**

FROM: Luis Batres, Senior Planner

DATE: June 07, 2023

SUBJECT: FILE #: PDEV22-033

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 .

**PROJECT DESCRIPTION:** A Development Plan to construct 63 multi-family dwellings on a 1.41-acre lot, located at 1749 East Fourth St within the HDR-45 (High Density Residential) zoning district. Project includes a 20% Density Bonus Request. (13 additional units from base density) (APNs: 0108-551-01, 0108-551-34 and 0108-551-35)

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.

*Polera*

Department

Signature

Title

Date



CITY OF ONTARIO
MEMORANDUM

TO: Scott Murphy, Community Development Director (Copy of memo only)
Rudy Zeledon, Planning Director (Copy of memo only)
Diane Ayala, Advanced Planning Division (Copy of memo only)
Charity Hernandez, Economic Development
James Caro, Building Department
Raymond Lee, Engineering Department
Jamie Richardson, Landscape Planning Division
Dennis Mejia, Municipal Utility Company
Heather Lugo, Police Department
Paul Erhman, Deputy Fire Chief/Fire Marshal
Jay Bautista, Traffic/Transportation Manager
Lorena Mejia, Airport Planning
Jeff Tang, Engineering/NPDES
Angela Magana, Community Improvement (Copy of memo only)
Jimmy Chang, IPA Department
Blaine Ishii, Integrated Waste

Revision #1

FROM: Luis Batres, Senior Planner

DATE: June 07, 2023

SUBJECT: FILE #: PDEV22-033 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 .

PROJECT DESCRIPTION: A Development Plan to construct 63 multi-family dwellings on a 1.41-acre lot, located at 1749 East Fourth St within the HDR-45 (High Density Residential) zoning district. Project includes a 20% Density Bonus Request. (13 additional units from base density) (APNs: 0108-551-01, 0108-551-34 and 0108-551-35)

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

- [ ] No comments
[X] See previous report for Conditions
[ ] Report attached (1 copy and email 1 copy)
[X] 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

Heather Lugo
Signature

MA
Title

6.8.2023
Date

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV22-033  
 Address: 1749 East Fourth Street  
 APN: 0108-551-01, 34 & 35  
 Existing Land Use: Vacant  
 Proposed Land Use: Development Plan to construct 63 Multi-family residential units  
 Site Acreage: 1.41 Proposed Structure Height: 52 FT  
 ONT-IAC Project Review: N/A  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Luis Batres  
 Date: 1/24/2023  
 CD No.: 2022-040  
 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 checked="" type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="checkbox"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="checkbox"/> Zone 4		Allowable Height: 70 FT	
<input type="checkbox"/> 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) 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: 

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2022-040  
PALU No.:

### PROJECT CONDITIONS

1. The maximum height limit for the project site is 70 feet and as such, any construction equipment such as cranes or any other equipment exceeding 70 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 such equipment on the project site during construction.
2. 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



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**DATE:** November 6, 2023,  
**TO:** Luis Batres, Planning Department  
**FROM:** Joe Minasso, Integrated Waste Department  
**SUBJECT:** DPR #1 – Integrated Waste Comments  
**PROJECT NO.:** PDEV22-033 – 1733 Harvard  
**ATTACHMENTS:**

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**BRIEF DESCRIPTION:** 1733 Harvard

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## THIS SUBMITTAL IS COMPLETE.

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**CORRECTION ITEMS:** *In order to be considered for approval by the Integrated Waste Department the applicant shall address all the correction items below and resubmit the application for further review. Please note that all design shall meet the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.*

***Integrated Waste Comments:***

1. Must utilize 4-yard bins for service.
2. Bins will need to be scouted out to Harvard for collection.





# DEVELOPMENT ADVISORY BOARD DECISION

November 20, 2023

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

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

**FILE NO.:** PDEV23-013

**DESCRIPTION:** A hearing to consider a Development Plan to construct one industrial building totaling 534,373 square feet on 23.88 acres of land located on the west side of Mill Creek Avenue approximately 300 feet south of Chino Avenue within Planning Area 2C (Light Industrial District) of the Rich Haven Specific Plan. (APN: 218-161-18). **submitted by Brookcal Ontario LLC. Planning Commission action is required.**

## PART 1: BACKGROUND & ANALYSIS

BROOKCAL ONTARIO LLC, (herein after referred to as "Applicant") has filed an application requesting approval of a Development Plan, File No. PDEV23-013, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 23.88 acres of land located on the west side of Mill Creek Avenue approximately 300 feet south of Chino Avenue and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, Policy Plan (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>Policy Plan Land Use Designation</i>	<i>Zoning Designation</i>	<i>Specific Plan Land Use Designation</i>
Site:	Vacant	Industrial (0.55 FAR)	Rich Haven Specific Plan	Planning Area 2C (Light Industrial)
North:	SCE Edison Corridor Transmission Towers and Power Lines	Open Space – Non-Recreation	Rich Haven Specific Plan	Open Space - Non-Recreational
South:	Vacant	Industrial (0.55 FAR)	Rich Haven Specific Plan	Planning Area 3C (Light Industrial)
East:	SCE Mira Loma Substation	Business Park (0.60 FAR)	Specific Plan Agricultural Overlay Zoning District	N/A
West:	Vacant	(MDR) Medium Density Residential (11.1 – 25 du/ac)	Rich Haven Specific Plan	Planning Area 2B (Medium Density Residential)

## PROJECT ANALYSIS:

(1) Background — On December 4, 2007, the City Council certified the Rich Haven Specific Plan Environmental Impact Report in conjunction with File No. PGPA07-001. The related Rich Haven Specific Plan, File No. PSP05-004, was approved by the City Council on December 18, 2007. The Specific Plan established the land use designations, development standards, and design guidelines for approximately 512 acres of land, which included the potential development of 4,256 residential units and 889,200 square feet of commercial/office land uses.

On May 18, 2021, the City Council approved a General Plan Amendment (File No. PGPA19-005), an Amendment to the Rich-Haven Specific Plan (File No. PSPA19-006), and an Addendum to The Ontario Plan (File No. PGPA06-001) Environmental Impact Report (State Clearinghouse No. 2008101140). The General Plan and Specific Plan amendments included several land use changes, including the addition of approximately 49 acres of industrial land located south of the SCE Mira Loma Substation. The amendment included updates to the development standards, exhibits, and text changes to reflect the proposed land use changes and overall compliance with the General Plan Amendment.

On August 16, 2022, the City Council certified The Ontario Plan 2050 Update Supplemental Environmental Impact Report ("SEIR") in conjunction with The Ontario Plan 2050 ("TOP 2050") (File No. PGPA20-002) General Plan update. The TOP 2050 and SEIR, included the addition of approximately 67 acres of industrial land within the Rich Haven Specific Plan boundary located west of the SCE Mira Loma Substation.

On June 20, 2023, the City Council certified the Rich Haven Specific Plan Amendment and Environmental Impact Report (State Clearinghouse No. 2022100425) in conjunction with File No. PSPA22-001. The amendment included land use changes to bring the Rich Haven Specific Plan into compliance with The Ontario Plan Policy Plan (General Plan) that also included updates to the residential, commercial, and industrial development standards, exhibits, and text changes.

On May 12, 2023, the applicant submitted a Development Plan (File No. PDEV23-013) to construct one industrial building totaling 534,373 square feet on the Project site.

(2) Site Design/Building Layout — Proposed, is the construction of a 534,373-square-foot industrial building, with a FAR of 0.51. The rectangular-shaped cross-dock warehouse building is centrally located on the site, with the front of the building and two primary office entries located at the northeast and southeast corners of the building, and oriented to the east, toward Mill Creek Avenue. The building is setback approximately 125 feet from the north property line, approximately 125 feet from the south property line, approximately 95 feet from the east property line (Mill Creek Avenue), and approximately 108 feet from the west property line (adjoining residential land use). The primary off-street parking area is located to the east and west side of the building, serving employees and visitors (see Exhibit B—Site Plan, attached).

The Project site provides two outdoor tractor-trailer parking, loading activities, and storage yard areas along the north and south sides of the proposed building. The yard areas will be screened from public view by a combination of landscaping and 14-foot-high tilt-up screen walls with view-obstructing gates. In addition, the building cross dock design configuration, with the northeast and southeast corners of the building projecting out past the loading areas, will screen the tractor-trailer loading areas from Mill Creek Avenue and future residential development to the west. The building walls containing the dock-high doors are recessed approximately 60 feet behind the main building line, abating views of any loading activities from Mill Creek Avenue to the east and adjoining residential uses to the west. The tractor-trailer yard areas will provide adequate space for parking, truck maneuvering, loading activities, and outdoor staging.

The Rich Haven Specific Plan requires a minimum 40-foot landscape setback and 100-foot building setback for industrial buildings that share an interior property line with residential land uses. The required landscape setback allows for the planting of multiple rows of evergreen trees between the residential properties and any proposed industrial building to soften and screen views of the building year-round. The proposed Project exceeds the required building and landscape setback by providing a 108-foot building setback and 42-foot-wide landscape setback along the western property line (interior property line adjacent to residential).

(3) Site Access/Circulation — The Project site will have three access points along Mill Creek Boulevard via two 40-foot-wide driveways located at the northeast and southeast corners of the site that will be shared by both standard vehicles and tractor-trailers accessing the yard areas (see Exhibit B—Site Plan, attached). The third access is via a 30-foot-wide driveway centrally located and designed for standard vehicles accessing the Project site.

Internal circulation is provided by a 26-foot wide north-south drive aisle adjacent to the eastern portion of the building, connecting the three driveways located along Mill Creek Avenue and the north and south tractor-trailer yard areas. A 36-foot-wide north-south drive aisle is proposed along the western portion of the building, connecting to the north and south tractor-trailer yard areas. The internal drive-aisles all exceed the minimum 26-foot-wide fire emergency access lane requirement, providing adequate maneuvering and access for emergency vehicles around the building and throughout the Project site.

(4) Parking — The Project has provided off-street parking pursuant to the “Warehouse and Distribution” parking standards specified in the Development Code. The number of off-street parking spaces provided exceeds the minimum parking requirement for the Project. The off-street parking calculations for the Project are summarized in the table below:

Parking Summary					
Type of Use	Building Area	Trailer Parking		Vehicle Spaces	
		Required	Provided	Required	Provided
Warehouse / Distribution	534,373 SF	21	102	277	281
<b>TOTAL:</b>				<b>277</b>	<b>281</b>

(5) Architecture — The Project incorporates a Contemporary Architectural style. The proposed building will be of concrete tilt-up construction with enhanced elements and treatments located at office entries and along the west (facing residential), north (facing Chino Avenue) and east (facing Mill Creek Avenue) elevations (see Exhibit C—Elevations, attached). Architectural elements include smooth-painted concrete in white, beige, blue, brown, and grey tones, Dekton Cosentino panels (engineered stone), fiber cement wood siding, a horizontal patterned form liner, horizontal and vertical reveals, windows with clear anodized mullions with blue reflective glazing, clear anodized canopies at the main office entries, first and second story metal canopies over windows and recessed panel sections with contrasting colors. The mechanical equipment will be roof-mounted and obscured from public view by the parapet walls. Staff believes that the proposed Project illustrates the type of high-quality architecture promoted by the Development Code and Rich Haven Specific Plan. This is exemplified through the use of:

- Articulation in the building footprint, incorporating a combination of recessed and popped-out wall areas;
- Enhanced second story elements such as windows with canopies along the western elevation, to provide an office like appearance;
- Articulation in the building parapet/roof line, which serves to accentuate the building's entries and breaks up large expanses of building wall;
- Variations in building massing; and
- Incorporation of base and top treatments defined by changes in color and horizontal/vertical reveals.

(6) Landscaping — The Rich Haven Specific Plan requires a minimum of 10 percent landscape coverage. The Project is providing 12.2 percent landscape coverage exceeding the minimum requirement. The Project provides landscaping along Mill Creek Avenue at each office element, throughout the parking areas and substantial landscaping along the western portion of the site to screen the building from adjacent residential land uses year-round (see Exhibit D—Landscape Plan, attached).

The landscape plan incorporates 48 and 24-inch box shade trees in the right-of-way, including Coast Live Oaks along Hamner Avenue and Weeping Bottle Brush and Water Gum along Mill Creek Avenue. A combination of 48-inch, 36-inch, 24-inch box, and 15-gallon accent and shade trees will be provided on the Project site, the tree species include Italina Cypress, California Sycamore, Toyon, Hollywood Juniper, Crape Myrtle, Italian Stone Pine, Chinese Pistache, Fern Pine, Coast Live Oak, Cork Oak, and Water Gum. The landscape plan also includes a variety of shrubs, grasses, and groundcovers that are low water usage and drought tolerant, to be planted throughout the Project site.

Moreover, two employee break areas, with benches, tables, and shade trees will be provided.

The Project is responsible for the construction of portions of Chino Avenue and Mill Creek Avenue in compliance with the proposed Development Agreement (File No. PDA23-002) between the City of Ontario and IV3 Loma Creek Logistics Center LLC. The proposed on-site and off-site landscape improvements will assist in creating a walkable safe area for pedestrians to access the Project site.

(7) Utilities (drainage, sewer) — To serve the proposed industrial development, the Project will be required to construct infrastructure improvements per the proposed Development Agreement (File No. PDA23-002) and requirements of the Rich Haven Specific Plan. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of underground storm water retention chambers to receive, retain, and treat storm water runoff located within the south tractor-trailer yard storage area.

**NEIGHBORHOOD MEETING AND CORRESPONDENCE:** The Planning Department held a community meeting on Monday, September 18, 2023, between 6:00 P.M. to 7:00 P.M. at the Westwind Community Center to discuss the proposed development. Planning staff, Engineering staff and the applicant were in attendance during the community meeting. Six residents attended the community meeting and had questions regarding the proposed project, on-site and off-site street improvements, timing of street improvements, truck routes and future development within the immediate area. Staff also received one e-mail from a local property owner in opposition to the proposed project. To date, the Planning Department has not received any further inquiries or correspondence regarding the proposed Project.

**PUBLIC NOTIFICATION:** Public notification is not required, as the Development Advisory Board is acting in its capacity as an advisory body to the Planning Commission. Public notification is required prior to the Planning Commission hearing on the Project.

**AGENCY/DEPARTMENT REVIEWS:** Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are included with this Decision.

**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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Development Advisory Board, therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the ONT ALUCP.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Maintain the Current High Level of Public Safety
- Operate in a Businesslike Manner
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
  - Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**



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

- G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

(4) Policy Plan (General Plan)

**Land Use Element:**

- Goal LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

- LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

- LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

- Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.

- LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

**Community Economics Element:**

- Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.

- Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

- CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

- CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.

➤ CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

**Safety Element:**

▪ Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

**Community Design Element:**

▪ Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➤ CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.

➤ CD-1.3 Existing Neighborhoods. We require the existing character of viable residential and non-residential neighborhoods be preserved, protected, and enhanced.

▪ Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

➤ CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

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

➤ CD-2.7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials, and construction techniques.

➤ CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

➤ CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create, and define public and private spaces, and provide shade and environmental benefits.

➤ CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:

- Surface parking: Shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field;
- Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and
- Garage parking: providing access to single-family residential garages through alley access, recessing garages from the frontage to emphasize front doors or active living spaces.

➤ CD-2.11 Entry Statements. We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD-2.12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD-2.13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

- Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas,

public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD-3.2 Comfortable, Human-Scale Public Realm. We require that public spaces, including streets, parks, and plazas on both public and private property be designed to maximize safety, comfort and aesthetics and connect to the citywide pedestrian, vehicular, and bicycle networks.

➤ CD-3.3 Complete and Connected Network. We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks, commercial areas, and transit stops) and are designed to maximize safety, comfort, and aesthetics.

➤ CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

➤ CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

➤ CD-3.6 Managed Infrastructure. We collaborate with developers and property owners to facilitate development that realizes the envisioned character and functionality of the Place Type through the use of green and shared infrastructure within each Place Type.

▪ Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD-5.2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project site is not

one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

## **PART 2: RECITALS**

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

WHEREAS, Rich Haven Specific Plan Amendment Environmental Impact Report (State Clearinghouse No. 2022100425) was certified on June 20, 2023 (hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed; and

WHEREAS, the environmental impacts of this Project were thoroughly analyzed in the Certified EIR, which concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Development Advisory Board (hereinafter referred to as "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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San

Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

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

WHEREAS, on November 20, 2023, 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 3: THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND DECIDED 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 Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the DAB finds as follows:

- (1) The environmental impacts of this Project were previously reviewed in conjunction with File No. PSPA22-001, the Rich Haven Specific Plan Amendment for which an Environmental Impact Report (State Clearinghouse No. 2022100425) was adopted by the City Council on June 20, 2023.
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the DAB, and the specific findings set forth in



Section 1, above, the DAB finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(4) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

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

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the 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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the DAB during the above-referenced hearing and upon the facts and information set forth in Parts I (Background and Analysis) and II (Recitals), above, and the determinations set forth in Sections 1 and 3, 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 Industrial land use district of the Policy Plan Land Use Map, and the Light Industrial land use district of the Rich Haven 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 Light Industrial land use district of the Rich Haven Specific Plan, including standards relative to the particular land use proposed (Industrial Warehouse), as-well-as building intensity, building, and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls, and obstructions; 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 Light Industrial land use district of the Rich Haven 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 Rich Haven 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 Rich Haven 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 (Industrial Warehouse). 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 Rich Haven 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 Conditions of Approval 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.

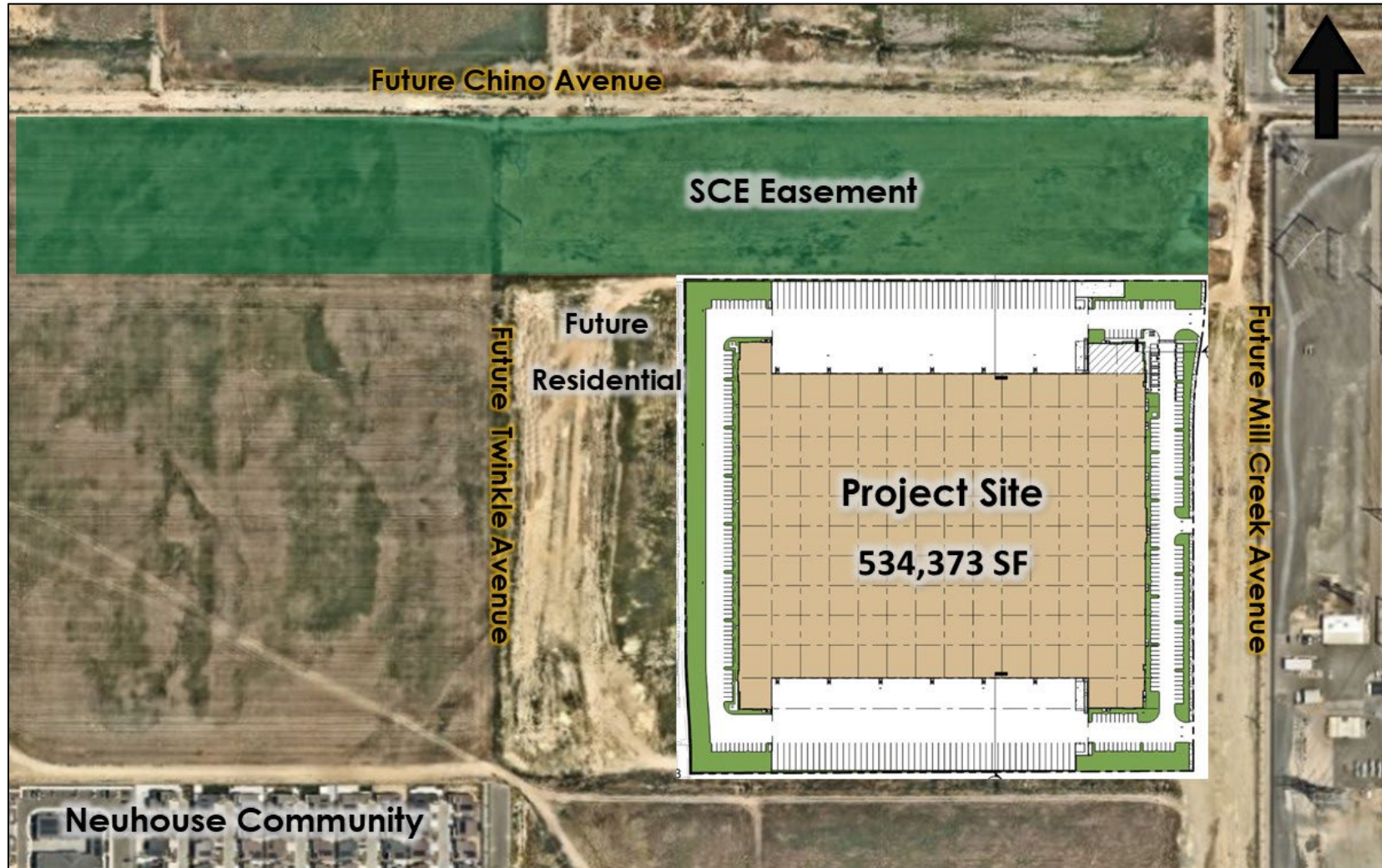
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APPROVED AND ADOPTED this 20th day of November 2023.

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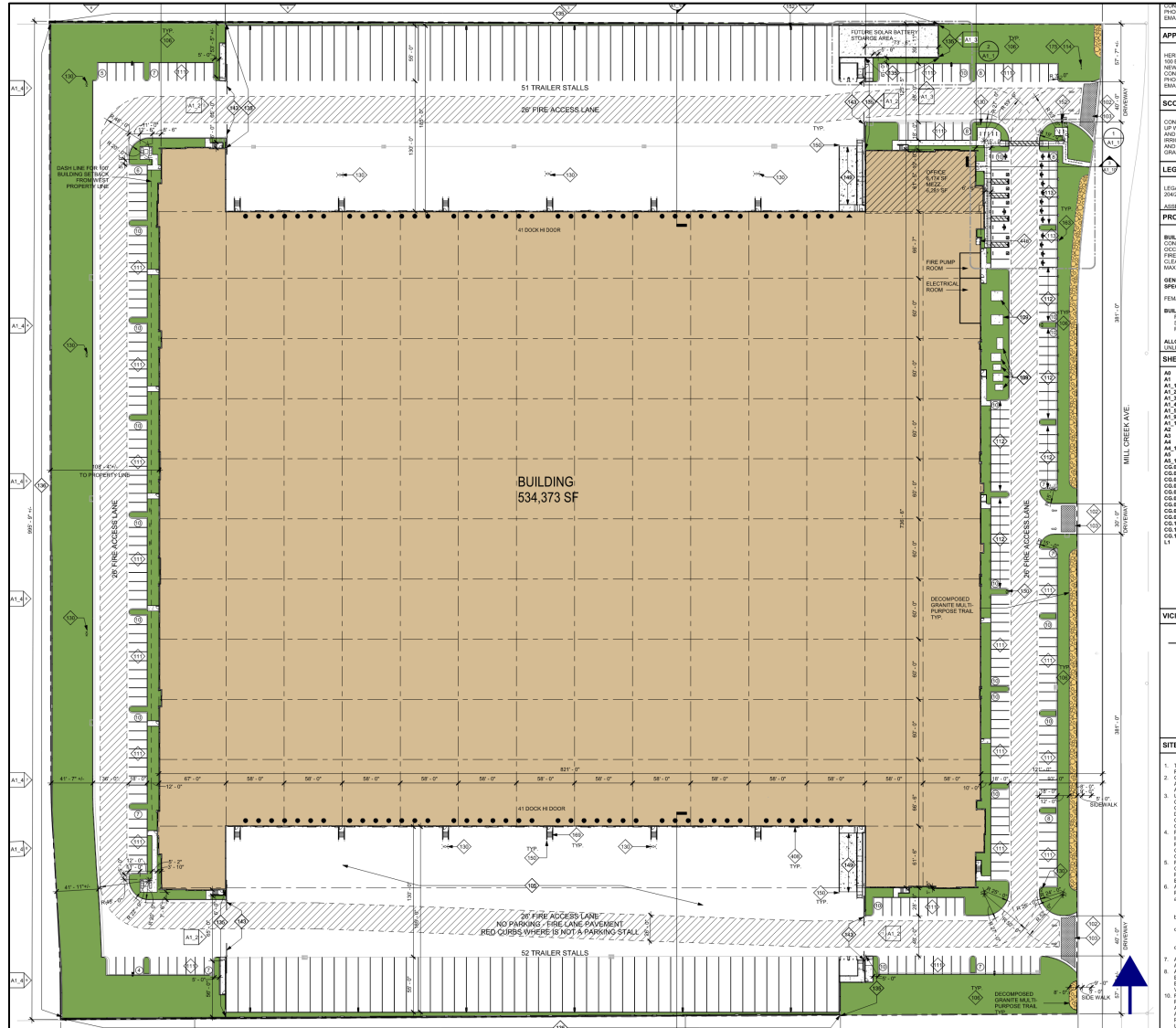
Development Advisory Board Chairman

**Exhibit A: PROJECT LOCATION MAP**





**Exhibit B: SITE PLAN**

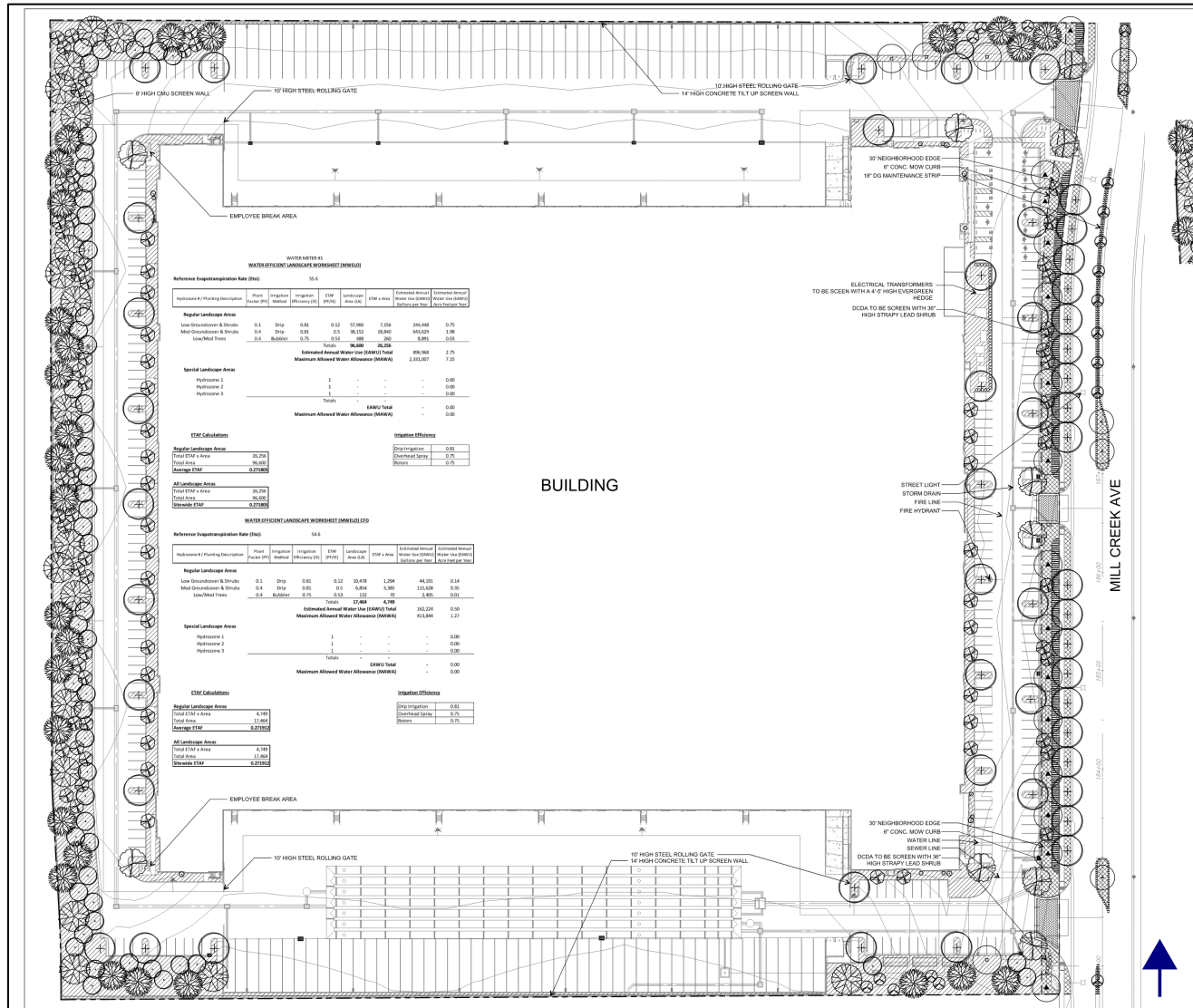


SCOP	CONSTR	BUILD	GENERS	FEMA	BUILD	ALLOW	SHEE	VICIN	SITE
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	PROJ	GRAD			CONC	CONC	AL.3		4. THE
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					CONC	CONC	AL.38		39. THE
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**Exhibit D: LANDSCAPE PLAN**



**Attachment A: Conditions of Approval**

*(Conditions of Approval follow this page)*



# LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL

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

**Date Prepared:** 11/20/2023

**File No:** PDEV23-013

**Related Files:** PDA23-002

**Project Description:** A Development Plan to construct one industrial building totaling 534,373 square feet on 23.88 acres of land located on the west side of Mill Creek Avenue approximately 300 feet south of Chino Avenue within Planning Area 2C (Light Industrial District) of the Rich Haven Specific Plan. (APN: 218-161-18). **submitted by Brookcal Ontario LLC.**

**Prepared By:** Lorena Mejia, Senior Planner  
Phone: 909.395.2276 (direct)  
Email: lmejia@ontarioca.gov

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

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

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

**2.1** Time Limits.

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

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

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

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

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

### **2.3** Landscaping.

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

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

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

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

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

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

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

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

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

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

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

**(f)** Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

**2.6** Outdoor Loading and Storage Areas.

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

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

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

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

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

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

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

<b>Screen Wall Height</b>	<b>Minimum Gate Height</b>
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

**2.7** Site Lighting.

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

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

**2.8** Mechanical and Rooftop Equipment.

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

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

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

**2.10** Signs.

**(a)** All Project signage shall comply with the requirements of Ontario Development Code Division 8.1 (Sign Regulations) and Rich Haven 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 noise levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

**2.12** Environmental Requirements.

**(a)** 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).

**(b)** 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 will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

(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** Related Applications. Development Plan approval shall not be final and complete until such time that related File No. PDA23-002 has been approved by the City Council.

**2.16** Tribal Consultation Conditions.

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

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

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

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

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

**(f)** If the San Bernardino County Coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the San Bernardino County Coroner. Reburial will be in an appropriate setting. If the San Bernardino County Coroner determines the remains to be modern, the San Bernardino County Coroner shall take custody of the remains.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site, but at a location agreed upon between the Tribe and the developer and protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

## **2.17** Additional Requirements.

**(a)** All applicable conditions of approval of the Development Agreement (File No. PDA23-002) shall apply to this Development Plan.

**(b)** The Ontario Climate Action Plan (CAP) requires new development to be 25% more efficient. The applicant shall utilize the Screening Tables provided in the CAP. The Screening Tables shall be required to garner a minimum of 100 points to be consistent with the

reduction quantities outlined in the CAP. The applicant shall identify on the construction drawings the items identified in the Screening Tables.

**(c)** The west perimeter wall shall be consistent with the height and design of the neighboring community residential wall located to the south. The applicant shall coordinate the construction of the west perimeter wall with the adjoining property owners located to the west and south of the project site.

**(d)** The western drive aisle shall not be utilized for any outdoor storage, tractor trailer truck parking or vehicle staging.

**(e)** Tractor trailer (Semi-trailer) trucks shall enter and exit the site from the designated truck route on Mill Creek Avenue located between Chino Avenue and Ontario Ranch Road. Ontario Ranch Road is a designated truck route and Chino Avenue is not a designated truck route. Tractor trailer (Semi-trailer) trucks shall not travel on Mill Creek Avenue north of Chino Avenue. To access the Project site tractor trailer trucks will travel northbound onto Mill Creek Avenue from Ontario Ranch Road.

**(f)** The landscape planters located along the western property line (adjacent to residential land uses) will be planted with a mix of evergreen trees that grow to an average height of 40 to 60 feet to provide year-round screening of the proposed building. The tree species planted shall be a mix of 24-, 36-, 48-, and 60-inch box trees.



**ENGINEERING DEPARTMENT  
CONDITIONS OF APPROVAL**

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

<input checked="" type="checkbox"/> <b>DEVELOPMENT PLAN</b> <input type="checkbox"/> OTHER	<input type="checkbox"/> PARCEL MAP <input type="checkbox"/> TRACT MAP <input type="checkbox"/> FOR CONDOMINIUM PURPOSES
<b>PROJECT FILE NO. PDEV23-013</b>  <b>RELATED FILE NO(S). PSPA22-001</b>	
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> REVISED: __/__/__	

**CITY PROJECT ENGINEER & PHONE NO:** Angela Truong, P.E. (909) 395-2134

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


**DAB MEETING DATE:** November 20, 2023

**PROJECT NAME / DESCRIPTION:** PDEV23-013, a Development Plan to construct one (1) industrial building totaling 547,824 square feet on 24.86 acres of land, within the PA-2C land use district of the Rich Haven Specific Plan

**LOCATION:** Southwest corner of Mill Creek Avenue and Chino Avenue


**APPLICANT:** BrookCal Ontario LLC

**REVIEWED BY:**

  
 Raymond Lee, P.E.  
 Assistant City Engineer

11/15/23  
 Date

**APPROVED BY:**

  
 Khoi Do, P.E.  
 City Engineer

11-16-23  
 Date





- 1.10 Provide a monument bond (i.e. cash deposit) in an amount calculated by the City's approved cost estimate spreadsheet (available for download on the City's website: [www.ontarioca.gov](http://www.ontarioca.gov)) or as specified in writing by the applicant's Registered Engineer or Licensed Land Surveyor of Record and approved by the City Engineer, whichever is greater.
- 1.11 Provide a preliminary title report current to within 30 days.
- 1.12 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 1.13 Ontario Ranch Developments: 
  - 1) Provide evidence of final cancellation of Williamson Act contracts associated with this tract, prior to approval of any final subdivision map. Cancellation of contracts shall have been approved by the City Council.
  - 2) Provide evidence of sufficient storm water capacity availability equivalents (Certificate of Storm Water Treatment Equivalents).
  - 3) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
- 1.14 Other conditions: \_\_\_\_\_

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

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

- 2.01 Record Parcel Map/Tract Map No. \_\_\_\_\_ pursuant to the Subdivision Map Act and in accordance with the City of Ontario Municipal Code.
- 2.02 Submit a PDF of the recorded map to the City Engineer's office.
- 2.03 **Note that the subject parcel is a recognized parcel in the City of Ontario per Lot Line Adjustment No. LLA 22-004 recorded November 17, 2022, as Instrument No. 2022-0376852.**
- 2.04 Note that the subject parcel is an 'unrecognized' parcel in the City of Ontario and shall require a Certificate of Compliance to be processed unless a deed is provided confirming the existence of the parcel prior to the date of March 4, 1972.
- 2.05 Apply for a: 
  - Certificate of Compliance with a Record of Survey;
  - Lot Line Adjustment (Record a Conforming Deed with the County of San Bernardino within six months of the recordation of the Lot Line Adjustment to conform the new LLA legal description. Submit a copy of the recorded Conforming Deed to the Engineering Department.);
  - Make a Dedication of Easement.





- 2.06 Provide (original document) Covenants, Conditions and Restrictions (CC&R's), as applicable to the project, and as approved by the City Attorney and the Engineering and Planning Departments, ready for recordation with the County of San Bernardino. The CC&R's shall provide for, but not be limited to, common ingress and egress, joint maintenance of all common access improvements, common facilities, parking areas, utilities and drive approaches in addition to maintenance requirements established in the Water Quality Management Plan (WQMP), as applicable to the project.
  
- 2.07 For all development occurring south of the Pomona Freeway (60-Freeway) and within the specified boundary limits (per Boundary Map found at <http://tceplumecleanup.com>), the property developer/owner is made aware of the South Archibald Trichloroethylene (TCE) Plume "Disclosure Letter". Property owner may wish to provide this Letter as part of the Real Estate Transfer Disclosure requirements under California Civil Code Section 1102 et seq. This may include notifications in the Covenants, Conditions and Restrictions (CC&Rs) or other documents related to property transfer and disclosures. Additional information on the plume is available from the Santa Ana Regional Water Quality Control Board at [http://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000004658](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000004658).
  
- 2.08 **Submit a soils/geology report.**
- 2.09 **Other Agency Permit/Approval: Submit a copy of the approved permit and/or other form of approval of the project from the following agency or agencies:** 
  - State of California Department of Transportation (Caltrans)
  - San Bernardino County Road Department (SBCRD)
  - San Bernardino County Flood Control District (SBCFCD)
  - Federal Emergency Management Agency (FEMA)
  - Cucamonga Valley Water District (CVWD) for sewer/water service
  - United States Army Corps of Engineers (USACE)
  - California Department of Fish & Game
  - Inland Empire Utilities Agency (IEUA)
  - Other: Southern California Edison (SCE) (to pursue "Grant Out" for right-of-way)**
  
- 2.10 **Dedicate to the City of Ontario the right-of-way described below:** 
  - A. **Ultimate street width of 44 feet on the west side of Mill Creek Avenue from Chino Avenue to southerly property line.**
  - B. **Ultimate street width of 39 feet on the east side of Mill Creek Avenue from Chino Avenue to southerly property line from the property owner (APN: 0218-171-10).**
  - C. **Ultimate street width of 44 feet on the south side of Chino Avenue from Haven Avenue to Mill Creek Avenue. The applicant/developer shall pursue "Grant Out" process with SCE (APN: 0218-161-09) for all necessary right-of-way to construct the public improvements identified within Section 2 of these Conditions of Approval.**
  - D. **Interim street width of 19 feet on the north side of Chino Avenue from Haven Avenue to Mill Creek Avenue from the property owner (APNs: 0218-161-10 and 0218-161-11).**
  - E. **All right-of-way necessary to construct the roundabouts on Chino Avenue at Twinkle Avenue and Mill Creek Avenue.**

**Property line corner 'cut-back' required at the intersection of:**

  - F. **Mill Creek Avenue and Chino Avenue (southwest corner) from the following property owned by SCE (APN: 0218-161-09).**
  - G. **Haven Avenue and Chino Avenue (southeast corner) from the following property owned by SCE (APN: 0218-161-09).**
  
- 2.11 **Dedicate to the City of Ontario the following easement(s):** 
  - A. **18-foot easement for neighborhood edge on the west side of Mill Creek Avenue from Chino Avenue to southerly property line.**
  - B. **18-foot easement for neighborhood edge on the south side of Chino Avenue from Haven Avenue to Mill Creek Avenue.**



- 2.12 Vacate the following street(s) and/or easement(s):** 
  - A. All interfering on-site easements shall be quitclaimed, vacated, and/or submit non-interference letter from affected owner/utility company.**
  
- 2.13 Ontario Ranch 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) In no case shall a wall exceed an overall height of fourteen (14) feet.
  - 4) Provide evidence of sufficient water availability equivalents (Certificate of Net MDD Availability).
  
- 2.14 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.**
  
- 2.15 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.**
  
- 2.16 Pay all Development Impact Fees (DIF) to the Building Department. Storm Drain Development Impact Fee, approximately \$898,174.56, shall be paid to the Building Department. Final fee shall be determined based on the approved site plan and the DIF rate at the time of payment.**
  
- 2.17 Other conditions:** 
  - C. This Development Plan shall comply with the approved Rich Haven Specific Plan, adopted December 4, 2007, as amended, and the approved Development Agreement, File No. PDA23-002.**
  - D. The applicant/developer shall obtain all off-site right-of-way/easements necessary to construct the required public improvements identified within Section 2 of these Conditions of Approval.**



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

**2.18 Design and construct full public improvements in accordance with the City of Ontario Municipal Code, current City standards and specifications, master plans and the adopted specific plan for the area, if any. These public improvements shall include, but not be limited to, the following (checked boxes):**

Improvement	Mill Creek Avenue	Chino Avenue
<b>Curb and Gutter</b>	<input checked="" type="checkbox"/> New; 32 ft. from C/L (A) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New; 32 ft. from C/L (E) <input type="checkbox"/> Replace damaged <input type="checkbox"/> Remove and replace
<b>AC Pavement</b>	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (A, B)	<input type="checkbox"/> Replacement <input checked="" type="checkbox"/> New (E, F, H)
<b>PCC Pavement (Truck Route Only)</b>	<input checked="" type="checkbox"/> New at Ontario Ranch Road, see Sec. 2.39.12.c. (C) <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Drive Approach</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Remove and replace	<input type="checkbox"/> New <input type="checkbox"/> Remove and replace
<b>Sidewalk</b>	<input checked="" type="checkbox"/> New (D) <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New (E) <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
<b>Parkway</b>	<input checked="" type="checkbox"/> Trees (A) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (A) <input checked="" type="checkbox"/> Neighborhood Edge (D)	<input checked="" type="checkbox"/> Trees (E) <input checked="" type="checkbox"/> Landscaping (w/irrigation) (E) <input checked="" type="checkbox"/> Neighborhood Edge (E)
<b>Raised Landscaped Median</b>	<input checked="" type="checkbox"/> New, see Sec 2.39.9 <input type="checkbox"/> Remove and replace	<input checked="" type="checkbox"/> New, see Sec 2.39.1 <input type="checkbox"/> Remove and replace
<b>Fire Hydrant</b>	<input checked="" type="checkbox"/> New (A) <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New (E) <input type="checkbox"/> Relocation
<b>Sewer (see Sec. 2.C)</b>	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Lateral



<b>Water</b> (see Sec. 2.D)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input type="checkbox"/> Main <input type="checkbox"/> Service
<b>Recycled Water</b> (see Sec. 2.E)	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Service	<input checked="" type="checkbox"/> Main <input type="checkbox"/> Service
<b>Traffic Signal System</b> (see Sec. 2.F)	<input type="checkbox"/> New <input checked="" type="checkbox"/> Modify Existing at Ontario Ranch Road, see Sec. 2.39.12.b. (C)	<input checked="" type="checkbox"/> New at Haven Avenue (G) <input type="checkbox"/> Modify Existing
<b>Traffic Signing and Striping</b> (see Sec. 2.F)	<input checked="" type="checkbox"/> New (A, B) <input checked="" type="checkbox"/> Modify Existing (I)	<input checked="" type="checkbox"/> New (E, F, H) <input checked="" type="checkbox"/> Modify Existing (H)
<b>Street Light</b> (see Sec. 2.F)	<input checked="" type="checkbox"/> New (A) <input type="checkbox"/> Relocation	<input checked="" type="checkbox"/> New (E) <input type="checkbox"/> Relocation
<b>Bus Stop Pad or Turn-out</b> (see Sec. 2.F)	<input type="checkbox"/> New <input type="checkbox"/> Modify existing	<input type="checkbox"/> New <input type="checkbox"/> Modify existing
<b>Storm Drain</b> (see Sec. 2G)	<input type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral	<input checked="" type="checkbox"/> Main <input checked="" type="checkbox"/> Lateral
<b>Fiber Optics</b> (see Sec. 2K)	<input checked="" type="checkbox"/> Conduit / Appurtenances	<input type="checkbox"/> Conduit / Appurtenances
<b>Overhead Utilities</b>	<input type="checkbox"/> Underground <input checked="" type="checkbox"/> Relocate	<input type="checkbox"/> Underground <input type="checkbox"/> Relocate
<b>Removal of Improvements</b>	_____ _____ _____	_____ _____ _____
<b>Roundabouts</b> (see Sec 2.39.2)	_____ _____ _____	<input checked="" type="checkbox"/> At Twinkle Avenue <input checked="" type="checkbox"/> At Mill Creek Avenue

**Specific notes for improvements listed in item no. 2.18, above:**

- A. West and east side from Chino Avenue to southerly property line.
- B. A 14-foot circulation lane and a 5-foot paved shoulder are required on the east and west side from southerly property line to Ontario Ranch Road.
- C. Mill Creek Avenue and Ontario Ranch Road intersection. Refer to Sec. 2.39.12.b and Sec. 2.39.12.c.
- D. West side from Chino Avenue to southerly property line.
- E. South side from Haven Avenue to Mill Creek Avenue.
- F. A 14-foot circulation lane and a 5-foot paved shoulder are required on the north side from Haven Avenue to Mill Creek Avenue.
- G. Haven Avenue and Chino Avenue intersection. Refer to Sec. 2.39.3.
- H. Improvements shall include necessary pavement and striping transitions from existing roadway conditions to the widened roadway portions to accommodate left turn and right turn lanes at the intersection of Chino Avenue and Haven Avenue.



**I. Improvements shall include necessary pavement and striping transitions from existing roadway conditions to the widened roadway portions to accommodate left turn and right turn lanes at the intersections of: (1) Mill Creek Avenue and Chino Avenue (2) and Mill Creek Avenue and Ontario Ranch Road.**

- 2.19 Construct a 2" asphalt concrete (AC) grind and overlay on the following street(s): \_\_\_\_\_
- 2.20 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.
- 2.21 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.
- 2.22 Overhead utilities shall be under-grounded, in accordance with Title 7 of the City's Municipal Code (Ordinance No. 2804 and 2892). Developer may pay in-lieu fee, approximately \_\_\_\_\_, for undergrounding of utilities in accordance with Section 7-7.302.e of the City's Municipal Code.
- 2.23 Other conditions: \_\_\_\_\_

**C. SEWER**

- 2.24 **A 15-inch sewer main is available for connection by this project in Mill Creek Avenue (Ref: Sewer Drawing Numbers: S13954 and S13955).**   
**A 21-inch sewer main is available for connection in Haven Avenue (Ref: Sewer Drawing Numbers: S15514).**
- 2.25 Design and construct a sewer main extension. A sewer main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.26 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.
- 2.27 **Other conditions:**   
**1) See Exhibit B for additional Sewer Conditions of Approval from OMUC.**

**D. WATER**

- 2.28 **A 12-inch water main is available for connection by this project in Mill Creek Avenue after water infrastructure of M-1183 is accepted (Ref: Water Drawing Number: W13452 and W13453).**
- 2.29 Design and construct a water main extension. A water main is not available for direct connection. The closest main is approximately \_\_\_\_\_ feet away.
- 2.30 **Other conditions:**   
**1) See Exhibit B for additional Water Conditions of Approval from OMUC.**

**E. RECYCLED WATER**

- 2.31 **A 12-inch recycled water main is available for connection by this project in Mill Creek Avenue after recycled water infrastructure of M-1183 is accepted (Ref: Recycled Water Drawing Number: P10209 and P10210).**
- 2.32 **Design and construct an on-site recycled water system for this project. A recycled water main does exist in the vicinity of this project.**





- 2.33 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.
- 2.34 Submit one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) for review and subsequent submittal to the California State Water Board (Division of Drinking Water) for final approval.   

Note: Review and approval process may take up to three (3) months. Contact the OMUC's Water Quality Programs at (909) 395-2678 or email [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) regarding this requirement.
- 2.35 Submit one (1) electronic copy, in PDF format, of the Landscape Plans (on-site & off-site) to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) for review and approval.
- 2.36 Other conditions: 
  - 1) See Exhibit B for additional Recycled Water Conditions of Approval from OMUC.

#### F. TRAFFIC / TRANSPORTATION

- 2.37 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
- 2.38 New traffic signal installations shall be added to Southern California Edison (SCE) customer account number # 2-20-044-3877.
- 2.39 Other conditions: 
  - 1) The Applicant/Developer shall be responsible to design and construct half-width street improvements on Chino Avenue between Haven Avenue and Mill Creek Avenue including a raised median plus a westbound 14-foot circulation lane and 5-foot paved shoulder.
  - 2) The roundabouts on Chino Avenue and Twinkle Avenue and Mill Creek Avenue shall be fully constructed (ultimate configuration) and designed in accordance with the Traffic and Transportation Design Guidelines Figure 1: Roundabout Layout Detail and Figure 2: Roundabout Landscape Detail, other applicable standards, and to the satisfaction of the City Engineer. The following apply to the design:
    - a. Parking shall be restricted on Chino Avenue and Twinkle Avenue/Mill Creek Avenue approaching and departing the roundabouts per the Traffic and Transportation Guidelines.
    - b. Provide detailed roundabout exhibits to verify lane widths and ROW requirements.
    - c. The roundabouts entry and exit lane widths shall be a minimum 18-foot curb-to-curb, with a striped lane width of 16-feet.
  - 3) If at the time of this development, the development to the northwest (TM-20526; APNs: 0218-161-04, -05, -10, -11 and 0218-171-22) has not constructed the traffic signal at Chino Avenue and Haven Avenue, the Applicant/Developer shall be responsible to design and construct the traffic signal at that intersection. The new traffic signal shall include video detection, fiber optic communication conduit, cable and equipment, emergency vehicle preemption systems and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations. Additional pavement may be required to accommodate left turn and right turn lanes at the intersection.

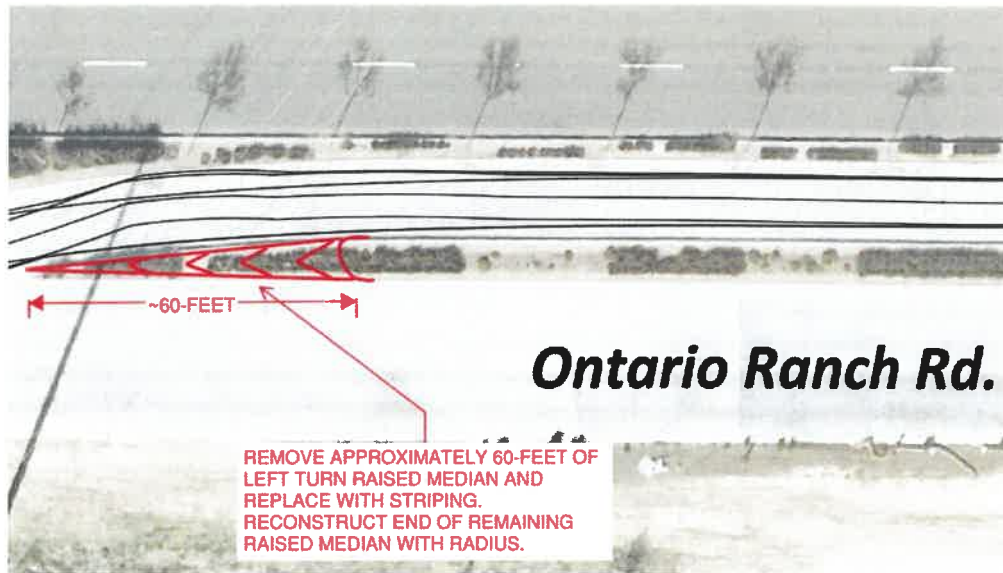




- 4) **The Applicant/Developer shall be responsible to design and construct the necessary pavement and striping transitions from existing roadway conditions to the widened roadway portions along Chino Avenue and Haven Avenue. Striping improvements shall include the removal of existing interim signing and striping beyond the project frontage limits and the installation of ultimate signing and striping.**
- 5) **The Applicant/Developer shall be responsible to design and construct street improvements along property frontage in accordance with conditions issued by City's Land Development Division. These, and all other street improvements required herein, shall include, but not be limited to, concrete curb and gutter, sidewalk, LED street lights, signing and striping, and parkway landscaping.**
- 6) **The Applicant/Developer shall be responsible to design and construct in-fill public street lights and new service as needed along the east and westside of Mill Creek Avenue from Chino Avenue to southernly property line. Street lighting shall be LED-type and in accordance with City's Approved Material List LED Luminaires. The Applicant/Developer shall also install smart nodes on all new street light fixtures.**
- 7) **The Applicant/Developer shall be responsible to design and construct in-fill public street lights and new service as needed along the southside of Chino Avenue from Haven Avenue to Mill Creek Avenue. Street lighting shall be LED-type and in accordance with City's Approved Material List LED Luminaires. The Applicant/Developer shall also install smart nodes on all new street light fixtures.**
- 8) **The Applicant/Developer shall be responsible to design and construct Mill Creek Avenue to its ultimate full width from Chino Avenue to the southernly property line.**
- 9) **The Applicant/Developer shall be responsible to design and construct raised median along Mill Creek Avenue from Chino Avenue to the southernly property line. Raised median shall have breaks at the proposed driveways in order to allow northbound left turn movements.**
- 10) **All driveways onto Mill Creek Avenue shall restrict all outbound vehicle turning movements to "right out only." All outbound vehicles must make right turn onto Mill Creek Avenue towards Ontario Ranch Road.**
- 11) **The Applicant/Developer shall be responsible to design and construct a 38-foot paved section (14-foot southbound and northbound circulation lane with a 5-foot shoulder) along Mill Creek Avenue from the southernly property line to Ontario Ranch Road. Additional pavement shall be provided at Mill Creek Avenue at Ontario Ranch Road to accommodate southbound left turn and right turn lanes at the intersection.**
- 12) **If, at the time of this development, the development to the southeast (PDEV22-001; 13744 South Hamner Avenue; APN: 0218-21-131), has not constructed the following improvements, the following conditions shall apply:**
  - a. **The Applicant/Developer shall be responsible to design and construct the curb return at the northwest and northeast corner of Mill Creek Avenue and Ontario Ranch Road to accommodate WB-67. The Applicant/Developer shall verify that curb return radius are designed to adequately accommodate the WB-67 via truck turning templates.**
  - b. **The Applicant/Developer shall be responsible to design and construct modifications to the existing traffic signal on Ontario Ranch Road and Mill Creek Avenue. The traffic signal modification shall address relocation or upgrade of any affected equipment including poles, video detection, CCTV, fiber optic communication equipment, cable and conduit, emergency vehicle preemption systems, and bicycle detection to the satisfaction of the City Engineer. All new signal equipment shall be installed at its ultimate location, unless precluded by right-of-way limitations.**



- c. The Applicant/Developer shall construct concrete approaches at the intersection of Mill Creek Avenue and Ontario Ranch Road for the southbound direction on Mill Creek Avenue in accordance with the City of Ontario Standard Drawing No. 1207.
- d. The Applicant/Developer shall be responsible to design and construct modification to remove approximately 60-feet of the existing left turn raised median island and create a striped gore area. The remaining raised median shall be reconstructed with a radius. The Applicant/Developer shall be responsible to submit a queuing analysis to verify that the eastbound left turn lane is adequate based on the adjacent industrial uses along Mill Creek Avenue. See markup below for reference.



- 13) Design and construct proposed driveways in accordance with City of Ontario Standard Drawing No. 1204 for Commercial Driveway.
- 14) Mill Creek Avenue shall be signed “No Parking Any Time” or “No Stopping Any Time” on the west and east side from Chino Avenue to southerly property line.
- 15) Chino Avenue shall be signed “No Parking Any Time” or “No Stopping Any Time” on the south side from Haven Avenue to Mill Creek Avenue.
- 16) All landscaping, block walls, and other obstructions shall be compatible with the stopping sight distance requirements per City of Ontario Standard Drawing No. 1309.
- 17) The Applicant/Developer’s engineer-of-record shall meet with City Engineering staff prior to designing and submitting for plan check the signing/striping, street lighting and traffic signal design plans to define limits of improvements.

**G. DRAINAGE / HYDROLOGY**

- 2.40 An 84-inch storm drain main is available to accept flows from this project in Mill Creek Avenue (Ref: Storm Drain Drawing Number: D12015 and D12016). See Sec. 2.45.1.
- 2.41 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.



- 2.42 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.
- 2.43 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.
- 2.44 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.
- 2.45 **Other conditions:** 
  - 1) **There was an update processed to upsize the storm drain line on Mill Creek Avenue due to TOP/land use changes and hydraulic issues. As a result, this development will be required to detain onsite and outlet a specific Q. Refer to approved hydrology study for M-1183.**
  - 2) **Construct an 18-inch, 42-inch, and 48-inch storm drain main on Chino Avenue from Haven Avenue to Mill Creek Avenue.**

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

- 2.46 401 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.
- 2.47 **Submit a Water Quality Management Plan (WQMP). This plan shall be approved by the Engineering Department prior to approval of any grading plan. The WQMP shall be submitted, utilizing the current San Bernardino County Stormwater Program template, available at: <http://www.sbcounty.gov/dpw/land/npdes.asp>.**
- 2.48 **Design and construct a Connector Pipe Trash Screen or equivalent Trash Treatment Control Device, per catch basin located within or accepting flows tributary of a Priority Land Use (PLU) area that meets the Full Capture System definition and specifications, and is on the Certified List of the State Water Resources Control Board. The device shall be adequately sized per catch basin and include a deflector screen with vector control access for abatement application, vertical support bars, and removable component to facilitate maintenance and cleaning.**
- 2.49 Other conditions:

**J. SPECIAL DISTRICTS**



- 2.50 File an application, together with an initial deposit (if required), to establish a Community Facilities District (CFD) pursuant to the Mello-Roos Community Facilities District Act of 1982. The application and fee shall be submitted a minimum of four (4) months prior to final subdivision map approval, and the CFD shall be established prior to final subdivision map approval or issuance of building permits, whichever occurs first. The CFD shall be established upon the subject property to provide funding for various City services. An annual special tax shall be levied upon each parcel or lot in an amount to be determined. The special tax will be collected along with annual property taxes. The City shall be the sole lead agency in the formation of any CFD. Contact Investment and Revenue Resources at (909) 395-2341 to initiate the CFD application process.
- 2.51 Other conditions: \_\_\_\_\_

**K. FIBER OPTIC**

- 2.52 A fiber optic line is available for connection by this project at the intersection of Chino Avenue and Mill Creek Avenue (Ref: Fiber Optic Drawing Number: O10010).
- 2.53 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 at the intersection of Chino Avenue and Mill Creek Avenue.
- 2.54 Refer to the City's Fiber Optic Master Plan for design and layout guidelines. Contact the Broadband Operations Department at (909) 395-2000, regarding this requirement.

**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 OMUC a copy of the letter of confirmation from the California State Water Board (Division of Drinking Water) 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 Site Supervisor 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 Ontario Ranch Projects: For developments located at an intersection of any two collector or arterial streets, the applicant/developer shall set a monument if one does not already exist at that intersection. Contact the City Survey office for information on reference benchmarks, acceptable methodology and required submittals.
- 3.05 Confirm payment of all Development Impact Fees (DIF) to the Building Department.
- 3.06 Submit electronic copies (PDF and Auto CAD format) of all approved improvement plans, studies and reports (i.e. hydrology, traffic, WQMP, etc.).



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

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





## **EXHIBIT 'A'**

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

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Project Number: PDEV23-013

**All plan check submittals are to be done digitally through the City Of Ontario Citizen Portal Access. The following items are to be included with the first plan check submittal:**

1.  A copy of this check list
2.  Payment of fee for Plan Checking
3.  Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.
4.  Project Conditions of Approval
5.  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.  Public Street improvement plan with street cross-sections
7.  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)
8.  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)
9.  Public Sewer improvement plan
10.  Public Storm Drain improvement plan
11.  Public Street Light improvement plan
12.  Signing and Striping improvement plan
13.  Fiber Optic plan (include Auto CAD electronic submittal)
14.  HOA Landscape improvement plans. Show corner sight line distance per engineering standard drawing 1309.
15.  CFD Landscape improvement plans. Show corner sight line distance per engineering standard drawing 1309.
16.  Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)
17.  Traffic Signal improvement plan and One (1) copy of Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.
18.  Water Quality Management Plan (WQMP), including one (1) copy of the approved Preliminary WQMP (PWQMP).
19.  Hydrology/Drainage study





- 20.  **Soils/Geology report**
- 21.  Payment for Final Map/Parcel Map processing fee
- 22.  Final Map/Parcel Map
- 23.  Approved Tentative Map
- 24.  **Preliminary Title Report (current within 30 days)**
- 25.  Traverse Closure Calculations
- 26.  **Set of supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.**
- 27.  **Engineering Report and an electronic file (include PDF format electronic submittal) for recycled water use.**
- 28.  Other: \_\_\_\_\_



## CITY OF ONTARIO MEMORANDUM



**DATE:** November 14, 2023  
**TO:** Angela Truong, Engineering Department  
**CC:** Lorena Mejia, Planning Department  
**FROM:** Heather Young, Utilities Engineering Division  
Christy Stevens, Utilities Engineering Division  
**SUBJECT:** DPR#3 UPT#1 REV1 - Utilities Conditions of Approval (COA) (#9651)  
**PROJECT NO.:** PDEV23-013

### BRIEF DESCRIPTION:

*A Development Plan to construct one (1) industrial building totaling 547,824 square feet on 24.86 acres of land located at the southwest corner of Mill Creek Avenue and Chino Avenue, within the PA-2C land use district of the Rich Haven Specific Plan (APN(s): 218-161-14). Related File(s): Specific Plan Amendment PSPA22-001.*

## OMUC UTILITIES ENGINEERING DIVISION CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL:** *The Ontario Municipal Utilities Company (OMUC) Utilities Engineering Division recommends this application for approval subject to the Conditions of Approval outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards. The Applicant shall be responsible for the compliance with and the completion of all the following applicable Conditions of Approval prior to the following milestones and subject to compliance with City's Design Development Guidelines, Specifications Design Criteria, and City Standards:*

### **General Conditions:**

1. **Standard Conditions of Approval:** Project shall comply with the requirements 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, or as amended or superseded by Council Resolution; as well as project-specific conditions/requirements as outlined below.

***Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:***

***General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:***

2. **Inherited Requirements and Conditions of Approval:** This project is subject to all the Requirements and Conditions of Approval of from PSP05-004 Rich-Haven Specific Plan and PDA\_23-002, as amended. For any Conditions of Approval that conflict, these Conditions shall supersede those conflicting Conditions.
3. **Final Utilities Systems Map (USM):** Submit a Final Utilities Systems Map (USM) as part of the precise grading plan submittal that meets all the City's USM requirements. These requirements include to show and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements. See Utility Systems Map (USM) Requirements document for details.
4. **Note the following definitions and concepts for Public Utility Improvements and Private Utility Improvements:** Public Improvements shall be designed per City Public Design Guidelines and City Standards and constructed through a City Encroachment Permit; and Private Onsite Improvements shall be designed per Building Code and Plumbing Code and constructed through a City Building Permit.
  - a. Public Utility Improvements include the following: water main pipelines and sewer main pipelines; sewer laterals connecting to a Public Sewer Main up to the Cleanout (or Manhole) at PL/RoW; water

services and connected appurtenances (Meters/Meter Boxes, Fire Hydrants, Airvacs, Blowoffs, etc.) connecting to a Public Water Main per City Standards; and Fire Services connecting to a Public Water Main from the Main up to the DCDA. Public Water Improvements and Public Sewer Improvements are required to be designed and constructed through Public Improvement Plans with Plan View and Profile View per City Standards, Guidelines, and Requirements.

- b. Private Utility Improvements include the following: onsite water plumbing lines after a Public Meter, or after the Fire DCDA and including the DCDA; Backflow Devices and other Cross-Connection Prevention; onsite sewer upstream of the Public Sewer Lateral, including the Cleanout (or Manhole) at PL/RoW/PUE Edge; Monitoring Manholes and other Wastewater Pretreatment Facilities. Private Onsite Utility Improvements are required to be designed and constructed per Building and Plumbing Plans with: the Backflows, DCDAs, Cleanout (or Manhole) at PL/RoW/PUE Edge, and Monitoring Manholes being designed and constructed through a Precise Grading Plan; and, the other Pretreatment Devices (Grease Interceptor, Sand, Oil Interceptors, etc.) and the connections to the buildings and structures through a building Plumbing Plan.
5. Unused Service Abandonment: All adjacent water services (along with connected apparatuses) and sewer laterals along the frontages of the project site not used to provide service to this Development Project shall be abandoned back to the main in accordance with City Standards and Practices.

***Sanitary Sewer Conditions (Section 2.C): The Applicant shall comply with the following:***

6. Sanitary Sewer Infrastructure: Public sanitary sewer mains are to be constructed as required per PDA\_23-002, as amended.
  - a. Install 8-inch public sewer main in Chino Avenue from Twinkle Avenue connecting to the existing 21-inch sewer main in Haven Avenue.
  - b. Install 8-inch public sewer main in Chino Avenue from point of connection required for the northerly development connecting to the existing 15-inch sewer main in Mill Creek Avenue.
7. Sanitary Sewer Service:
  - a. Lateral: Each building and its onsite private sewer system shall discharge wastewater to the Public Sanitary Sewer System through a Public Sewer Lateral per Standard #2003. The quantity of Public Sewer Laterals for each building shall be limited to the minimum necessary to meet all of the conditions of approval and as limited by the City.
8. Private Onsite Sewer System:
  - a. Onsite Sewer: Onsite sewer shall be privately owned and maintained.
  - b. Monitoring Manhole: Each building shall have a monitoring manhole per City Standard that captures all wastewater flows discharged from the building.
  - c. Private Onsite Sewer and Storm Water Quality Improvements: No storm water quality improvements (infiltration, detention, retention, bioswale, etc) shall be installed above or within 5 feet of any Private Onsite Sewer pipes.
9. Wastewater Sewer Discharge Requirements: The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact:  
Michael Birmelin, Environmental Programs Manager  
[omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)  
Phone: (909) 395-2661

***Potable Water Conditions (Section 2.D): The Applicant shall comply with the following:***

10. Potable Water Infrastructure: Public potable water mains are to be constructed as required per PDA\_23-002, as amended.
  - a. Install 12-inch 925PZ public potable water main in Mill Creek Avenue connecting to the existing 925PZ potable water main in Chino Avenue and connecting to the existing 12-inch 925PZ potable water main in Ontario Ranch Road.

11. Potable Water Service:

- a. Backflow Prevention: Each Meter connected to the Public Potable Water System that serves any use that is more than one (1) single family residential unit or any non-residential use requires a backflow prevention device.
  - b. Service: Each Building shall have a its own domestic water service and meter connected to the Public Potable Water System.
  - c. Fire Water Service: Install two fire services each with a Double Check Detector Assembly (DCDA) per City Standard #4208 connected to the Public Potable Water System to serve the onsite private looped fire system. The onsite private fire system and onsite domestic water plumbing system shall be separate.
12. Fire Hydrants: Construct fire hydrants along all public potable water mains with spacing between fire hydrants as required by the Fire Department.

***Recycled Water Conditions (Section 2.E): The Applicant shall comply with the following:***

13. Recycled Water Infrastructure: Public recycled water mains are to be constructed as required per PDA\_23-002, as amended.
- a. Install 16-inch 930PZ recycled water main in Chino Avenue connecting to the existing 930PZ recycled water main in Haven Avenue and connecting to the new 12-inch 930PZ recycled water main in Mill Creek Avenue.
  - b. Install 12-inch 930PZ recycled water main in Mill Creek Avenue connecting to the new 16-inch 930PZ recycled water main Chino Avenue and connecting to the existing 12-inch 930PZ recycled water main in Ontario Ranch Road.
14. City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscape irrigation. Appropriately sized public and private mains shall be installed throughout the Project to meet this requirement, as approved by the City.
15. Recycled Water Program Requirements: In order to receive recycled water service, the applicant shall comply with each of the following:
- a. Prior to Precise Grading Plan Approval and Building Permits Issuance:
    - i. Provide two hard copies and the digital files (in PDF and AutoCAD format) for both on-site and off-site utility plans, including landscape and irrigation improvements.
    - ii. Submit an **Engineering Report (ER)** to the City detailing recycled water usage for review and approval by the City and the State. The review process for the ER is typically 3 months. City will coordinate the State's approval of the ER.  
For details, contact [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov).
  - b. Prior to Occupancy Release/Finalizing:
    - i. Pass start-up and cross-connection test successfully.
    - ii. Provide evidence demonstrating the training of on-site supervisor or designee as determined in the ER.
16. Recycled Water Service:
- a. Services: Construct three recycled water services with meters for the onsite private irrigation system, the neighborhood edge west of Mill Creek, and the neighborhood edge east of Mill Creek per City Standard.



# CITY OF ONTARIO

## MEMORANDUM

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

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

**DATE:** May 30, 2023

**SUBJECT:** PDEV23-013 - A Development Plan to construct one (1) industrial building totaling 547,824 square feet on 24.86 acres of land located at the southwest corner of Mill Creek Avenue and Chino Avenue, within the PA-2C land use district of the Rich Haven Specific Plan (APN(s): 218-161-14). Related File(s): Specific Plan Amendment PSPA22-001.

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

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

- A. 2019 CBC Type of Construction: Type III-B
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): 521,015 Sq. Ft.
- D. Number of Stories: 1 w/ Mezzanine
- E. Total Square Footage: 535,168 Sq. Ft.
- F. 2019 CBC Occupancy Classification(s): S

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

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



### 3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 4000 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### 4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 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.
- ☒ 4.5 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.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 5.7 Placards shall be installed in acceptable locations on buildings that store, use or handle hazardous materials in excess of the quantities specified in the CFC. Placards shall meet the requirements of National Fire Protection Association (NFPA) Standard 704.

## **6.0 OTHER SPECIAL USES**

- ☒ 6.1 The storage, use, dispensing, or handling of any hazardous materials shall be approved by the Fire Department, and adequate fire protection features shall be required. If hazardous materials are proposed, a Fire Department Hazardous Materials Information Packet, including Disclosure Form and Information Worksheet, shall be completed and submitted with Material Safety Data Sheets to the Fire Department along with building construction plans.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.

## 7.0 PROJECT SPECIFIC CONDITIONS

- ☒ 7.1 NOTE: Due to the depth of the project off of Mill Creek, private fire hydrants shall be required on West side of the structure in the proximity to the fire lane.

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV23-013

Address: West side of Mill Creek Avenue approximately 300 feet south of Chino Avenue

APN: 218-161-18

Existing Land Use: Vacant

Proposed Land Use: Development Plan to construct one industrial building totaling 534,373 square feet

Site Acreage: 23.88 Proposed Structure Height: 54 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Lorena Mejia

Date: 11/13/2023

CD No.: 2023-006

PALU No.: n/a

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

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> 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**  
**LANDSCAPE PLANNING DIVISION**  
 303 East "B" Street, Ontario, CA 91764

**CONDITIONS OF APPROVAL**

**Sign Off**

	10/25/2023
Jamie Richardson, Sr. Landscape Architect	Date

Reviewer's Name: <b>Jamie Richardson, Sr. Landscape Architect</b>	Phone: <b>(909) 395-2615</b>
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D.A.B. File No.: PDEV23-013	Case Planner: Lorena Mejia
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Project Name and Location: Loma Creek SW corner of Mill Creek Avenue and Chino Avenue
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Applicant/Representative: BrookCal Ontario LLC <a href="mailto:projectadmin@herdman-ad.com">projectadmin@herdman-ad.com</a> 100 Bayview Circle, Suite 100 Newport Beach, CA 92660
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<input checked="" type="checkbox"/>	<b>Preliminary Plans (dated 10/17/2023) meet the Standard Conditions for New Development and have been approved considering that the following conditions below be met upon submittal of the landscape construction documents.</b>
<input type="checkbox"/>	<b>Preliminary Plans (dated) have not been approved. Corrections noted below are required before Preliminary Landscape Plan approval.</b>

**A RESPONSE SHEET IS REQUIRED WITH RESUBMITTAL OR PLANS WILL BE RETURNED AS INCOMPLETE.**  
 Landscape construction plans with plan check number may be emailed to:  
[landscapeplancheck@ontarioca.gov](mailto:landscapeplancheck@ontarioca.gov)

Civil/ Site Plans

1. Locate modular wetlands out of landscape areas; OK in the truckyard.
2. Show any monumentation within neighborhood edges; verify slopes and grades; coordinate any easements for maintenance responsibilities along Mill Creek.
3. Before permit issuance, stormwater infiltration devices located in landscape areas shall be reviewed and plans approved by the Landscape Planning Division. Any stormwater devices in parkway areas shall not displace street trees.
4. Show and dimension transformers set back 5' from paving all sides. Coordinate with landscape plans.
5. Show and dimension backflow devices set back 4' from paving on all sides. Locate on level grade.
6. Locate utilities, including light standards, fire hydrants, water, drain, and sewer lines to not conflict with required tree locations—coordinate civil plans with landscape plans.
7. Note for compaction to be no greater than 85% in landscape areas. All finished grades at 1 ½" below finished surfaces. Slopes to be maximum 3:1.
8. Dimension, show and call out for step-outs at parking spaces adjacent to planters; a 12" wide monolithic concrete curb, DG paving or pavers with edging.
9. Show outdoor employee break area with a table or bench and shade trees on the south and west sides.

Landscape Plans

10. Site plan identifies the enhanced entries per the landscape plans; provide details.
11. CFD landscape plans shall be submitted to the Engineering Department.
12. Show backflow devices with 36" high strappy leaf shrub screening, trash enclosures, transformers, and a 4'-5' high evergreen hedge screening. Do not encircle utility; show as

masses and duplicate masses in other locations at regular intervals.

13. Locate light standards, fire hydrants, water, and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans.
14. Show all utilities on the landscape plans. Coordinate so utilities are clear of tree locations.
15. Overhead spray systems shall be designed for plant material less than the height of the spray head.
16. Call out all fences and walls, materials proposed, and heights.
17. Show concrete mow strips to identify property lines along open areas or to separate ownership or between maintenance areas.
18. Show outdoor employee break area with a table or bench and shade trees on the south and west sides.
19. Show minimum on-site tree sizes per the Landscape Development standards; see the Landscape Planning website. 5% 48" box, 10% 36 box, 30% 24" box, 55% 15 gallon.
20. Show 25% of trees as California native (*Platanus racemosa*, *Quercus agrifolia*, *Quercus wislizenii*, *Quercus douglasii*, *Cercis occidentalis*, etc.) in appropriate locations.
21. 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. 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:** Lorena Mejia, Senior Planner

**FROM:** Heather Lugo, CET MA, Police Department

**DATE:** June 1, 2023

**SUBJECT:** PDEV23-013 - A Development Plan to construct one (1) industrial building totaling 547,824 square feet on 24.86 acres of land located at the southwest corner of Mill Creek Avenue and Chino Avenue, within the PA-2C land use district of the Rich Haven Specific Plan (APN(s): 218-161-14). Related File(s): Specific Plan Amendment PSPA22-001.

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

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

The Applicant is invited to contact Heather Lugo at (909) 408-1074 with any questions or concerns regarding these conditions.

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

**FILE NO.:** PDEV23-015

**DESCRIPTION:** A Development Plan to construct one industrial building totaling 1,162,630 square feet on 49.47 acres of land located at 1945 East Merrill Avenue, on the northwest corner of Merrill and Carpenter Avenues, within the Industrial land use district of the Merrill Commerce Center Specific Plan (APNs: 1054-511-01 & 1054-511-02); **submitted by Prologis LP. Planning Commission action is required.**

**PART 1: BACKGROUND & ANALYSIS**

PROLOGIS LP, (herein after referred to as "Applicant") has filed an application requesting approval of a Development Plan, File No. PDEV23-015, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The Project site is comprised of 49.47 acres of land located at the northwest corner of Merrill and Carpenter Avenues and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, Policy Plan (general plan) and zoning designations, and specific plan land uses on and surrounding the Project site are as follows:

	<b>Existing Land Use</b>	<b>Policy Plan Land Use Designation</b>	<b>Zoning Designation</b>	<b>Specific Plan Land Use Designation</b>
Site:	Vacant	Industrial (0.55 FAR)	Merrill Commerce Center Specific Plan	Industrial
North:	Vacant	Business Park (0.6 FAR)	Merrill Commerce Center Specific Plan	Business Park
South:	Warehouse (City of Chino)	Light Industrial (City of Chino)	Preserve Specific Plan (City of Chino)	Light Industrial (City of Chino)
East:	Warehouse	Industrial (0.55 FAR)	West Ontario Commerce Center Specific Plan	General Industrial
West:	Fulfillment Center	Industrial (0.55 FAR)	Merrill Commerce Center Specific Plan	Industrial

## PROJECT ANALYSIS:

(1) Background — On February 2, 2021, the City Council approved the introduction (first reading) of Ordinance No. 3178 for the Merrill Commerce Center Specific Plan ("MCCSP"), adopted Resolution No. R2021-011, certifying the MCCSP Final Environmental Impact Report ("Certified EIR"; State Clearinghouse No. 2019049047), and adopted Resolution No. R2021-012, approving the associated General Plan Amendment (File No. PGPA18-003) establishing the Industrial (0.55 FAR) land use on the Project site. On February 16, 2021, the City Council adopted (second reading) Ordinance No. 3178, approving the MCCSP (File No. PSP18-001). The MCCSP establishes the land use designations, development standards, and design guidelines on 376.3 acres of land, which includes the potential development of up to 8,455,000 square feet of industrial and business park development.

On March 23, 2021, the Planning Commission approved Tentative Parcel Map No. 20273, a request to subdivide the MCCSP area to create 22 numbered lots, 22 lettered lots, public streets, and to facilitate future development of industrial and business park projects. On November 16, 2021, the City Council approved Final Parcel Map No. 20273.

On July 5, 2023, the applicant submitted the subject Development Plan (File No. PDEV23-015) to develop Parcel 11 of Parcel Map No. 20273 with one industrial building, referred to as Building 11, to be used as a warehouse distribution center totaling 1,162,630 square feet of gross floor area and having a floor area ratio ("FAR") of 0.54.

(2) Site Design/Building Layout — The proposed development includes a warehouse distribution building, with a footprint of 1,047,630 square feet, located on Parcel 11 of Parcel Map No. 20273. The building is centrally located on the Project site, setback approximately 212 feet from Carpenter Avenue, 280 feet from Merrill Avenue, 210 feet from Vineyard Avenue, and 130 feet from the north property line, which abuts properties designated as Business Park land uses.

The proposed warehouse building is rectangular in shape, oriented in a north-south position, and office space is planned in the southeast building corner. The building is approximately 592 feet wide by 1,721 feet long, with a total gross floor area of 1,162,630 square feet, including 15,000 square feet of office and 100,000 square feet of mezzanine area. The parking lot areas are located at the north and south sides of the building, and gated truck yards are located along the east and west sides of the building.

(3) Site Access/Circulation — The Project site will be accessible by trucks and passenger vehicles from Carpenter Avenue to the east, Merrill Avenue to the south and Vineyard Avenue to the west. Driveways on Carpenter Avenue and Vineyard Avenue will provide access for both passenger vehicles and trucks. A separate driveway on Merrill Avenue, located midway between Carpenter and Vineyard Avenues, is provided for passenger vehicles only.

Internal circulation is provided with minimum 24-foot-wide drive aisles throughout the site. The north and south ends of the Project site provide passenger vehicle parking with shared access separated by gated truck yards along the east and west sides of the building.

(4) Parking — The Project has provided off-street parking pursuant to the warehouse distribution parking standards specified in the Development Code. The number of off-street parking spaces provided exceeds the minimum parking requirement for the Project. The off-street parking calculations for the Project are summarized in the table below:

**Parking Summary**

Type of Use	Building Area (in SF)	Parking Ratio	Spaces Required	Spaces Provided
Office & Mezzanine	115,000 SF; (10% GFA)	1 passenger vehicle space per 1,000 SF (<20,000 SF) 1 passenger vehicle space per 2,000 SF (>20,000 SF)	591	547 (Parking Lot) 44 (Truck Yard)
Warehouse	1,047,630 SF	1 passenger vehicle space per 1,000 SF (<20,000 SF) 1 passenger vehicle space per 2,000 SF (>20,000 SF)		
<b>TOTAL</b>	<b>1,162,630</b>		<b>591</b>	<b>591*</b>
<b>Truck Trailer Parking</b>	<b>188 Dock Doors</b>	<b>1 truck trailer space per 4 dock doors</b>	<b>47</b>	<b>194</b>

\* Project site can accommodate vehicle parking in truck yard area if/when needed by tenant operations.

The Project is required to provide 591 vehicle parking spaces and provides 547 vehicle parking spaces in the parking lots and has space for at least 44 spaces within the truck yard area. Depending on the tenant business operations, the 547 spaces in the parking lots may be sufficient to accommodate the tenant's needs. As conditioned, the truck yard area shall be required to provide passenger vehicle parking spaces when tenant operations require more than 547 parking spaces, provided a minimum 47 trailer parking spaces are maintained.

(5) Architecture — The Project incorporates a Contemporary Architectural style. The proposed buildings will be of concrete tilt-up construction with color blocking, accent colors, and score patterns. The paint colors proposed for this building are white and varying shades of gray. Dark green will be utilized as an accent color and applied in a vertical pattern adjacent to glazing. Material such as metal awnings, metal canopy, and green-hued vision glazing are applied on the building elevations and portions of parapet walls. The architecture design, scale and massing is consistent with the design guidelines of the MCCSP.

The architectural design also incorporates wall offsets to create variations in the wall plane, visual depth, shadows, and dimensions. The proposed wall offsets on the building are typically three or four feet.

(6) Landscaping — The MCCSP requires a minimum 10 percent landscape coverage be provided for buildings within the industrial and Business Park land use districts. As proposed, the Project's overall landscape coverage is 10 percent (215,511 square feet) and meets the minimum requirement. The Project provides landscaping around the project perimeter, adjacent to the building and throughout the passenger vehicle parking lots to soften the appearance of these areas and provide additional shade. The landscape plan includes over 365 trees to be planted on-site including the neighborhood edges. The proposed tree species include Forest Pansy Redbud, Morning Cloud Chitalpa, Italian Cypress, pine and oak trees. Landscape plans will also incorporate low-water usage and drought-tolerant shrubs and ground covers throughout the site.

The Project includes right-of-way improvements (street, curb, gutter, sidewalk, and parkway) along the surrounding streets. The proposed on-site and off-site landscape improvements will assist toward creating safe paths and areas for pedestrians to access the Project site. In compliance with the MCCSP, a neighborhood edge will be installed along Vineyard and Merrill Avenues, as well as a multi-purpose trail along Merrill Avenue.

(7) Signage — All future signage will be subject to review and approval of a comprehensive sign program for the Specific Plan area. A sign program will facilitate integration of the signs with the overall site and building design to create a unified visual statement and provide for flexible application of sign regulations in the design and display of multiple signs. Key provisions will include an entry monument, center and tenant identification signage, traffic and wayfinding signs, building signs, secondary monumentation, and visitor and directional signage.

(8) Utilities (drainage, sewer) — The Project will be required to construct infrastructure improvements per the Development Agreement (File No. PDA18-004) and requirements of the MCCSP. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of underground storm water retention chambers to receive, retain, and treat storm water runoff.

**PUBLIC NOTIFICATION:** Public notification is not be required, as the Development Advisory Board is acting in its capacity as an advisory body to the Planning Commission.

**CORRESPONDENCE:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties

surrounding the project site or from the public in general, regarding the subject application.

**AGENCY/DEPARTMENT REVIEWS:** Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are included with this Decision.

**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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Development Advisory Board, 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 ONT ALUCP.

On August 2, 2022, the City Council of the City of Ontario approved and adopted a Development Code Amendment to establish the Chino Airport ("CNO") Overlay Zoning District ("OZD") and Reference I, Chino Airport Land Use Compatibility Plan ("CNO ALUCP"). The CNO OZD and CNO ALUCP established the Airport Influence Area for Chino Airport, solely within the City of Ontario, and limits future land uses and development within the Airport Influence Area, as they relate to safety, airspace protection, and overflight impacts of current and future airport activity. The CNO ALUCP is consistent with policies and criteria set forth within the Caltrans 2011 California Airport Land Use Planning Handbook. The proposed Project is located within the Airport Influence Area of Chino Airport and was evaluated and found to be consistent with the California Airport Land Use Planning Handbook and the CNO ALUCP. As the recommending body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the CNO ALUCP compatibility factors, including Safety, Airspace Protection, Overflight. As a result, the Development Advisory Board, 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 California Airport Land Use Planning Handbook and the Chino ALUCP.

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

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
- Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in the New Model Colony

(2) Vision.

**Prosperous Economy:**

- Innovative and highly productive industrial areas that set the standards in the region for efficient land use, environmental management, and workforce employment opportunities.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
  - G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.
- Goal G3: Thoroughly informed and connected leaders, staff, public and shareholders.

➤ G 3-6. Monitoring Development and City Master Plans. We monitor development to ensure that it is consistent with City Master Plans (e.g., Water, Parks, Energy, Climate Action Plan, etc.) and The Ontario Plan. The Policy Plan in particular will incorporate changes to Master Plans as they are updated periodically.

(4) Policy Plan (General Plan)

**Land Use Element:**

▪ Goal LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.

➤ LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.

➤ LU-1.3 Adequate Capacity. We require adequate infrastructure and services for all development.

➤ LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

▪ Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.

➤ LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

**Community Economics Element:**

▪ Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

➤ CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

➤ CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.

➤ CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

**Safety Element:**

▪ Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

**Community Design Element:**

▪ Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➤ CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.

➤ CD-1.5 View Corridors. We require all major north-south streets be designed and redeveloped to feature views of the San Gabriel Mountains, which are part of the City's visual identity and a key to geographic orientation. Such views should be free of visual clutter, including billboards and may be enhanced by framing with trees.

▪ Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

➤ CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

- Building volume, massing, and height to provide context-appropriate scale and proportion;
- A true architectural style which is carried out in plan, section, and elevation through all aspects of the building and site design and appropriate for its setting; and

- Exterior building materials that are articulated, high quality, durable, and appropriate for the architectural style.

- CD-2.7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials, and construction techniques.

- CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

- CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

- CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:

- Surface parking: Shade trees, pervious surfaces, urban run-off capture and infiltration, and pedestrian paths to guide users through the parking field;
- Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and
- Garage parking: providing access to single-family residential garages through alley access, recessing garages from the frontage to emphasize front doors or active living spaces.

- CD-2.11 Entry Statements. We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

- CD-2.12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

- CD-2.13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

- Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

- CD-3.3 Complete and Connected Network. We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks, commercial areas, and transit stops) and are designed to maximize safety, comfort, and aesthetics.

- CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

- Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

- CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

- CD-5.2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The Project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan, as the project site is not one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

## **PART 2: RECITALS**

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

WHEREAS, the Merrill Commerce Center Specific Environmental Impact Report (State Clearinghouse No. 2019049079) was certified on February 2, 2021 (hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed; and

WHEREAS, the environmental impacts of this Project were thoroughly analyzed in the Certified EIR, which concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Development Advisory Board (hereinafter referred to as "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 (hereinafter referred to as "ONT ALUCP"), which applies only to jurisdictions within San Bernardino County, and addresses the noise, safety, airspace protection, and overflight impacts of current and future airport activity; and

WHEREAS, the Project is also located within the Airport Influence Area of Chino Airport, pursuant to the Chino Airport Overlay Zoning District (hereinafter referred to as "CNO OZD") and Reference I, Chino Airport Land Use Compatibility Plan (hereinafter referred to as CNO ALUCP) established in the City of Ontario Development Code. As the recommending body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP and CNO ALUCP compatibility factors, including Safety, Airspace Protection, Overflight. As a result, the Development Advisory Board, 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 ONT ALUCP and the CNO ALUCP; and



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

WHEREAS, on November 20, 2023, 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 3: THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND DECIDED 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 Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the DAB finds as follows:

- (1) The environmental impacts of this Project were previously reviewed in conjunction with File Nos. PGPA18-003 and PSP18-001, a General Plan Amendment and Specific Plan for which an Environmental Impact Report (State Clearinghouse No. 2019049079) ("Certified EIR") was adopted by the City Council on February 2, 2021; and
- (2) The previous Certified EIR contains a complete and accurate reporting of the environmental impacts associated with the Project; and
- (3) The previous Certified EIR was completed in compliance with CEQA and the Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines; and
- (4) The previous Certified EIR reflects the independent judgment of the Planning Commission; and
- (5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, and all mitigation measures previously adopted with the Certified EIR, are incorporated herein by this reference.

SECTION 2: Subsequent or Supplemental Environmental Review Not Required. Based on the information presented to the DAB, and the specific findings set forth in Section 1, above, the DAB finds that the preparation of a subsequent or supplemental Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

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

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the 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 Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

SECTION 4: 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, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport

Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. 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.

The Project site is also located within the Airport Influence area of Chino Airport and is consistent with policies and criteria set forth within the 2011 California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. 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 2011 California Airport Land Use Planning Handbook compatibility factors. As a result, the DAB therefore, finds and determines that the Project is consistent with the policies and criteria set forth within the Handbook, subject to conditions.

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the DAB during the above-referenced hearing and upon the facts and information set forth in Parts I (Background and Analysis) and II (Recitals), above, and the determinations set forth in Sections 1 and 3, 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 Industrial land use district of the Policy Plan Land Use Map, and the Merrill Commerce Center Specific Plan 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 Merrill Commerce Center Specific Plan, including standards relative to the particular land use proposed (warehouse), as-well-as building intensity, building and parking setbacks, building height, number of off-street parking and loading spaces, on-site and off-site landscaping, and fences, walls and obstructions; 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 Merrill Commerce Center Specific Plan are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; [iv] the Project will be in harmony with the area in which it is located; and [v] the Project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan, and the Merrill Commerce Center 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 Merrill Commerce Center 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 (warehouse). 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 Merrill Commerce Center 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 Conditions of Approval 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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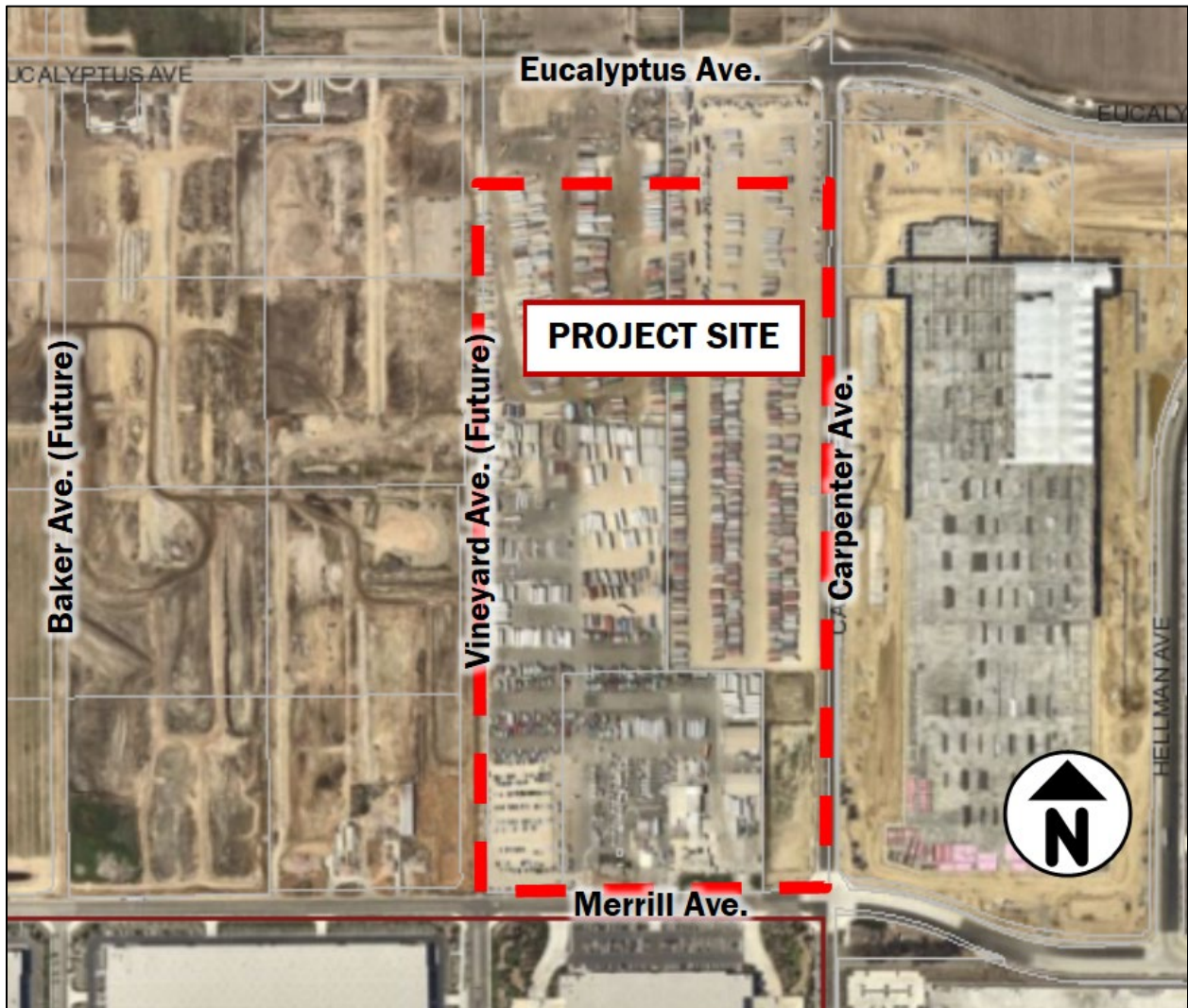
APPROVED AND ADOPTED this 20th day of November 2023.

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Development Advisory Board Chairman



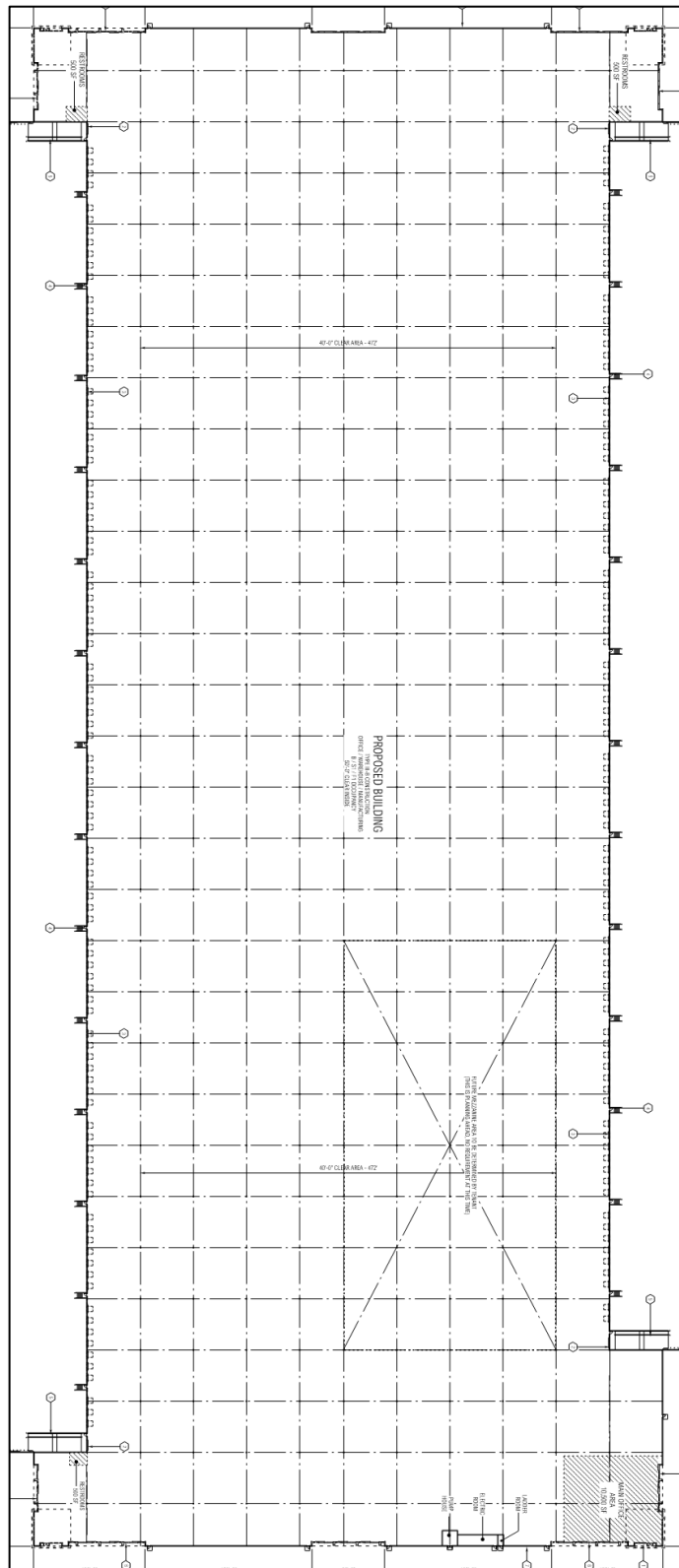
**Exhibit A: PROJECT LOCATION MAP**







**Exhibit C: FLOOR PLAN**



**Exhibit D: ELEVATIONS**



**North Elevation**

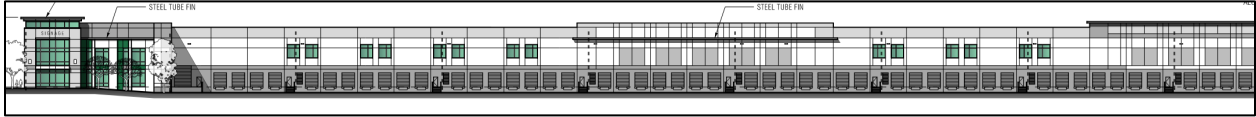


**South Elevation**

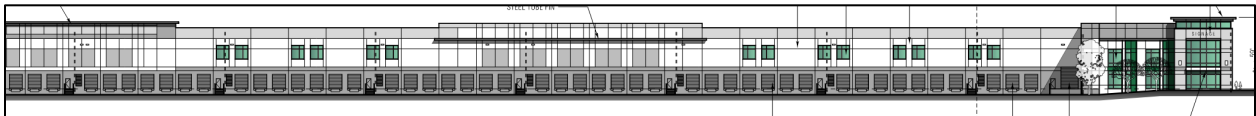


**Enlarged Office Elevation**

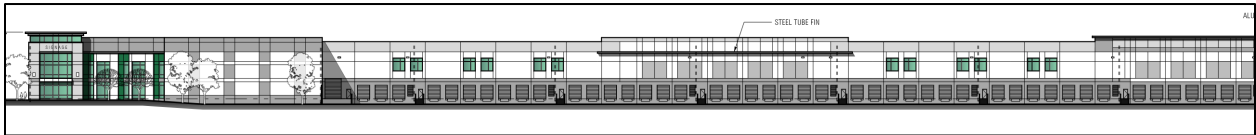
**Exhibit F: ELEVATIONS (CONT.)**



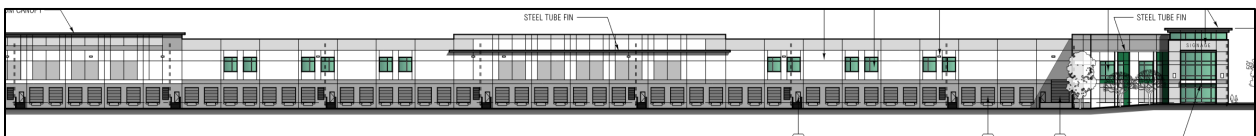
**West Elevation (Left Portion)**



**West Elevation (Right Portion)**



**East Elevation (Left Portion)**



**East Elevation (Right Portion)**

**Exhibit E: SITE PHOTOS**



**View from Eucalyptus Avenue**



**View from Merrill Avenue**







**Attachment A: Conditions of Approval**

*(Conditions of Approval follow this page)*

**Date Prepared:** 10/18/2023

**File No:** PDEV23-015

**Related Files:** PMTT20-010

**Project Description:** A Development Plan to construct one industrial building totaling 1,162,630 square feet on 49.47 acres of land located at 1945 East Merrill Avenue, on the northwest corner of Merrill and Carpenter Avenues, within the Industrial land use district of the Merrill Commerce Center Specific Plan; (APN(s): 1054-511-01 & 1054-511-02); **submitted by Prologis LP.**

**Prepared By:** Edmelynn V. Hutter, Senior Planner  
Phone: 909.395.2429 (direct)  
Email: ehutter@ontarioca.gov

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

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

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

**2.1** Time Limits.

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

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

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

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

**(c)** The 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** Architecture.

**(a)** Exterior building wall materials, roof types and colors shall be shown on development construction drawings.

**(b)** Roof access ladders shall be located on the inside of the building.

**(c)** All building drainage gutters, down spouts, vents, etc., shall be completely concealed from public view or shall be architecturally compatible (decorative) with the exterior building design and color.

**(d)** All tower elements on the building(s) shall be fully walled and finished on all sides and include detailing appropriate to the architectural style proposed, so as to be a fully three-dimensional, four-sided element of the building, to the satisfaction of the Planning Director. The term "tower elements" means architectural elements of the building that are that are substantially taller than the adjacent parapet wall or roof, as determined by the Planning Director.

**(e)** At locations where changes in parapet wall height meet, the taller parapet must return into the building for a minimum distance of 6 FT, so that the actual thickness of the parapet wall cannot be observed or readily discerned.

### **2.4** Landscaping.

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

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

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

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

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

**(a)** Within industrial zoning districts, walls and fences within the front yard building setback area shall not exceed 6 feet in height, with at least 90 percent of the vertical surface open and non-view obstructing and shall be setback a minimum of 5 feet behind the street property line.

**(b)** Long expanses of fence or wall (50 or more FT in length) adjacent to a public right-of-way shall have offset areas (decorative pilasters or a jog in the wall) along its length and shall be architecturally designed to prevent monotony. Construction plans shall include wall plans and details that show compliance with this condition of approval.

**(c)** The height of a wall or fence shall be measured on the exterior side, at the highest point of the natural ground or finished grade at the base of the fence or wall to the top of the fence or wall above the same base point.

**(d)** For gated sites, sufficient area shall be provided in front (exterior side) of vehicular access gates, to allow stacking of at least one tractor/trailer outside of the public street right-of-way.

**(e)** Development plans and construction drawings shall indicate materials, colors, and height of proposed and existing walls/fences and shall include a cross-section of walls/fences indicating adjacent grades. Walls shall be designed as an integral part of the architecture for the development.

**(f)** Walls shall be treated with a graffiti-proof coating at locations visible to the public.

## **2.6** Refuse Storage (Trash Enclosures).

**(a)** All refuse shall be stored in an appropriate container. Furthermore, all refuse containers shall be stored within a City-approved enclosure, which shall be designed so as to be consistent with the building architecture on the project site.

**(b)** The number of enclosures, and their precise locations, dimensions, and design shall be provided consistent with the *Solid Waste Department Refuse and Recycling Planning Manual* (the manual may be obtain online at [http://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/planning\\_manual-2016\\_update.pdf](http://www.ontarioca.gov/sites/default/files/Ontario-Files/Municipal-Utilities-Company/planning_manual-2016_update.pdf)).

**(c)** Signs clearly identifying all recycling and refuse collection areas, and the materials accepted for recycling shall be posted adjacent to all points of access to each trash enclosure.

**(d)** Trash enclosures shall be bordered by a minimum 5-FT wide planter and screened with landscaping on all exposed sides, excluding the side with bin access gates.

**2.7**     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)**     Implementation and operation of access restrictions such as gates and/or barrier arms shall provide proper access to police, fire, emergency services and waste and recycling collection services, subject to City review and approval.

**(g)**     The use of compact parking spaces is not permitted.

**(h)**     Wheel stops shall be provided where necessary, to protect structures and parked vehicles.

**(i)**     Striping of parking spaces, aisles, and driveways conforming to the provisions of Development Code Division 6.03 (Off-Street Parking and Loading), and directional signs conforming to the provisions of Development Code Division 8.01 (Sign Regulations), shall be provided.

**(j)**     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). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

**2.8**     Outdoor Loading and Storage Areas.

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

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

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

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

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

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

**(e)** The development shall maintain a minimum of 47 off-street trailer parking spaces. Dock-high loading zones intended for tractor-trailers shall have a clear dimension of 12 FT wide by 45 FT long. All at-grade loading doors shall have a 12-FT wide by 18-FT deep unobstructed loading zone directly in front of the door, free of access drives.

**(f)** Truck loading and maneuvering areas in front of dock-high loading areas shall require a clear area of 120 FT.

**(g)** Loading areas shall be designed to provide for backing and maneuvering completely on-site, and not from a public street.

**(h)** Loading areas shall not encroach into landscape or building setbacks.

**(i)** All loading doors, areas, and activities shall be completely screened from public view, as well as from public, residential, and commercial uses, whether on the same lot or on neighboring properties, by a decorative masonry wall. Chain link fencing with slats or tennis windscreen material shall not be used as screening for storage areas.

**(j)** The height of screen and wing walls shall be determined by a sight-line analysis/wall section plan. The sight-line analysis/wall section plan shall show that all roll-up doors will be screened from view from adjoining parcels and public streets. The following criteria shall apply:

**(i)** Roll-up doors and openings in the screen wall shall be positioned such that the doors are not visible from the street.

**(ii)** Screening shall include a combination of screen walls, sight-obscuring gates, ornamental landscaping, and/or portions of the building such that the roll-up doors are not visible from the public street.

**(iii)** Upon Planning Department request, a “horizontal height mockup” shall be constructed for review and approval by Planning Department staff to verify adequacy of screen wall height from the freeway and streets. Mockup should be located at the lowest elevation on the site.

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



<b>Screen Wall Height</b>	<b>Minimum Gate Height</b>
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet
8 feet:	8 feet
6 feet:	6 feet

**2.9** 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.

**2.10** Mechanical and Rooftop Equipment.

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

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

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

**2.12** Signs.

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

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

**2.14** Environmental Requirements.

**(a)** The environmental impacts of this project were previously reviewed in conjunction with File No. PSP18-001, a Specific Plan for which the Merrill Commerce Center Specific Plan Environmental Impact Report (State Clearinghouse No. 2019049079) was previously

adopted by the City Council on 2/2/2021. 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)** The Project shall be designed and constructed in compliance with the associated Greenhouse Gas Reduction Measures Screening Table for this Project.

**(c)** 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).

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

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

**2.16** Additional Fees.

**(a)** The Project shall be subject to the Development Impact Fees and required payment timelines stipulated in the associated Development Agreement (PDA18-004).

**(b)** 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 will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

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

**2.17** Public Art. The Project is subject to the requirements of the City's Public Art Ordinance (Ontario Municipal Code Section 5-33.05. Private Art for Public Enjoyment in Commercial and Industrial Development Projects).

**2.18** Final Occupancy. The Project Architect of record will certify that construction of each building site and the exterior elevations of each structure shall be completed in compliance with the approved plans. Any deviation to approved plans shall require a resubmittal to the Planning Department for review and approval prior to construction. The Occupancy Release Request Form/Architect Certificate of Compliance shall be provided prior to final occupancy. After the receipt of this Certification, the Planning Department will conduct a final site and exterior elevations inspection. The Owner's Representative and Contractor shall be present.

**2.19** Additional Requirements.

**(a)** The Development Plan is subject to applicable conditions of approval stipulated in Resolution No. PC21-017 (File No. PMTT20-010: Parcel Map No. 20273).

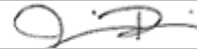
**(b)** Passenger vehicle parking spaces located adjacent to trash enclosures shall be minimum 11 feet wide.

**(c)** The Project requires minimum 591 passenger vehicle parking spaces and provides 547 passenger vehicle parking spaces within the passenger vehicle only parking lots. The remaining 44 parking spaces shall be provided within the truck yard area when required by tenant operations.

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

**CONDITIONS OF APPROVAL**

Sign Off



10/25/2023

Jamie Richardson, Sr. Landscape Architect

Date

Reviewer's Name:

**Jamie Richardson, Sr. Landscape Architect**

Phone:

**(909) 395-2615**

D.A.B. File No.:

PDEV23-015, related PMTT20-010

Case Planner:

Edmelynn Hutter

Project Name and Location:

Merrill Commerce Center Bldg. 11  
 North of Merrill btw Vineyard Ave and Carpenter Ave

Applicant/Representative:

Prologis LP Sam Cho  
 3546 Concourses Street, Suite 100  
 Ontario, CA 91764



**Preliminary Plans (dated 10/3/2023) meet the Standard Conditions for New Development and have been approved considering that the following conditions below be met upon submittal of the landscape construction documents.**



**Preliminary Plans (dated) have not been approved. Corrections noted below are required before Preliminary Landscape Plan approval.**

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

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

**Civil/ Site Plans**

1. Show and identify any on-site stormwater infiltration areas or stormwater infiltration devices proposed in parkways or other landscape areas. Stormwater chamber systems shall be designed at a minimum depth of 5' to not interfere with required tree locations.
2. Show or note transformers shall be in planter areas and set back 3' from paving for small transformers less than 4' high and 5' setback for large transformers greater than 4' high. Locate on level grade. Coordinate with landscape plans. Transformers shall be setback 5' from vehicular paving to avoid bollards.
3. Show or note backflow devices shall be in planter areas and set back min 3' from paving. Locate on level grade. Coordinate with landscape plans. Dimension on conceptual plans.
4. Show light standards 15' away from required tree locations. Locate light standards out of planter areas dedicated to required tree locations; parking lot planters, end island planters, and tree diamonds.
5. Provide an outdoor employee area with places to sit and shade trees or structures. Show on plans.
6. Corners; verify the dimension and grade for any proposed monumentation. Adjacent walls shall not interfere with the required monumentation. Coordinate with landscape plans.
7. Show any monumentation within neighborhood edges; note for maintenance easements if required.
8. DG trails and parkways at corners shall have the trail curve into the sidewalk rather than out to the corner ramp; OK to end parkway landscape before corner utilities.
9. Locate utilities, including light standards, fire hydrants, water, drain, and sewer lines to not conflict with required tree locations—coordinate civil plans with landscape plans.
10. Show corner ramp and sidewalk per city standard drawing 1213 with max 10' or 13' of ramp

and sidewalk behind corners. Show 5' sidewalk and 7' parkway within the right of way or as required by the Engineering dept.

11. Provide landscape calculations required for the site, not including the right of way or paving; coordinate with landscape plans. Calculations shall be consistent with the landscape water budget.
12. Show an outdoor employee break area with a table or bench and shade trees on the south and west sides.

### **Landscape Plans**

13. Show backflow devices with 36" high strappy leaf shrub screening and trash enclosures and transformers, a 4'-5' high evergreen hedge screening. Do not encircle utility; show as masses and duplicate masses in other locations at regular intervals.
14. Locate light standards, fire hydrants, water, and sewer lines to not conflict with required tree locations. Coordinate civil plans with landscape plans
15. Show all utilities on the landscape plans. Coordinate so utilities are clear of tree locations.
16. Show corner ramp and sidewalk per city standard drawing 1213.
17. Show any easements and identify them.
18. Provide landscape calculations required for the site, not including the right of way or paving; coordinate with landscape plans. Calculations shall be consistent with landscape water budget.
19. Call out the type of proposed irrigation system (dripline and pop-up stream spray tree bubblers with PCS). Include preliminary MAWA calcs. Proposed water use must meet the water budget.
20. Show landscape hydrozones on plan or legend with plants per WUCOLS. Moderate water plants may be used for part shade north and east-facing locations, low water plants everywhere else.
21. Designer or developer to provide agronomical soil testing and include a report on landscape construction plans.
22. Show concrete mowstrips to identify property lines along open areas or to separate ownership or between maintenance areas.
23. Show outdoor employee break area with table or bench and shade trees on the south and west sides.
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.



# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**PROJECT ENGINEER:** Miguel Sotomayor, P.E., Senior Associate Engineer (909) 395-2108 <sup>MS</sup>

**PROJECT PLANNER:** Edmelynne Hutter, Senior Planner - (909) 395-2429

**DAB MEETING DATE:** November 20<sup>th</sup>, 2023

**PROJECT NAME/DESCRIPTION:** PDEV23-015 A Development Plan to construct 1 industrial building totaling 1,165,632 square feet on 47.85 acres of land located within the Industrial land use district of the Merrill Commerce Center Specific Plan

**LOCATION:** NEC Merrill Avenue and Vineyard Avenue

**APPLICANT:** Prologis, L.P.

**REVIEWED BY:**   
Raymond Lee, P.E.  
Assistant City Engineer

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

11/9/23  
Date

11-9-23  
Date

THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE LISTED BELOW. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT. SEE ATTACHED EXHIBIT 'A' FOR PLAN CHECK SUBMITTAL REQUIREMENTS.

1. The applicant/developer shall comply with the requirements specified in the Merrill Commerce Center Specific Plan, the Development Agreement (PDA18-004), and the Conditions of Approval for TPM-20273.
2. The applicant/developer shall be responsible to pay all applicable Development Impact Fees (DIF) to the Building Department prior to Building Permit issuance. Storm Drain Development Impact Fee shall be paid to the Building Department. Final fee shall be determined based on the approved site plan.
3. 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>.
  - a. This project is located within the Priority Land Use (PLU) area, which is an area consisting of high-density residential (10 dwelling units per acre or higher), industrial, commercial, mixed urban, and public transportation station land uses and shall comply with the statewide Trash Provisions adopted by the State Water Resources Control Board (SWRCB) and trash requirements in the



most current San Bernardino County Area-Wide MS4 Permit. Certified Trash Treatment/Pretreatment Devices shall be included in the BMP Design and Construction.

4. The Applicant/Developer shall be responsible to design and construct in-fill public street lights and a potential new service as needed along its project frontages. Street lighting shall be LED-type and in accordance with City's Approved Material List LED Luminaires. The Applicant/Developer shall also install smart nodes on all new street light fixtures along project frontage.
5. Driveways onto Vineyard Avenue shall be restricted to right-in right-out access only.
6. Property frontage along Eucalyptus Avenue, Vineyard Avenue, Merrill Avenue, and Carpenter Avenue shall be signed "No Parking or No Stopping Anytime".
7. Please see attached OMUC Conditions of Approval.



# CITY OF ONTARIO MEMORANDUM



**DATE:** November 2, 2023  
**TO:** Miguel Sotomayor, Engineering Department  
**CC:** Edmelynne Hutter, Planning Department  
**FROM:** Eric Woosley, Utilities Engineering  
**SUBJECT:** DPR #2 - Utilities Engineering Conditions of Approval (9625)  
**PROJECT NO.:** PDEV23-015

## BRIEF DESCRIPTION

A Development Plan to construct one industrial building totaling 1,165,632 square feet on 47.85 acres of land located at northwest corner of Merrill Avenue and Carpenter Avenue, within the Industrial land use district of the Merrill Commerce Center Specific Plan (MCC SP). Related File: PMTT20-010 (APNs: 1054-511-01 and 1054-511-02).

## UTILITIES ENGINEERING CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL:** The Ontario Municipal Utilities Company (OMUC) recommends this application for approval subject to the conditions outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards.

1. **Standard Conditions of Approval:** Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017; as well as project-specific conditions/requirements as outlined below.

**Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:**

**General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:**

2. **Inherited Requirements:** This project is subject to all the requirements set forth in the Conditions of Approval of Parcel Map 20273 and the requirements approved in the Development Agreement (PDA18-004) and shall be shown on the Utilities Systems Map. Any conflict in Conditions of Approval, the Conditions for this Project will supersede.
3. **Final Utilities Systems Map (USM):** Submit a Final Utilities Systems Map (USM) as part of the precise grading plan submittal that meets all the City's USM requirements. These requirements include to show and label all existing and proposed utilities (including all appurtenances such as backflow devices, DCDAs, etc.), sizes, points of connection, and any easements. The final utility design shall comply with all Division of Drinking Water (CCR §64572) Separation Requirements. See *Utility Systems Map (USM) Requirements document* for details.
  - a. The proposed utilities, utility alignments, and Public Rights-of-Way (ROW)/Public Utility Easements (PUE) shown on the Conceptual Utilities Systems Map (CUSM) and other Entitlement documents are not considered final and shall be revised during Final Design to meet all City Design Guidelines, Standards, City Requirements, and all the Conditions of Approval contained in this document.
4. **Note the following definitions and concepts for Public Utility Improvements and Private Utility Improvements:** Public Improvements shall be designed per City Public Design Guidelines and City Standards and constructed through a City Encroachment Permit; and Private Onsite Improvements shall be designed per Building Code and Plumbing Code and constructed through a City Building Permit.
  - a. Public Utility Improvements include the following: water main pipelines and sewer main pipelines; sewer laterals connecting to a Public Sewer Main up to the Cleanout (or Manhole) at PL/ROW; water services and connected appurtenances (Meters/Meter Boxes, Fire Hydrants, Airvacs, Blowoffs, etc.) connecting to a Public Water Main per City Standards; and Fire Services connecting to a Public Water Main from the Main up to the DCDA. Public Water Improvements and Public Sewer Improvements are required to be designed and constructed through Public Improvement Plans with Plan View and Profile View per City Standards, Guidelines, and Requirements.

- b. Private Utility Improvements include the following: onsite water plumbing lines after a Public Meter, or after the Fire DCDA and including the DCDA; Backflow Devices and other Cross-Connection Prevention; onsite sewer upstream of the Public Sewer Lateral, including the Cleanout (or Manhole) at PL/ROW/PUE Edge; Monitoring Manholes and other Wastewater Pretreatment Facilities. Private Onsite Utility Improvements are required to be designed and constructed per Building and Plumbing Plans with: the Backflows, DCDAs, Cleanout (or Manhole) at PL/ROW/PUE Edge, and Monitoring Manholes being designed and constructed through a Precise Grading Plan; and, the other Pretreatment Devices (Grease Interceptor, Sand, Oil Interceptors, etc.) and the connections to the buildings and structures through a building Plumbing Plan.
5. Public Utility Easements: Any City of Ontario Public Utilities that will not be installed within the public Right-of-Way (ROW), shall be installed within a Public Utility Easement (PUE) and shall comply with the following requirements (as applicable, these requirements also apply to utilities in Public ROW and Public ROW/PUE combinations):
    - a. The PUE shall be a minimum of 20 feet wide, centered on the utility main contained within it with 10 feet of PUE on each side of each main;
    - b. The PUE shall be a minimum of 10 feet wide, centered on the utility services/laterals contained within it with 5 feet of PUE on each side of each service/lateral;
    - c. The PUE shall be a minimum of 5 feet behind and 5 feet on each side of a water meter box, and 5 feet on each side of water apparatuses (fire hydrants, blowoffs, airvacs, etc.);
    - d. The PUE shall not contain any storm water improvements (infiltration, detention, retention, bioswale, etc.), landscaping with thick or intrusive root structures, or any permanent structures or overhangs of permanent structures;
    - e. The PUE surface shall be designed to allow vehicle access over and along the full length and width of the utility main by any City maintenance vehicle.
  6. Existing Groundwater Wells: Existing groundwater wells shall be abandoned per County of San Bernardino and State of California Requirements prior to grading.

***Sewer Conditions (Section 2.C): The Applicant shall comply with the following:***

Sewer Improvements: Changes have been made to the required public sewer infrastructure. Sewer infrastructure conditions superseding previous conditions inherited by this project are as follows:

- a. An 8-inch sewer main on Merrill Avenue between Carpenter Avenue and the point of connection required for this development.
7. Sewer Laterals: Per City of Ontario Standard Drawing No. 2003:
    - a. Install a sewer lateral connected to the 20-inch sewer main in Carpenter Avenue.
    - b. Install a sewer lateral connected to the 8-inch sewer main in Merrill Avenue.
  8. Monitoring Manhole: Per City of Ontario Standard Drawing Nos. 2201 and 2203:
    - a. Install a monitoring manhole on-site as part of the privately owned and maintained sewer system, upstream of each sewer lateral.
  9. Wastewater Discharge Permit: The Occupant/Applicant shall apply for a Wastewater Discharge Permit for their Establishment, and shall comply will all the requirements of the Wastewater Discharge Permit found at: (<http://www.ontarioca.gov/municipal-utilities-company/utilities/industrial-wastewater-discharge-permit>). Requirements of the Wastewater Discharge Permit may include, but not limited to: Installation of wastewater pretreatment equipment, such as clarifiers. For wastewater permit application questions, please contact: [omucenvironmental@ontarioca.gov](mailto:omucenvironmental@ontarioca.gov)

***Potable Water Conditions (Section 2.D): The Applicant shall comply with the following:***

10. Public Water Improvements: Changes have been made to the required public potable water infrastructure. Potable water infrastructure conditions superseding previous conditions inherited by this project are as follows:
  - a. N/A
11. Fire Hydrants: Install fire hydrants along all frontages connected to the new respective potable water main per City of Ontario Standards. Fire hydrants connected to potable water mains shall be spaced a maximum of 300 feet apart or per Fire Department Standards/Requirements.

12. Fire Service with Fire System Double Check Detector Assembly (DCDA): Per City of Ontario Standard Drawing No. 4208:
  - a. Install two (2) fire services each equipped with a DCDA. Install one (1) connected to the new 16-inch water main in Vineyard Avenue, and one (1) connected to the new 12-inch water main in Merrill Avenue. The on-site fire system downstream of the DCDA's shall be designed as a looped fire system.
13. Water Service with Meter and Backflow Prevention Assembly Reduced Pressure Device: Install a water service and meter connected to the respective potable water main per City of Ontario Standards. The water service shall be equipped with a backflow prevention device. The water meter shall be located within the ROW:
  - a. Building 11 shall connect to the new 16-inch potable water main in Vineyard Avenue as required for this development.
14. Phase 2 Water Improvements: Phase 2 Water Improvement payments shall be made by the Owner as described in the Development Agreement (DA18-004).

***Recycled Water Conditions (Section 2.E): The Applicant shall comply with the following:***

15. Public Recycled Water Improvements: Changes have been made to the required public recycled water infrastructure. Recycled water infrastructure conditions superseding previous conditions inherited by this project are as follows:
  - a. A 12-inch recycled water main on Merrill Avenue between Carpenter Avenue and Vineyard Avenue; connected to the existing 12-inch recycled water main in Merrill Avenue west of Carpenter Avenue.
16. City Ordinance 2689: This development shall comply with City Ordinance 2689 and make use of recycled water for all approved uses, including but not limited to landscaping irrigation. This includes:
  - a. Separate recycled water irrigation service and meter for each building's private landscape areas.
  - b. Separate recycled water irrigation services for the City maintained neighborhood edges and medians.
17. Recycled Water Irrigation Service and Meter: Install a separate recycled water irrigation service with a meter for each building connected to the respective recycled water main per City of Ontario Standards. The irrigation meter shall be located within the ROW:
  - a. Building 11 shall connect to the new 8-inch and 16-inch recycled water mains in Vineyard Avenue and Carpenter Avenue, respectively.
18. Engineering Report: Submit one (1) electronic copy, in PDF format, of the Engineering Report (ER), for the use of recycled water to OMUC's Water Quality Programs at [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) for review and subsequent submittal to the California State Water Board (Division of Drinking Water) for final approval. Note: Review and approval process may take up to three (3) months. Contact the OMUC's Water Quality Programs at (909) 395-2678 or email [OMUCWQPlanCheck@ontarioca.gov](mailto:OMUCWQPlanCheck@ontarioca.gov) regarding this requirement.

***Recycled Water Conditions (Section 3): The Applicant shall comply with the following:***

19. Recycled Water Requirements: Complete all requirements for recycled water usage.
  - a. 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.
  - b. 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.
  - c. Complete education training of on-site personnel in the use of recycled water, in accordance with the ER, upon availability/usage of recycled water.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Edmelynne Hutter, Senior Planner  
Planning Department

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

**DATE:** July 11, 2023

**SUBJECT:** PDEV23-015 - A Development Plan to construct 1 industrial building totaling 1,165,632 square feet on 47.85 acres of land located at the northeast corner of Merrill Avenue and Carpenter Avenue, within the Industrial land use district of the Merrill Commerce Center Specific Plan (APN(s): 1054-511-01; 1054-511-02). Related File(s): PMTT20-010.

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

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

- A. 2019 CBC Type of Construction: Type III-B
- B. Type of Roof Materials: Panelized
- C. Ground Floor Area(s): 1,047,630 Sq. Ft.
- D. Number of Stories: 1 w/ Mezzanine
- E. Total Square Footage: 1,162,630 Sq. Ft.
- F. 2019 CBC Occupancy Classification(s): B/ S-1, F-1

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

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



### 3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 4000 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### 4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and locations(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 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.
- ☒ 4.5 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.
- ☒ 6.2 Any High Piled Storage, or storage of combustible materials greater than twelve (12') feet in height for ordinary (Class I-IV) commodities or storage greater than six feet (6') in height of high hazard (Group A plastics, rubber tires, flammable liquids, etc.) shall be approved by the Fire Department, and adequate fire protection features shall be required. If High Piled Storage is proposed, a Fire Department High Piled Storage Worksheet shall be completed and detailed racking plans or floor plans submitted prior to occupancy of the building.
- ☒ 6.3 Underground fuel tanks, their associated piping and dispensers shall be reviewed, approved, and permitted by Ontario Building Department, Ontario Fire Department, and San Bernardino County Fire Department Hazardous Materials Division. In fueling facilities, an exterior emergency pump shut-off switch shall be provided.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Edmelynn Hutter, Senior Planner

**FROM:** Heather Lugo, MA, Police Department

**DATE:** July 10, 2023

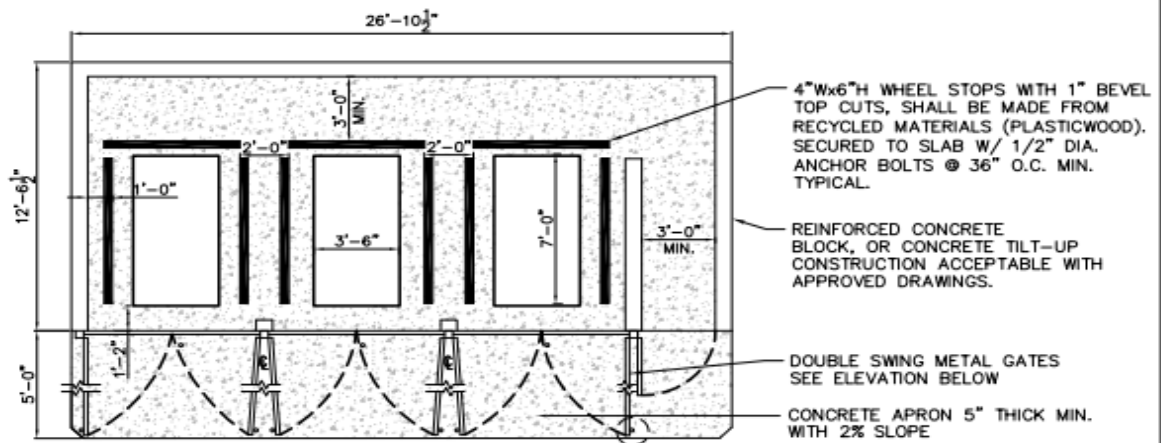
**SUBJECT:** PDEV23-015 - A Development Plan to construct 1 industrial building totaling 1,165,632 square feet on 47.85 acres of land located at the northeast corner of Merrill Avenue and Carpenter Avenue, within the Industrial land use district of the Merrill Commerce Center Specific Plan (APN(s): 1054-511-01; 1054-511-02). Related File(s): PMTT20-010.

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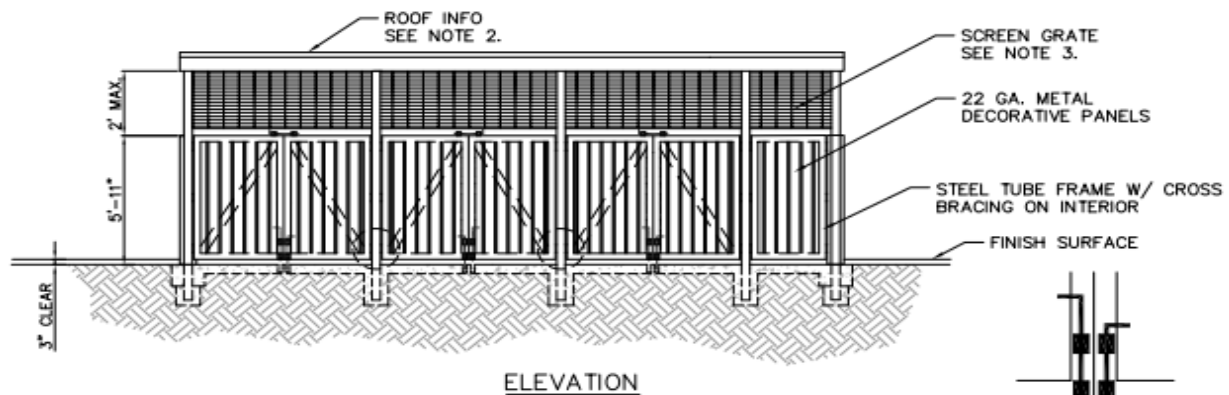
The “Standard Conditions of Approval” contained in Resolution No. 2017-027 apply. The applicant shall read and be thoroughly familiar with these conditions, including, but not limited to, the requirements below.

- Required lighting for all walkways, driveways, doorways, parking lots, hallways and other areas used by the public shall be provided. Lights shall operate via photosensor. Photometrics shall be provided to the Police Department and include the types of fixtures proposed and demonstrate that such fixtures meet the vandal-resistant requirement. Planned landscaping shall not obstruct lighting.
- Rooftop addresses shall be installed on the buildings as stated in the Standard Conditions. The numbers shall be at a minimum 6 feet tall and 2 foot wide, in reflective white paint on a flat black background, and oriented with the bottom of the numbers towards the addressed street. Associated letters shall also be included.
- The Applicant shall comply with construction site security requirements as stated in the Standard Conditions.
- The Applicant 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 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.
- All exterior electrical outlets shall be secured and locked.
- All exterior water spigots / water supply sources shall be secured and locked.
- Trash enclosure shall be fully secured/enclosed by locks, mesh, and screen grate to reduce crime and encampment opportunities for homeless persons.

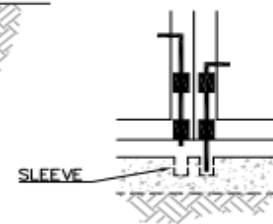
The Applicant is invited to contact Heather Lugo at (909) 408-1074 with any questions or concerns regarding these conditions.



PLAN VIEW



ELEVATION



SLEEVE DETAIL

NOTES:

- ① THIS DRAWING SERVES AS A GUIDELINE TO THE TRASH ENCLOSURE BIN LAYOUT. PLANS MUST BE SUBMITTED TO THE BUILDING DEPARTMENT FOR REVIEW AND APPROVAL TO MEET CURRENT BUILDING CODES.
- ② SOLID ROOF TO MEET ARCHITECTURAL AND STRUCTURAL DESIGN CRITERIA FROM PLANNING AND BUILDING DEPARTMENTS.
- ③ TRASH ENCLOSURE SHALL BE FULLY SECURED/ENCLOSED BY LOCKS, MESH, AND SCREEN GRATE.

CITY OF ONTARIO - INTEGRATED WASTE DEPARTMENT

EXAMPLE 1

COMMERCIAL/INDUSTRIAL REFUSE, RECYCLING AND ORGANICS ENCLOSURE (THREE 4-6 CU. YD. BINS)

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV23-015

Address: 1945 East Merrill Avenue

APN: 1054-511-01 & 1054-511-02

Existing Land Use: Vacant

Proposed Land Use: Development Plan to construct one industrial building totaling 1,165,630 square feet

Site Acreage: 49.47 Proposed Structure Height: 60 FT

ONT-IAC Project Review: n/a

Airport Influence Area: ONT & Chino

Reviewed By: Lorena Mejia

Contact Info: 909-395-2276

Project Planner: Edmelynn Hutter

Date: 11/13/2023

CD No.: 2023-007

PALU No.: n/a

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

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

The project is located within Chino Airport Influence Area and Safety Zone 6, and is consistent with policies and criteria set forth within Reference I, Chino Airport Land Use Compatibility Plan. See attached Conditions

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

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2023-007  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

1. The project will need to provide a minimum of 4.9 acres of open land and 6.1 acres of open land has been provided.
2. The attached open land exhibit identifies the interior truck yard as an acceptable location for meeting the open land requirements. The area within the truck yard designated for open land shall be remain free of permanent structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
3. Project is located within Safety Zone 6 and above ground storage of hazardous materials greater than 6,000 gallons is not allowed.
4. The project site is located within an area where 110-135 foot building heights are allowed. Allowable building heights gradually increase from the northeast to the southwest corner of the project site. Given its close proximity to Chino Airport the applicant will be required to file for an FAA Obstruction Evaluation/Airport Airspace Analysis (FAA Form 7460-1) for any temporary construction equipment such as cranes and receive a Determination of No Hazard for any temporary structures/objects that are over 100 feet in height.
5. The planting palette will need to include tree species that will not grow to a mature height that would create future hazards to aircraft in flight and shall have a mature height of no more than 100 feet in height.
6. Attached is the land use intensity calculation for the proposed building. Future land uses that deviate from what is currently being approved must meet the policies and criteria of the Chino Airport Overlay Zoning District and Reference I, Chino Airport Land Use Compatibility Plan and receive Planning Department approval prior to issuance of any business license.





3546 CONOURS STREET  
SUITE 100  
PHONE: 949-836-0692  
CONTACT: JOHN CARTER  
jcarter@prologis.com

CD	BD	PC	DD	SD	MARK	DATE	DESCRIPTION

RG&A PROJECT NO: 2305-00  
OWNER PROJECT NO: 0000.00  
CAD FILE NAME: 2305-00-A1-1P  
DRAWN BY: MG  
CHK'D BY: CS  
COPYRIGHT  
RG&A, OFFICE OF ARCHITECTURAL DESIGN  
SHEET TITLE

SITE PLAN

**PROJECT DATA**

PROJECT ZONING	B (GENERAL INDUSTRIAL)
PROJECT SITE AREA	2,155,107 SF 49.47 AC
BUILDING AREA	1,047,630 SF
OFFICE MEZZANINE	15,000 SF
PICK MOD MEZZANINE	100,000 SF
TOTAL BUILDING AREA	1,162,630 SF
TOTAL PROJECT LOT COVERAGE	48.61 %
TOTAL PROJECT F.A.R.	53.95 %
PARKING REQUIRED:	
30,000 SF OFFICE @ 1/250 SF	120 STALLS
1 TO 20,000 SF (1/1,000 SF)	20 STALLS
20,000 SF AND ABOVE (1/2,000 SF)	506 STALLS
TOTAL STALLS REQUIRED	646 STALLS
PARKING PROVIDED:	
STANDARD STALLS	504 STALLS
BEARDED ACCESS STALLS	12 STALLS
EV PARKING STALLS (INFRASTRUCTURE ONLY)	97 STALLS
EV PARKING STALLS (CHARGING STALLS)	33 STALLS
TOTAL STALLS PROVIDED	646 STALLS
BICYCLE PARKING	
BICYCLE PARKING STALLS 5% OF MOTORIZED VEHICLES (CALGREEN)	33 STALLS
1-BICYCLE STALL SHALL BE DESIGNATED FOR LONG TERM PARKING	2 STALLS
TOTAL BICYCLE STALLS REQUIRED	35 STALLS
TOTAL BICYCLE STALLS PROVIDED	8 STALLS
REQUIRED TRAILER PARKING: (1 TRAILER PER 4 DOCK DOORS)	78 TRAILERS
PROVIDED TRAILER PARKING:	231 TRAILERS
REQUIRED SITE LANDSCAPE AREA:	215,511 SF / 10.0 %
PROVIDED SITE LANDSCAPE AREA:	247,424 SF OR 11.48 %

**ZONING INFORMATION**

OFFICE/ WAREHOUSE  
CONSTRUCTION TYPE  
OCCUPANCY  
ZONE  
SPECIFIC PLAN AREA  
AIRPORT INFLUENCE AREA

B/S-1/J-1  
I - INDUSTRIAL, MERRILL COMMERCE CENTER (SP)  
PA-1, PA-2  
ZONE D

**DEVELOPER / OWNER:**  
PROLOGIS LP  
3546 CONOURS STREET, SUITE 100  
IRVINE, CA 92618  
CONTACT: JOHN CARTER  
EMAIL: jcarter@prologis.com

**PREPARED BY:**  
RG&A, OFFICE OF ARCHITECTURAL DESIGN  
15231 ALTON PARKWAY, SUITE 100  
IRVINE, CA 92618  
CONTACT: MIKE GILL  
EMAIL: mgill@rga-architects.com

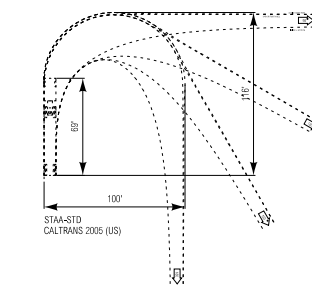
**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ONTARIO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:  
ALL OF PARCEL 11, AS SHOWN ON PARCEL MAP NO. 20273, RECORDED IN BOOK 258 OF PARCELS MAPS, PAGES 18 THROUGH 27, INCLUSIVE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND STATE  
CONTAINING 49.47 ACRES, MORE OR LESS

**KEYNOTES:**

- PROPOSED PAINTED CONCRETE TILT-UP 4' CLEAR INDUSTRIAL BUILDING.
- TYPICAL PARKING STALL - 9' X 18'. MAY BE REDUCED TO 9' X 16' W/ 2'-0" OVERHANG. STRIPING PER CITY STANDARDS.
- TYPICAL EV PARKING STALL - 9' X 18'. MAY BE REDUCED TO 9' X 16' W/ 2'-0" OVERHANG. STRIPING PER CITY STANDARDS.
- CONCRETE YARD W/ GRADE LEVEL TRUCK DOORS.
- FULLY IRRIGATED LANDSCAPE AREA BOUNDED BY 6" CONCRETE CURB - SEE CONCEPT LANDSCAPE PLAN.
- PRIMARY BUILDING ENTRANCE W/ DECORATIVE CONCRETE ENTRY WALK.
- LOCATION OF TRASH AND COMPACTORS.
- NEW 14'-0" HIGH CONCRETE SCREENWALL, PAINTED TO MATCH THE BUILDING.
- PROPERTY LINES.
- PROPOSED TRANSFORMER LOCATION.
- 12' X 53' TRUCK TRAILER PARKING AREA.
- NEW ADA ACCESSIBLE PARKING STALLS. 9' X 18'-0".
- DASHED LINE INDICATES: NEW 5'-0" WIDE SURFACE WALK, ACCESSIBLE PATH OF TRAVEL FROM PUBLIC SIDEWALK & PARKING STALLS TO PRIMARY BUILDING ENTRANCE - CONSTRUCT NEW CONCRETE SIDEWALK. MAX SLOPE OF SURFACE WALK IN THE DIRECTION OF TRAVEL 4.9%. MAX CROSS SLOPE 2%.
- PROVIDE ENHANCED DECORATIVE PAVING AT DRIVEWAY APPROACH WITH 2'-0" WIDE SMOOTH CONCRETE BAND.
- PROPOSED DRIVEWAYS PER CITY STANDARDS.
- PROPOSED STREET LIGHTS PER CITY STANDARDS.
- PROPOSED CURB GUTTER PER CITY STANDARD.
- PROPOSED ON-SITE FIRE HYDRANT LOCATIONS.
- PATIO AREA WITH SEATING. SEE CANOPY DESIGN AND PHOTOS ON SHEET A1-2
- ALL UTILITY STRUCTURES SUCH AS TRANSFORMERS AND BACK FLOW DEVICES SHALL BE SCREENED BY LANDSCAPE. SEE LANDSCAPE PLAN.
- CONCRETE LANDING AND BICYCLE RACK FOR BIKES. SEE PROJECT DATA FOR SPACES REQUIRED.
- LONG TERM MOUNTED BICYCLE RACK. (NOTE LONG TERM RACK TO BE INSTALLED ADJACENT TO ELECTRICAL ROOM TO COMPLY WITH CALGREEN). SEE PROJECT DATA FOR SPACES REQUIRED.

**TRUCK TURNING DIAGRAM**

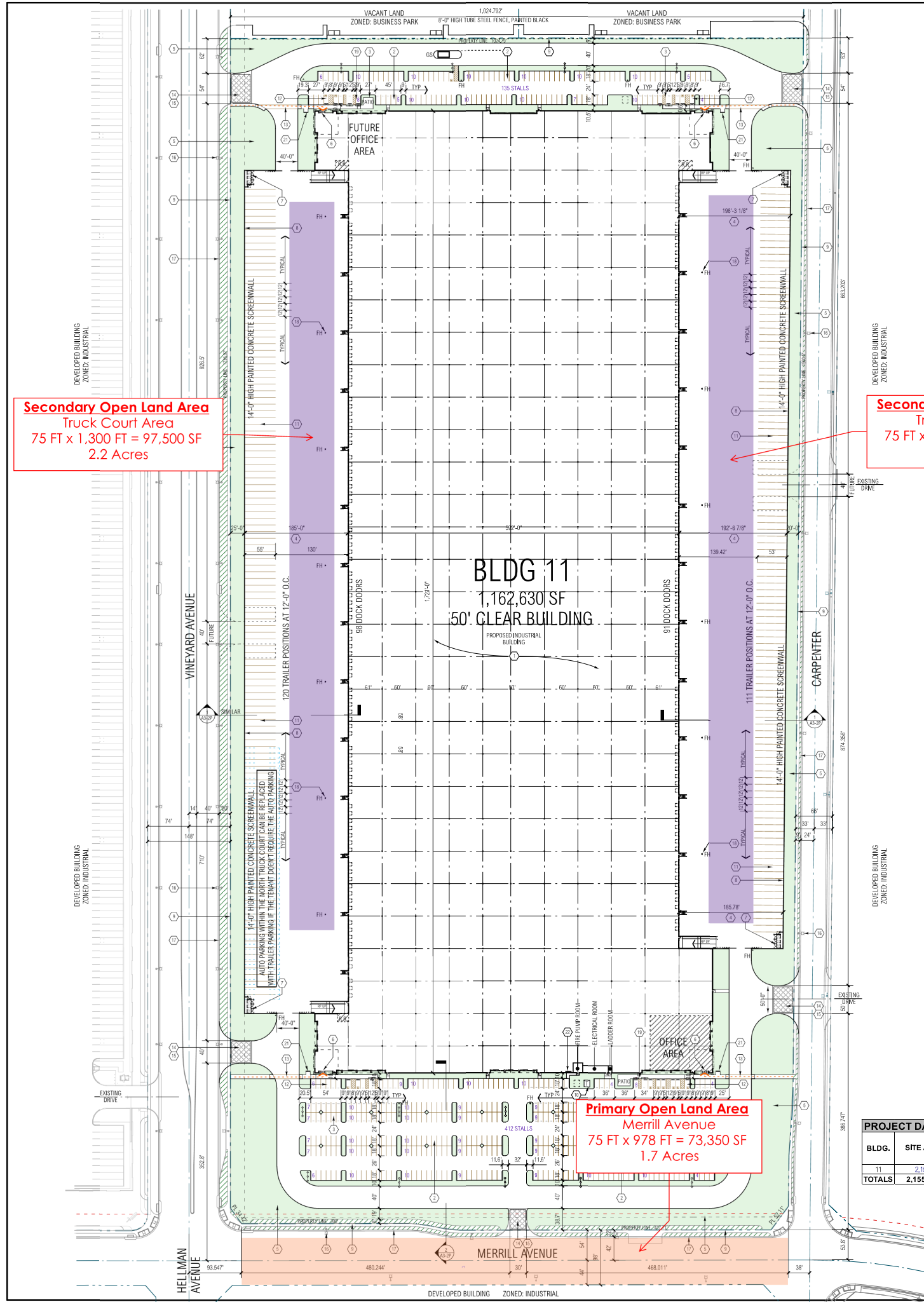


**VICINITY MAP**



**GENERAL NOTES:**

- EXISTING CONSTRUCTION SITE DEBRIS TO BE REMOVED.
- THE SITE CURRENTLY SLOPES +/- 2%.
- NO SIGNS ARE PROPOSED WITH THIS APPLICATION PACKAGE.
- ALL PROPOSED NEW ON-SITE UTILITY SERVICES SHALL BE UNDERGROUND.
- DRIVEWAYS SHALL BE CONSTRUCTED PER CITY STANDARD PLAN.
- DAMAGED SECTIONS OF CURB & GUTTER ALONG PUBLIC RIGHT OF WAY SHALL BE REPAIRED.
- SITE PLAN SHALL MEET ALL ENGINEERING AND NPDES REQUIREMENTS.
- ALL EXTERIOR LIGHT SHALL BE A 1 FC MIN.
- ALL BACKFLOW DEVICES SHALL HAVE A SECURE LOCKABLE CAGE AROUND IT.
- SLOPES GREATER THAN 2% WILL REQUIRE JUTE NETTING WITH GROUND COVER.
- ALL OUT SWINGING DOORS TO HAVE NON-REMOVABLE HINGE PINS.



**Secondary Open Land Area**  
Truck Court Area  
75 FT x 1,300 FT = 97,500 SF  
2.2 Acres

**Secondary Open Land Area**  
Truck Court Area  
75 FT x 1,300 FT = 97,500 SF  
2.2 Acres

**Safety Zone Open Land Calculations**  
Project Site within Safety Zone 6 = 49.47 acres  
10% Open Land required = 4.9 acres  
Total Open Land Provided = 6.1 acres

**MASTER PROJECT PARKING DATA - REQUIRED PARKING**

BLDG.	LOT	OFFICE AREA	WAREHOUSE AREA	USABLE BLDG. AREA	OFFICE PARKING (1/250)	WAREHOUSE PARKING 1+ 20,000 SF (1/1000)	WAREHOUSE PARKING 20,001 SF (1/2000)	TOTAL REQUIRED PARKING	TOTAL PROVIDED PARKING	TOTAL REQUIRED TRAILER PARKING	TOTAL PROVIDED TRAILERS
11		30,000 SF	1,022,630 SF	1,062,630 SF	120 STALLS	20 STALLS	506 STALLS	646 STALLS	646 STALLS	48 STALLS	232 STALLS
<b>TOTALS</b>		<b>30,000 SF</b>	<b>1,032,630 SF</b>	<b>1,062,630 SF</b>	<b>120 STALLS</b>	<b>20 STALLS</b>	<b>506 STALLS</b>	<b>646 STALLS</b>	<b>646 STALLS</b>	<b>48 STALLS</b>	<b>232 STALLS</b>

**PROJECT DATA**

BLDG.	SITE AREA	OFFICE MEZZ AREA	PICK MOD MEZZ AREA	FTP AREA	G.F.A.	COVERAGE	TRUCK DOORS PROVIDED	TRAILER PARKING PROVIDED	TOTAL PROVIDED PARKING	LANDSCAPE PROVIDED	LANDSCAPE PRECENTAGE	BUILDING INTERIOR CLEAR HEIGHT
11	2,155,107 SF	49.47 AC	15,000 SF	100,000 SF	1,047,630 SF	53.95%	189 DOORS	231 STALLS	646 STALLS	247,424 SF	11.48%	40 FEET
<b>TOTALS</b>	<b>2,155,107 SF</b>	<b>49.47 AC</b>	<b>15,000 SF</b>	<b>100,000 SF</b>	<b>1,047,630 SF</b>	<b>53.95%</b>	<b>189 DOORS</b>	<b>231 STALLS</b>	<b>646 STALLS</b>	<b>247,424 SF</b>	<b>11.48%</b>	

**SITE PLAN**  
SCALE: 1" = 80'-0"



## Intensity Calculations for PDEV23-015

CD No. 2023-007

Proposed Land Use	Land Use SF	Acreage	Safety Zone	ALUCP Load Factor	ALUCP Load Factor	Land Use SF	ALUCP Load Factor
Warehouse	1,147,630		6	1,000	<b>1148</b>	<b>36,060</b>	<b>36</b>
Office	15,000		6	215	<b>70</b>	<b>7,500</b>	<b>35</b>
<b>Totals</b>	<b>1,162,630</b>	<b>49.47</b>			<b>25</b>		<b>71</b>
				<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 2px solid black; padding: 5px; background-color: #003366; color: white; text-align: center;"> <b>Sitewide Average Calculation</b>   <span style="font-size: 1.5em; font-weight: bold;">25</span> </div> <div style="border: 2px solid black; padding: 5px; background-color: #660066; color: white; text-align: center;"> <b>Single Acre Intensity Calculation</b>   <span style="font-size: 1.5em; font-weight: bold;">71</span> </div> </div>			
<p><b>Site Wide Average Calculation</b> is for Zone 6. Chino criteria for Zone 6 allows a maximum of 300 people. The proposed project would generate a site wide average of 25 people as indicated in the calculations above.</p>							
<p><b>Single Acre Intensity Calculation</b> is for Zone 6. Chino single acre criteria for Zone 6 allows a maximum of 1,200 people. The proposed project would generate a single acre intensity of 71 people as indicated in the above calculations.</p>							



# DEVELOPMENT ADVISORY BOARD DECISION

November 20, 2023

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

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

**FILE NO.:** PDEV23-038

**DESCRIPTION:** A Development Plan to modify File No. PDEV22-014, to increase the height of Building B from 5 to 6 stories, increase building square footage from 221,730 to 387,598 square feet, and increase the unit count from 112 to 201 units, located on 2.37 acres of land located at 4000 Ontario Center Parkway, within the Mixed-Use land use district of the Piemonte Overlay at the Ontario Center Specific Plan, Subarea 17 (APN: 0210-205-01); **submitted by Adept Development. Planning Commission action is required.**

## PART 1: BACKGROUND & ANALYSIS

ADEPT DEVELOPMENT, (herein after referred to as "Applicant") has filed an application requesting approval of a Development Plan Modification, File No. PDEV23-038, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

**PROJECT SETTING:** The project site is comprised of 2.37 acres of land located at 4000 Ontario Center Parkway and is depicted in Exhibit A: Project Location Map, attached. Existing land uses, Policy Plan (general plan) and zoning designations, and specific plan land uses on and surrounding the project site are as follows:

	<b>Existing Land Use</b>	<b>Policy Plan Land Use Designation</b>	<b>Zoning Designation</b>	<b>Specific Plan Land Use Designation</b>
Site:	Parking Lot	Mixed-Use	Piemonte Overlay at Ontario Center Specific Plan	Mixed Use
North:	Parking Lot	Mixed-Use	Piemonte Overlay at Ontario Center Specific Plan	Mixed Use
South:	Commercial	Mixed-Use	Ontario Center Specific Plan	Garden Commercial, Open Space
East:	Commercial	Mixed-Use	Ontario Center Specific Plan	Garden Commercial
West:	Parking Lot	Mixed-Use	Piemonte Overlay at Ontario Center Specific Plan	Mixed Use

## PROJECT ANALYSIS:

(1) Background — In 2006, the City Council approved the creation of the Piemonte Overlay at The Ontario Center Specific Plan ("Piemonte Overlay"), within the Urban Commercial land use district of The Ontario Center Specific Plan, establishing a master plan for the development of approximately 1.3 million square feet of retail, office, hotel, and entertainment uses, and more than 800 multiple-family dwelling units on the 84-acre overlay site. Several Specific Plan Amendments have been approved for the Piemonte Overlay, modifying development intensities, parking requirements, architectural guidelines, and land use designations. The most recent Specific Plan Amendment, File No. PSPA21-001, was approved by the City Council on April 19, 2022, and involved expanding the overlay boundary, adding the Mixed-Use land use designation, and establishing design guidelines for mixed-use projects.

On July 28, 2022, the Planning Commission approved File No. PDEV22-014, a Development Plan to construct a mixed-use project including four mixed-use buildings totaling 63,665 square feet of commercial space and 694 multiple-family dwelling units on 13.3 acres of land. Under File No. PDEV22-014, Building B was approved as a 221,730 square-foot, 5-story building with 112 multiple-family dwelling units, 21,770 square feet of commercial space, and 198 passenger vehicle parking spaces. The ground level of the building included residential parking, commercial spaces, and the lobby and leasing office for the residential apartment complex. The second level contained residential units and common recreational amenities such as swimming pool, landscape areas, outdoor seating areas and shade canopies. The remaining third, fourth and fifth floors contained the remaining residential units, which were configured as an "L" shaped building.

On October 10, 2023, the Applicant submitted an application, File No. PDEV23-038, a request to revise the previously approved Development Plan (File No. PDEV22-014) to modify Building B by increasing the building height, building square footage, unit count, and the number of parking spaces.

(2) Site Design/Building Layout — The Project proposes a 6-story, mixed-use building and is similar to the previously approved Building B, in that commercial spaces for restaurant, retail and office uses are proposed at the ground floor, along the north and the west sides. The main lobby for the apartment complex is located at the northeast portion of the ground floor and includes a leasing office, mailbox area and elevators. Passenger vehicle parking is located in the interior ground floor area. The second level includes residential units and podium space with common recreational amenities for apartment residents. The remaining four floors rise above the common open space area and contain most of the residential units.

The proposed modifications for Building B include separating the "L" shaped apartment building into separate buildings. Portions of the residential buildings will project beyond the ground floor level, creating covered areas on the pedestrian plaza. Other changes include expanding the building footprint further west, closer to the existing main drive

entry for the Arena building and adding a semi-subterranean parking level below the original ground level parking. See Exhibit B: Site Plan.

(3) Site Access/Circulation — Vehicular access to Building B is provided by two driveways on the east and south portions of the building, along Concours Street. One driveway is located at the Ferrari Lane intersection and the other driveway is also located on Concours Street, approximately 500 feet west of the Ferrari Lane. The driveway at Ferrari Lane will access the ground-floor parking level and second driveway further west will access the semi-subterranean parking level. The two parking levels are connected internally with a central ramp.

The ground level parking provides access to the pedestrian plaza via an opening near the northwest corner of the parking level. Pedestrian access to the residential, commercial and office spaces will be provided along the north and west sides of the building. Concours Street does not provide direct pedestrian access to the building because the parking levels are located along this street frontage.

(4) Parking — The Project is required to provide a minimum 251 assigned, residential parking spaces. Mixed-Use land use areas in the Piemonte Overlay allows commercial, retail, and restaurant parking to be provided off-site within public parking areas. The number of off-street parking spaces provided on-site exceeds the minimum parking requirement for the Project. The Project provides 368 total parking spaces and includes 77 residential tandem parking spaces. The off-street parking calculations for the Project are summarized in the table below:

**Table 1: Parking Requirements**

<b>Building</b>	<b>Type of Use</b>	<b>Dwelling Units</b>	<b>Parking Ratio</b>	<b>Spaces Required</b>	<b>Spaces Provided</b>
Building B	Studio	50	1 space per Unit	50	368
	1-Bedroom	85	1 space per Unit	85	
	2-Bedroom	66	1.75 spaces per Unit	116	
<b>TOTAL</b>		<b>201</b>		<b>251</b>	<b>368</b>

Although not required by the Piemonte Overlay, the project provides a surplus 117 parking spaces, which will be available to visitors, including residential guests and patrons of the commercial businesses in the mixed-use development.

(5) Architecture — The Project's architectural style is compatible with the previously approved designs. The Project has a contemporary architectural style, utilizing linear and curvilinear forms with colors typically seen in natural landscapes, including green, sand, tan and gray (see Exhibit D: Elevations). The building elevations use combinations of color blocking, textures, materials, height, changes in wall planes, and projections to create a highly dynamic mixed-use development. Proposed building materials include products such as painted corrugated metal, stucco, glass railings, travertine, perforated metal



panels, metal louvers, and textured concrete. The mix of textures, colors and materials are arranged in various patterns that highlight the building's vertical height and changes in building facades. The building height was increased by one floor level and is now proposed to be at most 85 feet in height, including the elevator appurtenance and semi-subterranean parking.

(6) Landscaping — The Project proposes landscaping in the plaza area and in the residential common open space areas with a plant palette consisting of combinations of ground covers, shrubs, and tree species, including olive, oak, and palo verde. As conditioned, the Applicant will submit landscape plans that show plant placement, irrigation and installation details that demonstrate environments for successful plant growth.

(7) Signage — All future signage will be subject to review and approval of a comprehensive sign program for the Specific Plan area. A sign program will facilitate integration of the signs with the overall site and building design to create a unified visual statement and provide for flexible application of sign regulations in the design and display of multiple signs. Key provisions will include an entry monument, center and tenant identification signage, digital signs, traffic and wayfinding signs, building signs, secondary monumentation, and visitor and directional signage.

(8) Utilities (drainage, sewer) — The Project will be required to construct infrastructure improvements per the associated Development Agreements and requirements of the Piemonte Overlay at the Ontario Center Specific Plan. Furthermore, the Applicant has submitted a Preliminary Water Quality Management Plan ("PWQMP"), which establishes the Project's compliance with storm water discharge/water quality requirements. The PWQMP includes site design measures that capture runoff and pollutant transport by minimizing impervious surfaces and maximizes low impact development ("LID") best management practices ("BMPs"), such as retention and infiltration, biotreatment, and evapotranspiration. The PWQMP proposes the use of underground storm water retention chambers to receive, retain, and treat storm water runoff.

(9) Piemonte Overlay Development Intensity — The Project is located within Subarea 17 of the Piemonte Overlay at Ontario Center Specific Plan (see Exhibit E: Piemonte Overlay Subarea Map) and was originally approved with 112 dwelling units and 21,770 square feet of commercial space.

Subarea 13, located on the southeast corner of Fourth Street and Via Piemonte, is owned by the City of Ontario. The Piemonte Overlay currently anticipates 115,000 square feet of mixed-use, according to Table 2.2 of the Piemonte Overlay. The City is currently anticipating that this area will be developed with a City-owned parking structure and no commercial space or residential units.

In accordance with Section 2.2.2.1 of the Piemonte Overlay, non-residential square footage may be converted to dwelling units at a ratio of 1 dwelling unit for every 600 non-residential square feet. Therefore, Subarea 13 has the dwelling unit equivalency of

191 units. The Project proposes to capture a portion of Subarea 13's development capacity in the form of transferring 89 units to Subarea 17 (Building B). As a result, Subarea 13 would have 102 dwelling units (or 61,200 commercial square feet) remaining in its development capacity.

Negligible impacts are anticipated as a result of the 89 unit increase in Building B, in that impacts to current and future traffic conditions and infrastructure and services demands are still within the parameters identified in the Piemonte Overlay.

**PUBLIC NOTIFICATION:** Public notification is not be required, as the Development Advisory Board is acting in its capacity as an advisory body to the Planning Commission.

**CORRESPONDENCE:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

**AGENCY/DEPARTMENT REVIEWS:** Each City agency/department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are included with this Decision.

**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 ONT ALUCP, establishing the Airport Influence Area for Ontario International Airport, which encompasses lands within parts of San Bernardino, Riverside, and Los Angeles Counties, and limits future land uses and development within the Airport Influence Area, as they relate to noise, safety, airspace protection, and overflight impacts of current and future airport activity. As the recommending body for the Project, the Development Advisory Board has reviewed and considered the facts and information contained in the Application and supporting documentation against the ONT ALUCP compatibility factors, including [1] Safety Criteria (ONT ALUCP Table 2-2) and Safety Zones (ONT ALUCP Map 2-2), [2] Noise Criteria (ONT ALUCP Table 2-3) and Noise Impact Zones (ONT ALUCP Map 2-3), [3] Airspace protection Zones (ONT ALUCP Map 2-4), and [4] Overflight Notification Zones (ONT ALUCP Map 2-5). As a result, the Development Advisory Board, 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 ONT ALUCP.



**COMPLIANCE WITH THE ONTARIO PLAN 2050:** The proposed project is consistent with the principles, goals and policies contained within the Vision, Governance, Policy Plan (general plan), and City Council Priorities components of The Ontario Plan 2050 ("TOP 2050"). More specifically, the goals and policies of TOP that are furthered by the proposed project are as follows:

(1) City Council Goals.

- Invest in the Growth and Evolution of the City's Economy
- Focus Resources in Ontario's Commercial and Residential Neighborhoods

(2) Vision.

**Distinctive Development:**

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

(3) Governance.

**Decision Making:**

- Goal G1: Sustained decision-making that consistently moves Ontario towards its Vision by using The Ontario Plan as a framework for assessing choices.
  - G 1-2. Long-term Benefit. We require decisions to demonstrate and document how they add value to the community and support the Ontario Vision.

(4) Policy Plan (General Plan)

**Land Use Element:**

- Goal LU-1 Balance: A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
  - LU-1.1 Strategic Growth. We concentrate growth in strategic locations that help create place and identity, maximize available and planned infrastructure, foster the development of transit, and support the expansion of the active and multimodal transportation networks throughout the City.
  - LU-1.6 Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where

residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.

- Goal LU-2 Compatibility: Compatibility between a wide range of uses and a resultant urban patterns and forms.

- LU-2.6 Infrastructure Compatibility. We require infrastructure to be aesthetically pleasing and in context with the community character.

### **Housing Element:**

- Goal H-2 Housing Supply & Diversity: Diversity of types of quality housing that are affordable to a range of household income levels, accommodate changing demographics, and support and reinforce the economic sustainability of Ontario.

- H-2.3 Ontario Airport Metro Center. We foster a vibrant, urban, intense and highly amenitized community in the Ontario Airport Metro Center Area through a mix of residential, entertainment, retail and office-oriented uses.

- H-2.5 Housing Design. We require architectural excellence through adherence to City design guidelines, thoughtful site planning, environmentally sustainable practices, and other best practices.

- H-2.6 Infill Development. We support the revitalization of neighborhoods through the construction of higher-density residential developments on underutilized residential and commercial sites.

- Goal H-3 Government Regulations: A City regulatory environment that balances the need for creativity and excellence in residential design, flexibility and predictability in the project approval process, and the provision of an adequate supply and prices of housing.

- H-3.2 Flexible Standards. We allow flexibility in the application of residential and mixed-use development standards in order to gain benefits such as exceptional design quality, economic advantages, sustainability, or other benefits that would otherwise be unrealized.

- H-3.3 Development Review. We maintain a residential development review process that provides certainty and transparency for project stakeholders and the public, yet allows for the appropriate review to facilitate quality housing development.

### **Community Economics Element:**

- Goal CE-1 Complete Community: A complete community that provides for all incomes and stages of life.

➤ CE-1.6 Diversity of Housing. We collaborate with residents, housing providers, and the development community to provide housing opportunities for every stage of life; we plan for a variety of housing types and price points to encourage the development of housing supportive of our efforts to attract business in growing sectors of the community while being respectful of existing viable uses.

▪ Goal CE-2 Placemaking: A City of distinctive neighborhoods, districts, corridors, and centers where people choose to be.

➤ CE-2.1 Development Projects. We require new development and redevelopment to create unique, high-quality places that add value to the community.

➤ CE-2.2 Development Review. We require those proposing new development and redevelopment to demonstrate how their projects will create appropriately unique, functional, and sustainable places that will compete well with their competition within the region.

➤ CE-2.4 Protection of Investment. We require that new development and redevelopment protect existing investment by providing architecture and urban design of equal or greater quality.

➤ CE-2.5 Private Maintenance. We require adequate maintenance, upkeep, and investment in private property because proper maintenance on private property protects property values.

**Safety Element:**

▪ Goal S-1 Seismic & Geologic Hazards: Minimized risk of injury, loss of life, property damage, and economic and social disruption caused by earthquake-induced and other geologic hazards.

➤ S-1.1 Implementation of Regulations and Standards. We require that all new habitable structures be designed in accordance with the most recent California Building Code adopted by the City, including provisions regarding lateral forces and grading.

**Community Design Element:**

▪ Goal CD-1 Image & Identity: A dynamic, progressive city containing distinct and complete places that foster a positive sense of identity and belonging among residents, visitors, and businesses.

➤ CD-1.1 City Identity. We take actions that are consistent with the City being a leading urban center in Southern California while recognizing, enhancing, and preserving the character of our existing viable neighborhoods.

➤ CD-1.2 Place Types. We establish Place Types in urban, mixed use, and transit-oriented areas to foster the City's identity as a premier community and require new development within each Place Type to incorporate prescribed urban patterns, forms, and placemaking priorities.

▪ Goal CD-2 Design Quality: A high level of design quality resulting in neighborhoods, public spaces, parks, and streetscapes that are attractive, safe, functional, human-scale, and distinct.

➤ CD-2.1 Quality Building Design and Architecture. We encourage all development projects to convey visual interest and character through:

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

➤ CD-2.2 Neighborhood Design. We create distinct residential neighborhoods that promote a sense of community and identity by emphasizing access, connectivity, livability, and social interaction through such elements as:

- A pattern of smaller, walkable blocks that promote activity, safety, and access to nearby amenities and services;
- Varied parcel sizes and lot configurations to accommodate a diversity of housing types;
- Traffic calming measures to slow traffic and promote walkability while maintaining acceptable traffic flows and emergency evacuation access;
- Floor plans that encourage views onto the street and de-emphasize the visual and physical dominance of garages (introducing the front porch as the "outdoor living room"), as appropriate; and
- Landscaped parkways, with sidewalks separated from the curb and designed to maximize safety, comfort, and aesthetics for all users.

➤ CD-2.4 Urban, Mixed Use, and Transit-oriented Areas. We establish Place Types to require mixed use, urban, and transit-oriented areas to be designed and developed as pedestrian oriented areas that are integrated with adjacent neighborhoods and promote a vibrant, comfortable, and functional environment, as defined for each Place Type.

➤ CD-2.7 Sustainability. We collaborate with the development community to design and build neighborhoods, streetscapes, sites, outdoor spaces, landscaping, and buildings to reduce energy demand through solar orientation, maximum use of natural

daylight, passive solar and natural ventilation, building form, mechanical and structural systems, building materials, and construction techniques.

➤ CD-2.8 Safe Design. We incorporate defensible space design into new and existing developments to ensure the maximum safe travel and visibility on pathways, corridors, and open space and at building entrances and parking areas by avoiding physically and visually isolated spaces, maintaining visibility and accessibility, and using lighting.

➤ CD-2.9 Landscape Design. We encourage durable, sustainable, and drought-tolerant landscaping materials and designs that enhance the aesthetics of structures, create and define public and private spaces, and provide shade and environmental benefits.

➤ CD-2.10 Parking Areas. We require all development, including single-family residential, to minimize the visual impact of surface, structured, and garage parking areas visible from the public realm in an aesthetically pleasing, safe and environmentally sensitive manner. Examples include:

- Structured parking: facade articulation, screening, appropriate lighting, and landscaping; and

➤ CD-2.11 Entry Statements. We encourage the inclusion of amenities, signage, and landscaping at the entry to neighborhoods, commercial centers, mixed use areas, industrial developments, and public places that reinforce them as uniquely identifiable places.

➤ CD-2.12 Site and Building Signage. We encourage the use of sign programs that utilize complementary materials, colors, and themes. Project signage should be designed to effectively communicate and direct users to various aspects of the development and complement the character of the structures.

➤ CD-2.13 Entitlement Process. We work collaboratively with all stakeholders to ensure a high degree of certainty in the efficient review and timely processing of all development plans and permits.

- Goal CD-3 Urban, Mixed Use, and Transit-Oriented Place Types: Vibrant urban environments that are organized around intense buildings, pedestrian and transit areas, public plazas, and linkages between and within developments that are conveniently located, visually appealing and safe during all hours.

➤ CD-3.1 Unique Identity. We promote development that heightens the unique character and identity of each Place Type by requiring compatible land uses and land planning, site design, and building design that promotes an active public realm.

➤ CD-3.2 Comfortable, Human-Scale Public Realm. We require that public spaces, including streets, parks, and plazas on both public and private property be designed to maximize safety, comfort and aesthetics and connect to the citywide pedestrian, vehicular, and bicycle networks.

➤ CD-3.3 Complete and Connected Network. We require that pedestrian, vehicular, and bicycle circulation on both public and private property be coordinated to provide connections internally and externally to adjacent neighborhoods and properties (existing and planned) through a system of local roads and trails that promote walking and biking to nearby destinations (including existing and planned parks, commercial areas, and transit stops) and are designed to maximize safety, comfort, and aesthetics.

➤ CD-3.4 Context-Aware and Appropriate Design. We require appropriate building and site design that complements existing development, respects the intent and identity of the Place Type, and provides appropriate transitions and connections between adjacent uses to ensure compatibility of scale, maintain an appropriate level of privacy for each use, and minimize potential conflicts.

➤ CD-3.5 Active Frontages. We create lively pedestrian streetscapes by requiring primary building, business, and residential entrances, outdoor dining, and storefronts be located on ground floors adjacent to sidewalks or public spaces and designed to maximize safety, comfort, aesthetics, and the intended functionality (as defined by the Place Type).

➤ CD-3.6 Managed Infrastructure. We collaborate with developers and property owners to facilitate development that realizes the envisioned character and functionality of the Place Type through the use of green and shared infrastructure within each Place Type.

▪ Goal CD-5 Protection of Investment: A sustained level of maintenance and improvement of properties, buildings, and infrastructure that protects the property values and encourages additional public and private investments.

➤ CD-5.1 Maintenance of Buildings and Property. We require all public and privately-owned buildings and property (including trails and easements) to be properly and consistently maintained.

➤ CD-5.2 Maintenance of Infrastructure. We require the continual maintenance of infrastructure.

**HOUSING ELEMENT COMPLIANCE:** The project is consistent with the Housing Element of the Policy Plan (general plan) component of The Ontario Plan 2050, as the project site is not one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.



## **PART 2: RECITALS**

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

WHEREAS, the Ontario Center Specific Plan Environmental Impact Report (State Clearinghouse No. 1989041009) was certified on March 19, 1991, (hereinafter referred to as "Certified EIR"), in which development and use of the Project site was discussed in the Amendment to the Ontario Center Specific Plan (File No. 4059-SPA); and

WHEREAS, a Mitigated Negative Declaration was subsequently adopted on May 16, 2017, (hereinafter referred to as "MND"), in which development and use of the Project site was discussed in association with an Amendment to the Ontario Center Specific Plan (File No. PSPA16-003); and

WHEREAS, an Addendum to the Ontario Center Specific Plan Environmental Impact Report (State Clearinghouse No. 1989041009) was adopted by the City Council on April 19, 2022 (hereinafter referred to as "EIR Addendum"), in conjunction with File No. PSPA21-001, a Specific Plan Amendment to the Piemonte Overlay at the Ontario Center Specific Plan, in which development and use of the Project site was discussed; and

WHEREAS, the environmental impacts of this Project were thoroughly analyzed in the Certified EIR and EIR Addendum, which concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

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

WHEREAS, Ontario Development Code Table 2.02-1 (Review Matrix) grants the Development Advisory Board (hereinafter referred to as "DAB") the responsibility and authority to review and make recommendation to the Planning Commission on the subject Application; and

WHEREAS, Piemonte Overlay Subarea 13 is owned by the City and is planned to be developed with a parking structure and will not utilize the full 115,000 square feet of mixed-use development capacity;

WHEREAS, Piemonte Overlay provides planning and development flexibility by allowing development equivalency of 1 dwelling unit for every 600 non-residential square feet; and

WHEREAS, Piemonte Overlay Subarea 17 can utilize 53,400 square feet of mixed-use, or 89 dwelling units, of development capacity anticipated in Subarea 13; 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 2050, as State Housing Element law (as prescribed in Government Code Sections 65580 through 65589.8) requires that development projects must be consistent with the Housing Element, if upon consideration of all its aspects, it is found to further the purposes, principals, goals, and policies of the Housing Element; and

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

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

WHEREAS, on November 20, 2023, 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 3: THE DECISION**

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND DECIDED 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 Certified EIR and supporting documentation. Based upon the facts and information contained in the previous Certified EIR and supporting documentation, the DAB finds as follows:

(1) The environmental impacts of the Project were reviewed in conjunction with an Addendum to the Ontario Center Specific Plan Environmental Impact Report (State

Clearinghouse No. 1989041009) ("Certified EIR"), certified by the Ontario City Council on March 19, 1991, in conjunction with File No. 4059-SPA; in combination with an Addendum to the Mitigated Negative Declaration ("MND"), adopted by the Ontario City Council on May 17, 2017, in conjunction with File No. PSPA16-003; in combination with an Addendum to the Ontario Center Specific Plan Environmental Impact Report, adopted by the City Council on April 19, 2022, in conjunction with File No. PSPA21-001; and

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

(3) The previous Certified EIR, MND, and addenda were completed in compliance with CEQA and the Guidelines promulgated thereunder, and the City of Ontario Local CEQA Guidelines; and

(4) The previous Certified EIR, MND, and addenda reflect the independent judgment of the Development Advisory Board; and

(5) The proposed Project will introduce no new significant environmental impacts beyond those previously analyzed in the previous Certified EIR, MND, and addenda, and all mitigation measures previously adopted with the Certified EIR and MND, 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 Certified EIR is not required for the Project, as the Project:

(1) Does not constitute substantial changes to the Certified EIR that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

(2) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(3) Does not constitute substantial changes with respect to the circumstances under which the Certified EIR was prepared, that will require major revisions to the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(4) Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Certified EIR was certified/adopted, that shows any of the following:

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

(b) Significant effects previously examined will be substantially more severe than shown in the Certified EIR; or

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the City declined to adopt such measures; or

(d) Mitigation measures or alternatives considerably different from those analyzed in the Certified EIR would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 3: Housing Element Compliance. Pursuant to the requirements of California Government Code Chapter 3, Article 10.6, commencing with Section 65580, as the 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 2050, as the Project site is not one of the properties in the Housing Element Sites contained in Tables B-1 and B-2 (Housing Element Sites Inventory) of the Housing Element Technical Report.

SECTION 4: Concluding Facts and Reasons. Based upon the substantial evidence presented to the DAB during the above-referenced hearing and upon the facts and information set forth in Parts I (Background and Analysis) and II (Recitals), above, and the determinations set forth in Sections 1 and 3, 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 2050. The proposed Project is located within the Mixed-Use land use district of the Policy Plan Land Use Map, and the Piemonte Overlay at the Ontario Center Specific Plan area. 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 2050; 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 Piemonte Overlay at the Ontario Center Specific Plan, including standards relative to the particular land use proposed (mixed-use), 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 Piemonte Overlay at the Ontario Center Specific Plan are maintained; [ii] the Project will not endanger the public health, safety or general welfare; [iii] the Project will not result in any significant environmental impacts; [iv] the Project will be in harmony with the area in which it is located; and [v] the Project will be in full conformity with the Vision, City Council Priorities and Policy Plan components of The Ontario Plan 2050, and the Piemonte Overlay at the Ontario Center 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 Piemonte Overlay at the Ontario Center 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 (mixed-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 Piemonte Overlay at the Ontario Center 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 Conditions of Approval 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 20th day of November 2023.

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Development Advisory Board Chairman

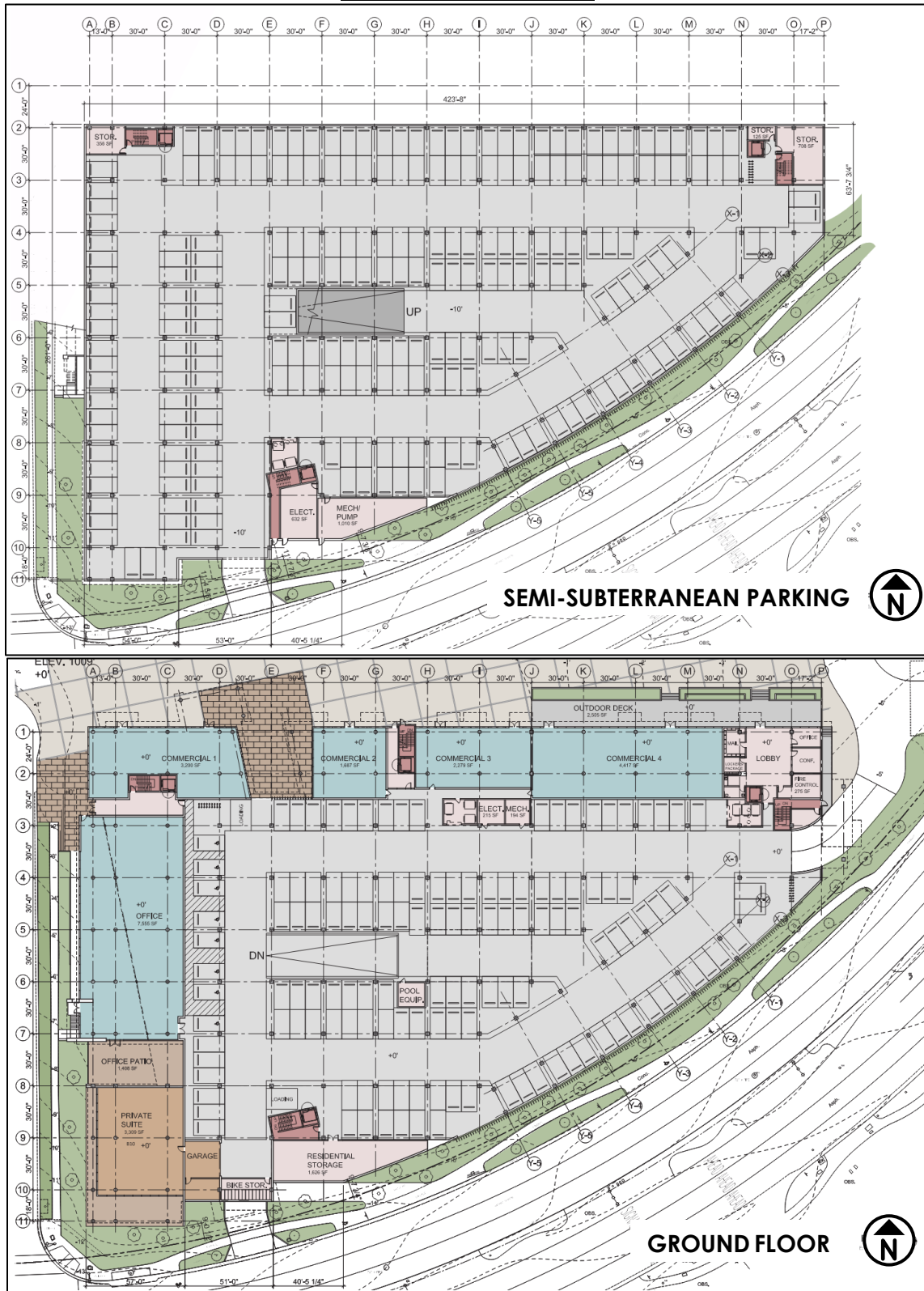


**Exhibit A: PROJECT LOCATION MAP**



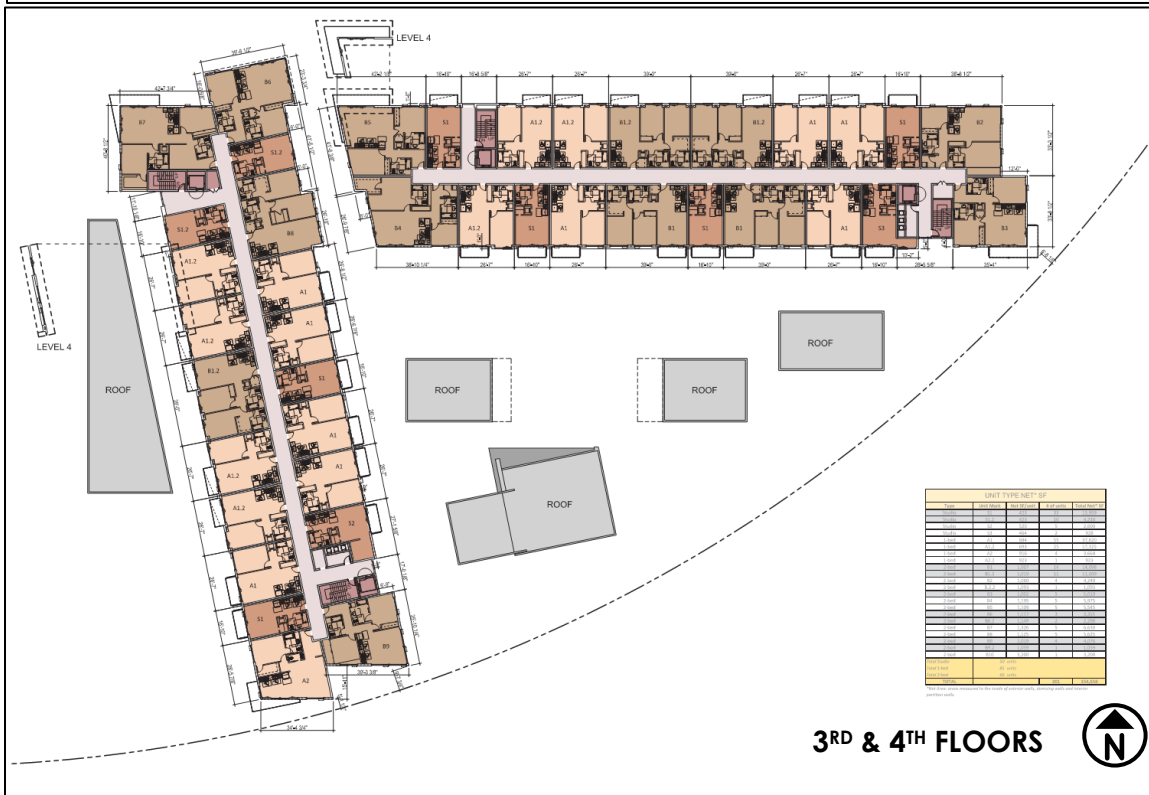
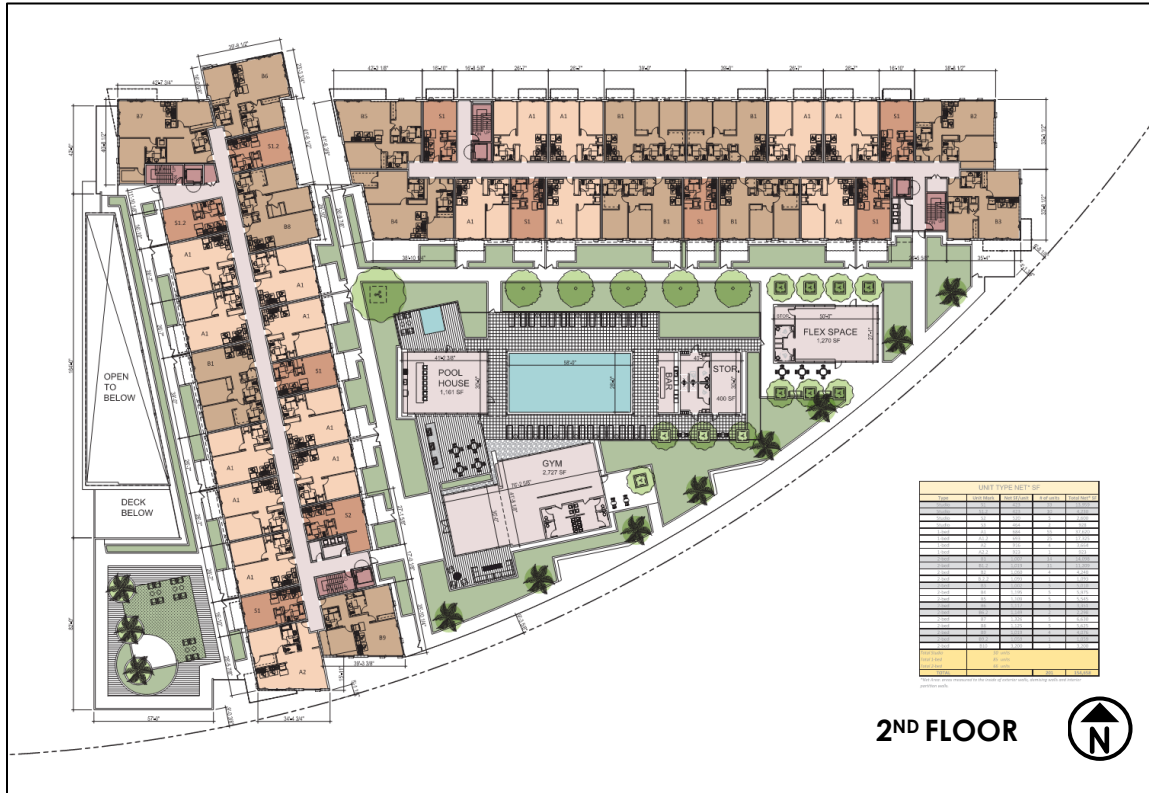


### Exhibit C: FLOOR PLAN

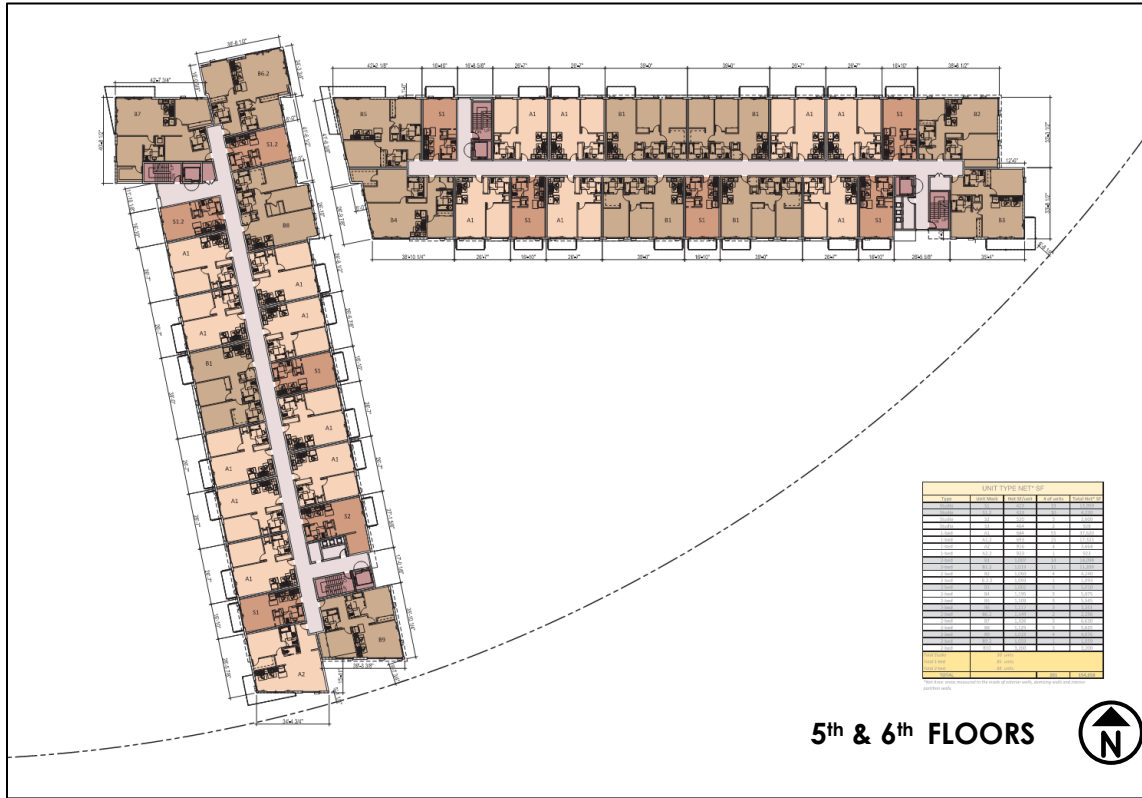




**Exhibit C: FLOOR PLAN**



**Exhibit C: FLOOR PLAN**



**Exhibit D: ELEVATIONS**



**North Elevation**



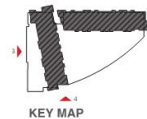
**East Elevation**



**South Elevation**



**West Elevation**





**Exhibit E: PIEMONTE OVERLAY SUBAREA MAP**

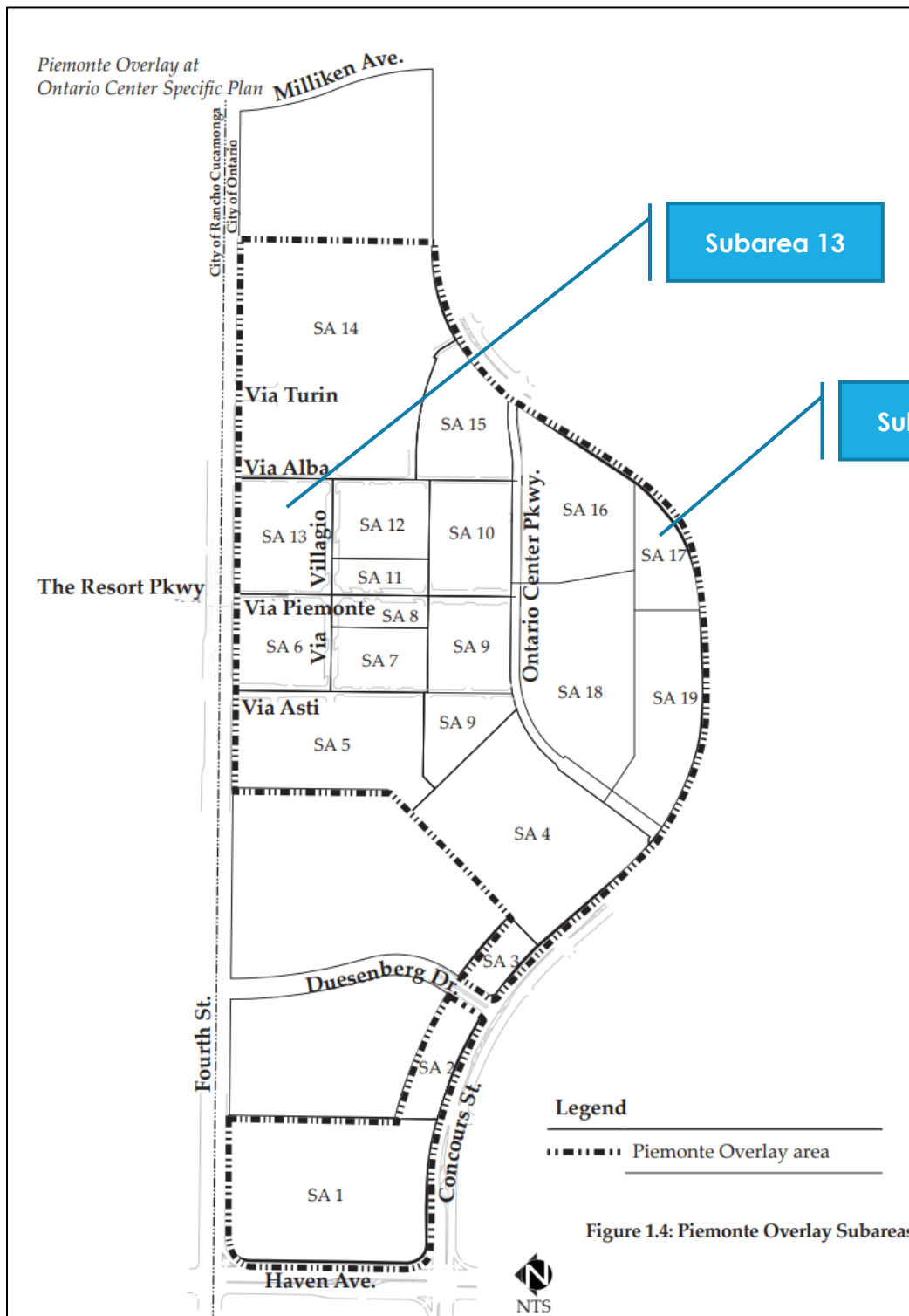


Figure 1.4: Piemonte Overlay Subareas

**Exhibit F: SITE PHOTOS**



**Attachment A: Conditions of Approval**

*(Conditions of Approval follow this page)*

**Date Prepared:** 10/26/2023

**File No:** PDEV23-038

**Related Files:** PDEV22-014

**Project Description:** A Development Plan Modification to File No. PDEV22-014, to increase height of Building B from 5 to 6 stories, increase building square footage from 221,730 to 387,598 square feet, and increase the unit count from 112 to 201 units, located on 2.37 acres of land located at 4000 Ontario Center Parkway; (APN: 0210-205-01); **submitted by Adept Development.**

**Prepared By:** Edmelynn V. Hutter, Senior Planner  
Phone: 909.395.2429 (direct)  
Email: ehutter@ontarioca.gov

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

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

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

**2.1** Time Limits.

**(a)** 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 the Piemonte Overlay of the Ontario Center Specific Plan and City of Ontario Development Code Division 6.03 (Off-Street Parking and Loading). Parking requirements for commercial uses within the Project may be accommodated by surrounding public parking facilities.

**(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. The design material of the enhanced paving shall be subject to Planning Department review and approval prior to permit issuance.

**(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)** At plan check submittal, the Applicant shall demonstrate adequate circulation and truck turning radii for trash trucks within the residential parking areas.

**(f)** The Applicant shall consult with the Fire Department, Planning Department and other affected Departments, to accommodate emergency vehicle access in the plaza areas between Building A and Building B. Prior to plan check submittal, the Applicant shall provide dimensions, detailed plans showing compliance with emergency vehicle access requirements.

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

**(h)** Bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, shall be provided in conjunction with development projects pursuant to current regulations contained in CALGreen (CAC Title 24, Part 11). Final design and placement of bicycle parking facilities shall be subject to Planning Department review and approval.

**2.6** Outdoor Loading and Storage Areas.

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

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

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

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

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

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

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

<b>Screen Wall Height</b>	<b>Minimum Gate Height</b>
14 feet:	10 feet
12 feet:	9 feet
10 feet:	8 feet



<b>Screen Wall Height</b>	<b>Minimum Gate Height</b>
8 feet:	8 feet
6 feet:	6 feet

**2.7** Site Lighting.

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

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

**2.8** Mechanical and Rooftop Equipment.

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

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

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

**2.10** Signs.

(a) 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 noise levels set forth in Ontario Municipal Code Title 5 (Public Welfare, Morals, and Conduct), Chapter 29 (Noise).

**2.12** Environmental Requirements.

(a) The environmental impacts of this project were previously reviewed in conjunction with File No. 4059-SPA, and Amendment to the Ontario Center specific Plan, for which the Ontario Center Specific Plan Environmental Impact Report (State Clearinghouse No. 1989041009) was previously adopted by the City Council on March 19, 1991. In addition, the environmental impacts of this Project were previously reviewed in conjunction with File No. PSPA21-001, a Specific Plan Amendment for the Piemonte Overlay at the Ontario Center Specific Plan for which an Addendum to the Ontario Center Specific Plan (State Clearing House #1989041009) was previously adopted by the Planning Commission on April 14, 2022. The

application introduces no new significant environmental impacts. The City's "Guidelines for the Implementation of the California Environmental Quality Act ("CEQA") provide for the use of a single environmental assessment in situations where the impacts of subsequent projects are adequately analyzed. The previously adopted mitigation measures shall be a condition of project approval and are incorporated herein by this reference.

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

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

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

**2.14** Additional Fees.

**(a)** Within 5 days following final application approval, the Notice of Determination ("NOD") filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board of Supervisors", which shall be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act ("CEQA"). Failure to provide said fee within the time specified will result in the extension of the statute of limitations for the filing of a CEQA lawsuit from 30 days to 180 days.

**(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** Public Art. The Project is subject to the requirements of the City's Public Art Ordinance (Ontario Municipal Code Section 5-33.05. Private Art for Public Enjoyment in Commercial and Industrial Development Projects).

**2.16** Final Occupancy. The Project Architect of record will certify that construction of each building site and the exterior elevations of each structure shall be completed in compliance with the approved plans. Any deviation to approved plans shall require a resubmittal to the Planning Department for review and approval prior to construction. The Occupancy Release Request Form/Architect Certificate of Compliance shall be provided prior to final occupancy. After the receipt of this Certification, the Planning Department will conduct a final site and exterior elevations inspection. The Owner's Representative and Contractor shall be present.

**2.17** Additional Requirements.

**(a)** All applicable conditions of approval for PDEV22-014 shall remain valid and in effect. Refer to Planning Commission Resolution No. PC22-031.

**(b)** Tandem configuration parking spaces shall be assigned to the same residential unit.

**(c)** Prior to plan check submittal, the Project design shall be refined to comply with the following:

**(i)** Building setback requirements.

**(ii)** Private and common open space requirements.

**(iii)** Residential storage space requirements.



# CITY OF ONTARIO

## MEMORANDUM

**TO:** Edmelynne Hutter, Senior Planner  
Planning Department

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

**DATE:** October 12, 2023

**SUBJECT:** PDEV23-038 - A Development Plan Modification to File No. PDEV22-014, to increase height of Building B from 4 to 5 stories, increase building SF from 221,730 to 387,598 SF, and increase unit count from 112 to 201 units, located on 0.43 acres of land located at 4000 East Ontario Center Parkway, within the Mixed-Use land use district of the Piemonte Overlay of the Ontario Center Specific Plan (APNs: 0210-205-01); submitted by Adept Development.

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

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

- A. 2019 CBC Type of Construction: Not Listed
- B. Type of Roof Materials: Ordinary
- C. Ground Floor Area(s): 89,825 Sq. Ft.
- D. Number of Stories: 5
- E. Total Square Footage: 387,598 Sq. Ft.
- F. 2019 CBC Occupancy Classification(s): R2

## **CONDITIONS OF APPROVAL:**

### **1.0 GENERAL**

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

### **2.0 FIRE DEPARTMENT ACCESS**

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

### 3.0 WATER SUPPLY

- ☒ 3.1 The required fire flow per Fire Department standards, based on the 2019 California Fire Code, Appendix B, is 4000 gallons per minute (g.p.m.) for 4 hours at a minimum of 20 pounds per square inch (p.s.i.) residual operating pressure.
- ☒ 3.2 Off-site (public) fire hydrants are required to be installed on all frontage streets, at a minimum spacing of three hundred foot (300') apart, per Engineering Department specifications.
- ☒ 3.3 Buildings that exceed 100,000 square feet in floor area shall provide an onsite looped fire protection water line around the building(s.) The loops shall be required to have two or more points of connection from a public circulating water main.
- ☒ 3.4 The water supply, including water mains and fire hydrants, shall be tested and approved by the Engineering Department and Fire Department prior to combustible construction to assure availability and reliability for firefighting purposes.

### 4.0 FIRE PROTECTION SYSTEMS

- ☒ 4.1 On-site private fire hydrants are required per Standard #D-005, and identified in accordance with Standard #D-002. Installation and location(s) are subject to the approval of the Fire Department. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.2 Underground fire mains which cross property lines shall be provided with CC & R, easements, or reciprocating agreements, and shall be recorded on the titles of affected properties, and copies of same shall be provided at the time of fire department plan check. The shared use of private fire mains or fire pumps is allowable only between immediately adjacent properties and shall not cross any public street.
- ☒ 4.3 An automatic fire sprinkler system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 13. All new fire sprinkler systems, except those in single family dwellings, which contain twenty (20) sprinkler heads or more shall be monitored by an approved listed supervising station. An application along with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.
- ☒ 4.4 Wood frame buildings that are to be sprinkled shall have these systems in service (but not necessarily finished) before the building is enclosed.
- ☒ 4.5 Fire Department Connections (FDC) shall be located on the address side of the building within one hundred fifty feet (150') of a public fire hydrant on the same side of the street. Provide identification for all fire sprinkler control valves and fire department connections per Standard #D-007. Raised curbs adjacent to Fire Department connection(s) shall be painted red, five feet either side, per City standards.
- ☒ 4.6 A fire alarm system is required. The system design shall be in accordance with National Fire Protection Association (NFPA) Standard 72. An application along with detailed plans shall be



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

- ☒ 4.7 Portable fire extinguishers are required to be installed prior to occupancy per Standard #C-001. Please contact the Fire Prevention Bureau to determine the exact number, type and placement required.
- ☒ 4.8 A fixed fire extinguishing system is required for the protection of hood, duct, plenum and cooking surfaces. This system must comply with National Fire Protection Association (NFPA) Standards 17A and 96. An application with detailed plans shall be submitted, and a construction permit shall be issued by the Fire Department, prior to any work being done.

## **5.0 BUILDING CONSTRUCTION FEATURES**

- ☒ 5.1 The developer/general contractor is to be responsible for reasonable periodic cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on and off the site.
- ☒ 5.2 Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Multi-tenant or building projects shall have addresses and/or suite numbers provided on the rear of the building. Address numbers shall contrast with their background. See Section 9-1 6.06 of the Ontario Municipal Code and Standards #H-003 and #H-002.
- ☒ 5.3 Single station smoke alarms and carbon monoxide alarms are required to be installed per the California Building Code and the California Fire Code.
- ☒ 5.4 Multiple unit building complexes shall have building directories provided at the main entrances. The directories shall be designed to the requirements of the Fire Department, see Section 9-1 6.06 of the Ontario Municipal Code and Standard #H-003.
- ☒ 5.5 All residential chimneys shall be equipped with an approved spark arrester meeting the requirements of the California Building Code.
- ☒ 5.6 Knox ® brand key-box(es) shall be installed in location(s) acceptable to the Fire Department. All Knox boxes shall be monitored for tamper by the building fire alarm system. See Standard #H-001 for specific requirements.
- ☒ 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**

**NOTE:** A private fire hydrant shall be required at the cul-de-sac to the West of Building B. Exact location can be worked out at a later date.



# CITY OF ONTARIO MEMORANDUM

## ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL

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

**PROJECT ENGINEER:** Henry Pham, Associate Engineer (909) 395-2141


**PROJECT PLANNER:** Edmelyne Hutter, Senior Planner (909) 395-2429


**DAB MEETING DATE:** November 20<sup>th</sup>, 2023

**PROJECT NAME/DESCRIPTION:** PDEV23-038, a Development Plan Modification to PDEV22-014, to increase height of Bldg B from 4 to 5 stories, increase building SF from 221,730 to 387,598 SF, and increase unit count from 112 to 201 units within the Piemonte Overlay of the Ontario Center Specific Plan.

**LOCATION:** 4000 East Ontario Center Parkway (APN: 0210-205-01)

**APPLICANT:** Adept Development

**REVIEWED BY:**   
Raymond Lee, P.E. <sup>FIR</sup>  
Assistant City Engineer 11-9-23  
Date

**APPROVED BY:**   
Khoi Do, P.E.  
City Engineer 11-9-23  
Date

**THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE GENERAL STANDARD CONDITIONS OF APPROVAL ADOPTED BY THE CITY COUNCIL (RESOLUTION NO. 2017-027) AND THE PROJECT SPECIFIC CONDITIONS OF APPROVAL SPECIFIED IN HEREIN. ONLY APPLICABLE CONDITIONS OF APPROVAL ARE LISTED BELOW. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL APPLICABLE CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF PERMITS AND/OR OCCUPANCY CLEARANCE, AS SPECIFIED IN THIS REPORT. SEE ATTACHED EXHIBIT 'A' FOR PLAN CHECK SUBMITTAL REQUIREMENTS.**

1. The project must comply with the Conditions of Approval for PDEV22-014 and Piemonte Overlay at Ontario Specific Plan (as amended).
2. The applicant/developer shall relocate or abandon the storm drain lateral underneath the proposed driveway approach along Concours Street, in accordance with the latest City of Ontario requirements/standards.
3. The applicant/developer shall verify that the additional 89 units do not cause the proposed project to exceed the originally approved trip allotment per the original specific plan. Provide a table summarizing the total additional trips and the threshold.
4. The proposed parking structure driveway onto Concours street shall be designed and constructed in accordance with City of Ontario Standard Drawing Number 1204 for Commercial Driveway.
5. The proposed parking structure driveway onto Concours Street shall be restricted to right-in/right-out ingress/egress due to the existing raised median.
6. See attached OMUC Utilities Engineering Division Conditions of Approval.

**EXHIBIT 'A'**

**ENGINEERING DEPARTMENT  
First Plan Check Submittal Checklist**

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**Project Number: PDEV23-038**

**All plan check submittals are to be done digitally through the City Of Ontario Citizen Portal Access. The following items are to be included with the first plan check submittal:**

1.  **Submittal check list**
2.  **Payment of fee for Plan Checking**
3.  **Engineering Cost Estimate (on City form) with engineer's wet signature and stamp.**
4.  **Project Conditions of Approval**
5.  **Include a PDF (electronic submittal) of each required improvement plan at every submittal.**
6.  **Potable and Recycled Water demand calculations (include water demand calculations showing low, average and peak water demand in GPM for the proposed development and proposed water meter size).**
7.  **Public Street improvement plan with street cross-sections**
8.  **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.  **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.  **Public Sewer improvement plan**
11.  **Public Storm Drain improvement plan**
12.  **Public Street Light improvement plan**
13.  **Signing and Striping improvement plan**
14.  **Fiber Optic plan (include Auto CAD electronic submittal)**
15.  **HOA Landscape improvement plans. Show corner sight line distance per engineering standard drawing 1309.**
16.  **CFD Landscape improvement plans. Show corner sight line distance per engineering standard drawing 1309.**
17.  **Dry Utility plans within public right-of-way (at a minimum the plans must show existing and ultimate right-of-way, curb and gutter, proposed utility location including centerline dimensions, wall to wall clearances between proposed utility and adjacent public line, street work repaired per Standard Drawing No. 1306. Include Auto CAD electronic submittal)**
18.  **Traffic Signal improvement plan and Traffic Signal Specifications with modified Special Provisions. Please contact the Traffic Division at (909) 395-2154 to obtain Traffic Signal Specifications.**
19.  **Water Quality Management Plan (WQMP), including the approved Preliminary WQMP (PWQMP).**

- 20.  **Hydrology/Drainage study**
- 21.  **Soils/Geology report**
- 22.  Payment for Final Map/Parcel Map processing fee
- 23.  Final Map/Parcel Map
- 24.  Approved Tentative Map
- 25.  **Preliminary Title Report (current within 30 days)**
- 26.  Traverse Closure Calculations
- 27.  Supporting documents and maps (legible copies): referenced improvement plans (full size), referenced record final maps/parcel maps (full size, 18"x26"), Assessor's Parcel map (full size, 11"x17"), recorded documents such as deeds, lot line adjustments, easements, etc.
- 28.  **Engineering Report for recycled water use**
- 29.  **Other: Public Easement Dedication Form (include all items in Public Easement Dedication Application Checklist)**



# CITY OF ONTARIO MEMORANDUM



**DATE:** October 25, 2023  
**TO:** Antonio Alejos, Engineering Department  
**CC:** Edmelynne Hutter, Planning Department  
**FROM:** Jeff Krizek, Utilities Engineering | QCR: CLS  
**SUBJECT:** DPR #1- Utilities Engineering Conditions of Approval (#9636)  
**PROJECT NO.:** PDEV23-038

## BRIEF DESCRIPTION

PDEV23-038: A Development Plan Modification to File No. PDEV22-014, to increase height of Building B from 4 to 5 stories, increase building SF from 221,730 to 387,598 SF, and increase unit count from 112 to 201 units, located on 0.43 acres of land located at 4000 East Ontario Center Parkway and the southeast and southwest corner of Via Piemonte and Via Villagio, within the Mixed-Use land use district of the Piemonte Overlay of the Ontario Center Specific Plan (APNs: 0210-205-01, 0210-204-38, and 0210-204-39); submitted by Adept Development.

## OMUC UTILITIES ENGINEERING DIVISION CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL:** *The Ontario Municipal Utilities Company (OMUC) Utilities Engineering Division recommends this application for approval subject to the Conditions of Approval outlined below and compliance with the City's Design Development Guidelines, Specifications Design Criteria, and City Standards. The Applicant shall be responsible for the compliance with and the completion of all the following applicable Conditions of Approval prior to the following milestones and subject to compliance with City's Design Development Guidelines, Specifications Design Criteria, and City Standards:*

1. **Standard Conditions of Approval:** Project shall comply with the requirements as set forth in the Amendment to the Standard Conditions of Approval for New Development Projects adopted by the City Council (Resolution No. 2017-027) on April 18, 2017, or as amended or superseded by Council Resolution; as well as the project-specific conditions/requirements as outlined below.

**Prior to Issuance of Any Permits (Grading, Building, Demolition and Encroachment), unless other timeline milestones are specified by individual conditions below, the Applicant Shall:**

**General Conditions (Section 2.A, Other conditions): The Applicant shall comply with the following:**

2. **Inherited Requirements:** This project is subject to all the requirements set forth in the: Ontario Center Specific Plan (as amended); and, Piemonte Overlay at Ontario Center Specific Plan (as amended); and, PDEV22-014. Any conflict in Conditions of Approval and requirements, the Conditions of Approval below for this Project will supersede.
3. **Unused Service Abandonment:** All adjacent water services (along with connected apparatuses) and sewer laterals along the frontages of the project site not used to provide service to this Development Project shall be abandoned back to the main in accordance with City Standards and Practices.
  - a. The existing sewer lateral/main stub along Concours Street southwest of Ferrari Lane entrance cannot be used and shall be abandoned back to the main/manhole by: removing segments of pipe at mainline manhole and at RoW/PL; cut and cap pipe remaining segments; and, bulkhead connection in mainline manhole.



# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT



Project File No.: PDEV22-014 & PDEV23-038  
 Address: 4000 East Ontario Center Prkwy  
 APN: 210-205-01, 210-204-38 & 39  
 Existing Land Use: Vacant/Parking lot/Toyota Arena  
 Proposed Land Use: Development Plan to construct a mixed use building totaling 387,598 SF & 201 multi-family units  
 Site Acreage: 2.37 Proposed Structure Height: 75 ft  
 ONT-IAC Project Review: n/a  
 Airport Influence Area: ONT

Reviewed By: Lorena Mejia  
 Contact Info: 909-395-2276  
 Project Planner: Edmelynn Hutter  
 Date: 6/9/2022  
 CD No.: 2022-028 REV 1  
 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 checked="" type="checkbox"/> High Terrain Zone	<input type="checkbox"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="checkbox"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input checked="" type="checkbox"/> Real Estate Transaction Disclosure
<input type="checkbox"/> Zone 3	<input type="checkbox"/> 60 - 65 dB CNEL	<input type="checkbox"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>85 - 90 FT</u>	
<input type="radio"/> Zone 5			

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

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

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

## CONSISTENCY DETERMINATION

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

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

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

# AIRPORT LAND USE COMPATIBILITY PLANNING

## CONSISTENCY DETERMINATION REPORT

CD No.: 2022-028 REV 1  
PALU No.: \_\_\_\_\_

### PROJECT CONDITIONS

1. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

#### NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

2. The maximum height limit for the project site is 85 to 90 feet and as such, any construction equipment such as cranes or any other equipment exceeding 80 feet in height will need a determination of "No Hazard" from the FAA. An FAA Form 7460-1 for any temporary objects will need be filed with the FAA and approved prior to operating such equipment on the project site during construction.